Also, petitions of sundry citizens of Providence, R. I., favoring woman suffrage amendment; to the Committee on the Judiciary.

By Mr. RAKER: Letter from the California Retail Hardware Association, Oakland, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, letters from eight citizens of Sacramento, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, letter from Davenport Malt & Grain Co., Davenport, Iowa, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. REED. Petitions of E. J. Knowlton and 1,770 others, of Manchester; Thomas Cole, of Franklin; William G. Lussie and two others, of Goffstown; A. Charnley and two others, of Auburn; John Goff, of Litchfield; L. L. Tarr, of Bedford; Charles W. Swan, of Hillsboro, all in the State of New Hampshire, opposing national prohibition of the liquor traffic; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of various churches representing 75 citizens of Sweetwater, 200 citizens of Fort Ogden, 1,000 citizens of Lakeland, and 125 citizens of Winter Haven, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TALCOTT of New York: Memorial of the Utica (N. Y.) Trades Assembly, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of the Warfield Lumber & Coal Co., of Monmouth, Ill., favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas: Petition of various churches representing 272 citizens of McGehee, Ark., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of sundry citizens of Beaver County, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Beaver Falls and Darlington, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. THACHER: Petition of sundry citizens of the fifteenth congressional district of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of various voters of Jacksonville, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Davenport (Iowa) Malt & Grain Co., the Proessler & Hasslacher Chemical Co., and the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Niskayuna Woman's Christian Temperance Union, of Schenectady, N. Y., favoring passage of Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

By Mr. VARE: Petition of 2,200 women, calling upon Congress to pass the Bristow-Mondell resolution proposing an amendment to the United States Constitution enfranchising women; to the Committee on the Judiciary.

By Mr. WILLIAMS: Petition of sundry citizens of Henry County, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Independent Miners' Union of Morris, Ill., and Chicago Federation of Labor, relative to the strike of the United Mine Workers in the coal fields of Colorado; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pike and Calhoun Counties, Ill., favoring amendment to the Federal fish and game laws; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Commercial Club of Omaha, protesting against placing Omaha's banking territory in reserve district No. 10; to the Committee on Banking and Currency.

By Mr. WILSON of New York: Petitions of the Hotel Association of New York City, of the International Union of United Brewery Workmen and Otto C. Meyer & Co., of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petitions of sundry citizens of Worcester, Mass., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Millbury and Worcester, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WOODRUFF: Petition of sundry citizens of the State of Michigan, protesting against national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 15, 1914.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast given to us a vision fair and beautiful of the highest form of human civilization. Thou hast united us in heart and mind to build a temple of justice in conformity to the Divine revelation. Thou dost say unto us as Thou hast said to Thy people in the ancient time, See that Thou make all things according to the pattern showed to Thee in the mount. We desire to apply the vision beautiful to that which we build for human happiness and for human prosperity, remembering that conformity to the original plan insures the strength, the beauty, and the permanency of our institutions. To this end do Thou guide us in all our work. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read.

Mr. STONE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gronna	Overman	Smith, Mich.
Bankhead	Hitchcock	Page	Smith, S. C.
Borah	Hollis	Perkins	Smoot
Brady	Hughes	Pittman	Sterling
Brandegee	Johnson	Poindexter	Stone
Bristow	Jones	Ransdell	Sutherland
Bryan	Kenyon	Reed	Thompson
Burleigh	Kern	Robinson	Thornton
Burton	Lee, Md.	Root	Tillman
Chamberlain	Lodge	Shafroth	Vardaman
Chilton	McLean	Sheppard	Walsh
Clark, Wyo.	Martin, Va.	Sherman	Warren
Dillingham	Martine, N. J.	Smith, Ariz.	Weeks
du Pont	Norris	Smith, Ga.	Williams
Gallinger	O'Gorman	Smith, Md.	Works

Mr. OVERMAN. I announce that my colleague [Mr. SIMMONS] is detained at home on account of sickness.

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague, the senior Senator from Colorado [Mr. THOMAS].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Journal will stand approved as read, subject to future correction.

HARBOR TONNAGE AND CONSTRUCTION OF LOCKS (S. DOC. NO. 483).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of the 9th ultimo, a statement showing the cost of operating the locks constructed by the United States and the total tonnage passing through each. The Chair is not advised what Senator introduced the resolution or what he would desire to have done with the report.

Mr. O'GORMAN. I suggest that the communication be referred to the Committee on Interoceanic Canals.

Mr. BURTON. What was the object for which the report was called? What committee called for it?

Mr. O'GORMAN. My impression is that it was called for by the Committee on Interoceanic Canals; but I will modify my suggestion, and instead of requesting that it be referred to that committee I ask that the communication be printed as a document, for the use of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the communication will be so printed and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUCKER, Mr. BROUSSARD, and Mr. AINEY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Brooklyn, Hillburn, Utica, Gouverneur, Atlanta, and Green Island, in the State of New York; of Derby, Albia, Mediapolis,

Hawarden, Oelwein, Allerton, and Walnut, in the State of Iowa; of Highland, Summerfield, Americus, Mulvane, and Ottawa, in the State of Kansas; of Taylorville, Clayton, Chicago, Lawrenceville, Alexis, and Bethany, in the State of Illinois; of Erie, Wrightsville, Ingram, Youngsfield, and Noblestown, in the State of Wisconsin; of Deneen and Fort Collins, in the State of Colorado; of Metuchen and Liberty Corner, in the State of New Jersey; of Albany, Oreg.; Omaha, Nebr.; Duluth, Minn.; Bennett, Me.; Salesville, Ohio; Bridgeport, Conn.; and Nampa, Idaho, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. GALLINGER (for Mr. BRADLEY) presented telegrams, in the nature of petitions, from the Federation of Churches of Campbell and Kenton Counties and from the Federated Laymen's Leagues of Campbell County, all in the State of Kentucky, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also (for Mr. BRADLEY) presented a telegram, in the nature of a memorial, from the American Association of Foreign Language Newspapers, of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also (for Mr. BRADLEY) presented memorials of sundry citizens of the State of Kentucky and a memorial of the Central Federated Union of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of sundry citizens of Rockland, Me., praying for the enactment of legislation granting compensatory time for Sunday services to employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented a telegram, in the nature of a petition, from the faculty and students of the Enterprise Normal Academy, of Enterprise, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry churches and Sunday schools in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Baltimore, Md., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the medical and chirurgical faculty of the State of Maryland, praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. SHEPPARD. I present a list of the total number of people represented by resolutions sent to Congress through the Woman's Christian Temperance Union, from churches, clubs, societies, and public meetings throughout the country, in behalf of the nation-wide prohibition amendment. I ask that the statement be printed in the RECORD.

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

Total indorsed resolutions sent to Congress through Woman's Christian Temperance Union from churches, clubs, societies, and public meetings throughout the country in behalf of nation-wide prohibition amendment up to May 6, 1914.

State.	Organizations.	People represented.
Alabama	29	4,780
Arizona	10	1,153
Arkansas	62	11,436
California	275	67,318
Colorado	166	56,845
Connecticut	90	14,921
Delaware	82	11,264
District of Columbia	10	6,884

Total indorsed resolutions sent to Congress, etc.—Continued.

State.	Organizations.	People represented.
Florida	95	16,637
Georgia	122	52,774
Hawaii	1	55
Idaho	50	3,962
Illinois	492	168,315
Indiana	680	156,611
Iowa	362	63,752
Kansas	337	141,732
Kentucky	128	27,005
Louisiana	66	23,763
Maine	93	15,101
Maryland	192	30,916
Massachusetts	358	81,694
Michigan	326	92,823
Minnesota	208	37,971
Mississippi	32	7,232
Missouri	315	56,303
Montana	55	6,371
Nebraska	147	21,522
New Hampshire	104	11,641
New Jersey	326	67,066
New Mexico	83	12,015
New York	681	131,384
North Carolina	43	17,460
North Dakota	174	24,175
Ohio	478	106,495
Oklahoma	130	32,841
Oregon	209	45,055
Pennsylvania	1,130	293,109
Rhode Island	75	17,153
South Carolina	50	11,707
Tennessee	163	33,962
South Dakota	22	1,311
Texas	128	1,012,293
Utah	24	2,119
Vermont	163	26,210
Virginia	85	16,719
Washington	88	10,263
West Virginia	155	26,760
Wisconsin	154	31,317
Wyoming	48	8,389
Total	9,296	3,358,586

Mr. SHEPPARD presented a memorial of sundry citizens of Galveston, Tex., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Galveston, Tex., praying for the adoption of certain amendments to the postal and civil-service laws, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented a resolution adopted by the Woman's Christian Temperance Union of Wabash, Ind., favoring the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KENYON. I present a petition signed by members of the Woman's Christian Temperance Union of West Branch, Cedar County, Iowa, praying for the adoption of the national constitutional prohibition amendment. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SMITH of Arizona presented petitions of sundry citizens of Yuma, Thatcher, Tucson, and Flagstaff, all in the State of Arizona, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented memorials of Harry Miner, of Williams, and of sundry citizens of Miami, in the State of Arizona, and of the Malt & Grain Co., of Davenport, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented telegrams, in the nature of memorials, from 12 local labor unions in the Warren mining district, of Bisbee, and of sundry citizens of Bisbee, all in the State of Arizona, remonstrating against the adoption of an amendment

to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Mrs. Frank T. Ming, Mrs. J. E. Clone, Miss Oriola Moriega, Miss Jennie M. Thurston, W. A. Moser, Mrs. J. R. Dunne, and sundry other citizens of Yuma, Ariz., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of the Local Socialist Party, of Mount Vernon, Wash., remonstrating against the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. MARTIN of Virginia presented a memorial of Local Union No. 661, Bartenders' League, of Roanoke, Va., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Portland and New Sweden, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMOOT presented a memorial of the Salt Lake Rotary Club, of Salt Lake City, Utah, remonstrating against the further extension of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. WORKS presented a petition of the Anaheim Dry Federation, of Anaheim, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of the French American Bank of Savings, of San Francisco; of Beer Bottlers' Local Union No. 293; and of sundry citizens of San Francisco, all in the State of California, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Orleans, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Haverhill, Mass., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Royalston and Millbury, and of Eastern Scandinavian Grand Lodge of Massachusetts of the Independent Order of Good Templars, of Malden, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Wells H. Button, Forest Kensinger, William A. Thornton, and 62 other citizens of Terre Haute; Joe Belle, John Collins, F. D. Ryan, and 7 other citizens of Fort Wayne; of Adam Boes, August F. W. Sturm, W. Ganske, and 509 other citizens of Richmond, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of 67 citizens of Roann, and of Rev. Blaine E. Kirkpatrick, Rev. Charles A. Decker, Rev. J. H. Evans, and 206 other citizens of South Bend, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Castle United Brethren Church, of Elkhart; the Mennonite Church of Middlebury; the Episcopal Church of Elkhart, and the Zion Reformed Church of Millersburg, all in the State of Indiana, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and I submit a report (No. 518) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. ASHURST. From the Committee on Indian Affairs I report back favorably with amendments the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, and I submit a report (No. 519) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reported it without amendment and submitted a report (No. 521) thereon.

Mr. KENYON, from the Committee on Military Affairs, to which was referred the bill (S. 725) to correct the military record of Aaron S. Winner, reported it with an amendment and submitted a report (No. 522) thereon.

He also, from the same committee, to which was referred the bill (S. 2981) for the relief of Edward W. Whitaker, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 2985) for the purchase of a site and erection of a Federal building at Crisfield, Md., reported it without amendment and submitted a report (No. 524) thereon.

RAILROADS IN ALASKA.

Mr. PITTMAN. From the Committee on Territories I report back favorably without amendment the bill (S. 5526) to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," and I submit a report (No. 520) thereon. I request unanimous consent for the present consideration of the bill.

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

Mr. CLARK of Wyoming. Let it be read for information.

Mr. SMOOT. I ask that the bill may go to the calendar.

The VICE PRESIDENT. There is objection, and the bill will go to the calendar.

GORDON W. NELSON.

Mr. O'GORMAN. Mr. President, I ask the attention of the Senate for just a moment regarding an emergency bill. On the 6th of June the graduates from the Naval Academy at Annapolis will receive their diplomas. Among them is a young man named Gordon W. Nelson, who has not yet been naturalized as a citizen. A few days ago we passed a bill permitting his graduation on that date with the understanding that he would become naturalized by January 1 next. Through some inadvertence the date was fixed for January 1 next when it should have been July 1 of next year.

From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 5552) to amend an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914, and I submit a report (No. 523) thereon. I ask unanimous consent for the present consideration of the bill.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which was read, as follows:

Be it enacted, etc., That an act entitled "An act for the relief of Gordon W. Nelson," approved May 9, 1914, be amended so as to read as follows:

"SECTION 1. That the President be, and he is hereby, authorized to commission, by and with the advice and consent of the Senate, Gordon W. Nelson an ensign in the United States Navy on the date of his graduation after the four years' course at the Naval Academy, to take rank as an ensign with the other members of his class according to their standing as determined by their final multiples for the four years' course at the Naval Academy: *Provided*, That unless the said Gordon W. Nelson becomes a citizen of the United States on or before July 1, 1915, he shall on said date cease to be an officer of the Navy."

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

VESSELS IN COASTWISE AND FOREIGN TRADE.

Mr. NEWLANDS. On April 17 the Senator from Texas [Mr. SHEPPARD] submitted a concurrent resolution (No. 23) directing the Interstate Commerce Commission to investigate and report facts regarding the ownership, organization, operation, and rates of vessels and steamship lines transporting freight between the Atlantic and Pacific coasts, and it was referred to the Committee on Interstate Commerce. I am directed by that committee to report a Senate resolution (S. Res. 364) as a substitute for the concurrent resolution of the Senator from Texas, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMOOT. I object.

The VICE PRESIDENT. There is objection, and the resolution goes to the calendar.

BILLS INTRODUCED.

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

By Mr. LODGE:

A bill (S. 5560) to purchase an oil painting entitled "Our Glory—the Battleship *Oregon*"; to the Committee on the Library.

By Mr. JOHNSON:

A bill (S. 5561) granting a pension to Gardner L. Eastman; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 5562) for the erection of a public building in the city of Tucson, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. JONES:

A bill (S. 5563) granting an increase of pension to Henry C. Jacks; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5564) granting an increase of pension to Allison Molyneux (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5565) granting an increase of pension to Frances E. Porter; to the Committee on Pensions.

By Mr. GALLINGER (for Mr. BRADLEY):

A bill (S. 5566) granting an increase of pension to Amanda G. Moody (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5567) granting an increase of pension to Harrison Welsh;

A bill (S. 5568) granting an increase of pension to Lorena M. Long; and

A bill (S. 5569) granting an increase of pension to Charles F. Roberts (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5570) to increase the appropriation for the erection of an immigration station at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

A bill (S. 5571) for the relief of the heirs of Henry B. Strevig, deceased; to the Committee on Claims.

A bill (S. 5572) for the relief of Charles W. Skinner; to the Committee on the District of Columbia.

By Mr. CHILTON:

A bill (S. 5573) to provide for the erection of a public building at Williamson, W. Va.; to the Committee on Public Buildings and Grounds.

A bill (S. 5574) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States; to the Committee on the Judiciary.

STAR SPANGLED BANNER CENTENNIAL CELEBRATION.

Mr. SMITH of Maryland. I introduce a joint resolution, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. SMOOT. Let the joint resolution be stated.

The joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate through their accredited diplomatic agents to the United States in the National Star Spangled Banner Centennial Celebration was read twice by its title.

Mr. SMITH of Maryland. I will say there is no appropriation called for by the joint resolution.

Mr. SMOOT. It must be referred to a committee. If it were simply a Senate resolution, it might be considered at this time and without reference to a committee; but it is a joint resolution and must be referred to the appropriate committee.

Mr. SMITH of Maryland. Very well. It is, however, such a harmless measure I thought it might possibly be acted upon at once.

Mr. O'GORMAN. I suggest that the joint resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. In the absence of objection, the joint resolution will be referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment providing that hereafter the laws relating to annual leave in the Navy shall apply to classified civil-service per diem employees of the clerical, drafting, inspection, messenger, and watch forces at navy yards, naval stations, and other offices or stations under the Navy Department, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment authorizing the accounting officers of the Treasury to allow members of the Naval Nurse Corps the amounts which as commutation of subsistence at any time have been checked against their accounts, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment providing for the pay of electrical expert aids and electrical experts in the classified service of the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to appropriate $200,000 for collecting and maintaining an adequate Alaskan exhibit at the Panama-Pacific Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $200,000 for collecting and maintaining an adequate Alaskan exhibit at the Panama-Pacific Exposition, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Industrial Expositions and ordered to be printed.

Mr. RANSDELL submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. In this week's issue of the Saturday Evening Post, of Philadelphia, there was published an article expressing certain views of David Jayne Hill, who was Assistant Secretary of State under John Hay at the time of the negotiation of the second Hay-Pauncefote treaty. I request that the article may be inserted in the RECORD.

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

THE MEANING OF THE HAY-PAUNCEFOTE TREATY.

(By David Jayne Hill.)

Without touching on the expediency of either affirming or surrendering such rights as the United States may possess in the Panama Canal, it may be useful at this time to inquire what are the respective rights of the United States and Great Britain under the Hay-Pauncefote treaty.

The Clayton-Bulwer treaty: In 1850 the occupation by Great Britain of territory in the vicinity of a possible future canal connecting the Atlantic and the Pacific led to the negotiation of a treaty between the United States and Great Britain, signed on April 19 of that year, which contained the following provisions:

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America," and so on.

So long as this convention remained in force—that is, down to the year 1900—it was impossible for either Great Britain or the United States to build an isthmian canal over which it could, without a violation of the treaty, exercise such rights of control and defense as would justify the expenditure of the cost of construction by either nation.

Meanwhile, under rights obtained from Colombia, a French company began, but afterwards abandoned, the construction of a canal across the Isthmus of Panama.

In 1900 the Government of the United States desired to construct an isthmian canal for the purpose of connecting its Atlantic and Pacific coasts by a waterway through which its ships of war and its domestic commerce might be transferred from ocean to ocean. This was to be an American canal, constructed and controlled by the Government of the United States. The obstacle to procedure was the Clayton-Bulwer treaty, by which the United States was solemnly bound not to exercise the control it now desired to exercise.

The abrogation of the Clayton-Bulwer treaty: The task was intrusted to the Secretary of State, Mr. John Hay, to open negotiations with Great Britain for the purpose of liberating the Government of the United States from its agreement with Great Britain, in order that it might be free to proceed with the construction of a canal under its own exclusive control.

Would Great Britain agree to release the United States from the then existing obligations? That was the question which Secretary Hay was called on to face. On the one hand, Great Britain might be reluctant to permit the United States to construct and control a waterway between the two oceans, through which American ships might at all times pass freely and from which British ships might sometimes be excluded.

On the other hand, Great Britain, as the greatest of maritime powers, might profit greatly by the construction of such a canal; and there was the possibility that the United States, whose position in the Western Hemisphere had been profoundly modified in the 50 years that had elapsed since the signing of the Clayton-Bulwer treaty, might consider it expedient to denounce that treaty, on the ground that treaties, even when alleged to be perpetual, are morally binding only rebus sic stantibus, and cease to be so when conditions have essentially changed.

In the conduct of the negotiations Mr. Hay discovered that Great Britain was deeply interested in the construction of a canal at the expense of the United States, and would readily consent to it on condition that the general principle of neutralization, which had been definitely specified in the Clayton-Bulwer treaty, should be recognized in a new convention.

Accordingly a new treaty was signed on February 5, 1900, designed to take the place of the Clayton-Bulwer treaty, in which it was agreed

that a canal might be constructed "under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares."

The first Hay-Pauncefote treaty: Though the treaty of February 5, 1900, released the Government of the United States from some of the obligations of the Clayton-Bulwer treaty, it did not release it from all.

In the second article it was declared:

"The high contracting parties, desiring to preserve and maintain the 'general principle' of neutralization established in article 8 of the Clayton-Bulwer convention, which convention is hereby superseded, adopt, as the basis of such neutralization, the following rules."

The rules, substantially as embodied in the Suez Canal convention, signed by nine powers in 1888, then follow. The first one reads:

"The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and war of all nations, on terms of entire equality; so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions and charges of traffic, or otherwise."

The seventh rule reads:

"No fortification shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

Evidently here, as in the Clayton-Bulwer treaty, Great Britain shared with the United States the power to determine the conditions under which the canal should be used. It was distinctly agreed that all nations, without qualification of any kind, and therefore plainly including the United States, were to be treated on terms of entire equality with the United States.

The language is plain and explicit, and can have no other meaning. So complete is the condominium in the control of the canal that Great Britain in the first Hay-Pauncefote treaty still possessed and exercised the right to forbid the fortification of the canal, as well as to share on terms of entire equality all the privileges of the United States, both in war and peace.

The second Hay-Pauncefote treaty: Though it is well known that the first Hay-Pauncefote treaty was not ratified by the Senate of the United States and was returned to Secretary Hay with several proposed amendments, the language of that treaty has so impressed itself on the memory of many persons that they persist in quoting its words as constituting the present obligations of the United States, unmindful of the fact that it was never ratified.

It is therefore of the highest importance to a comprehension of this subject that we should not only distinguish between the unratified treaty of February 5, 1900, and the treaty of November 18, 1901, which was duly ratified and is now in force, but that we should closely follow the steps of the transition from the one to the other by which the relations of the two Governments were radically modified.

Without encumbering this brief exposition with the discussion of the first Hay-Pauncefote treaty before the committee of the Senate, it may be sufficient to point out the nature of the modifications actually adopted, with the reasons for making them.

When the Senate declined to ratify without amendment his first treaty, Secretary Hay reopened the negotiations with Great Britain on the understanding that the canal was to be exclusively American; that the right of fortification was not to be denied; and that neutralization as a general principle could not be interpreted as excluding the owners of an object from unlimited control over it, so long as all neuters were subjected to equal treatment. Great Britain and all others were to be treated with strict equality, but the United States was to have a free hand in the management of its own property.

In pursuance of this purpose the draft of the second Hay-Pauncefote treaty withdrew from the obscurity of a merely parenthetical clause the statement that the Clayton-Bulwer treaty was superseded, and brought to the front as the first article the plain declaration:

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th of April, 1850."

It is therefore useless to look back of the Hay-Pauncefote treaty of November 18, 1901, for any light on the present rights and treaty relations of the United States and Great Britain. So far as the Clayton-Bulwer treaty and the first Hay-Pauncefote treaty are concerned, they have no existence and no effect. The rights of the two countries respecting the canal are therefore to be determined solely by an interpretation of the second Hay-Pauncefote treaty, which alone is still in force.

Happily we have clear and authentic written evidence of the intentions of both sides in this negotiation. In communicating the new treaty to the Senate for ratification Mr. Hay says:

"The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under these circumstances, and considering that now, by the new treaty, Great Britain is relieved of all responsibility and burden of maintaining its neutrality and security, it was thought entirely fair to omit the prohibition that 'No fortifications shall be erected commanding the canal or the waters adjacent.'"

There are then, from Mr. Hay's point of view, no limitations whatever on the enjoyment by the United States of "all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal," as provided for in the second article of the new treaty. The Clayton-Bulwer treaty casts no shadow on the new convention, which is based on a new conception of the relations of the two Governments to the canal.

That the British Government took the same view is evident from the difference between the two Hay-Pauncefote treaties and the statements of Lord Lansdowne, the British minister of foreign affairs, in his communications to Lord Pauncefote.

The changes in the treaty as ratified: Lord Lansdowne's memorandum for the instruction of Lord Pauncefote, dated August 3, 1901, reveals how completely the British Government had modified its point of view since the negotiations began.

"In form," says Lord Lansdowne, "the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis on which the canal was to be neutralized. In the new draft the United States intimate their readiness 'to adopt' somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforth be assumed by the Government of the United States. The change of form is an important one; but in view of the fact that the whole cost of construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it."

In brief, the rules for the use of the canal, instead of being laid down, as in the first treaty, by the United States and Great Britain jointly, in this new treaty are now to be laid down by the United States alone; the reason for this being that the cost of constructing, maintaining, and defending the canal is now to be borne solely by the United States. The bilateral agreement becomes a unilateral regulation. In exchange for the added burdens assumed by the United States, Great Britain surrenders all rights in the canal except those explicitly accorded under the rules adopted by the United States.

This radical change in the ground conception of the treaty seemed to Lord Lansdowne to require a corresponding change in the phraseology of the rules. Accordingly, in the draft of the treaty sent by the British foreign office to Lord Pauncefote, Lord Lansdowne proposed to change the expression in the first rule from—

"The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and war of all nations, on terms of entire equality; so that there shall be no discrimination against any nation, or its citizens or subjects, in respect of the conditions and charges of traffic, or otherwise"—

To the form—

"The canal shall be free and open to the vessels of commerce and war of all nations which shall agree to observe these rules, on terms of entire equality; so that there shall be no discrimination against any nation so agreeing," and so on.

The significance of this change is evident. The rules in question were now to be adopted by the United States alone. The canal was not to be thrown open to "all nations," but only to "all nations which shall agree to observe these rules." Not only so, but the expression "in time of war as in time of peace," which apeared in the first treaty, is now dropped, thus giving the United States in time of war the right, if necessary, to close the canal, even to those naticns that agree to observe the rules laid down by the United States.

Clearly the United States Government in this new treaty occupies an entirely different position from the one it occupied in the previous treaty. It now possesses the right not only to fortify the canal but to close the canal in time of war. It is recognized as sole proprietor, and as such is empowered not only to adopt rules but by its own means and at its own cost to enforce the observance of them.

What, then, is the position in the new form of the treaty of all other nations, Great Britain included? "All nations which shall agree to observe these rules," now adopted by the United States alone, and no others, are, according to Lord Lansdowne, to enjoy the use of the canal. A distinction is here made that did not appear in the first treaty. In the first treaty the United States and Great Britain together adopted rules that opened the canal to "all nations, on terms of entire equality." In the second treaty the United States alone adopts the rules; and, as sole owner of the canal, offers terms of entire equality to all nations that shall agree to observe them.

Does the equality here referred to mean equality with the Government of the United States or equality among those agreeing to observe the rules? This is, without doubt, the critical point in the interpretation of the treaty, and it is necessary to proceed with extreme caution and absolute freedom from prejudice of any kind.

It would appear that the right to fortify the canal and to adopt rules for its use, with the power of closing it in time of war for purposes of defense, places the Government of the United States in a position quite different from that which it occupied when all these prerogatives were denied. The consideration offered by the United States to Great Britain for these new advantages was the assumption of the whole burden of maintaining and defending the canal as a piece of national property, thus relieving and discharging Great Britain from any obligation whatever, except observance of the rules.

A close examination shows that not one of the rules the nations were to agree to observe could be regarded as applying to the owner of the canal; so that the expression "all nations which shall agree to observe these rules," can hardly be regarded as including the United States.

The purpose and character of the rules seem to forbid such inclusion. They are almost exclusively prohibitions that could not well apply to the United States as sole proprietor of the canal, whose whole interest would be to secure the observance of the rules and could not in any way be promoted by violating them—such as blockading the canal; committing acts of hostility within it; the revictualing of belligerent vessels; delay in transit; the treatment of prizes of war; the embarkation or debarkation of troops and munitions of war, and so on; and the occupation of waters adjacent to the canal by belligerent vessels—all of which relate to acts interfering with the control of the canal. Such rules have from their very nature no application to the United States, which, therefore, can not fairly be regarded as included in the expression, "all nations which shall agree to observe these rules."

We have, then, apparently two classes of powers designated in the provisions of this treaty: (1) The sole builder, owner, and controller of the canal, on the one hand, and (2) the nations that agree to observe the rules it has adopted, on the other. Does the United States consent in this treaty to extend to other nations entire equality with itself in the use of the canal, or only entire equality among themselves as equal and neutral powers?

The answer to this question is to be found in the statements relating to the effect of the treaty by those who commented on it at the time when it was negotiated. Lord Lansdowne, in his instructions to Lord Pauncefote, states very clearly his reason for changing "all nations" into "all nations which shall agree to observe these rules." His reason is—with the new conception of the treaty as giving to the United States complete control of the canal, thus making it exclusively American—that Great Britain would be placed at a disadvantage if all nations, without distinction, were to enjoy the privileges of the canal without any obligation to observe the rules.

"The omission of the words under which this country"—Great Britain—"became jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty," Lord Lansdowne admits, "would materially diminish the obligations of Great Britain." "This," he adds, "is a most important consideration." "But," he continues, "having assumed the whole burden of defending the canal, the United States would have a treaty right to interfere with the canal in time of war or apprehended war. Great Britain alone, in spite of her vast possessions on the American Continent and the extent of her interests in the East, would be absolutely precluded from resorting to any such action or from taking measures to secure her interests in and near the canal," though other powers not bound by the treaty would be free to take such action as they pleased.

"I would therefore suggest," he concludes, "the insertion, in rule 1, after 'all nations,' of the words 'which shall agree to observe these rules.' This addition will impose on the other powers the same self-denying ordinance as Great Britain is desired to accept, and will fur-

nish an additional security to the neutrality of the canal, which it will be the duty of the United States to maintain."

What, then, is the substance of this self-denying ordinance on the part of Great Britain and this new burden assumed by the United States? Is it not the complete and unrestricted surrender of the control of the canal to the one power that takes the place of the two powers which before acted jointly, so that all other powers must agree to observe its rules on a plane of equality among themselves?

The Government of the United States objected to requiring all nations desiring the use of the canal to agree to observe its rules, on the ground that such an agreement would make those nations parties to the contract and thus give them contract rights in the canal. Mr. Hay proposed to change the reading of Lord Lansdowne's suggestion to "all nations observing these rules"; thus preserving the distinction already made plain in Lord Lansdowne's amendment between the nation adopting and the nations observing the rules, but without making them parties to the contract.

The question still remains, Did the assumption of the full control of the canal by the United States in any way affect the pledge of the United States Government in the first Hay-Pauncefote treaty to accord to all nations terms of entire equality with itself?

The change in the relations between the high contracting parties expressed in the new treaty seems to imply a change in this respect also; and Lord Lansdowne appears to have thought it did, for he proposed the insertion in the new treaty of the words, now for the first time suggested, "such conditions and charges of traffic shall be just and equitable."

If it was clearly understood that the United States and all nations observing the rules were to be subject to identical conditions and charges of traffic, would there have been any occasion to demand of the United States that these should be just and equitable? Could the United States Government, on the assumption that "entire equality" applies to itself and other nations, have any motive for imposing conditions and charges of traffic that were not just and equitable on its own citizens?

This new insertion apparently implies the conviction that entire equality with the United States was no longer, as in the first Hay-Pauncefote treaty, a prerogative of the other powers, including Great Britain; and that the only way to guard against excesses by the United States was not, as might otherwise be expected, to write into the treaty the simple words, "no other conditions or charges of traffic are to be demanded than those paid by vessels of the United States," but, instead, the far feebler proviso, quite meaningless if entire equality were already accorded, "such conditions and charges of traffic shall be just and equitable."

Undoubtedly Great Britain was, to use Lord Lansdowne's expression, making a "self-denying ordinance." The new treaty was radically different from the old. The compensation to Great Britain, however, was twofold. Without these changes the canal would probably never be built, and Great Britain was desirous that it should be built; but, in addition, Great Britain was relieved of responsibilities by placing the control exclusively in the hands of the United States.

Could Great Britain expect, under these circumstances, to obtain entire equality in all the advantages of the canal? What compensation in that case would the United States receive for assuming not only the cost of construction but the responsibilities Great Britain thus evaded?

If the transaction is to be esteemed a fair bargain, such as should preserve the honor of both nations—and it is difficult to see how the honor of one can be involved without involving the honor of the other—it was just that the United States should receive some compensation for undertaking single handed to open a great waterway between the oceans that all nations observing its rules should use on equal terms. This was duly recognized by Lord Lansdowne, and there is not a word in the entire correspondence that is not inspired by a spirit of equity on both sides.

It would be as dishonorable to interpret unjustly the meaning of this treaty, and to insist that one side never really gave up anything, as to have made the treaty itself dishonorable or dishonoring to either side. In authorizing the signature of the treaty, as finally agreed on, Lord Lansdowne, in his final instructions to Lord Pauncefote, reverts to the words "all nations" and Mr. Hay's change in the form he had suggested, by remarking:

"His Majesty's Government were prepared to accept this amendment, which seemed to us equally efficacious for the purpose which we had in view, namely, that of insuring that Great Britain should not be placed in a less advantageous position than other powers."

It would seem absurd to claim for Great Britain all that was voluntarily surrendered in her self-denying ordinance. Her rights appear thereby to have been reduced to the use of the canal on terms of equality with all nations observing the rules, with the added proviso that "such conditions and charges of traffic shall be just and equitable." All other rights in the canal are accorded by the treaty now in force to the Government of the United States, whose only duties to foreign nations are defined in the following paragraph:

"The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects, in respect of the conditions and charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

The principle of neutralization unaffected: It was not intended that these changes in the treaty should affect the general principle of neutralization; and Mr. Hay, in recognition of the concessions made by Great Britain in the treaty of November 18, 1901, voluntarily proposed, and it was formally agreed in the fourth article, that no change of territorial sovereignty should affect the obligations of the high contracting parties under the present treaty.

Since the ratification of the second Hay-Pauncefote treaty the United States has acquired by purchase from the Republic of Panama the right to exercise sovereign authority over the Canal Zone and the adjacent waters within the 3-mile limit; but this in no way affects the general principle of neutralization.

It is important, however, to comprehend the meaning of the term "neutralization" and the powers implied in the control of neutralized territory. Belgium, Switzerland, and Luxemburg are neutralized States; but their domestic concerns are in no way affected by this fact. Their duty consists solely in maintaining and defending their neutrality as between foreign powers. Their sovereign rights are in no way abridged. Within their own territory all of these rights remain intact.

No other power has a right to interfere with the relation between their treasuries and their domestic commerce. They are under a solemn obligation, voluntarily assumed, to treat other powers alike, so far as privileges within their territory are concerned; and especially not to permit their territory to be used as a military base or source of supplies for belligerents. This is precisely what the Government of the United States is pledged to do in respect to all nations observing the rules of neutralization adopted by the United States, namely, to furnish equal treatment and equal service in the canal.

If it were contended that the Government of the United States should enjoy no privileges in the canal other than those possessed by the nations observing its rules, there would be no historic example of neutralization and no intelligible definition of the term on which such a contention could be based. This contention would impose on the builders of the canal such servitude to noncontractants as was never yet imposed by any power on the owner of any neutralized object.

What, under that interpretation, would become of the agreement in the second article, that "the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal"?

It is true that all these rights are subject to the provisions of the present treaty; but they are not subject to theories and definitions not in harmony with these provisions, and they can not be in any way legally limited, except by the clear and express stipulations of the treaty itself.

It has been claimed as a restriction on these rights that the preamble of the treaty now in force expressly states that its purpose is "to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the general principle of neutralization established in article 8 of that convention"; and that therefore article 8 of that treaty is still in force.

A careful examination of the article in question shows that this can not possibly be the case; and that it is merely the general principle of neutralization, and not at all the specific form of neutralization presented in that article, which the second Hay-Pauncefote treaty is designed not to impair.

Article 8 of the Clayton-Bulwer treaty contemplates the construction of a canal by neither Government, but by some company to be formed for that purpose, under the protection of both Governments. The canal is, in return for this equal protection, to be "open to the citizens and subjects of the United States and Great Britain on equal terms."

Both Governments are pledged not to exercise any control over this tertium quid. Suppose, then, such a company had built the canal, would there be any doubt about its right to pass its own ships freely through its own waterway? Would there be any impairment of the general principle of neutralization so long as all the protectors of the canal were equally served?

The difference between the Clayton-Bulwer treaty and the second Hay-Pauncefote treaty consists precisely in this: In the Clayton-Bulwer treaty the United States and Great Britain were joint protectors of a tertium quid, while in the second Hay-Pauncefote treaty the United States Government becomes, by a new and special agreement with Great Britain, both the sole owner and the sole protector of a canal built entirely at its own expense, while Great Britain ceases to bear any burden or accept any responsibility as protector of the canal.

That the right to equal treatment agreed on in the Clayton-Bulwer treaty is based solely on participation in this obligation to protect the canal is evident from the last words of the article in question.

The article reads: "* * * shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

With the falling away of this protection, which in the first Hay-Pauncefote treaty was still joint between the United States and Great Britain, and was to be shared by other powers also, disappears entirely the specific form of neutrality embodied in the Clayton-Bulwer treaty; and only the general principle, as already defined, remains, namely, that the owner grants entire equality to all nations observing the rules.

The removal of all ambiguities: If it be claimed that the language of the second Hay-Pauncefote treaty is ambiguous, and that, therefore, the broadest possible construction should be placed on it, there is a very simple method of ending all controversy regarding the obligations of the treaty.

Let it be assumed that the Government of the United States is in honor bound to treat the vessels of all nations precisely as it treats its own, what results from this concession? If such conditions and charges of traffic are to be just and equitable, it is proper that every gross ton of shipping passing through the canal should bear its due proportion of the total interest charge and cost of maintenance, operation, and defense of the canal.

If it be a point of honor on account of the obligations of the treaty for the Government of the United States to accord to the vessels of all nations the same treatment that is accorded to its own vessels, it is also a point of honor for all nations availing themselves of the use of the canal to make good to the Treasury of the United States their share of the cost of the service rendered.

It would therefore be fitting for the Government of the United States, if this construction is to be placed on the treaty, to add a rule requiring the nations using the canal to pledge themselves, as a condition of enjoying its benefits, to pay from their respective treasuries such sums as may be necessary to meet any deficit in the annual budget of the canal, in proportion to the gross tonnage of the vessels sailing under their respective flags.

Mr. O'GORMAN. I make a further and similar request regarding the views of Chandler P. Anderson, who was Solicitor of the State Department under Mr. Knox, which appeared in the Washington Post under date of April 19, 1914.

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

CHANDLER P. ANDERSON EXPLAINS NEGLECTED PHASE OF TOLLS ISSUE.

[Washington Post, April 19, 1914.]

The discussion of the rights of the United States under the Hay-Pauncefote treaty of 1901 has been devoted principally to the consideration of the question of whether or not the exemption of American coasting vessels from the payment of the tolls which are imposed on the vessels of other nations is a "discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise," in contravention of the provisions of article 3 of the treaty.

This exemption has been, and may well be, justified on the ground that it is not a discrimination against any other nation or its citizens

or subjects, inasmuch as the vessels of no other nation are permitted under the laws of the United States to compete with the vessels of the United States in its coastwise trade, and when there is no competition there can be no discrimination. In stating this proposition it is assumed that the exemption is intended to be limited to vessels engaged in the bona fide coastwise trade of the United States from which foreign vessels are excluded, and to the exclusion from which no objection has been or can be made by any foreign nation.

But whatever may be said on this point, it must be remembered that this contention is only a secondary part of the interpretation of the treaty, hitherto insisted on by the Government of the United States, which is that the rules adopted by the United States under article 3 of the treaty, insuring that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality," etc., do not apply in any way to the vessels of war or of commerce of the United States.

If this interpretation is justified, then no question of discrimination or inequality of treatment in favor of American vessels of war or vessels of commerce, whether engaged in coastwise or foreign trade, can be raised by any other nation under the treaty. It is surprising, therefore, that in this discussion so little attention has been paid to the fundamental question underlying this whole controversy, which is whether or not the rules adopted by the United States under article 3 of this treaty "as the basis of neutralization of the canal" were intended to impose restrictions upon the use of the canal by the United States as well as by other nations.

The United States has adopted six rules in article 3 of this treaty, the last five of which relate to the use of the canal by belligerents in time of war. Secretary Hay stated in the history of these negotiations, which he submitted to the Senate with this treaty, that in case the United States became a belligerent it had "the clear right to close the canal against the other belligerent and to protect it and defend itself by whatever means might be necessary."

That these rules relating to belligerents do not apply to the United States always has been and still is the view held by the Government of the United States. The correctness of this view also has been admitted and accepted by Great Britain, as appears from the statement in Sir Edward Grey's note of November 14, 1912, that "Now that the United States has become the practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights of its protection."

This right was not questioned by Great Britain even before the United States acquired title to the Canal Zone, as appears from former Ambassador Choate's recently published letter of October 2, 1901, in which he says, speaking of Lord Lansdowne, that he "gives us an American canal, ours to build as and where we like, to own, control, and govern on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ships out and take care of ourselves."

Obviously the last five of these six rules are not rules which the United States is required to apply to itself, and they must apply only to other nations.

It follows, therefore, as a matter of course, that in adopting the first rule by which the United States guarantees that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules,' the United States did not intend that this clause should apply to itself, for, as above shown, the rules to be observed are rules 2 to 6, none of which were understood by the United States or Great Britain as imposing any restrictions upon the use of the canal by the United States.

In other words, the United States has adopted six rules for the neutralization of the canal. In the first one of these rules the United States undertakes that the canal shall be free and open on equal terms to the vessels of all nations observing these rules, and the rules to be observed are the five rules which follow, regulating the use of the canal by belligerents, and therefore having no application to the United States. It is only in consequence of the observance of these rules that the vessels of other nations become entitled to equal treatment, and the United States alone of all nations assumes any obligation for the enforcement of these rules, and has the right to exclude the vessels of other nations from the use of the canal upon their failure to observe these rules, namely, rules 2 to 6.

It seems perfectly clear, therefore, that inasmuch as, for the reasons above stated, the United States is not required by the treaty to itself observe the rules restricting the use of the canal by belligerents, the United States consequently can not be regarded as one of the nations included in the phrase in rule 1, "all nations observing these rules," to which nations alone the provisions of rule 1, requiring equality of treatment, apply.

CHANDLER P. ANDERSON.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On May 14, 1914:

S. 540. An act for the relief of Joseph Hodges.

On May 15, 1914:

S. 4158. An act to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

IMPORTATION OF CONVICT-MADE GOODS.

Mr. STONE. Mr. President, some time ago a motion was made by the Senator from Maryland [Mr. LEE] to reconsider the vote of the Senate by which a bill to exclude the importation of convict-made goods was referred to the Committee on Manufactures. I had left the city on account of illness when that motion was made, and the Senator from Maryland kindly requested that the motion should go over until I returned. I should like now to have that motion taken up and disposed of this morning.

The Senate will doubtless recall that the bill in question is a House bill. When it came over and was laid before the Senate I asked that it be referred to the Committee on Manufactures, to which committee an exactly similar Senate bill had been previously referred, and upon which the committee had made a favorable report, and which bill is now on the calendar. I asked that the House bill be referred to the same committee. Some Senator objected to that reference, contending that the bill should go to the Finance Committee; thereupon I moved to refer the bill to the Committee on Manufactures. That motion prevailed. Some two days afterwards the Senator from Maryland entered his motion to reconsider, which motion is still pending.

The VICE PRESIDENT. Is there objection to the present consideration of the motion referred to by the Senator from Missouri? The Secretary will state the motion.

The SECRETARY. The Senator from Maryland [Mr. LEE] moved to reconsider the action of the Senate agreeing to the motion of the Senator from Missouri [Mr. STONE] referring to the Committee on Manufactures the bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor.

Mr. LEE of Maryland. Mr. President, I should like to say on this subject that the Senator from Missouri [Mr. STONE], being unwell and desirous of going away, he made the request that this bill be referred to the Committee on Manufactures. As a matter of courtesy more than any other reason I voted in favor of his motion. A day or two afterwards it was called to my attention that this was somewhat a reversal of methods and that it involved a very large question. As a similar matter of courtesy I then moved to reconsider the vote by which the bill was referred.

The Senate has only to read the title of this bill to see what a remarkable scope the measure has. Not only does it prohibit the importation and entry of goods wherein the merchandise is made in whole or in part by convict, pauper, or detained labor, but it covers articles made in whole or in part from material which has been made in whole or in part or in any manner manipulated by prison or convict labor.

Mr. President, it is perfectly obvious that the field which is covered as indicated merely by the caption of the bill is almost unlimited. If the matter of the reconsideration of our tariff system is to be taken up at this stage of the session, it ought to be taken up by the committee which has already so creditably considered that great subject. The general purpose of the bill seems good. The Senate should be advised by the usual committee, one especially familiar with the tariff schedules, what the effect of this measure will be before acting upon the bill.

Mr. SMITH of Georgia. Mr. President, I only wish to say a word in addition to what has been said by the Senator from Maryland [Mr. LEE].

The scope of this bill is not at all limited to goods manufactured by convict, prison, or pauper labor; but if the original raw material in any way was touched, I might almost say, by prison, convict, or pauper labor, the product is excluded. If anything it is wrapped in was remotely touched by such labor, it is excluded. If anything that it is boxed in was touched by such labor, it is excluded. I suggested when the Senator from Missouri [Mr. STONE] moved that the bill go to the Committee on Manufactures that the Committee on Finance ought to investigate the bill and let us know how far-reaching it would be.

To illustrate, take our chemicals that we must buy from Germany in large part in connection with our dyes in this country. I understand that nearly all of them have some ingredients where the original raw material was mined by convict labor. To what extent would it exclude our dyes, our chemicals, essential to so many lines of manufacture? To what extent would it exclude cotton bagging? To what extent would it exclude bagging used for grain and wool? I do not know. I have had the suggestion brought to my attention by the Treasury Department; I have seen a letter from the First Assistant Secretary of the Treasury, Mr. Hamlin, indicating that it might be infinitely more far-reaching than any Senator for a moment would wish. It was for this reason that I thought the bill should go to the Committee on Finance, which has experts who have been studying the tariff question, and who are in a position to follow out the subject and to furnish to the Senate information that could not properly be expected to come from the Committee on Manufactures.

It is really a problem that involves the whole tariff question. Almost every schedule of the tariff is involved. If we are to rely for information to help us determine what we are doing, we ought to refer this bill to the Committee on Finance and let them call in the experts who served them on the various schedules of the tariff bill and gather the information, so that we may know to what extent the bill will reach.

Mr. STONE. Mr. President, it is easy enough to make an argument when you assume your premises, for then you may safely take extreme positions. The Senator from Georgia assumed the existence of facts, and upon his assumption proceeded to discuss the merits of this bill. I do not wish to discuss the merits of the bill at this time. The only question before us to-day is the question of reference. I am willing at any time to discuss the bill in all its phases and go fully into its merits, but——

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

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

Mr. STONE. Certainly; but I was about to remark that I do not think this quite the opportune time to discuss the bill itself. The question now is, To what committee shall the bill be referred?

Mr. GALLINGER. This simply involves the question of reference?

Mr. STONE. Yes; the question of reference only. The merits of the measure will come up for consideration later.

Mr. GALLINGER. May I ask the Senator one further question? There have been several bills relating to convict labor. This one simply deals with the importation of goods made by convict-labor abroad?

Mr. STONE. Yes; that is correct.

Mr. GALLINGER. I thank the Senator.

Mr. SMITH of Georgia. And the raw material from which goods are made?

Mr. STONE. Yes; and the raw material from which goods are made. I am not wise enough, however, to draw a line separating raw materials made by convicts and completed fabrics made by convicts. I can see no good reason for admitting one and excluding the other. Both are convict-made, and are therefore in the same class and should be treated alike.

Mr. WEST. Mr. President, I should like to ask the Senator from Missouri a question.

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

Mr. STONE. Yes.

Mr. WEST. Where does the Senator draw the line as to pauper labor? I understand pauper labor is included in the bill. Where would the Senator draw the line on that? What is pauper labor in Europe and what is not pauper labor?

Mr. STONE. As used in this bill pauper labor means pauper labor restrained. The labor that is referred to is of course——

Mr. WEST. The bill mentions "confined labor" before it does "pauper labor."

Mr. LODGE. It is perfectly clear in the bill what it means.

Mr. STONE. It is perfectly clear; and if the Senator would only read the bill, he would not divert me into a useless discussion.

Mr. President, the question involved here I say is one of reference. To what committee shall it go? That is the question. But I might say in passing that the Senator from Georgia [Mr. SMITH] is opposed to this bill, because it would prevent the importation of a little cotton bagging made by convicts in England and Scotland. That is the real nut of the thing with him; that is the basis of his opposition.

Mr. SMITH of Georgia. That is one of the bases; that is one of the nuts.

Mr. STONE. That is the principal nut.

Mr. SMITH of Georgia. That attracted my attention to it.

Mr. STONE. Yes; that is exactly what attracted the Senator's attention to it, and the Senator's attention would not in all probability have been attracted to it except for cotton bagging.

Mr. SMITH of Georgia. I am not sure about that.

Mr. STONE. Well, I have a pretty definite opinion as to that.

Mr. President, the Senator says that the bill would affect the importation of dyes, and the Senator from Utah [Mr. SMOOT] amended that remark by adding that it would affect every schedule in that tariff law. I think these are gratuitous statements not warranted by the facts. For example, the Senator from Georgia stated when this matter was up before, as he states now, that the bill would affect the importation of dyes, because, he said, that sulphur was an ingredient in the manufacture of dyes, and that German manufacturers of dyes, from whom we get the bulk of dye imports, obtained their sulphur from Sicily, where the sulphur mines are worked by convicts. I suppose the Senator is under that impression now.

Mr. SMITH of Georgia. Yes.

Mr. STONE. The Senator says "yes." I took occasion, Mr. President, after I had heard from the Senator several weeks ago on this subject, to make some inquiry about the sulphur mines of Sicily. I addressed a letter of inquiry to the Italian Embassy at Washington. The embassy answered that while quite certain that no convicts are worked in the mines of Sicily, yet, to be absolutely sure, I was advised that it would be better to make some further inquiry. Thereupon I addressed a letter to the Italian consul general at New York, whose answer I have here and will read. Under date of April 28, 1914, the Italian consul general at New York wrote me as follows:

SIR: In answer to your favor of the 27th instant, I have the honor to state, from my personal knowledge, that no convict labor is employed in the sulphur mines of Sicily. I have also consulted with natives of Sicily and others who are familiar with labor conditions in that island, and they have uniformly confirmed your and my understanding as to this matter.

With the assurance of my highest respect—

And so forth.

Mr. WILLIAMS. Who is that from?

Mr. STONE. That is from the consul general of Italy stationed at New York.

So, you see, Mr. President, that my friend from Georgia is mistaken about the labor employed in Sicilian sulphur mines. The testimony of the Italian consul general on this subject should have greater weight than a vague impression of the distinguished Senator from Georgia. Let a man assume his facts and he can argue with ease.

Mr. President, the question here is not a revenue question; it is an industrial question. Revenue is not involved in it except incidentally. The main question before us is one relating to manufactures and labor. The revenue feature of it, so far as there is one, is somewhat remote and purely incidental. If this were a revenue bill—if the object of the measure was to increase or diminish the revenues—I concede that in the ordinary practice of the Senate it would go to the Committee on Finance, but there is no rule that gives the Committee on Finance jurisdiction even of revenue bills. Distinctly revenue bills go to the Finance Committee as a matter of orderly procedure and practice, and not because of any fixed rule. It is a matter entirely within the province of the Senate itself to determine the reference to be given a bill of this character. Generally speaking, that is true of all bills, with the possible exception of appropriation bills.

Mr. SUTHERLAND. Mr. President——

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

Mr. STONE. I yield.

Mr. SUTHERLAND. Mr. President, I was not in the Chamber when the Senator began his statement, and perhaps he may have made a statement upon the matter I am going to inquire about.

I find on the calendar Senate bill 257, which bears exactly the same title as the House bill to which the Senator is directing his remarks. Is that identically the same bill?

Mr. STONE. Yes; it is.

Mr. SUTHERLAND. I understand that bill has gone to the Committee on Manufactures and has been reported from that committee.

Mr. STONE. That is true of the Senate bill.

Mr. SUTHERLAND. The House bill which has been referred to the Committee on Manufactures is in identical terms with the Senate bill?

Mr. STONE. I will state to the Senator that I introduced the bill in the first instance in the Senate, and it was referred to the Committee on Manufactures. While it was pending before that committee, and a few days after it was introduced here, an exact duplicate of the bill was introduced in the House and referred to some committee of that body. I can not certainly state at this moment just what committee it was referred to in the House.

Mr. SMOOT. Ways and Means?

Mr. STONE. No; I think it was the Committee on Labor. I am sure it was not the Committee on Ways and Means. I will state, further, to the Senator from Utah [Mr. SUTHERLAND] that the Senate bill was taken up and considered by the Senate Committee on Manufactures and reported to the Senate, and is now on the calendar.

As the Senator knows, I have been away from the Senate almost constantly for several months, and largely because of that fact the Senate bill, which has been reached more than once on the calendar, has been passed informally and without prejudice. In the meantime the House bill was considered and passed by the House with two or three slight amendments, but none of the amendments affected the bill in any substantial way. When the House bill came over here and was laid before the Senate I happened to be present, and I asked that it be referred to the Committee on Manufactures, as the Senate bill had been.

Some Senator objected, and thereupon I moved to have it referred to the Committee on Manufactures. A yea-and-nay vote was taken on that motion, and the Senate itself, by a decisive vote, referred the bill to the Committee on Manufactures. The following day I left the city and was absent about three weeks. The Senator from Maryland [Mr. LEE] during my absence entered the pending motion to reconsider the vote by which the bill was referred.

Mr. LA FOLLETTE. Mr. President, if the Senator will permit an interruption to preserve the history of this legislation correctly, the House bill was never referred to the Committee on Ways and Means at all. As the Senator from Missouri has suggested, it went by reference to the Committee on Labor, and was reported from that committee to the House, as I find on examining the RECORD.

Mr. STONE. I am obliged to the Senator. I stated that I was sure it did not go to the Committee on Ways and Means.

Mr. LA FOLLETTE. It did not.

Mr. STONE. I thought it went to the Committee on Labor. The Senator from Wisconsin, having examined the RECORD, corroborates my recollection.

Mr. SUTHERLAND. If I understand the situation, then, while there may be some verbal differences in the two bills, the essential provisions are the same?

Mr. STONE. Absolutely so.

Mr. SUTHERLAND. And the Committee on Manufactures has given full consideration to those provisions?

Mr. STONE. Yes; to the Senate bill.

Mr. SUTHERLAND. I will say to the Senator that while I would have had some doubt originally as to whether this bill should not go to the Committee on Finance, it seems to me, the Committee on Manufactures having had the Senate bill, and having given the subject full consideration, and the House bill having been also referred to it, that there ought to be no reason now why it should be taken away from that committee.

Mr. SMITH of Michigan. It was referred by a vote of the Senate?

Mr. SUTHERLAND. Yes.

Mr. GALLINGER. If the Senator will permit me, in examining the two bills—the House bill and the bill that the Senator's colleague reported, which is now on the calendar—I find that there are some verbal changes, but I do not find anything that is consequential.

As an illustration, in the House bill the words "knowingly and fraudulently" are found in section 4. In the bill reported by the Senator's colleague the words "and fraudulently" are omitted. There is likewise in the House bill a proviso to section 8 giving the Secretary of the Treasury authority to destroy goods that were made by persons affected with disease or diseases, and so forth, and that is omitted in the bill reported by the Senator's colleague; but I find no difference that is very important.

I wish to say for myself that while I am of opinion that this bill might well, and perhaps properly should have been, referred to the Committee on Finance originally, in view of the legislative history of the bill I can see no reason for changing the reference now.

Mr. STONE. Mr. President, I think the particular differences in phraseology referred to by my friend from New Hampshire are amendments offered to the House bill and agreed to in the House.

Mr. GALLINGER. That may be so.

Mr. STONE. The Senator is absolutely right when he says that no changes were made that affect the bill substantially or change it in any material way.

Now, Mr. President, I hurry along in what I have to say about this matter.

I have said that this is not a revenue bill. It is not a tariff bill. It is not its purpose to increase or diminish revenues, although imports may be in some minor degree incidentally affected. The mere fact that the revenue from imports may be in some degree incidentally and collaterally affected does not give the Committee on Finance jurisdiction when the chief, main object and purpose of the bill, plainly set forth, relate to wholly different questions. I contend that the main purpose of a bill and the chief object sought to be accomplished by it should indicate the committee reference and not some merely incidental effect of it. The main purpose of this bill is confessedly and manifestly to save American manufacturers and workmen from competing with foreign establishments employing foreign convict labor. Its chief effect, if enacted into law, would be to prevent that, and would thus accord with the general American policy with respect to free labor competing with convict labor. The sentiment of the whole country is righteously against that kind of competition even as to American convicts, and all the States are striving to rid themselves of it, or at least to minimize the evil as far as possible.

Mr. President, either the Committee on Manufactures or the Committee on Education and Labor has a better right to this bill than the Committee on Finance, because those committees deal with and have primary jurisdiction of the principal questions involved in the measure; and in the House of Representatives, as I have shown, the same bill was referred to the Committee on Labor and not to the Committee on Ways and Means, which has jurisdiction of revenue bills. In the Senate the original Senate bill was referred to the Committee on Manufactures, and this House bill has been given a like reference by a yea-and-nay vote of the Senate. The action taken by both Houses confirms my contention.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for just a moment?

Mr. STONE. I will.

Mr. SMITH of Georgia. Then has there been any thorough investigation to see how far-reaching this bill will be, either in the House or anywhere else?

Mr. STONE. I was not before the committee of the House. I do not know what investigations that committee made. Presumptively it was duly considered. I do know the bill was quite extensively discussed in the House of Representatives. The better part of two days was devoted to its discussion in the House, and it was passed, as I remember, without a dissenting vote. I do not think the Senate Finance Committee, of which I have the honor to be a member, has any divine right to grab a bill or that it can be trusted beyond other committees to examine into a bill and make an intelligent and honest report upon it.

Mr. SMITH of Georgia. If the Senator will pardon me, however, has it not done more work on tariff schedules, and has it not within its reach the facilities to make an investigation to determine just what class of goods would be excluded as perhaps no other committee of the Senate has?

Mr. STONE. Oh, Mr. President, of course it has done more work on tariff schedules than any other committee.

Mr. SMITH of Georgia. And also examined into the effect on the revenue? Might not this bill possibly exclude one-half of the things that are now imported?

Mr. STONE. "Possibly might," the Senator says. I say that that is not a possibility, much less a probability.

Of course, the Finance Committee has had more to do with tariff legislation than any other committee. It is its business to consider bills fixing the rates of tariff duties. It has undoubtedly considered questions relating to taxation on imports more than any other committee. I assume, however, that any committee to which this bill may be referred will have the same means of acquiring information upon any phase of it into which the committee may care to inquire that the Committee on Finance could have. It would have the same power to investigate, and the same processes at its command, as the Finance Committee; and I will not assume that the Finance Committee is better qualified, morally or intellectually, to pass upon the merits or effect of the bill.

The incidental question of revenue is not the only question involved in this measure, Mr. President; it is not even the principal question involved, for that question is involved only in a very secondary degree.

Mr. WILLIAMS. Mr. President, if the Senator will permit me, were any hearings held by the Committee on Manufactures before they favorably reported the bill which is identical with the House bill? If so, are those hearings in print anywhere?

Mr. STONE. I do not think so.

Mr. WILLIAMS. Were any public hearings held there?

Mr. STONE. I do not think there were any public hearings.

Mr. WILLIAMS. Were there any hearings of any sort?

Mr. STONE. I can not say. I do not know. I was sick in bed at the time the matter was under consideration. I only know that the committee duly considered and reported the bill. My friend from Michigan [Mr. SMITH] suggests to me that if this were a revenue bill it could not have originated in the Senate: that it would have had to originate in the House. But as a matter of fact the first bill on the subject was introduced in the Senate and referred to the Committee on Manufactures and reported without objection. Nobody ever objected to the Senate having jurisdiction of it. There was no ground for an objection, for it is not in any technical or essential sense a revenue measure.

Mr. President, the chief question in this bill is, Shall materials manipulated and goods made by foreign convict and like kinds of labor—that is, restrained labor—be excluded from our ports? Shall foreign convict-made goods be shut out of our markets? That is the only substantial question here involved.

Mr. SMITH of Georgia. May I ask the Senator another question?

Mr. STONE. Certainly.

Mr. SMITH of Georgia. Is this bill limited to convict-made goods? Does it not go away beyond that?

Mr. STONE. Well, it says "pauper labor," too; and——

Mr. SMITH of Georgia. Does it not go away beyond goods made by convict labor and include the remotest relationship to any of the raw material? If 1 per cent or the smallest part of the raw material is produced by convicts, are not the goods excluded?

Mr. STONE. Mr. President, the bill contains no limitation in that direction. It is very broad—intentionally so. But the Senator's question goes to the merits of the proposition, and I prefer to wait until the bill is before the Senate on its passage before discussing every question affecting its merits. I will not now go into that.

I hold that the Finance Committee has no better right to jurisdiction over this bill than the Committee on Manufactures, nor any greater facilities for investigation, if for any good reason hearings are desirable. The revenue feature of the bill, whatever that may amount to, can only be appealed to by the opponents of the bill as an argument against the passage of the bill, and I will address myself to that when the occasion comes.

Mr. President, I think I have said enough. I wish merely to add that as the Senate bill, in all respects similar to this House bill, was referred to the Committee on Manufactures and reported back, and as the House bill has also, by a vote of the Senate, been referred to the same committee, I can see no sound reason why that reference should not stand. Why does any Senator wish to change the reference? Is it to delay the consideration of the bill, and kill it by procrastination?

Mr. SMITH of Georgia. Does the Senator wish an answer?

Mr. STONE. Yes; I really do.

Mr. SMITH of Georgia. I should like to have it delayed until there can be a full investigation.

Mr. REED. May I ask the Senator from Georgia a question? Has he any reason on earth to assume that the Committee on Manufactures will not give this bill proper investigation?

Mr. SMITH of Georgia. I have the greatest respect for the Committee on Manufactures, and especially for its chairman. I served on it until last March. But I do not believe that the committee has the facilities or the agencies at hand to make the investigation that the Committee on Finance has.

Mr. REED. What agency is there that the Committee on Finance has that the Committee on Manufactures can not call before it in five minutes of time, except, perhaps, the power of summoning the superior wisdom of the members of the Committee on Finance?

Mr. STONE. You could hear those members, too.

Mr. REED. We could hear them and be enlightened.

Mr. WILLIAMS. You did not do it.

Mr. REED. We did not do it because there were no applications on their part. One would hardly have the temerity to seek the wisdom of those men unless it was tendered.

Mr. WILLIAMS. What I meant is, when you considered the bill before you did not have any hearings at all, if I am correctly informed.

Mr. REED. You are not correctly informed.

Mr. WILLIAMS. They are not printed.

Mr. SMITH of Georgia. I wish to answer the question of the Senator from Missouri [Mr. REED]. The Finance Committee was divided into subcommittees—at least, the Democrats were—and they worked over the schedules of the tariff bill. I think the Republican members divided and worked over it, too. There was a long list of experts who were called in for conference on the schedules. I was one of a subcommittee which had before it on the schedules we had under consideration experts, and I know there were experts selected upon the different schedules. I know the information obtained from the experts who helped prepare the tariff bill did give the members of the Finance Committee a facility for investigation, not that they were men of greater ability who were on the committee to do this work. I think they could go on with this bill and get the information much more readily. I do not for a moment suggest that the chairman of the Committee on Manufactures is not at least the equal mentally of any man on the Finance Committee and is not just as capable of doing the work that is assigned to him as any Senator here; and he knows my very high personal regard and esteem and friendship for him.

Mr. STONE. Mr. President, the Senator from Georgia refers to the fact that the majority members of the Finance Committee were divided into several subcommittees, and that different schedules were assigned to those subcommittees. I suppose the Senator would now like to have those subcommittees reassembled to take up this bill, and to have the bill chopped into several parts, and the parts conveyed to the subcommittees, respectively. That would mean that the bill would not be seen again under the mellow skylights of this Chamber. The Senator from Georgia could then rest in peace. Clearly this whole movement for a change of reference is to dispose of this bill by some slow process of committee strangulation.

Mr. SMITH of Georgia. Will the Senator yield to me for a moment?

Mr. STONE. I will.

Mr. SMITH of Georgia. I want to say to the Senator that I should like to have it delayed until I may know just what it is going to reach. The moving thought of the bill appeals to me, but I want to know that it does not exclude things from coming in here that ought to come in. It is so far-reaching in its scope that I confess I do not know what it will exclude, and I should like to have an investigation long enough and thorough enough to find out.

Mr. STONE. The Senator has had several months since the Senate bill was reported to make investigations. Although he has been very busy, the Senator has not been so busy that he might not have discovered that the sulphur mines of Sicily were not worked by convicts, and thus have saved himself from being imposed upon by some interested sharper. He has had plenty of time to make inquiries from responsible and trustworthy sources concerning the matters that appear to trouble him. He has neglected his opportunities.

Mr. SMITH of Georgia. I said I wanted to investigate it.

Mr. STONE. If the Senator wants to investigate, he might get some of the so-called experts he refers to and make inquiries of them. I think the Senator can find out all he cares to know or needs to know if only he is diligent.

Mr. President, the Senator says he wants to know who is going to be hurt or what is going to be hurt by this measure. There is the rub. There are some Senators here from cotton States who seem to fear that they may lose something if they are shut off from a little cotton bagging made by foreign convict labor. There is the rub. Heaven knows I have only the kindliest feeling for the cotton raisers of the South. Their work is one of tremendous importance to the Nation, both as to our exports and our industries. Besides, these people are close to my heart. We have cotton raisers in Missouri. In several of our southeastern counties a large number of our farmers are extensively engaged in the production of cotton, and a very high grade of cotton, too. I certainly would do anything I could honorably do for the well-being of this worthy constituency; and I would do the same thing for the cotton producers of Mississippi and Georgia. But I think the cotton raisers and buyers, while asking for themselves, should remember to be just to other people and other interests.

Mr. President, after all, the cotton raisers have been pretty well treated by this Congress. We have made numerous large appropriations and enacted several statutes for their special benefit. They have been given free cotton bagging from all the world. It may come free even from India, where the labor wage is only a few cents per day. It may come free from any country on the globe. By our new tariff law we gave this freedom to these importations for the special benefit of the cotton States, and this notwithstanding other Americans had millions invested in cotton-bagging manufacturing plants, in which thousands of high-wage American workingmen are employed. Now, do you really wish to go farther than we have gone, and do you really want to put our manufacturers and laborers into a hard and sharp competition with the foreign convict labor of the world? We do not now do that in Missouri, even with respect to our own convicts. You do not do it in Georgia. You do not do it in Mississippi. All the States have been legislating against that sort of thing.

It is a difficult problem, I know, but the people of our several States are trying to solve it, so that free labor may as far as possible escape competition with convict labor. But now, while we are closing our own penitentiary doors against this character of competition, would you open wide our national gateways to the free entrance of fabrics wrought by the hands of foreign convicts? Have we a more tender regard for foreign convicts than for our own? It is hard for me to believe that the cotton planters of the South are willing to stand in that light before the country.

Nevertheless, Mr. President, most regretfully I am constrained to believe that if this cotton-bagging proposition were not present my friends from Georgia and Mississippi would not be sweating blood nor sweating anything else over this bill. They would be taking it easy, and their course would be at least marked by a high degree of indifference.

Mr. President, let me assure my friends that their constituents have little or nothing to fear from this bill if it becomes a law. The amount of cotton bagging that would be excluded would be negligible as compared with the total importations. Let me show you why this is true There are in America 33 manufacturers engaged in making bagging, including piece and rerolled bagging. There are also 10 American manufacturers engaged in working over second-hand bagging; 43 in all. Two of these are located in my State, and they have a large amount of capital invested and employ a large number of men.

Mr. President, I voted for the new tariff law, but I am not willing that American manufacturers and workingmen shall be put into open competition with the imprisoned labor of the outside world, especially when in all of our States we are devising ways and means to avoid this character of competition at home.

Mr. WILLIAMS. What do the convicts make in your State?

Mr. STONE. As I understand, most of them are now working upon things produced for the use of the State. Until recently convicts in Missouri were hired to contractors engaged inside the prison in making shoes, harness, overalls, and a few other things for sale in the general market; but the legislature recently passed a law putting a stop to labor contracts of that kind.

Mr. WILLIAMS. What articles are manufactured?

Mr. STONE. I presume whatever the State needs in its various institutions. It is a serious problem in our State, where we have twenty-odd hundred convicts, as it is a serious problem in other States, to find employment for these prisoners without having them working in competition with free labor; but my State has decided upon that policy, and we are working out the problem as best we can, just as other States are working it out.

Mr. SMITH of Michigan. It is not necessary to find employment for the convicts of Europe when we have our own to take care of.

Mr. STONE. No; the Senator is right; and if we shut out the home products of convict labor, why should we furnish a market for the products of foreign convicts?

I have spoken of the 43 American concerns engaged in the manufacture of cotton bagging. Now, as to foreign concerns—and to this I invite the special attention of the Senators from Georgia and Mississippi out of a hope that I may in some measure allay their fears—there are 61 foreign concerns engaged in manufacturing cotton bagging. Of the entire number in this country and in all other countries, being 106 all told, only 2 in the whole world use prison-manipulated materials or employ prison labor in their business. One of these is Cleghorn & Co. (Ltd.), of Dundee, Scotland, and the other is The Bootle Jute Co. (Ltd.), of Bootle, England.

Cotton bagging is on the free list, and American users of cotton bagging could continue to buy freely from any of the 104 American and foreign manufacturers who employ only free labor. There are only two concerns, one in Scotland and one in England, who employ convicts in their business, and the products of these two only would be reached and barred by the provisions of this bill.

Mr. SMITH of Georgia. That is the final manufacture; but what about the production of the raw material?

Mr. STONE. They are the only two in all the world, as I am most credibly informed, who use material made by convicts.

Mr. SMITH of Georgia. No.

Mr. STONE. The Senator says no. Does he affirm the fact to be otherwise?

Mr. SMITH of Georgia. I do not know, but I have just been told that there are more. If I were sure that you are right, I would not be worrying about it. I am afraid you are mistaken.

Mr. STONE. I think I am right.

Mr. SMITH of Georgia. I know you think it is so.

Mr. STONE. I do think it is so.

Mr. SMITH of Georgia. I am afraid you are mistaken.

Mr. STONE. Mr. President, if my information is correct, then it shows that my friends have conjured a bugaboo and are needlessly afraid. But even if the amount of cotton bagging involved was many fold greater than I think, I would still stand for the just principle of this bill and urge its enactment. Cotton bagging is not the only commodity involved in this bill. It is only one of many. I have spoken at length especially of cotton bagging, because that is the one item which invokes the stubborn opposition of my friends from Georgia and Mississippi. But, as I have said, there are many articles manufactured by convict labor in foreign countries and sent forth into the markets of the world. I could name numerous articles thus manufactured, but I do not regard it as of sufficient importance at this time to occupy the attention of the Senate for that purpose. I can do that hereafter when the bill is up for consideration on its merits. At this time I will refer to but one article of foreign manufacture in which convict labor is employed. I am told that in the prisons of Austria many people are employed in making buttons, particularly shell buttons, for sale in the general market of the world. It so happens that along the upper Mississippi River, in Missouri and Iowa, a great many people are engaged in making shell buttons, and they receive wages conforming to the American standard. In the interest of American manufacturers and consumers we materially reduced the tariff duty on all kinds of buttons imported from abroad. I voted for that bill, but I am not willing to subject our people who are engaged in this industry to a competition with the products of Austrian prisons. The cases I have cited are sufficient for the present. In the interest of justice and fair dealing, I am bound to take a firm stand for the principle of this bill, and I do not intend to be driven from it by any sophistry or any vague apprehension that it might interfere with imports and impair the revenue. I want to interfere to the fullest extent necessary to make the importation of foreign convict-made goods impossible. If anyone desires by any means to take care of foreign convicts and encourage their employment at the expense of American workmen, he and I can not travel together. I will not force our people into a destructive and almost immoral competition of that character.

Mr. President, unless some Senator desires to say something further, I shall move to lay the motion to reconsider on the table.

Mr. WEST. I desired to ask the Senator a question before he took his seat.

Mr. STONE. I will hear the Senator.

Mr. WEST. I notice in the discussion of the senior Senator from Missouri that he never one time referred to pauper labor. If pauper labor is not mentioned in this bill, then convict labor is not mentioned.

Mr. STONE. What is the point the Senator has in mind?

Mr. WEST. I have this point: If we exclude the product of the pauper labor of all Europe from entry into American ports, it would cut down half of the tariff law. That is what I have in mind.

Mr. STONE. Upon what state of facts does the Senator base that observation?

Mr. WEST. I ought not to endeavor to elucidate this fact to the distinguished Senator from Missouri.

Mr. STONE. I deny that is a fact.

Mr. WEST. It has been discussed here in this Chamber time and again when the tariff was up, and when they endeavored to get a tariff on the manufactured products of the country they would say you have to meet the pauper-labor conditions of the world.

Mr. STONE. I will say to the Senator——

Mr. WEST. But that word, I say, is not here. It is used disjunctively. You say convict labor, pauper labor, and restrained labor——

Mr. GALLINGER. But the term "pauper" is defined in a later section of the bill.

Mr. STONE. If the Senator will read the bill, as I have suggested to him, he will find an answer to his question. He should read the bill before discussing it.

Mr. WEST. It is in the caption.

Mr. STONE. But the caption is not the bill.

Mr. WEST. It is in the bill.

Mr. STONE. If the Senator would read the text of the bill it would save him time and trouble.

Mr. WILLIAMS rose.

Mr. STONE. I will not, for the moment, make a motion to lay on the table the motion of the Senator from Maryland, until the Senator from Mississippi has been heard.

Mr. WILLIAMS. Mr. President, I do not care to discuss the merits of the bill which the Senator has introduced or of House bill 14330, which is identical with it, any more than I can not avoid it. That there is something more behind the end sought in this legislation than merely to exclude products of convict labor will become very evident to the mind of any Senator who will read the bill and the present tariff law. From page 92 of the tariff law, paragraph 1, I read as follows:

That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

Paragraph 408 of the tariff law puts on the free list—

408. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, sesg, Russian sesg, New Zealand tow, Norwegian tow, aloe, mill waste, cotton tares, or other material—

And so forth.

That being the cotton bagging free-list provision of the tariff law. Senators will notice that aloe, mill waste, Russian sesg, and so forth, are included. As a matter of fact, the Russian sesg is all produced by convict labor, and the mill waste which goes into the cotton bagging made in Scotland is all produced by convict labor, though the cotton bagging itself is not so produced.

The bill introduced by the Senator from Missouri, as you might expect in the case of a bill introduced by him, covers every point which he seeks to cover. He and I are such good friends that we could not afford to deal with one another in any other way than frankly. He has stated that the reason why we were objecting to this bill was largely because we thought it would prohibit the introduction of cotton bagging. He is telling the truth. I doubt if my attention would have been called to the bill at all but for the fact that it affected largely the interests of my own constituents.

Senators have a great deal to do, and except when things affect some cardinal, vital, moral, fundamental, or constitutional principle, or else some interest of their constituents, they are apt to let things go through. That, by the way, accounts for the fact that this bill was originally permitted to be referred to the Committee on Manufactures. It was simply because nobody noticed it; we heard only the title, and did not understand what the bill was aiming to do, and so made no objection. When the bill was rereferred upon a vote of the Senate, it was, as Senators will remember, because debate was cut off. I was upon my feet, and was taken off my feet without an opportunity to debate upon the subject.

Mr. President, as I said, I do not want to discuss the merits of the bill; but this bill, whose sole object is said to be to prohibit the entry of convict-made goods, has 11 sections to it, and it would be well for Senators to study the 11 sections when they come to consider the bill upon its merits. By the way, it would be well to study the first paragraph of section 3 especially, in which these goods are "liable to be proceeded against, probable cause having been shown, in any district court of the United States within the district where the same is found and seized, for confiscation by a process of libel for condemnation," thus giving the Bagging Trust of this country a new process—that is, new to the tariff laws—of stepping in and embarrassing and bedeviling the importers of cotton bagging by an admiralty process until they have discouraged them from further importation, and the manufacturers shall thereby have secured to themselves the sale of their cotton bagging to the cotton producers of the South; and amongst the members of that great Cotton Bagging Trust are the two great cotton-bagging manufacturing plants in the city of St. Louis, Mo., who have been disgruntled and dissatisfied ever since bagging was put on the free list.

The Senator from Missouri says we ought not to object, because we have put cotton bagging upon the free list. We are objecting because we think this bill very effectually is going to take it off the free list. I always try to place my objection to a measure upon not only the legal and constitutional grounds, if there be any, and the grounds of public policy which present themselves, but if there be any reasons back of it of an economic character affecting my own constituents, I like frankly to state them. My constituents are interested in the cheapest possible cotton bagging; but the Senator from Missouri says that, although that may be true, that that does not or ought not to overcome the great principle of not bringing honest labor into competition with convict labor. The Senator could not tell me what articles are manufactured by the convicts of Missouri. I do not know; but I will bet my hat against a chinquapin that they do manufacture things that honest labor manufactures in this country——

Mr. STONE. But exclusively for State use.

Mr. WILLIAMS. And that those things are sold in competition with honest labor. The Senator now tells me that they only manufacture such things as are sold to the State, and I suppose he means the counties and to the other public bodies in the State: I mean the political municipalities. Even if that be true, if the convicts did not manufacture those things and sell them to the State, honest labor somewhere would manufacture them and sell them to the State. In the State of Indiana, the State of the President of the Senate—I happen to think of that because I happen to see him at the moment—the convicts manufacture binding twine. The Senator says that we want to run the risk of the competition of the labor of foreign convicts when we forbid it at home; but we do not; and, what is more, we could not. It is impossible to stop the competition unless you are going to confine the convicts within four walls and keep them in isolation and in idleness at the public expense, to do no work and to run crazy. In the State of Indiana they manufacture binding twine by convict labor, and it is, of course, sold in competition with the honest labor which otherwise would manufacture binding twine. In the State of Mississippi we raise cotton with convict labor on farms owned by the State, and, of course, that cotton comes in competition with the cotton which I raise and which all other cotton producers raise, and in the production of which honest labor is employed.

This is a right grave question, Mr. President; it goes to a greater question even than the one alleged to be aimed at by the Senator from Missouri, and the thing really aimed at so exhaustively in all the sections of this bill. What are you going to do with your convicts?

Mr. WEST. Mr. President——

Mr. WILLIAMS. One moment, please, sir. Here is a bill to prevent the importation of articles produced by convict labor or, to use the language of the bill—and I beg to call attention to it——

Mr. STONE. I should like, if the Senator will permit me, to call his attention to the fact that he is asking what are we going to do with the convicts. I presume he means the convicts imprisoned in the States of this Union. That question is not involved here, although I think some answer could be made—not satisfactory to him, but a pretty good answer could be made to his inquiry.

Mr. WILLIAMS. If it is a good answer, it would be satisfactory to me.

Mr. STONE. But the point here is whether the Senator is willing to allow foreign convict labor to come in competition with the labor of the United States. Are you seeking to give employment to them? Are you interested in what they are going to do with their convicts abroad?

Mr. WILLIAMS. I am not seeking to give employment to any convicts anywhere, here or abroad, but this other bill to which I shall refer is a part of a common joint enterprise. Another bill, which is upon the calendar here, is to forbid the interstate shipment of goods made by convict labor. Now, in my State, for example——

Mr. HUGHES. Mr. President——

Mr. WILLIAMS. We at first kept the convicts within prison walls. I remember in the old times Tennessee did that, and the convicts made furniture, they made chairs, and all that sort of thing.

Mr. HUGHES. If the Senator will yield——

Mr. WILLIAMS. I can not argue consecutively unless I am allowed to discuss one thing at a time. I am quite willing to be heckled, but I should like to finish my statement.

Mr. HUGHES. I have no desire to heckle the Senator, but he has said on three different occasions, separated by wide intervals of time, that there is a bill on the calendar to prevent the interstate shipment of goods made by convict labor. I never heard of such a bill.

Mr. WILLIAMS. I may be mistaken about its being upon the calendar; but my memory is that it passed the House and came here.

Mr. HUGHES. The Senator is mistaken about that. That bill does not seek to do anything of the kind, and I wanted the Senator to get the matter straight.

Mr. WILLIAMS. I know there is a bill seeking to accomplish that purpose. Whether it is on the calendar I am not certain, though I had the idea that it was.

Mr. HUGHES. The bill came over from the House, as the Senator has said, and has been referred to a committee, but it does not seek to do anything of the kind.

Mr. WILLIAMS. The bill that I read did. So much for that.

Now, Mr. President, to go ahead with some degree of sequence, if I can, this bill not only goes to the extent that the prohibition in the tariff law goes, but it says—mark the language:

Or in the production of which convict, pauper, or prison labor has been employed—

By the way, what in the world does "pauper labor" mean? Who is going to define it?—

either directly or indirectly, in any manner and for any purpose, or in the production or manufacture of which has been used any material prepared, *manipulated, or assembled* by convict, pauper, or prison labor.

All of the jute in India, out of which cotton bagging is made, is undoubtedly manipulated and undoubtedly assembled by the poorest paid labor in the world. So that if there be any pauper labor anywhere in the world outside of the poorhouse it is found

there in that industry. If there be any pauper labor outside of the poorhouses, it would apply to India.

I see that in section 9 the Senator has done what I supposed he would have done if that were his purpose, because he has provided that the word "pauper," as used in the act, is to be "limited to those persons who are held or confined in eleemosynary institutions at the public expense in whole or *in part*." In part. What does that mean? Anybody who has received outdoor help.

Now, Mr. President, I want to discuss the question of reference. I would not have gone into the merits of the bill at all but for the fact that the Senator from Missouri did so. I was compelled, therefore, to follow him. Senators, when you come to a matter of reference it has become largely the habit of the Senate to permit the Senator who introduces a bill to select the committee which he thinks will favorably report his bill, and refer it to that committee; and, as a rule, by a sort of common so-called courtesy, but really neglect of duty from carelessness, we let it go at that; but I submit that that is not the sound rule by which to be guided in matters of reference.

The Senator says that this is not a matter affecting the revenue of the country; the Senator says, in proof of that, that the Senate Committee on Manufactures, before the House bill came over, reported a bill identical with this bill, which got upon the calendar, and that if it had been a matter affecting the revenues of the country it could not have originated in the Senate. I suppose many a time a committee of this House has, in ignorance or in carelessness, reported some bill affecting the revenue. The proper time to make the point and the first opportunity to make it is when the bill comes up for consideration. This bill does affect the revenue; and if the Senate bill had come up for consideration I had purposed to make—and if it instead of the House bill shall come up for consideration I shall hereafter make—the point of order that it does affect the revenue and, therefore, that it can not originate in the Senate of the United States.

Senators, to say that a bill which puts certain classes of goods upon the free list or which would subject them to a duty any more affects the revenues of the country than a bill which forbids their importation seems to me to be a statement capable of no possible basis of support. If it affects the revenue to place a duty, if it affects the revenue to remove all duty, then it equally affects the revenue to forbid the importation of the article. For that very reason the clause which I read you a moment ago forbidding the entry into the ports of the United States of convict-made goods was part of a tariff act, and it came before the Senate properly from the Finance Committee. The fact that a bill here was carelessly referred to the wrong committee is not a reason why it should remain in the wrong committee.

The Senator himself admits that the bill affects the revenue, because he admits it would cut off the importation of some of the cotton bagging. That is as far as his admission went. I think he would find upon a thorough examination of the case that that is a mistake. So far as I can learn, there was no thorough examination, there were no hearings of experts or of anybody else before the Committee on Manufactures. I think he would find upon hearings that the bill goes further than he admits; but whether it does or not, if it went no further than his admission, it does affect the revenue. The minute the Senator admits that it does affect the revenue at all, ever so little, this body has no constitutional right to originate the measure, and no committee of this body, even after the House has passed it, has any jurisdiction over this subject matter except the Finance Committee. The Senator himself has made the admission in measure, which, however small, is a destruction of his own contention. To some extent when you are arguing the reference of a bill you must consider the purport of the bill itself, because it is the purport of the bill which fixes the jurisdiction of the committees of the Senate.

The Senator says this bill would prohibit the importation of "some cotton bagging." It would prohibit the importation of every bit of cotton bagging made of Russian seg. It would prohibit the importation of every bit of cotton bagging into which one pound of waste enters in the manufacture at Dundee or the other places in Scotland, because the so-called jute waste is all worked up there by convict labor, and I take it there is very little Scottish cotton bagging without more or less so-called waste in it.

The free cotton-bagging provision of the tariff law was aimed at the Cotton Bagging Trust of this country. There has not been a more wicked trust, there has not been a more complete trust, with the lines better drawn, than that one. Nobody has suffered more by the exploitation of the trusts than the consumers of cotton bagging have suffered by the exploitation of that trust. Nobody has benefited more from its operations than these two St. Louis, Mo., concerns. Here is a proposition not only to take cotton bagging off the free list, where we placed it, but to "protect" it more thoroughly than if a duty of 100 per cent were put upon it; and still it is said by the Senator from Missouri that that proposition "does not affect the revenues."

One other thing, Mr. President. The Senator says this bill affects only incidentally the importation, but directly affects manufactures, and therefore ought to go to the Committee on Manufactures. The Committee on Manufactures has no jurisdiction over anything except domestic manufactures. It has, and from the nature of the case can have, no jurisdiction over foreign manufactures. Domestic manufactures are not touched in the bill except for the purpose of "protecting" them, to use the Senator's own language.

While I am on my feet, Mr. President, I will go back to something that I started once, when interrupted, to enter into. I do not know what Senators propose to do in interstate commerce with the convict labor of this country. It has been suggested down our way that we work convicts upon the public roads, and some people seem to think that if you do that you will not interfere with honest labor. Why, of course you will interfere with honest labor if you work them upon the public roads, because if you did not work the convicts there the roads would either be worked by the county or State and by free labor hired by the county or State, or else the roads would be put out at contract upon specifications and worked by contractors, who in their turn would hire free labor to work on the roads.

We first tried keeping the convicts shut up in prison, and making such things as they could make there. The complaint was made that that interfered with honest labor. Then we carried them out and put them on the cotton farms, a majority of our convicts being colored people, and those who were white being accustomed to cotton and corn raising there, this was a natural and not cruel nor unusual species of labor for them. We put them at the sort of work least cruel, least onerous, in which they were most efficient and to which best accustomed. Now there is proffered in another bill than this a proposition, if opinion can be gotten behind it sufficiently strong to bring it into the arena of Congress for discussion and legislation, to say to us that the cotton raised by these convicts in Mississippi shall not be shipped outside of the State of Mississippi, and that the binding twine which is made in Indiana shall not be shipped outside of that State, although the demand in neither State would be sufficient to consume the product.

If any Senator can suggest anything in the world to do with convict labor that will not compete with some form of honest labor elsewhere, he will suggest something which, if consummated, is devoutly to be wished; but I confess that I have thus far found no way to do it. When we go outside of our own country and take up the question of importation of goods from abroad, if we confess that at home we can not give to convicts any labor of any description which will not somewhere and somehow compete with honest labor in the manufacture or production of something, then we equally confess that no foreign country can do that which we confess we are unable to do; but still you are going abroad, then, indirectly, by laws forbidding importation, to accomplish convict-work reformation abroad which you confess yourselves unable to accomplish at home—on the assumption, of course, that you vote for this measure.

I do not see for the life of me how we can hope, by a little thing like this, to reform the convict-labor systems of Russia and Scotland and British India, yet if the purposes stated by the Senator from Missouri are to be taken as his real purpose, that is his remote object. If we can not reform that system in Mississippi and Indiana and Missouri and Illinois and Dakota, I do not see how we can expect to bring to bear pressure which will reform it abroad. I see only one thing that you are doing by it, and that is to repeal, in small part or in great part or in whole—I do not care which—the provision that puts several things upon the free list, and most obviously of all cotton bagging.

I wish some Senator would suggest to me now some possible avenue for the treatment of convicts short of keeping them in isolation and in idleness—because if you keep them in idleness without isolation or work you are not punishing them—which does not involve the manufacture, the growth, the production, or the construction of something which somehow, somewhere, must interfere with honest labor. It is a problem that every enlightened nation on the surface of the earth has struggled with, and thus far unavailingly.

At one time we hired out our convicts, but the resulting cruelties and abuses were such that the civilized instincts of Mississippians revolted, and the law had to be repealed. Long prior to that we had passed away from the old system of confinement with hard labor. We had taken the position which the

enlightened sentiment of the world has taken, that you have a right to punish a man for crime, but you have not a right to murder him or to render him insane; that, after all, he is a human being. By the way, there are a great many men out of the penitentiary who are a great deal worse than a great many men who are in it. We have long since taken the position that the punishment ought to be adequate to the crime, and not too severe. We have long since taken the position that while punishing the criminal we ought to try to some extent to reform him, so that when he gets out of prison he shall not be a worse man, and possibly may be a better one, than when he went in.

The convict has some rights, as little as we think of it—men like us whose mental horizon is never clouded by the thought that they may ever be behind prison bars. His right is to be treated humanely, firmly, so that he shall feel the punishment, but not cruelly; and the right of the State is that while being treated in that way he shall contribute something to his own support, and that honest men who labor with their hands every day and pay direct and indirect taxes shall not pay all the expenses of his continued existence.

If you were to put convicts in prison and keep them there without labor at all, within four walls all the time, and send school-teachers there to teach them and send preachers and priests there to preach to them and confess them and reform them, you would still be weighing down the shoulders of honest labor by the burden of their support. Even then they would be thus indirectly competing with honest labor, because honest labor would be called upon, out of its hard-earned money, to pay for feeding, clothing, educating, amusing, and reforming them. They would be supporting at public expense the convicts of the country, just as they support the Army and the Navy.

To go back to the question of affecting the revenue, by our rules questions affecting the public revenue go to the Finance Committee. By the rules questions affecting manufactures go to the Committee on Manufactures. This question does not affect the domestic manufactures of the United States at all, except indirectly and remotely by relieving them of a certain degree of foreign competition, and thereby "protecting" them. Hitherto, when men have sought to protect domestic industries, they have sought it through a tariff tax, and the Finance Committee has had jurisdiction over the subject matter. If the method of protecting them be to forbid importation, the principle guiding reference is the same.

I hope, Senators, that the Senate will send this matter to the Finance Committee. It may be that I am mistaken as to its effects. It may be that the Senator from Missouri is more nearly right than I think he is. It may be that this bill will affect cotton bagging very slightly, though I think it will affect it very much. It may be, as he asserts, that it will affect nothing else, although I think he is mistaken about that. I hope, however, that the bill will go to the Finance Committee, and that we may be enabled to give it the careful hearing that it deserves, not because the members of that committee are at all superior in mental caliber or in information to the members of the Manufactures Committee, but, in the first place, because they are the committee designated by the rules for this sort of legislation, and, in the second place, because the members of that committee have certainly had more experience in dealing with questions of this sort than the members of another committee.

I see it is pretty nearly time for the unfinished business to come before the Senate, and I do not want to prevent the Senator from Missouri from securing a vote. Therefore, although much more to the point might be said, I shall sit down.

Mr. STONE. I move to lay the motion to reconsider on the table; and upon that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, Shall the motion to reconsider be laid upon the table? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KERN (when his name was called). The senior Senator from Kentucky [Mr. BRADLEY], with whom I am paired, is absent, and I withhold my vote.

Mr. ROOT (when his name was called). I have a general pair with the Senator from Colorado [Mr. THOMAS]. I transfer that pair to the Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote. I vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the absence of my colleague [Mr. THOMAS] and to state that he is paired with the Senator from New York [Mr. ROOT].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from Wisconsin [Mr. STEPHENSON] to the Senator from Oklahoma [Mr. OWEN] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Tennessee [Mr. LEA]. I vote "nay."

The roll call was concluded.

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND]. If my colleague were present he would vote "yea."

Mr. WARREN. I wish to announce my pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is absent from the Chamber and I withhold my vote.

Mr. SMOOT. I desire to announce that the senior Senator from Kentucky [Mr. BRADLEY], the junior Senator from Wisconsin [Mr. STEPHENSON], and the senior Senator from New Mexico [Mr. FALL] are unavoidably absent from the Chamber.

Mr. CHILTON. I have a general pair with the senior Senator from New Mexico [Mr. FALL], who is unavoidably absent. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the senior Senator from Indiana [Mr. SHIVELY]. I vote "yea."

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is paired with the Senator from Minnesota [Mr. CLAPP]. My colleague is detained at home on account of sickness.

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. SAULSBURY. I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. JAMES (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the Senator from Ohio [Mr. POMERENE] and allow my vote to stand.

The result was announced—yeas 43, nays 17, as follows:

YEAS—43.

Ashurst	Hughes	Newlands	Sherman
Borah	James	Norris	Smith, Ariz.
Bristow	Jones	O'Gorman	Smith, Mich.
Burleigh	Kenyon	Page	Sterling
Burton	La Follette	Perkins	Stone
Chamberlain	Lane	Pittman	Sutherland
Chilton	Lippitt	Poindexter	Swanson
Clark, Wyo.	Lodge	Reed	Thompson
Dillingham	McLean	Root	Walsh
Gallinger	Martin, Va.	Shafroth	Works
Gronna	Martine, N. J.	Sheppard	

NAYS—17.

Bankhead	Lee, Md.	Smith, S. C.	West
Brandegee	McCumber	Smoot	Williams
Bryan	Overman	Thornton	
Gore	Robinson	Tillman	
Johnson	Smith, Ga.	Vardaman	

NOT VOTING—35.

Bradley	du Pont	Myers	Shively
Brady	Fall	Nelson	Simmons
Catron	Fletcher	Oliver	Smith, Md.
Clapp	Goff	Owen	Stephenson
Clarke, Ark.	Hitchcock	Penrose	Thomas
Colt	Hollis	Pomerene	Townsend
Crawford	Kern	Ransdell	Warren
Culberson	Lea, Tenn.	Saulsbury	Weeks
Cummins	Lewis	Shields	

So the motion of Mr. LEE of Maryland to reconsider was laid on the table.

Mr. REED. Mr. President, I wish to announce that the Committee on Manufactures will meet to-morrow morning at 10 o'clock and will be glad to hear from all interested parties in reference to the bill to prohibit the importation of the products of prison-made labor

Mr. WILLIAMS. How long will the committee continue its hearing?

Mr. REED. It will continue it as long as it is found reasonably necessary to have a proper hearing.

Mr. WILLIAMS. I am glad to hear the Senator's statement. I think probably some people will want to be heard.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 14385.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and op-

eration of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. McLEAN. Mr. President, I should not presume to occupy the attention of the Senate in the discussion of this question if I were not deeply interested in the principle involved, and I can not resist the temptation to avail myself of this opportunity to assure the Senate that I am as strongly in favor of protecting the honor of my country, and the industries of my country, and the peace of my country as I am in favor of protecting the birds of my country.

Mr. President, I think we must all concede that in the civilized world to-day a written contract, with consideration and without fraud, is to be performed if performance is possible, and if there is a difference of opinion as to its scope and meaning and that difference can not be adjusted amicably, resort must be had to an impartial tribunal. Great Britain and the United States have been the leaders among the nations in asserting the sanctity of contractual obligations. And the wisdom of submitting controversies relating thereto to courts of justice rather than to cannon and powder carts has been loudly proclaimed by the sane men of both nations for many years. Civilization is but another term for self-restraint. That old shibboleth, "My country, right or wrong," has cost humanity 50 per cent of its substance and 60 per cent of its self-respect up to date. We may still be compelled to use it in times of war, but in times of peace its use can and should be avoided. International obligations are no less sacred than agreements between citizens. Justice does not have one standard for the big and another for the little things. "A pound is a pound the world around." The same law that causes the apple to fall to the ground keeps the stars in their places. The same rule of right that forbids a trespass against a neighbor forbids a trespass against a stranger.

At a time like this we are inclined to appeal to the patriotic emotions. This is always in order when one's cause is just, and it is necessary in other cases. We always like to hear nice things said about the flag, and we like to hear the eagle scream once in a while in times of peace just to be reassured that he has lost nothing of his war-time courage and appetite. We are all patriots, of course, and we are all firm believers in that kind of patriotism which is founded in the faith that right makes might. The difficulty lies not in our good intentions, but in our discriminating machinery. The ease and comfort with which honest and able men disagree is startling and would be disconcerting but for the fact that a majority of honest men will probably choose the right more frequently than they will choose the wrong. My sympathies and prejudices are all with those who oppose the pending measure, but my sympathies and prejudices do not square with what I conceive to be my duty and the right thing and the wise thing for this country to do.

The matter under discussion involves the interpretation of two written contracts between Great Britain and the United States and nothing more. All questions of policy and politics and profit and loss must be put aside. We must ascertain, if possible, what we promised to do in these contracts, and then do it. That is my view of my duty in the premises. What the Canadian railroads or what our own railroads want or do not want; what will benefit New England or the South, the Pacific coast, or the Central West; what the shipping interests want or do not want; what the effect upon our commerce as a whole will be; what the canal cost or will produce in tolls; what my own feelings and prejudices and the feelings and prejudices of the people of this country may be against the other party to these contracts must all be put aside, for none of them can throw the least light upon the question at issue, as I view it.

The two contracts to which I refer are the Hay-Pauncefote treaty and the arbitration treaty with Great Britain, and to the language of these contracts and the testimony of those who wrote them we must go for the best evidence of the obligations which they contain. The preamble of the Hay-Pauncefote treaty declares that the United States and Great Britain—

> Being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries—

And so forth.

Let us now see what the "objections" were in the Clayton-Bulwer treaty which we desired to have removed, and what were the "general principles" of neutralization in that treaty which were "not to be impaired" in the treaty now in force. It is conceded that the Clayton-Bulwer treaty was a contract very disadvantageous to the United States. Whether it was the best that could be had is unimportant. Great Britain's interest in Central America was much greater than ours in 1850. Her position and proprietorship in Central America compelled us to negotiate with her and her attempt at that time to secure Tigre Island, near the entrance of the canal, greatly inflamed the public mind. War was actually threatened. A peaceful solution of the difficulty was all-important, and the Clayton-Bulwer treaty was the result. It is easy to criticize men with grave responsibilities in hand. We may have got the worst of the bargain in 1850, but it was a bargain—a contract fairly considered and solemnly executed.

But when we come to read the Hay-Pauncefote treaty, which superseded the Clayton-Bulwer treaty, we find that the United States secured release from article 1 of the Clayton-Bulwer treaty, the important part of which I quote:

> The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.

It is manifest that a release from this unfortunate copartnership had to be secured, and it is immaterial whether the price we paid was excessive or not.

Let us note now that in the Hay-Pauncefote treaty, the contract now in force, we agree "that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the 'general principle of neutralization' or the obligation of the high contracting parties."

And again, in the preamble of the Hay-Pauncefote treaty, in article 3, we find the following promise:

> The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal.

By the terms of the Suez Canal treaty all tolls are equal, and this promise has been strictly adhered to.

Now let us turn back to article 8 of the Clayton-Bulwer treaty and read there the general principles of neutralization which were to be preserved by the Hay-Pauncefote treaty, which is now in force:

> The Governments of the United States and Great Britain having not only desired in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Government shall approve of as just and equitable, and that the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

There certainly can be no doubt that by the provisions of this article the ships of Great Britain and the United States were to use the canal on equal terms wherever located, but it is claimed, and with reason, that the language of the Hay-Pauncefote treaty upon this particular point is not as clear in this regard. It is as follows:

> The canal shall be free and open to the vessels of commerce and of war "of all nations" observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

When the Hay-Pauncefote treaty was pending an attempt was made to insert an amendment giving the United States the right to exempt her coastwise ships. This amendment was rejected. Some say it was rejected because it was thought to be unnecessary; others deny this and intimate that Great Britain would have rejected the treaty had the amendment been accepted. The witnesses representing the United States, who were in a position to know what was intended by the language which I have just quoted, were Mr. Hay, our Secretary of State, and Mr. Choate, our ambassador at the Court of St. James at the time, and Mr. Henry White. Mr. Choate, who, according to Senator Lodge, was largely responsible for the language used in the treaty, insists that it was understood that the term "all nations" included the United States. Mr. Hay is dead, but Mr. Henry White, then in London as chargé d'affaires, corroborates Mr. Choate. Mr. W. F. Johnson, a journal-

ist and a man of the highest character, reports the following conversation with Mr. Hay in 1904:

I asked Col. Hay plumply if the treaty meant what it appeared to mean on its face, and whether the phrase "vessels of all nations" was intended to include our own shipping or was to be interpreted as meaning "all other nations." The Secretary smiled, half indulgently, half quizzically, as he replied:

"All means all. The treaty was not so long that we could not have made room for the word 'other' if we had understood that it belonged there. 'All nations' means all nations, and the United States is certainly a nation."

"That was the understanding between yourself and Lord Pauncefote when you and he made the treaty?" I pursued.

"It certainly was," he replied. "It was the understanding of both Governments, and I have no doubt that the Senate realized that in ratifying the second treaty without such an amendment it was committing us to the principle of giving all friendly nations equal privileges in the canal with ourselves. That is our golden rule."

Mr. President, this is the testimony of the men, and those who conversed with them, who represented the United States officially at the time. It is the testimony of the only men who were in a position to know what was intended by the language "vessels of all nations," and if we were in an ordinary court of equity we would be compelled to impeach both the intelligence and integrity of every one of our own eyewitnesses to the transaction in order to convince the court of the soundness of the contention that "all" means less than all.

We all know what happens to lawyers who try to impeach their own witnesses. Although President Wilson agrees with Mr. Choate and Mr. Hay, he was not there, and two ex-Presidents disagree with him. It may be that these two ex-Presidents know better than did Messrs. Choate and Hay and White and Lords Lansdowne and Pauncefote what was intended, but is it not true that by all the rules of evidence, simple and complex, that wisdom and experience have written for the guidance of the judges of our domestic courts, they would stand to lose their contention out of the mouths of their own witnesses in chief.

However, let us concede that taking all the surrounding circumstances into consideration, there is room for honest and intelligent difference of opinion as to what the words "all nations" should and do include. We must, then, certainly admit the existence of a difference of opinion as to the interpretation of the language of our treaty with Great Britain, and if anything else were needed to prove the existence of such a difference I will call the attention of the Senate to the fact that Great Britain emphatically denies the justice of our contention, and the further fact that all well-regulated Americans in the Senate and out of it have been engaged in a dispute "relating to the interpretation of" this treaty for many months past.

Are we not now forced to come to our second contract with Great Britain—the arbitration treaty—which directs us to the way and the only way in which our difference with Great Britain with regard to the other contract—the Hay-Pauncefote treaty—can be honorably adjusted? We find this way out in the language of that arbitration treaty, which reads as follows:

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 10th of July, 1899: *Provided, nevertheless*, That they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

Here we have promised to arbitrate all differences which may arise relating to the interpretation of treaties which differences do not affect our vital interest, our honor, or our independence. If we resort to precedents, we shall find that many differences have been arbitrated which were much more serious than the one here involved. But let us assume that this is the first time, the first dispute that we have ever had with Great Britain, or any other nation, and that we have nothing to resort to but the language of our arbitration treaty which I have just read.

Does the dispute involve anything more than a mere question of dollars and cents, and hardly that, and does it involve anything more than the construction of a contract for the use of a canal? If it were a contract involving the use of a canal intersecting two sovereign States of the Union, and a dispute arose as to the sovereign rights of the parties, that dispute would immediately take its course in court along the way provided by civilized communities, and it would hardly be claimed that the independence or honor or life of the sovereign States were endangered. I commend this comparison to those who insist that this dispute involves our life or independence or honor as a sovereignty. If this difference is one which can not be arbitrated without losing our life, our honor, or our independence as a Nation, then no dispute can arise which is arbitrable, and our peace treaties are a sham and a delusion and a snare for all who have been foolish enough to trust us. I can reach no other conclusion.

If we decline to arbitrate this controversy, we must take the position that saying a question is vital makes it so. In other words, our treaties are interpretable only as they may be interpreted to suit us. If we are to maintain the confidence of the world, we can not take this stand. We must be willing, at least, to follow precedents which Anglo-Saxon civilization has adhered to for centuries. We agreed to compel our ships to pay tolls or we did not. We take the former view; Great Britain takes the latter. Here is the contract upon which we base our contention. Here is our agreement to arbitrate it in the event of a disagreement. To my mind, Mr. President, our honor and our vital interest demand that we respect a plain and simple duty and not repudiate it because we have the power to do so.

This question should be submitted to The Hague. If we lose we lose nothing, and we shall gain much in experience. If we insist upon sitting in judgment in our own cause we are bound to lose our honor, to say the least.

For a long time we have been preaching as a Nation the gospel of international peace and good will. For many years we have insisted at home and abroad that arbitration was the American way of settling all disputes, and we have been insistent and persistent in our appeals to our neighbors to follow our lead. We have persuaded many of the great nations to take us at our word, and it seems to me that the time has come for us to deliver the goods or remove our advertisement.

If we refuse to arbitrate, and refuse to enact the pending legislation, the world will say we are insincere, and our pretty bird of peace, which has flapped its wings in the faces of our neighbors for many years now, will in their eyes resemble a raven more than it will a dove, and it will cast its shadow across the floor of this Chamber for some time if we are not careful.

I want the good work which we have done at Panama to pay in money and morals both. I want it to mark the hour of victory in ethics as well as engineering; not that we shall hesitate to exercise our rights as a sovereign or abate in the least our vigilance in the protection of our material interests. I want this great work, this great gift unapproached in history, to win the good will of the world and to demonstrate our fitness to lead the world in the right direction. I want it to be a triumph for Uncle Sam. I want the other 69 nations of the world to attend this triumph and get acquainted with the man they have cartooned as a swine and skinflint. I want the yellow man, and the brown man, and the red man, and the white man from the four corners of the earth to come and take a look at this gift to them from the man they have suspected and maligned. I want them to see with their own eyes that Uncle Sam is a man of peace and a man of his word, and that when he interferes with the affairs of foreign nations he does it to help them and encourage them along the ways of peace and truth. I do not want this great triumph to degenerate into a trial with Uncle Sam in the dock and his own mother the complainant and chief witness against him. However unjust and harsh she has been in the past and still may be, she will have the sympathy of every other nation in this controversy. If we sit in judgment in our own case, the verdict of the world will be "I told you so." "Uncle Sam plays with loaded dice only."

He will arbitrate when he is sure to win and decline when there is a chance to lose. I believe the American people, when they look at this situation as it is, will not want us to hazard their good name and money both. If the truly great can not afford to be fair, what are we to expect from the weaker nations?

Mr. President, I can easily get my eyes above and beyond the toll-gate in this canal, and I can see profit to my country in doing so. I can raise my eyes above and beyond party platforms, and I am glad the President of the United States has had the courage to tear out one of the unsafe planks in his party platform and put a sound one in its place. I wish he had had the courage to treat some of the other planks in his platform in the same way. I wish he had torn out the plank which committed him to a second-rate banking system. I wish he had removed the plank which prevented a just and equitable tariff revision, and I hope that now he has begun to change his mind he will continue until it has become a habit. It is better to destroy an entire platform than it is to destroy the prosperity of an entire nation.

Political conventions are not composed of prophets or saints. If they are fortunately composed of patriots and make mistakes, those mistakes should be remedied as soon as discovered.

While I do not see how the commercial effect of the payment or nonpayment of tolls by our coastwise ships can enlighten us as to our obligations under our treaties with Great

Britain, or throw light upon the intent of those responsible for the language of those treaties, I do find comfort in the conclusions I have reached with regard to this controversy from a purely commercial point of view.

The payment or nonpayment of tolls by our ships has little, if any, economic significance as it seems to me. The sequel of this alleged tragedy of the tolls in dollars and cents will be as bloodless as it would be for me to take a dollar from my right hand and put it in my left hand and then proceed to estimate the profit or loss occasioned by the transfer.

There is no such thing as a free toll. There is no such thing as free transportation. If the Government should buy all the railroads and allow the public to ride at will free of charge, passenger transportation would cost the people of this country much more than it does at present. The people can pay the cost of transporting ships through the canal with money they have contributed to the United States Treasury, or they can pay it when they buy the goods which are carried through the canal and placed upon the market. If the latter course is followed, the added cost on a 4-pound suit of clothes will be one-eighth of a mill, or one-sixteenth of a mill on a 2-pound pair of shoes.

Mr. President, the canal has already cost the State which I represent more than $5,000,000, an average of $25 each for every grown man in Connecticut. I believe that a majority of my constituents will feel that this ought to do for the present, and that those who use the canal should help pay its running expenses. It is true that we have invested many millions in river and harbor improvements, but the Government does not pay for towing ships after it has provided a safe waterway. As a means to secure lower transcontinental rates the payment of tolls by the Government will be utterly ineffective. Railroad rates are fixed by the Government now, and those rates should be high enough to warrant, if possible, safe transportation and the payment of fair wages and dividends.

There are 28,000,000 life insurance policies in this country, and 40 per cent of the money with which these policies must be paid is invested in railroad stocks and bonds. There are 10,000,000 savings bank deposits in this country, and more than 40 per cent of these savings is invested in railroad securities. The capitalization of the railroads of this country is $64,000 per mile, and the average for the other nations of the world is $138,000 per mile. The transportation cost in this country is about half that of the average transportation cost in other countries. There are nearly 2,000,000 railway employees in this country, and the freight handlers and stevedores are the poorest paid class we have.

I think the time has come for us to note the difference between the service which the railroads must render to the Nation and the personal guilt of those who have misused, if not robbed, both the railroads and the public in the past. As an economic factor in the control of our great railroad systems, the payment or nonpayment of tolls by our coastwise shipping is a tempest in a canal, which is somewhat larger than a tempest in a teapot, but of no more consequence. If we can get our eyes above the tollgate in the canal we will see at once that the item of real consequence is the cargo and not the pittance paid for transporting that cargo 40 miles. The item of consequence, I repeat, is the cargo, who produced it, who owns it, where it is to be sold, and at what price. We can endure the transportation of our merchandise in foreign bottoms to be sold at a profit; we can ill afford to transport foreign goods in our own ships to be sold in our own markets for less than the cost of manufacture in our own factories. We have invested $400,000,000 in this canal, a gift to other nations unapproached in history, but we would best be frank and admit that we expect to receive benefits that will more than offset the added facilities for competition which it will furnish to other nations, but no man can tell to-day whether this canal will be a blessing or a burden. If we can get our eyes away from the pennies involved in this dispute we will see an international commerce of $35,000,000,000 or more a year. Of this vast international commerce we get one-tenth, England one-sixth, and Germany one-eighth.

Thirty years ago Germany's foreign trade was $31 per capita and ours was $32. In 1912 Germany's foreign trade was $64 per capita and ours was $37. In other words, our population has increased 85 per cent and our foreign trade 50 per cent per capita during that period, and while Germany's population has increased but 35 per cent, her foreign trade has increased 250 per cent for the same period.

Japan's foreign trade has doubled in 10 years. Ten years ago she exported raw materials; now she imports raw materials and sells her manufactured goods in our markets.

Thirty years ago Germany was sending 250,000 of her sons to this country every year; now she keeps her rising generations at home and keeps them busy making goods to be sold to us in competition with our laborers.

Germany, not as large as Texas, has 30 cities of more than 200,000 people each, and she raises 80 per cent of the food necessary to feed her 64,000,000. She does this by sane and decent treatment of her farmers and manufacturers and their employees. All of her energies are concentrated in helping her industrial growth. She learned some years ago that the strategy of trade is an elastic tariff, always sufficient to give her the best end of the bargain if possible. She knows that trade does not follow the flag or anything else. She knows that trade leads the forces of civilization and that the Nation which can get and keep trade will win the wars of the future of whatever character they may be.

Japan, under the leadership of the keenest men in the Orient, raised her tariff 25 per cent last year. It was done to save Japan from bankruptcy, and it succeeded.

Russia, nearly three times as large as the United States, and just as fertile and rich in natural resources, will in the near future pass both Germany and Japan in foreign trade, as they have already passed Great Britain in their percentages of increase in foreign trade. Brazil and Argentina are also to be reckoned with. The foreign commerce of the world should exceed sixty billions in 1925.

Startling as these figures are, it is worth while to remember that our own domestic trade was more than $65,000,000,000 last year. Our domestic trade to-day is twice that of the international trade of the world, and by 1940 it will exceed one hundred billions if Congress does not prevent.

Russia, Germany, and Japan are to-day adopting every fair means that will strengthen their hold upon their home markets and at the same time extend their opportunities to enter our domestic market, and they hail with delight and expectancy every reduction of our tariff and other unwise and irritating legislation which hampers and hinders legitimate business enterprises.

And free-trade England is not altogether lacking in looking out for her own. I will note an instance in passing. I was informed this morning that a Connecticut company, the Waterbury Button Co., which has for years supplied the United States Government with ornaments for the caps and collars of the men in the Army and Navy, had been notified that the contract for making these goods has been transferred to a British manufacturing concern. The British concern had underbid the Connecticut company, but we must bear in mind that American concerns are not allowed to bid on contracts for similar work in Great Britain, and that the British firm could underbid the American company only because of the cheaper labor in England. Is it a thing to be proud of? The American Government by its own act throws American workmen out of employment and then decorates its own soldiers and sailors with British buttons and military insignia because the Englishmen will make them for wages upon which an American can not subsist. I relate this incident at this time with the hope that it will indicate to the Senators who are so certain that free transportation through the Panama Canal will be of great benefit to American commerce, that the protection of American commerce lies entirely in other directions.

If Congress will regulate and encourage and protect within reason the American manufacturer and employee; if Congress will aid cooperation and harmony and good will, and not destroy all three, the United States will get her share of foreign and domestic commerce. We must make the best goods, and I will grant that we must deliver what we agree to deliver in diplomacy as well as merchandise.

If anyone will take the trouble to read the history of trade expansion he will find that the good will of the purchaser is just as important as good workmanship in manufacture. The main trick in foreign trade, as well as in treaties, is to avoid all tricks and thereby win the friendship and confidence of the stranger. Our merchants know how all-important are good will and friendship in securing trade abroad. The manufacturer may do his utmost, and his agents may be men of tact and skill, and yet he may not be able to market his goods. If our consular agent in a country where trade is sought is incompetent or personally obnoxious by reason of a lack of brains or character, our merchants will be placed at a great disadvantage. Business men know this and many of them know that the Department of State can greatly aid or greatly injure our foreign commerce. In 1910 and 1911 $100,000,000 was added to our export trade through the good offices of the Department of State.

In 1906 President Roosevelt ordered that the civil service should apply to the Consular Service. President Taft issued a

similar order. In 1909 and during that year Congress appropriated $100,000 for the reorganization of the Department of State. In a short time order was brought out of the then existing chaos; geographical departments were created; idiotic formulas were abandoned. Indeed, an attempt was made to run the business of the Government upon business principles. What has happened since March 4, 1913? We will say nothing about the ambassadors, their riches or poverty, their contributions to philanthropic or party campaign funds. Their average is no doubt as high as that of their predecessors, but when we come to the ministers, the real workers in the field, the men upon whom our great industrial interests must rely for aid and comfort in foreign lands, what do we find? If my information is correct, when President Wilson took the oath of office there were 32 ministers in the Diplomatic Service, 15 of whom had been promoted from the grade of secretary. A number of others had had diplomatic experience. All but 7 or 8 of these 32 men have already been displaced and not a single appointment made by President Wilson has been made from the service. The good work begun by President Roosevelt and continued by President Taft has already been undone, and our Diplomatic Service has been used to pay the political debts of its chief.

When this record is put before the public in detail, when the employer and employee in this country are made familiar with the names and records of the men who are to look out for their interests in foreign countries, they will realize that this toll-gate is quite invisible as a factor affecting our foreign or domestic trade when Mr. UNDERWOOD's competitive tariff and Mr. Bryan's foreign ministers are put in front of it. I can not dispute the President's political right to return to the spoils system. I do say, however, that the responsibility is his. And I will say that Congress should prohibit by law the surrender of a principle so vital to our industrial welfare.

Mr. President, economic forces conquer all others in time, but in the everyday commerce of the nations confidence has and will play a most important part. It seems to be generally conceded that confidence has left this country for the present. Is it not about time we should acknowledge the cause of its departure? Is it not about time we should admit that it is a clear case of too much Congress? And now is it worth while for Congress to deprive us of the confidence of our neighbors? You can not have confidence abroad if you sidestep your treaty obligations. You can not preserve confidence abroad if your patriotism is of the variety that insists that might makes right. You can not adulterate food and fabrics and win the confidence of those you deceive, and you can not adulterate your international dealings with selfishness, insincerity, or incapacity and win the confidence of the nations of the earth.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. Mr. President, in the momentary absence from the Chamber of the Senator in charge of the Panama Canal tolls bill, the unfinished business, I ask that it may be temporarily laid aside and that the Agricultural appropriation bill be laid before the Senate.

The PRESIDING OFFICER (Mr. NORRIS in the chair). The Senator from Oklahoma asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the Agricultural appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. McCUMBER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Brady	Kenyon	Pittman	Smith, Mich.
Brandegee	Lee, Md.	Ransdell	Smith, S. C.
Burleigh	Lodge	Reed	Smoot
Burton	McCumber	Robinson	Sterling
Chamberlain	McLean	Root	Stone
Clark, Wyo.	Martin, Va.	Shafroth	Sutherland
Crawford	Martine, N. J.	Sheppard	Swanson
Gallinger	Newlands	Sherman	Thornton
Gore	Norris	Shields	Tillman
Hollis	O'Gorman	Shively	Warren
Hughes	Overman	Smith, Ariz.	West
Johnson	Page	Smith, Ga.	Williams
Jones	Perkins	Smith, Md.	Works

Mr. PAGE. I have been requested to announce that the Senator from Oregon [Mr. LANE], the Senator from Kansas [Mr. THOMPSON], the Senator from North Dakota [Mr. GRONNA], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WALSH] are necessarily absent on the business of the Senate.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, before the Senate proceeds to consider the remainder of the bill I desire to call attention to an error in a portion of the bill that we have passed over, for the purpose of correcting it.

On June 29, 1906, the following law was passed:

Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park."

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to change the name of the Sulphur Springs Reservation, an Indian reservation now in the State of Oklahoma, formerly in the Indian Territory, so that said reservation shall be named and hereafter called the "Platt National Park," in honor of Orville Hitchcock Platt, late and for 26 years a Senator from the State of Connecticut and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country.

In the bill the provision concerning that park is spelled "Platte," the thought evidently being that it was named after a somewhat famous river. I simply ask that the spelling be corrected.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 53, line 1, it is proposed to strike out the letter "e" in the word "Platte."

Mr. GALLINGER. I presume there is no objection to that.

The PRESIDING OFFICER. If there be no objection, the correction will be made.

Mr. GORE. I am indebted to the Senator from New Hampshire for calling attention to the error.

Mr. GALLINGER. Mr. President, I will say that we all recall affectionately the services which the late Senator from Connecticut rendered to the country, and particularly the services he performed on the Committee on Indian Affairs, where so much hard work, and sometimes unappreciated work, is done.

Mr. WARREN. Mr. President, on yesterday we passed over for the moment the committee amendment commencing at the bottom of page 71 and running on to page 72. In that connection I wish to offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment beginning on line 24, page 71, it is proposed to strike out lines 4, 5, 6, and 7 on page 72, and in lieu thereof to insert:

Without reduction of pay: *Provided*, That the same be taken once in two years: *And provided further*, That the leave of absence may be extended to three months if taken once only in three years, or four months if taken once only in four years.

Mr. WARREN. That amendment will make the provision conform to the present statute with regard to the employees of the Army and Navy.

Mr. GORE. The amendment, as presented by the Senator, embodies the real purpose which the committee had in view. I ask its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next committee amendment passed over.

The SECRETARY. On page 72, beginning on line 23, the committee proposes the following amendment:

And hereafter the Secretary of Agriculture is authorized to make studies of cooperation among farmers in matters of rural credits and sanitation and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations; and to employ such persons and means in the city of Washington and elsewhere as the Secretary may consider necessary, $50,000.

Mr SMOOT. Mr. President, I notice that this amendment provides that "the Secretary of Agriculture is authorized to make studies of cooperation among farmers in matters of rural credits and sanitation." I understand that the Public Health Service is spending hundreds of thousands of dollars for that very purpose. Special bills have been passed by Congress within a very few years appropriating large sums of money for this very work. There is no legislative appropriation bill or sundry civil appropriation bill but that contains amounts appropriated for this service.

Mr. GALLINGER. Mr. President——

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

Mr. SMOOT. I do.

Mr. GALLINGER. I would suggest to the Senator that the annual appropriations for the Public Health and Marine-Hospital Service aggregate, I think, over $1,000,000.

Mr. SMOOT. Yes; I am perfectly aware of that. I wish also to call the attention of the Senate to the fact that there is, I think, a bill on the calendar now giving them greater authority than they have under the present law to go into a State and, in cooperation with the authorities of the State, to study this identical question of sanitation.

Mr. KENYON. Mr. President——

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

Mr. SMOOT. I do.

Mr. KENYON. I should simply like to ask the Senator from Utah whether, in his judgment, this provision would create commissions to travel in this country investigating sanitation and rural credits or to travel in foreign countries to investigate those subjects?

Mr. SMOOT. Either in foreign countries or in this country. There is no limit upon the appropriation, and not only that——

Mr. KENYON. Does the Senator know how the expenses of the commission that visited foreign countries with relation to rural credits were paid?

Mr. SMOOT. They were paid by a direct appropriation for that purpose.

Mr. KENYON. They were paid by the Government?

Mr. SMOOT. Yes; they were paid by the Government. I wish to ask the Senator in charge of the bill if there was any estimate for this amount?

Mr. GORE. Mr. President, there was no estimate for it in the Book of Estimates as originally presented. The department has since submitted this estimate and this proposition on its own motion, and the committee was convinced of the propriety and the wisdom of adopting this amendment.

The Senator is correct in his observation that a great deal of money is expended on public sanitation now. It is a subject of growing interest. I think it deserves a great deal more interest than it has ever received, and the expenditure of a great deal more money than ever has been appropriated for its extension.

This appropriation does not contemplate the establishment of any system of sanitation. It simply directs the study and investigation of the subject. The Senator will realize that in many rural communities the health of the community could be greatly improved, and the dangers to health could be removed with slight expenditure, simply by the dissemination of proper information upon the subject. The investigation doubtless will be conducted on a small scale in different parts of the country, and I doubt not that it will contribute a great deal to the health of many communities whose health is now impaired from obvious causes, but causes that are not always known to the residents of the particular community affected.

So far as rural credits are concerned, it is not intended, as I understand, that this money shall be expended in the investigation of the rural-credit systems in foreign countries. That has already been done by the United States commission which visited Europe last season. There have been some attempts at rural-credit legislation in the United States, particularly in the State of Minnesota; and I think no single subject is engrossing more attention among the farmers of this country to-day than the subject of rural credits. I am sure every Senator here is constantly in receipt of communications from farmers upon the subject. This is preeminently true of the western country, where rates of interest are high.

In my judgment, the pending amendment is the most important single proposition embodied in the pending bill. I do not know, but I assume that to some extent it will follow up the work done by the rural-life commission some years ago. I know that that commission was criticized by some; but, in my opinion, it rendered a vast service to the agricultural interests of the country. The general demand for its report indicates the general interest felt by farmers in the subject.

That rural life in the United States is capable of infinite improvement, I may say, can not be challenged by any Senator. The isolation of farm life and the inherent difficulties of cooperation have barred the progress of farmers and of the agricultural prosperity of the country generally. In its nature, farming forbids the general division of labor which prevails in manufacturing or industrial establishments. The isolation of the farm makes cooperation difficult; and only through increased cooperation and community of interest can the rural life of this country be advanced to the high standard which it is entitled to attain.

I repeat, that I regard this as the most important single proposition in the bill, and fraught with greater and more beneficent consequences to the agricultural interests of the country than any other. I certainly hope it will be adopted by the Senate.

Mr. SMOOT. Mr. President, I wish to refer to a duplication of work that is running through all our legislation; and this is only another instance of the kind.

I am heartily in sympathy with the rural-credit legislation that is being considered by the House and the Senate at this particular time; but I call the Senators' attention to the fact that we have had so many public documents printed up to this time that it would be impossible for a farmer anywhere in this country to read them all in a year.

There has not been an article written on rural credits, so far as I know, that some Senator has not asked to have printed as a public document, and it has been done. Not one, not ten, not twenty-five, but I was going to say hundreds of them, have in fact been printed as public documents; and then they have been gathered together and printed again, in a larger form, as public documents. When the last request was made, I balked, and said I thought we should not print any more until the farmers of the country read what we had already printed.

The rural-credit question is already before this body. I do not believe any compositions that may be written in the next year by men who have been sent through this country by the Agricultural Department will contain a particle more information than the articles that already have been published as public documents and are at the disposal of every Senator who desires to send them to any farmer in this country.

Mr. JONES. Mr. President——

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

Mr. SMOOT. I do.

Mr. JONES. I wish to suggest that the farmer does not want study, he does not want documents, he does not want articles, but he wants the Senate and the House to take action and pass legislation providing for this.

Mr. SMOOT. That is what he wants. Not only that, but I do not think it is going to do the country any good to have every department of the Government studying exactly the same thing. The question of rural credits is a question of finance, and it seems to me it is a far-fetched proposition for the Department of Agriculture to commence to study that question.

As far as the matter of sanitation is concerned, there is not a State in the Union to-day but that has representatives from the Public Health Service of the Government; and men who are learned in that line of work are working in cooperation with the State authorities, as I stated. There never has been a request made of Congress—and they are increasing every year, as the chairman of the Appropriations Committee knows—without its having been freely granted, because every member of the Appropriations Committee realized the importance of the health of the people of this country. It seems to me strange that we should now be asked to appropriate $50,000 to be divided between sanitation in all parts of this country and rural credits and the work to be directed by the Secretary of Agriculture.

No business man on earth would undertake to duplicate work in his business in any such manner; and I give notice now that if nobody else wants to speak upon this subject I intend to make a point of order against the item.

Mr. GALLINGER. Before any further action is taken, I should like to ask the Senator from Oklahoma if there is any objection to inserting after the word "farmers," in line 24, the words "in the United States"?

Mr. GORE. No objection whatever.

Mr. GALLINGER. I move that amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment on page 72, line 24, after the word "farmers," it is proposed to insert "in the United States," so that, if amended, the amendment will read:

> And hereafter the Secretary of Agriculture is authorized to make studies of cooperation among farmers in the United States in matters of rural credits—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I trust the Senator from Oklahoma will agree to striking out the words "and sanitation" in line 25. That is a matter that belongs absolutely and wholly to the Public Health Service. If the Department of Agriculture should undertake to investigate the question of sanitation among

the farmers of the United States, $50,000 would be a bagatelle, because you would have to send out physicians to make those investigations. I think it would better come out of the provision.

Mr. GORE. I do not think there will be any conflict between what the Department of Agriculture has in view under this amendment and the work done by the other departments or bureaus of the Government. I can see how this might be of a great deal of service in making known to the farmers simple ways and means of improving the sanitation and health of the community. In the interior, in the rural districts, I do not think the health officers render that service, or at least the service which is contemplated by this provision.

Mr. GALLINGER. I do not know how it may be in other parts of the country, but in the part of the country from which I come there is a health officer in every town of any considerable size, and then we have a State board of health. That board, under the law, cooperates with the Public Health Service. I really think that to turn over the matter of the public health to the Department of Agriculture is not good legislation.

Mr. GORE. Mr. President, it is true, I suppose, in a great many States—it is in my own—that we have a health officer in every county—in every county seat, I take it—and, as the Senator suggests, you will probably find a health officer in every town, but this is not intended for the towns or cities. It is intended for the rural districts, and not to establish an elaborate system of sanitation, but simply to disseminate information, as I assume, which will enable the farmers themselves, by cooperative work, to clean up their communities.

Mr. GALLINGER. Seriously, I apprehend that the Senator will agree with me that the Department of Agriculture would have to send physicians out into the agricultural regions to investigate this matter. Does the Senator really think that in connection with the other matters that are to be investigated under this appropriation very much work could be done with $50,000?

Mr. GORE. I may say that the Committee on Agriculture recently recommended the appropriation of half a million dollars for the extermination of hog cholera. The Senate passed that bill without a word, without a question. It has often been said that Congress is more concerned about the health of pigs than about the health of human beings. I do not believe the imputation is true. We spend a great deal of money to exterminate diseases among cattle. I think human beings are quite as important as cattle. This bill carries a quarter of a million dollars for the study of diseases of cereals—grain, wheat, oats—and it can not be said that human beings are of less consequence than cereals.

Sanitation in this country has been seriously neglected. If the existing authorities have been armed with sufficient power and sufficient money, they have not accomplished all that can be done in that direction. They need reenforcement. If this, by any chance, will reenforce that service, and will assist in removing the causes of disease, it is certainly very desirable.

The time will come when civilized man will not continue to suffer from preventable diseases. That folly will be remitted to savages and barbarians. It is the worst of all follies for civilized human beings to die or to suffer from diseases which can be prevented. I assume that the object of this appropriation is to enable the farmers throughout the country to cooperate and to remove the cause of disease and to prevent disease. There is a good deal of sense in the suggestion that prevention is better than cure.

Mr. GALLINGER. Mr. President, I will make the suggestion that the appropriations in this bill to which the Senator has referred for diseases of cattle and other live stock are properly under the direction of the Secretary of Agriculture. The Secretary of Agriculture, however, has no more to do with the public health of the people of this country than he has to do with the last eclipse of the moon. It is simply taking a function from a department of the Government which is thoroughly equipped for that work, and to which we give adequate and liberal appropriations—sometimes I have thought almost extravagant appropriations—and transferring it to a department of the Government which has no connection whatever with the proposed investigation.

I move to strike out the two words "and sanitation."

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 72, line 25, after the words "rural credits," it is proposed to strike out the words "and sanitation."

Mr. BRISTOW. Mr. President, I have been trying to get the scope of the provision. Is it proposed that the Federal Government shall employ health officers under the Department of Agriculture to perform the same functions that the health officers perform who are employed by the States in the various cities and counties in the United States?

Mr. KENYON. I should like to ask the Senator from New Hampshire if $50,000 will go very far in that work?

Mr. GALLINGER. I suggested a moment ago that if the Secretary of Agriculture really undertook this work he would have to send physicians all over the country into the rural districts, and the $50,000 would be a bagatelle. He might possibly cover a county in Kansas, which is bigger, I suppose, than the State of New Hampshire, or he might cover a fourth of the State of Iowa; but he certainly could not do very much in that direction. Yet this $50,000 is to be divided up, and rural credits are to be investigated, and other forms of cooperation in rural communities. It seems to me it is ridiculous.

Mr. BRISTOW. If I am correctly informed, the health officers who are employed under the direction of the various State boards of health examine the hotel kitchens and meat markets and butcher shops and packing houses that are located in their respective communities to see whether the proper sanitary rules are adopted by the proprietors. Is it proposed that the Secretary of Agriculture shall employ these health agents to go around and investigate the farmers' kitchens and barnyards and things of that kind to see whether the necessary sanitary rules are being carried out?

Mr. GORE. Mr. President, I do not think the committee amendment contemplates any such purpose or any such service as that. The Senator will observe that it says "studies of sanitation." I assume that it is to ascertain the causes of diseases—certain characters of diseases, at any rate—and where those causes are removable, perhaps one farmer could not remove them from the community, but perhaps by cooperation the causes could be to a great extent removed and the health of the community improved and safeguarded against the recurrence of like disease. I think that is a most important service.

Mr. BRISTOW. If the Federal Government is going into the public-health business, does not the Senator really think it should do it through the proper channel that now exists instead of having it duplicated? We already have the Public Health Service, and now it is proposed to have the Department of Agriculture do the same work.

Mr. GORE. I have no disposition to impair the existing service, but I assume that the present organization would not be adequate to bring about cooperation among farmers, perhaps, in isolated communities, where through cooperation they could greatly improve the sanitation of the settlement. I do not think this service should be neglected because there is another bureau which looks after another branch of public sanitation. The truth is that there are possibilities of improvement in a great many lines of sanitation.

Mr. BRISTOW. The Senator would segregate the different localities, then? The Public Health Service would be confined to cities, would it, and the Agricultural Department would take care of the health of the rural communities?

Mr. GORE. By no means at all; but I do not seem to be able to make myself clear to the Senator. I think there is a field of service where, through cooperation of the neighbors living in a community, they can do much to remove the cause of disease and to improve the health of the community.

Mr. BRISTOW. How many people is it contemplated will be employed and paid, and are they to be under the civil service or are they to be selected at the discretion of the head of the department?

Mr. GORE. I will send to the desk a memorandum sent to me by the department, touching this amendment, which will shed some light upon the purposes and objects which they have in mind.

The PRESIDING OFFICER. Does the Senator from Kansas yield that it may be read?

Mr. BRISTOW. I do.

The PRESIDING OFFICER. The Secretary will read the memorandum.

The Secretary read as follows:

STUDY OF RURAL ORGANIZATIONS.

On page 72, after line 22, insert the following:

"And hereafter the Secretary of Agriculture is authorized to make studies of cooperation among farmers in matters of rural credits and sanitation and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations; and to employ such persons and means in the city of Washington and elsewhere as the Secretary may consider necessary, $50,000."

This amendment was passed over at the suggestion of Senator KENYON.

For the past six or eight months the department has been engaged in some important studies having to do with organized effort on the part of farmers in advancing their interests financially and socially. The work has been conducted to this time without expense to the Government. It is now believed, however, that sufficient results have been secured to show that there is an important field to cover and that the projects are of such a nature as to make it advisable for the Government to wholly finance them. There is an extensive field yet practically untouched in matters of organized and cooperative effort in connection with rural credits and rural finances, rural sanitation, problems of community interest in fostering rural schools, better roads, transportation of farm products, purchasing of farm supplies, securing and the utilization of farm labor, etc. Even though legislation may be enacted improving the farmers' opportunities for financing their operation, a great deal of educational work must be done in order that the fullest benefits of any legislation may be secured. It would seem to be a very proper function of this department to do this educational work, and to do it properly the necessary facts must be gathered, digested, and used in the most effective manner.

Mr. BRISTOW. Does not that propose to cover the same work that is now being authorized through the Public Health Service and the Commissioner of Education? I remember we had a bill here some time since in which it was proposed to enlarge the work of the Commissioner of Education by authorizing him to do a lot of things that he can not do now, and it increased his appropriation. It seems to me, according to this, that the Secretary of Agriculture wants to start out with the Agricultural Department covering those two fields. Would it not be more practical legislation just to connect the Public Health Service and the Bureau of Education with this department and let the Secretary of Agriculture take charge of those divisions of Government?

Mr. WORKS and Mr. GORE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield, and if so, to whom?

Mr. BRISTOW. I yield to the Senator from California and then to the Senator from Oklahoma.

Mr. WORKS. Mr. President, I want to say to the Senator from Kansas that we passed a law two years ago, or nearly that, extending the authority of the Health Department to this very matter of sanitation, and that department now has full authority to conduct any investigations or efforts to educate the people along sanitary lines.

Mr. SMOOT. Even to going into the homes of the people.

Mr. WORKS. It would simply be confusing the two if we were to attempt to extend that authority now to the Agricultural Department.

Mr. BRISTOW. It seems to me this appropriation of $50.000 ought to be stricken out. I can not understand why we are going into everything from an attack on prairie dogs to the curing of diseases and the appointment of physicians to instruct the wives of farmers in order to preserve the health of the community. If there is anything this bill has not covered, I have not been able to find it, except a Senator suggested to me this morning that there was one thing that was left out, and that was the snapping turtles, and he said he thought he would offer an amendment appropriating $50.000 for the destruction of snapping turtles, so that they would not destroy as many wild ducks as they do.

It seems to me that we ought to stop somewhere, and we ought not to encroach on the province of all the other departments. If the Secretary of Agriculture is to take charge of the education of the public and the health of the public, then we ought simply to merge the Bureau of Education and the Health Department and put them under the supervision of the Secretary of Agriculture, and let him administer the laws that are already provided.

Mr. MARTIN of Virginia. Mr. President, I am not going to occupy more than a few minutes; simply to register my protest against the disposition of each department to encroach upon the jurisdiction of every other department. If the Senate is to humor that tendency, which seems to pervade all the departments of the Government now, there will be no limit to the appropriation bills. They have already grown to alarming proportions. I am not considered, I think, by Members of the Senate, as a very economical Senator in public expenditures. Indeed, I have always entertained the opinion that the Government ought to be liberal in appropriations for necessary and useful objects. But I must insist that we should discontinue useless appropriations, and I can not imagine any appropriation more useless, more absolutely unproductive of good, than the appropriation contained in this paragraph of the bill.

The Agricultural Department has an ample field in which to work without encroaching upon the Public Health Service and without encroaching upon the banking service. We have a department of the Government devoted to the development of the banking interests. We have a committee of the Senate now engaged in the work of perfecting plans for a rural-credit system. The Committee on Agriculture need not encroach upon the work of that committee. We have a Banking and Currency Committee that is amply able to deal with it, and which will deal with it in due time, and effectively deal with it in the interest of the farmers of the country.

But I do protest against the Committee on Agriculture intruding itself into the work of the Banking and Currency Commission and into the work of the Public Health Service. We have a splendid Public Health Service; it has a large staff of well-trained men, and Congress has provided ample money for it. It is required by the law of the land to do exactly what is provided for in this little paragraph. It simply means the absorption of that much of the people's money without any good whatever. I hope the amendment will be rejected.

Mr. GALLINGER. Mr. President, I had in mind several amendments to this paragraph, but understanding that a point of order is to be made against it I will refrain from offering them at this time. If the point of order should not be sustained—and I think it ought to be sustained—I will then have something further to say.

But in the matter of the Public Health Service I want to pay in a very few words a tribute to that service and to the marvelous work which it has been doing and that it is doing to-day. It will be recalled that human life has been extended, I think, several years in the last quarter of a century directly through the efforts of the medical profession to increase the sanitary conditions of the country, including the rural population.

Mr. President, when the French were endeavoring to build the Panama Canal it was said that from malarial fevers of various types a human life was sacrificed to every sleeper that was laid on the railroad. That was an exaggeration, no doubt, but the mortality rates were so enormous as to alarm the civilized world almost. When we undertook that work a gentleman connected with the Public Health Service, Col. Gorgas, was sent there, and he applied the very means that are being used in every community in the United States to-day in the matter of improving the health of those employees. What has been the result? Mr. President, during the building of that canal there have been 98,785 cases of malarial fever and there have been out of that number 743 deaths. The world has never known of such a record in the matter of protecting the public health and of saving human life. What is true of the work that was done on the Canal Zone is true in every community in the United States at the present time.

Mr. BRISTOW. The Senator will pardon me for interrupting him.

Mr. GALLINGER. Certainly.

Mr. BRISTOW. Is it not a fact that the malaria at Panama is of the most malignant type and has been a frightfully disastrous disease?

Mr. GALLINGER. It certainly was.

Mr. BRISTOW. Before the United States took charge.

Mr. GALLINGER. There were tens of thousands of deaths when the French were undertaking to dig the canal.

Mr. WARREN. Even before that, when the California immigrants passed over the Isthmus, nearly all suffered from malaria and typhoid fever, and the deaths at times exceeded those whose lives were spared. The Isthmus was considered the most unhealthful locality known, and yet modern science, inventions, and accomplishments in medical practice have made possible the result just announced by the Senator from New Hampshire.

Mr. GALLINGER. There was the same result. So I am unwilling that this great health service, which is under the direction of one of the departments of the Government, and we having a committee of the Senate to deal with the subject, should be encroached upon by any other department of the Government, which in the very nature of things has no equipment to do as good work as is being done by the Public Health Service.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. I do.

Mr. WORKS. I supposed the Senator was just closing.

Mr. GALLINGER. I was going to say that unless the entire paragraph goes out I shall ask that the question be taken upon the motion I made a moment ago—to strike out the words "and sanitation."

Mr. WORKS. The statement has been made in the Senate a good many times and has been published in the newspapers that we are expending a great deal of money to preserve the health of the hog and nothing for the preservation of human health. Some time ago I introduced a resolution asking for information from the Secretary of the Treasury on that subject. Quite an extended report was made showing that we are expending now in the preservation of the public health over $20,000,000 a year.

The Committee on Public Health and National Quarantine, of which I am a member, has had three or four different bills before it during the present session of Congress tending to improve the Health Service and to extend its authority particularly along the line of sanitation. One of them was a bill introduced authorizing investigation and field work in sections of the country where typhoid fever prevails with a view of stamping out typhoid fever, which must necessarily be done, as all of us know, by sanitation. That is the only means of exterminating the cause of the disease. That bill has been under consideration by that committee. It covers precisely the ground that is proposed to be covered by this provision in the Agricultural appropriation bill. If this is adopted, it is certain to bring about conflict between different departments of the Government.

I think we have a most excellent Health Service in this country and I suppose every State in the Union has a State board of health and a county board of health that are working in cooperation, as far as it may be done, with the national authorities.

Mr. GALLINGER. If the Senator will permit me, by specific legislation a few years ago we provided that the health boards of the several States should be not only in communication with but in actual consultation with the chiefs of the Health Service of the United States. So, I think, twice a year a meeting of that kind is held.

Mr. WORKS. Yes; there is a statute of that kind. One great question in dealing with this matter has been how far the National Government should go, how far it can legitimately go without trespassing upon the rights of the States, and that is a matter of considerable importance. While the doctors in the various States are perfectly willing to allow the Government to take charge of all the health affairs of the States, it must be apparent that this is no part of the work of the National Government, and that has been one of the things which has been under consideration by the committees dealing directly with this question. But I think we have gone about to the limit in authorizing the National Government to deal with the question of public health within the States, and there is absolutely no reason that I can see why the Agricultural Department should take hold of this matter in any way whatever.

Mr. OVERMAN. Mr. President, the main question is where the money is to come from. Here is a bill increasing over the appropriations made by the House $1,545,000. The Indian appropriation bill was reported this morning from the Committee on Indian Affairs proposing an increase of $2,000,000. We have appropriated $35,000,000 for building a railroad in Alaska. Our appropriations this year will exceed $1,200,000,000 if we go on like this. When we pass these bills we ought to consider where is the money coming from. We will be sure to be called on for a deficiency, and therefore we ought to be cautious and consider all these items, and unless they are absolutely necessary they ought not to be voted into the appropriation bills.

Mr. GORE. Mr. President, I will tell the Senator from North Carolina where the money is to come from. It is to come out of the pockets of the farmers of the United States. This Government costs a billion dollars a year, and the farmer pays more than his share of our national revenue and of our national expenditures. I have seen the estimates. Seventy per cent of our national revenue is derived from the farmer, and I doubt not the truth of the estimate.

It is true that we are within a few days to appropriate $130,000,000 for the Navy. For what purpose? To take human life; to send men to untimely graves. Yet $19,000,000 in the interest of the American farmer is complained of by reverend Senators here.

For the founders of the American prosperity and the authors of American wealth $50,000 is proposed to be appropriated to preserve human lives and $130,000,000 on the Navy to send them to their graves.

The Army appropriation bill will carry $95,000,000. Where, sir, is that money to come from? I join with the Senator from North Carolina in that question. It will come out of the pockets of the American farmer. Then do you grudge him this paltry $19,000,000?

This Government expends annually more than $400,000,000 on wars past, present, and to come—enough to build 400,000 homes costing a thousand dollars apiece, enough to build homes sufficient to house the population of a city like Philadelphia. What are the appropriations? Nineteen million dollars on the fruitful arts of peace, $400,000,000 on the bloody arts of war, $250,000,000 on our Army and our Navy for butchery and for bloodshed. You pass the naval appropriation in three hours. We spend as much on two battleships as the American farmer will receive through the pending bill. And yet Senators will debate this bill for weeks and contest every pitiful item looking to the betterment of the American farmer, and waste millions on public buildings to adorn and beautify cities and enhance the value of adjacent properties at the expense of the American farmer. Then Congress will appropriate $50,000,000 on rivers and harbors, $40,000,000 of which will be little better than sheer waste, twice as much as the agricultural bill carries, and strike from the bill $50,000, amongst other things, to study the health of rural communities and to enable the farmers to protect themselves against the chills and the fever and to be advised as to the ways and means alluded to by the Senator from New Hampshire [Mr. GALLINGER] for affording themselves protection against malaria and against other preventable diseases.

Mr. President, the principles of scientific farming have long been known to scientists in agriculture, but so long as our light remained under a bushel it was unserviceable to the man who earns his daily bread by his daily toil. We have expended money to distribute bulletins throughout the United States to carry this information to the farmer on the farm. That has been serviceable, but we are extending the work. We are demonstrating practically before the eyes of the farmer the ways and means of scientific agriculture. That has been of infinitely greater service than the distribution of bulletins.

Now, so far as rural credit is concerned the farmers in the West pay from 20 to 25 per cent interest—it is outrageous—on the best security known to the financial world. In Germany to-day the bonds of their rural-credit concerns sell higher than the bonds of the German Empire bearing the same rate of interest. What has been evolved in Germany can be evolved in free and enlightened America. Would Senators grudge the American farmer who pays $500,000,000 interest a year $50,000 to distribute information upon this subject?

This must be a matter of education. It must be a matter of evolution here as it was in the Old World. It will take time. It will take experience. Immature experiments will result in disaster and in delaying the real relief which the oppressed and overburdened American farmer is subjected to pay. Yet Senators who vote with lavish hand a billion dollars a year on armies and navies, health, wealth, public buildings, useless rivers, stand here and fight a miserable appropriation of $50,000 to disseminate information amongst the American farmers concerning credit, concerning health, and concerning the lives of themselves and their families. It amounts to little more than sentencing many of these people to untimely deaths by withholding from them the information which will enable them to avert disease and to protract their pilgrimage here through this vale of tears, and it is too often a vale of tears when they plunder and impoverish the wealth producers for the benefit, in many instances, of those who neither toil nor spin.

I hope that the pending amendment of the committee will be adopted.

Mr. OVERMAN. Mr. President, I do not think the farmers of the country want any deficiency in our Treasury. I think there are a great many items in this bill which the farmers of the country do not ask for. They are simply asked by bureaus, by clerks, and Secretaries for the purpose of having office-holders added. There are about 700,000 in this country to-day. I am for the farmers and everything they demand and want, but I know, if I know the people of this country aright, that they do not want a deficiency.

We have to appropriate for battleships, for the Army, and for the Navy, and those things. Will the Senator join me in cutting down these or other appropriations? I did not speak about this bill alone. I spoke specially in reference to the Indian appropriation bill and in reference to all the appropriation bills in order that we may come within our budget in the collection of revenues this year.

Mr. GORE. I will say to the Senator I will join him in opposing the river and harbor bill. I have never voted for one of those bills since I have been in the Senate. I have never voted for a public-buildings bill since I have been in the Senate. I have never grudged the farmers the miserable pittance they receive out of the multiplied millions which they pour as a stream of gold into the National Treasury for the benefit of other classes than themselves.

Mr. SMOOT. Mr. President, if I thought this was going to do the farmer any good, I would not oppose it, but I am positive it will not do so. The Public Health Committee of this body had under consideration the question of making an appropriation for the study of typhoid fever, as referred to by the Senator from California [Mr. WORKS]. That committee thought they could do no good whatever with a less appropriation than $500,000, and then to think of an appropriation of $50,000 di-

vided between rural credit and sanitation! It is simply ridiculous to think that any good can come from it.

Mr. President, this bill ought to be referred back to the committee, in my opinion, and this same opinion has been expressed to me by other Senators. There are many things in it that should not be in an Agricultural appropriation bill. It ought to be sent back to the committee for its further consideration, and let them report a bill without so many questions that have no reference whatever to an Agricultural appropriation bill.

The very next paragraph proposes to authorize the Secretary of Agriculture, whenever, in his judgment, necessary, to lease for a term not exceeding 10 years a building or parts of buildings. The appropriation bill that was reported by the Committee on Appropriations this morning provides for the leasing of buildings for the Government, and in nearly every appropriation rents are limited to so much per square foot. Here we find the Committee on Agriculture reporting a bill authorizing the Secretary of Agriculture, whenever, in his judgment, necessary, to go to work and lease for a term of years a building—nothing as to what it shall be, where it shall be located, what class of building it shall be. That is only one item.

What is the next? For investigating the grading, weighing, and handling of naval stores. Why is that in this bill? What right has it in this bill? It is not germane to the bill at all.

In the very next paragraph we find the Secretary of Agriculture is authorized to print and publish certain maps. Mr. President, the Appropriations Committee appropriates a lump sum of money every year for the printing of the Department of Agriculture. The estimate is brought to Congress, itemized statements are made as to what will be required for the printing in that department of the Government, hearings are had by the committee of both Houses of Congress. And now upon this bill we find the Committee on Agriculture authorizing the Secretary of Agriculture to do certain printing of maps.

So, Mr. President, it seems to me that if the Senate did right in this matter, instead of making points of order upon these items which are not germane to the bill they ought to refer it back to the committee for further consideration.

Now, Mr. President, I shall make a point of order against this amendment.

Mr. BRADY. Will the Senator withhold his point of order for a moment?

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

Mr. BRADY. Mr. President, before the Senator from Utah [Mr. SMOOT] makes his point of order, I wish to say a word with reference to this item in the agricultural appropriation bill.

An appropriation of $50,000 to be made for the benefit of the farmers seems to be very large, indeed; but if it were made for the purpose of digging a canal down on some eastern seacoast, it would be a very proper appropriation. Within the last week I have sat in this Chamber and listened to Senators for an hour showing cause, as they thought, why it was proper to increase an appropriation from something like a million dollars to $2,000,000 for digging a 14-mile ditch down on the eastern seacoast, where they can go around in three hours, while the farmers of the West and of the South are compelled to raise their grain and ship it 2,000 miles at rates dictated by men in New York.

I am not in favor of extravagance in any way; I have never raised my voice in favor of a bill to appropriate a single dollar in this body; but now the Appropriations Committee modestly recommend the appropriation of $50,000. For what purpose? To authorize the Secretary of Agriculture "to make studies of cooperation among farmers in matters of rural credits, and of other forms of cooperation."

I wish to say simply a word relative to rural credits. We have just passed a banking law. I wish to ask Members of this body whether or not that banking law was passed for the benefit of the farmer or for the benefit of the banker? The distinguished Senator from Virginia [Mr. MARTIN] made the statement that we had a Banking and Currency Committee that could handle this matter splendidly. They have given us a law, and the Senator who presented the bill stood on this floor and stated that it was a banker's bill, and that it was going to be passed in that way in order that the bankers have control of it; and what was the result? I wish to say to you that the farmers are beginning to get some information in regard to it. They are studying it; they are finding out in one way and another that they are not securing their just dues. Only yesterday I received a letter from a farmer inclosing me a resolution passed by the bankers of a certain city. The resolution was signed by 12 bankers. I shall not call their names, but will simply read the resolution:

Whereas the provisions of the new currency law render time paper necessary in order that members may derive the full benefit of discount privileges—

These are the member banks—not the farmer—

and

Whereas under the provisions of the currency law interest on paper presented for discount must be paid in advance—

The farmer has to pay his interest in advance now—

and

Whereas it is already in most parts of the country the prevailing practice to discount customers' paper: Now, therefore, be it

Resolved, That the undersigned agree that on and after April 1 they will, in so far as possible, discount their customers' commercial paper instead of collecting interest on same at maturity, as is now the prevailing local custom; and the undersigned further agrees that in case it is found necessary to draw any notes on demand, interest on same will be collected monthly.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BRADY. I do.

Mr. REED. Does the Senator from Idaho himself think that there is any provision in the banking bill requiring the interest on a note to be paid in advance?

Mr. BRADY. This resolution indicates that, in order to get the full benefit of the discounts, they must do it.

Mr. REED. I know the resolution which the Senator has read says that; but if there is any such provision in the banking law it certainly escaped my attention. The board of control in that system has not yet been organized.

Mr. SMITH of Michigan. But that board has the power to make that regulation.

Mr. REED. The board might have the power to make many regulations, but surely it ought not to be assumed that they will make them until they do so. This resolution which the Senator has presented which was passed by these bankers recites the fact that that provision is in the law, when, as a matter of fact, there is no such provision in the law. If these bankers are passing such resolutions, they must be doing it on their own responsibility. I think I ought to say that, so that there will not be any misapprehension about the terms of the law.

Mr. BRADY. They make this statement and they are responsible men, and they give notice to that effect.

Mr. REED. They are trying to lay their own designs and purposes and schemes onto the currency law, I think.

Mr. BRADY. They make the statement very positively here, and they are perfectly responsible bankers. They say:

Under the provisions of the currency law interest on paper presented for discount must be paid in advance.

Is that correct, or is it not correct?

Mr. REED. There is no such provision in the currency law, unless my recollection is completely at fault.

Mr. SHAFROTH. Mr. President, I will state to the Senator from Missouri that I am a member of the Banking and Currency Committee, and I know that there is no such provision in the act called the banking and currency act.

Mr. BRADY. Regardless of whether the farmers have to pay interest in advance or not to the discount board, or to the central reserve bank, this is the notice that they receive from their bankers. I claim that it is not only of no benefit, but that the law is a detriment to the farmer.

I understand that the majority agreed that we were to have a rural-credits bill. I am also advised that action on that bill has been postponed. I am not criticizing anybody for this, but during that time the farmer is going to have an opportunity of studying a bill that is for his benefit; and it does seem to me that we, as the representatives of the people of the United States, should be willing that the farmers should have some opportunity to study rural credits. There is no other way that the farmers can get this information than by gathering together and discussing the matter in an informal and in a formal way, by exchanging ideas with each other, and coming in contact with men who understand their conditions and needs. The Committee on Agriculture is only asking for $50,000 for the millions and millions of farmers we have in the United States to-day.

It seems to me that if we are going to practice economy we should not commence practicing it on the farmer. As the Senator from Oklahoma [Mr. GORE] well said, we are proposing to spend more for two battleships than this whole appropriation bill aggregates. We have bills before the Senate every day, which are passed under a suspension of the rules, which appropriate more money for local purposes only than this bill appropriates for the benefit of all the farmers in the United States.

Within the week we passed a bill authorizing the expenditure of $75,000 for putting a new covering or front on the side of a post-office building in an eastern city, which is already erected, and is capable of handling the business just as well without that covering on it as it would be with it. That was an appropriation of $75,000 for one little town. I am not objecting to that; the committee thought it was necessary. But when we do that—for it may be of benefit to the people—why should we raise such a great objection to spending $50,000 so that the farmers may secure some valuable information that will enable them to come to us next year when Congress convenes and help us frame a bill by giving us their ideas of the terms of such a bill as would benefit them. It seems to me there is no question but that that is a fair, a just, and an equitable amount to appropriate in this bill, and that it is proposed to be appropriated for a good purpose.

There have been a great many questions raised here about this bill and its wonderful extravagance. There may be some items in it which are extravagant, but they are not many, and this is not one of them. The committee gave this bill fair, honest, and careful consideration. There may be, as Senators have suggested, some things which have been put into the bill which should not have been put in; but when we come to pass some of the other appropriation bills proposing to appropriate $130,000,000, $95,000,000, and similar sums, I want to say that I, as a representative of the farmers of the West, am going to raise some points of order myself.

If we can not have $50,000 for the purpose of diffusing useful knowledge among the farmers, I ask you why we should have $130,000,000 for the purpose of building ships and maintaining a Navy and $95,000,000 for maintaining an Army to kill human beings?

The farmer produces that which brings health and happiness to every home. He works from dawn until dark. He does not enjoy the advantages that you have in your cities, and he does not have an opportunity to secure information relative to the business methods that the business men and the men living in cities enjoy. You should not deny him this small pittance that perhaps will enable him to secure information that will save him many dollars of his hard-earned money.

It is the farmer that produces the real wealth of this Nation. The soil is the basis of all real wealth, and we have been talking for years of the "back-to-the-farm" movement. There is no use of sending our young generations back to the farm, unless we provide them ways and means so that they can secure some commercial benefits from their labor.

We are the greatest agricultural nation on earth, and there is no country in the world that has made a brighter or a greater record than we have. No country has done more to advance the moral, the material, and the intellectual welfare of its people than this Nation of ours; and who has helped to do this? The farmer. We all know that the farmer has contributed his full share, and the only way we can maintain the high standard of American life that we all hope to maintain is by the diffusion of knowledge, and we can do it in no other or better way than to make this small appropriation.

And I feel that we are doing the farmer an injustice when we, as you might say, quarrel here for days over small appropriations for the benefit of millions and millions of our people, while on the same days we suspend the rules and give $75,000, $100,000, and $150,000 to different communities for purely local purposes.

Nineteen million dollars is a very small amount for the millions of farmers in this Nation in comparison to other appropriations we are making here every day. We can not advance the interests of this country in any better way than to encourage the farmer, and there is nothing in the world that they need to understand, and understand better, than the subject of rural credits.

I sincerely hope a point of order will not be sustained, and that an appropriation of $50,000 for rural credits will be written into the bill.

Mr. HOLLIS. Mr. President, I think that I ought perhaps to explain the bearing of this appropriation on the rural-credits bill. The Senate subcommittee, in connection with the House Subcommittee on Banking and Currency, has been considering the entire subject of rural credits for the past four months.

There are two parts of the rural-credits legislation. One of them relates to long-term mortgages on land and the other to what are called personal credits. The subcommittee has prepared, and there has been introduced into the Senate and the House, a comprehensive measure dealing with long-term mortgage credits, and that, I presume, will come before the full Committee on Banking and Currency next week.

Mr. GALLINGER. Mr. President, may I ask my colleague a question?

The PRESIDING OFFICER. Does the junior Senator from New Hampshire yield to his colleague?

Mr. HOLLIS. Certainly.

Mr. GALLINGER. I should like to ask the Senator exactly what provision is made for so-called long-term mortgages? As an illustration, the Senator knows that in our State mortgages carry a rate of interest of 5 per cent. Does that provision for so-called long-term mortgages relate to the rate of interest on them, or in what way does it benefit the farmer? I simply ask for information.

Mr. HOLLIS. Mr. President, in my judgment the bill proposed will not lower the rate of interest in New Hampshire, where the current rate is 5 per cent on loans secured on land.

Mr. GALLINGER. I will say to my colleague that I have not any apprehension of that, but I simply wanted to differentiate and to know precisely what the bill did contemplate for other sections of the country.

Mr. HOLLIS. As my colleague is aware, loans in New Hampshire made at 5 per cent, particularly those made by the savings banks, are made on demand; so that the borrower is at the mercy of the bank at any time the bank or the one who loans the money desires to call the money. Any time the banks need it, they can call for it. Under the new system as proposed the loans will be on the amortization plan, on long terms. The period of the loan may run as high as 20 years, a small percentage of the principal being paid each year with the interest, so that at the end of the term, if it is 20 years, for example, the loan will be paid up by making small payments. That is the only great advantage that I see for New England. But in the South and West, where interest rates for various reasons are high, it is believed that the rates will be greatly reduced.

The bill to which I have referred covers long-term mortgages on land. The committee considered very carefully the matter of personal credits. In Europe the farmers have had inaugurated for them, or they have contrived for themselves, a system of cooperative credits, under which a group of farmers will form an association and become mutually liable for each other's loans. It is believed that in this country that would not work as well as it does in Europe, for many reasons, among others that in Europe farmers live in communities, while in this country they are widely scattered; in Europe the farmers in any locality are of the same nationality, while here they are likely to be of various nationalities; in Europe they have largely the same religion, while here that is frequently not the case; in Europe they have grown used to helping each other, while in this country they have not. It is believed that under existing law farmers, if they know how to help each other by cooperation, may obtain as much accommodation as they are entitled to; and I understand that it is the purpose of this paragraph to teach the farmers how to avail themselves of the present law, to form cooperative societies, and to obtain the credit to which they are fairly entitled as an aggregate.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. HOLLIS. I yield.

Mr. BRADY. I simply want to ask the Senator at this point if he does not believe that the $50,000 to be appropriated by this clause of the pending bill could be used in a very beneficial way in enabling the farmers to study the best method of cooperation in order to secure the benefits of the bill which the Senator has introduced?

Mr. HOLLIS. I do most decidedly believe that; and I was about to say that I myself drew and proposed, as an amendment to the bill that was introduced on Tuesday last, a provision substantially like this, authorizing the Secretary of Agriculture to make studies of cooperation among farmers in matters of rural credits, cooperative buying and selling, and other forms of mutual help, and to diffuse the information thus obtained. That received the hearty approval of the subcommittee; but on looking it up we found that the same thing was contained in this bill, and we thought it was better to leave it out of our bill, and leave our bill what it purports to be on its face, a long-term mortgage bill. I do most heartily believe that the best aid we can give the farmer along the lines of cooperative personal credit at this time is to give him instruction, so that he will know how to use the credit facilities that are now available to him if he will join with his neighbors in the effort. I am doubtful how far it may succeed, but I think the effort ought to be made; and I think this is the most useful and the least expensive way to make it. I am therefore in favor of this amendment, and I hope it will prevail.

Mr. PAGE. Mr. President, I should like to ask the Senator from New Hampshire if, in his experience with the banks of New Hampshire, it is true, as he states, that the bankers there rely upon the demand paper of the farmers for their liquid or quick assets?

Mr. HOLLIS. I will state that in my experience in connection with the savings banks for 15 years I have never known the farmer to be foreclosed where there was any reasonable chance for him to pay. The bankers keep their assets in such shape that they can call on other resources before they call on the farmer. I do not think that that is an evil in our part of the country; but, still, in the case of a panic or a great crisis it might place the man who is not, under ordinary circumstances, in any danger of having his loan called under some apprehension lest it might be called.

Mr. PAGE. I want to say to the Senator that in my experience none of that apprehension exists. As the Senator has said, in our savings banks we take demand paper, but in all the panics through which we have ever passed, so far as my knowledge goes, we have never relied upon the farmer as the man to whom we go for money when we have to check a run. We have another class of paper, business paper, paper that is secured by bank stock, paper that is secured by bonds, which we call quick assets; and I have never yet known a demand loan against a farmer called in any time of panic or distress.

Mr. HOLLIS. Then, if the Senator will yield, I should like to ask him why it is that the banks always make such loans to farmers on demand so that they can call them if they want to do so?

Mr. PAGE. Because a banker dislikes to carry in his package of notes a large amount of overdue paper. A farmer does not regard his promise to pay at a given time as a merchant does. He gives his paper, and when he gives it, if he makes it payable in a year, he understands that at the end of the year he is not going to pay it unless he wants to do so; so that, instead of having a lot of loans all of which are overdue, they are all made payable on demand, but the farmer understands that in no case will the money be demanded so long as he keeps his security good until the note is paid.

Mr. SMOOT and Mr. JAMES addressed the Chair.

The VICE PRESIDENT. The Senator from Utah.

Mr. JAMES. Mr. President, I rise to a question of order. The Senator from Utah has made a point of order against this paragraph. The point of order I make is that that point of order is the question now before the Senate.

Mr. SMOOT. I was just going to state the point of order.

The VICE PRESIDENT. The Vice President was not in the Chamber at the time the point of order was entered.

Mr. SMOOT. I make the point of order against this amendment, that it adds a new item to an appropriation bill, which has not been offered by way of an amendment and referred to a committee at least one day before the bill was considered; again, the amendment has never been estimated for; again, it increases an appropriation already contained in the bill; and, again, the amendment does not directly relate to the subject of the bill.

The VICE PRESIDENT. The Chair would like to ask the chairman of the committee whether this item was submitted to the Committee on Appropriations one day previous to to-day?

Mr. GORE. Mr. President, it was not introduced formally into the Senate and referred to the Committee on Appropriations. The department, I may say, submitted what might be styled a supplemental estimate, which was prepared and transmitted to the committee; and for that reason the committee adopted it and reported it as a part of the bill.

Mr. SMOOT. Mr. President, a supplemental estimate must come from the Secretary of the Treasury, and not from the head of any other department. That is the only kind of an estimate that can be considered in legislation.

The VICE PRESIDENT. The Chair will inquire whether the estimate came from the Secretary of Agriculture.

Mr. GORE. It came from the Secretary of Agriculture.

Mr. SMOOT. I want to ask the Senator if the Secretary of Agriculture sent to Congress an estimate for this amount?

Mr. GORE. It was not included in the Book of Estimates.

Mr. SMOOT. No.

Mr. McCUMBER. Mr. President, I rise to a parliamentary inquiry in reference to the point of order. The point of order has been made upon several distinct grounds. One of those grounds is that the amendment is not germane to the subject of the bill. While those words were not used, that was the substance of one branch of the point of order. Such a point of order must be submitted, under the rules, to a vote of the Senate. My parliamentary inquiry is, Where a number of points of order are included under one objection, which embraces the suggestion that the amendment is not germane, whether the whole matter ought not to be submitted to the Senate?

Mr. SMOOT. Mr. President, so that there shall be no vote taken upon that, I will simply withdraw that part of the point of order.

Mr. JAMES. Would not the Senator be willing to submit the point of order to the Senate?

Mr. SMOOT. I should like to have the Chair first rule upon the other points of order that I have made against the provision.

The VICE PRESIDENT. Is there any doubt that this item has never been before the Committee on Appropriations?

Mr. GORE. I do not understand the inquiry.

The VICE PRESIDENT. The inquiry is, as to whether there is any doubt as to this item ever having been submitted to the Committee on Appropriations?

Mr. GORE. I do not think it has been.

Mr. WARREN. Mr. President, this item naturally would not go to the Committee on Appropriations, but to the Committee on Agriculture. In my opinion, however, the first point made by the Senator from Utah is not well taken, because I think every Vice President has ruled and it has uniformly been held that where a standing committee having jurisdiction of an appropriation bill makes a recommendation in the shape of a reported amendment, that that avoids the necessity of having the amendment submitted to it beforehand. As to the other point, in regard to there being no estimate for this item, I think perhaps the point may be well taken, because the kind of estimate we understand to be meant and the estimate the rule has in contemplation is an estimate made by the Secretary of the Treasury to the Congress. I assume that the estimate in this instance came in the form of a letter or request from the Secretary of Agriculture to the committee. The chairman of the committee will correct me if I am wrong about that, but I think that is the fact. I think, therefore, the determination of the point of order rests upon whether this is general legislation and whether it came in the form of an estimate.

Mr. NORRIS. I would like to inquire of the Senator if that would apply to a committee amendment like this?

Mr. WARREN. Certainly.

Mr. NORRIS. A standing committee may make a suggested amendment without the same having been referred to the Committee on Appropriations.

Mr. WARREN. Oh, certainly. A standing committee can send in an amendment. If not, where would we be as to these——

Mr. NORRIS. That is the point I wanted to make.

Mr. WARREN. I say the first point—that it was not introduced a day beforehand—is not sound, in my judgment.

Mr. NORRIS. I agree with the Senator. I do not think it is sound.

SEVERAL SENATORS. The Senator withdrew that point.

Mr. NORRIS. That is not the point the Senator withdrew. The point the Senator withdrew is the one that requires the Presiding Officer to submit it to the Senate.

Mr. SMOOT. Oh, no, Mr. President. The one I withdrew is found in section 2 of Rule XVI, which says:

> 2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

Mr. NORRIS. If the Senator has withdrawn that point, then the point that seemed to be in the mind of the Chair has been withdrawn, for the Chair asked the question whether the amendment had ever been referred to the Committee on Appropriations.

Mr. WARREN. If the Senator will permit me to finish, I wish to call the attention of the Senate to where we would be if every amendment to an appropriation bill that was brought in by the Committee on Appropriations—and for this purpose this is the Committee on Appropriations, so far as agriculture is concerned—had to be introduced on the floor and stand over a day. There are sometimes 150 or 160 or 170 amendments made to a bill. I remember the ruling made during the incumbency of the chair by the late Senator Frye, who was President pro tempore. He was the first one I heard make the conclusion—and I have since heard the same conclusion made—when an amendment has been duly recommended by a committee, that makes it in order so far as that is concerned; but when it comes to the estimates, in my judgment, nothing is an estimate unless it is from the Secretary of the Treasury.

Mr. OVERMAN. It is required by law, as I understand, that at a certain time the Secretary of the Treasury shall receive reports from the heads of the various departments—the different Secretaries. He then makes up what is known as a Book of

Estimates. That Book of Estimates is sent down to the Appropriations Committee. That is known as the estimates.

My understanding is that everything is subject to a point of order that has not been estimated for in the estimates coming through the Secretary of the Treasury. Every department of the Government sends its requests to the Secretary of the Treasury and they are considered together, and he sends down the final estimates. A mere letter from the head of some department is *not an* estimate. It is only a request from the department, and is always subject to a point of order.

Mr. WARREN. And if a supplemental estimate is sent in, it should be from the Secretary of the Treasury.

Mr. OVERMAN. Why, of course. That is the rule.

Mr. WARREN. I take no issue as to the amendment. I am simply stating what I understand to be the rule and what has been the practice.

Mr. SMOOT. Mr. President, I wish to say that when Senator Hale was chairman of the Appropriations Committee I know that several times I had an amendment offered to a bill by a standing committee, and when it was questioned here on the floor, and I was asked if I had offered the amendment in the Senate and had it referred to the Appropriations Committee, and I stated that that had not been done, it went out on a point of order. That rule has been held in this body time and time again.

Mr. WARREN. Not when the Committee on Appropriations have sent it here as their amendment; but where it comes from another committee or from an individual, of course, it has to go before the committee.

Mr. SMOOT. I know it has so gone on the appropriation bills.

Mr. POINDEXTER. Mr. President—— [After a pause.] I suppose I am recognized. The Chair seems to be amused about something. I should like to be recognized by the Chair.

The VICE PRESIDENT. The Chair will be pleased to hear from the Senator from Washington. However, the question is not debatable unless the Chair presents it to the Senate. The Chair was simply amused at the debate that was going on when the question was not debatable, and was not amused at the Senator from Washington.

Mr. POINDEXTER. I am very glad to know that; and as long as the matter has been debated by some Senators, I take it for granted that I may say a few words about it.

The VICE PRESIDENT. The Chair has not the slightest objection to the Senator from Washington saying what he chooses.

Mr. POINDEXTER. I simply wish to call the Chair's attention to the explicit and specific rule upon the question. I do not know what precedents the Senator from Utah has in mind; but under the standing rules of the Senate it can not be that the estimates referred to must be made by the Secretary of the Treasury, because the rule says——

Mr. OVERMAN. That is not according to a rule. It is according to a statute of the United States.

Mr. NORRIS. Mr. President, will the Senator from Washington yield right on that point?

Mr. POINDEXTER. I yield.

Mr. NORRIS. I should like to call the Senator's attention to the fact that even if it is not an estimate, under the rule, the amendment having been suggested by a standing committee, it is not subject to a point of order.

Paragraph 1 of Rule XVI, near the end of it, after enumerating several things that must appear in order to have an amendment to an appropriation bill in order, makes certain exceptions, and here is one of them:

> Or unless the same be moved by direction of a standing or select committee of the Senate.

That is one of the exceptions. Another one of the exceptions is:

> Or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. POINDEXTER. Yes; exactly.

Mr. NORRIS. Now, even if it requires an estimate, it does not follow that it has to come from the Secretary of the Treasury. The head of a department can make it. The point I wanted to make for the Senator from Washington, however, was that this being an amendment coming from a standing committee, it is in order although no estimate ever has been made.

Mr. POINDEXTER. Mr. President, the Senator has read the very rule that I had risen to call to the attention of the Chair. I agree with him entirely. I also agree with the view of the matter taken by the Senator from Wyoming [Mr. WARREN], who has had as long an experience here as any Senator in this body.

Both the Senator from Nebraska and the Senator from Wyoming agree that altogether aside from the question of what constitutes an estimate, or from what department the estimate must come, in this case it is in order, because the appropriation has been moved on behalf of a standing committee. Particularly would that be cogent where the committee that approved it is the committee having control of appropriations in these matters.

Furthermore, however, even if it should be held that an estimate was necessary, it would be impossible to say that the estimate must come from the Secretary of the Treasury when the rule says "in pursuance of an estimate of the head of some one of the departments." It can not be confined to the head of one department when it says "or some one of the departments."

Of course, it is true—and I take it for granted that that will not be disputed—as the Senator from Wyoming has already said, so far as concerns the point made by the Senator from Utah, that this amendment must be referred a day in advance to the Appropriations Committee, that the Appropriations Committee here is the Committee on Agriculture and Forestry. That is the only committee, or, at least, it is one of the committees, that has authority to make appropriations in matters pertaining to the Department of Agriculture. It is not the custom and it is not necessary that any one of the items in the Agricultural appropriation bill shall be referred to the Committee on Appropriations.

Mr. SMITH of Georgia. Mr. President, if that were not true, every amendment in the Agricultural appropriation bill would have to be stopped and sent to the general Appropriations Committee, and there would be no use for the Committee on Agriculture and Forestry.

Mr. POINDEXTER. That is very true.

Mr. SMITH of Georgia. Just one word further.

Mr. POINDEXTER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. That is illustrated by the fact that the same paragraph provides for the reference to the Committee on Commerce of matters referring to rivers and harbors, and the reference to the Post Office Committee of matters connected with post offices and post roads. They were put in at the time those were the only two committees that had charge of special appropriations.

I know all during the last Congress the practice was to refer a special amendment referring to the Agricultural Department, or to the Post Office Department, or to one of the other measures where a particular committee brought in the appropriation bill for that line of work, to the committee having the bill in charge, and not to the Appropriations Committee.

Mr. POINDEXTER. The whole matter is made clear, I think, by the rule itself, which makes an exception of certain committees which, having bills before them, have jurisdiction over the appropriations. The rule specifies those committees, and among them is the Committee on Agriculture and Forestry.

The rule reads:

> All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills, which shall be severally referred as herein indicated, namely: The bill making appropriations for rivers and harbors, to the Committee on Commerce; the agricultural bill, to the Committee on Agriculture and Forestry; the Army and the Military Academy bills, to the Committee on Military Affairs; the Indian bill, to the Committee on Indian Affairs; the naval bill, to the Committee on Naval Affairs; the pension bill, to the Committee on Pensions; the Post Office bill, to the Committee on Post Offices and Post Roads.

The distinction is illustrated by the case of the Committee on Public Buildings and Grounds. I presume the point the Senator from Utah makes would be applicable if the Committee on Public Buildings and Grounds undertook to make an appropriation. The rule which he cites might then be applicable, requiring that appropriation to be referred to the Committee on Appropriations; but it can not be applicable to the Agricultural appropriation bill, because the Committee on Agriculture and Forestry is expressly excepted by the rule itself.

Mr. SMOOT. In answer to the Senator, I wish to call his attention to section 2 of the rule. Now, see what it says:

> All amendments to general appropriation bills—

Those are the appropriation bills that the Senator read, in paragraph 1 of this rule—

> moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

There is only one Committee on Appropriations.

Mr. POINDEXTER. I will answer the Senator from Utah by referring again to the exception which is contained in the very same rule from which he is now reading.

In the first paragraph, before using the language he has read from the second paragraph, it makes an exception of the Agricultural Committee:

All general appropriation bills shall be referred to the Committee on Appropriations, except the following bills—

And that exception is carried throughout Rule XVI.

Mr. McCUMBER. Mr. President, will the Senator yield to me there, simply for an explanation?

Mr. POINDEXTER. I yield to the Senator.

Mr. McCUMBER. It will support the Senator's contention.

Mr. POINDEXTER. I am very glad to yield for that purpose.

Mr. McCUMBER. The rule that is being read is a rule that was adopted when we had but one appropriations committee. Therefore, when we gave the other committees the power to appropriate directly, necessarily the rule would apply to the other committees, because they become appropriation committees over the subject which was referred to them.

Mr. NORRIS. Will the Senator yield to me for a suggestion along the same line?

Mr. POINDEXTER. I yield to the Senator from Nebraska.

Mr. NORRIS. In addition to what the Senator has said, I wish to suggest that the contention made by the Senator from Utah, that these amendments would have to be referred to the Committee on Appropriations, loses all force when we consider the fact that no one will deny that the Committee on Appropriations has no jurisdiction of any one of these amendments. How foolish it would be, before we could consider it here, to refer an amendment proposed by the Committee on Agriculture and Forestry to the Committee on Appropriations, when we know that under the rules the Committee on Appropriations has no authority and no right to give it any consideration and no jurisdiction whatever over it. The Agricultural Committee is one of the appropriation committees of the Senate.

Mr. SMITH of Georgia. It is the appropriations committee for this purpose.

Mr. NORRIS. And the only one.

Mr. SMITH of Georgia. And the only one; and it handles the bill alone.

Mr. POINDEXTER. As stated by the Senator from Wyoming, that has been the universal practice of the Senate.

Mr. JAMES. I call for the regular order.

The VICE PRESIDENT. The Chair has no time now to ascertain whether or not there has been an amendment of paragraph 1 of Rule XVI. The Chair believes there must have been an amendment since its original adoption, because there is a manifest incongruity between paragraph 1 and paragraph 2. There are certain bills which go to specific committees under paragraph 1, amendments to which do not go to those committees under paragraph 2, but go to the Committee on Appropriations.

The Chair has no means of ascertaining now, and will not take the time of the Senate to ascertain, whether or not there have been amendments to paragraph 1, and whether such an amendment to paragraph 1 would be construed as being likewise an amendment to paragraph 2, so as to avoid the plain language of paragraph 2, namely, that this amendment should have been submitted to the Committee on Appropriations.

The Chair believes that that is the only question involved in the point of order; and not having information upon the amendment which might be construed as amending paragraph 2, the Chair submits the question for the decision of the Senate.

The question is, Is the amendment in order? [Putting the question.] The Chair is unable to decide. All those who believe the amendment to be in order will rise. [After a pause.] All those who believe the amendment to be not in order will rise. [After a pause.] The amendment is decided by the Senate to be in order.

Mr. GALLINGER. Mr. President, I make the point of order that this is general legislation on an appropriation bill.

Mr. WARREN. Mr. President, speaking to the point of order, I desire to say that I personally abstained from voting on either side because I am paired, and I considered that the pair held on the division.

Mr. JAMES. Mr. President, it is too late to make the point of order suggested by the Senator from New Hampshire. The Senate has already decided that the paragraph is in order.

Mr. GALLINGER. Under the point that was made.

Mr. JAMES. The Senator from Utah suggested this same point of order originally, and the Senate is presumed to have passed upon every phase of the question when it decided that the amendment was in order. It is too late, Mr. President.

Mr. GALLINGER. I think the Senator is mistaken.

Mr. SMOOT. I will say that I did not make the point of order that it was general legislation on an appropriation bill.

Mr. JAMES. The Senator made that suggestion.

Mr. SMOOT. I do not think I did.

Mr. JAMES. I think the Senator did, though I am not sure about it.

Mr. McCUMBER. Mr. President, I ask that the Reporter's minutes on the question that was just submitted to the Senate may be read. As I understand, it was whether this amendment was in order.

Mr. JAMES. That is right.

Mr. GALLINGER. It must have been whether it was in order in view of the point of order that was made against it; but it seems to me impossible that that would prevent a Senator from making a further point of order.

The VICE PRESIDENT. The Chair would like to have the Reporter turn back to his notes and read the point of order made by the Senator from Utah [Mr. SMOOT].

The Reporter read as follows:

Mr. SMOOT. I make the point of order against this amendment that it adds a new item to an appropriation bill which has not been offered by way of an amendment and referred to a committee at least one day before the bill was considered; again, the amendment has never been estimated for; again, it increases an appropriation already contained in the bill; and, again, the amendment does not directly relate to the subject of the bill.

The VICE PRESIDENT. The Chair believes that when a point of order is submitted to the Senate the ruling is upon the reasons given by the Senator raising the point of order and includes nothing else. The Chair is of the opinion that the point of order of the Senator from New Hampshire [Mr. GALLINGER] is properly made, and the Chair again submits the question of order to the Senate.

Mr. STONE. Mr. President, I wish to make simply one suggestion.

I am not very particular, but somewhat indifferent, about the question before the Senate; but if it be true that one point of order can be raised and passed upon, and then another, and then another, separately—or, in other words, if it be not true that when a point of order is raised against a provision in a bill it settles the whole question, and that Senators can not hold in reserve other points of order, so as to inject one after the other, indefinitely—it would be the most fruitful means of filibustering that I can imagine, provided you could get enough votes to call the yeas and nays.

Mr. GALLINGER. I will say to my good friend from Missouri that that could not be done indefinitely, because there are only about three provisions in the rule upon which points of order can be made. But, Mr. President, if this question is to be submitted to the Senate it is so clear in my mind that this is general legislation, and it is also so clear in my mind that a majority of the Senate seem to be in favor of the provision, that I withdraw the point of order I made.

Mr. GORE. I wish to express my appreciation of the Senator's action.

Mr. GALLINGER. Now, unless some other point of order is to be made, I ask for action on the amendment I submitted some time ago.

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

The SECRETARY. On page 72, in the committee amendment as proposed, in line 25, after the words "rural credits," the Senator from New Hampshire moves to strike out the two words "and sanitation."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire to the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. JAMES and Mr. GORE. Division, Mr. President.

The VICE PRESIDENT. All those in favor of the amendment will rise. [After a pause.] Those opposed will rise. [After a pause.] The amendment proposed by the Senator from New Hampshire to the amendment of the committee is agreed to.

Mr. GALLINGER. Now, Mr. President, I wish to ask the Senator from Oklahoma if the officials to whom $50,000 is to be paid for this purpose are to be selected from the classified service or are we to add some more officials outside of the classified service?

Mr. GORE. Mr. President, I will say that perhaps the Senator has overlooked the fact that the Secretary of Agriculture, in the letter which I had read to the Senate a few minutes ago, stated that this work had been in course of performance for some six or seven months past, and I assume that the same machinery which has been used heretofore will be used in the future. It will not create any elaborate system of machinery

or any large number of appointees. It is simply to study the particular problems in the various localities and to advise the farmers how to cure the evils.

Mr. GALLINGER. The Senator's explanation is about what I anticipated. Of course it will add a few more good Democrats to the pay roll.

Mr. SMITH of Georgia. I wish to say to the Senator from New Hampshire that so far as I have been able to discover during the past 12 months we have not had a Democrat appointed in the Agricultural Department, unless the Secretary is one.

Mr. GALLINGER. I know that is the usual observation that is made.

Mr. SMITH of Georgia. I am sorry to say that it is true, though, in this instance. I hope it will change.

Mr. GALLINGER. No doubt the Senator will get a few under this provision.

Mr. SMITH of Georgia. I shall try to.

Mr. GALLINGER. I shall not press my inquiry. If the Senator from Oklahoma is satisfied, I am.

Mr. GORE. Mr. President, I should not like to be estopped by my silence. I will say that there are three appointive offices in the Department of Agriculture. Everything else, as I understand, is under the civil service. The Assistant Secretary, nominated by the President and confirmed by the Senate, is a Republican. The Chief of the Weather Bureau, nominated by the President and confirmed by the Senate, is a Republican. Only the Solicitor is a Democrat. That is 2 to 1, and that is a pretty good average for all.

Mr. GALLINGER. But the Senator will agree that this provision will add a few more appointive offices.

Mr. GORE. I am not certain that it will; and if it does, I have sufficient faith in the activity of the Republicans to believe that they will get some of the offices.

Mr. GALLINGER. I will ask the Senator from Oklahoma one further question. We are quite in the habit of making a provision of this kind, putting into the hands of some subordinates of the Government the duty of making investigations. Has the Senator any objection to limiting the time for a report—say, that the report shall be made to Congress not later than February 1, 1915?

Mr. GORE. I hope the Senator will not insist on that, because I am not able to answer whether that will be sufficient time or not. It will expire, anyway, under the terms of the bill, in the fiscal year.

Mr. GALLINGER. I was going to call attention to that. I think this is a permanent appropriation, because the Senator has added the word "hereafter."

Mr. GORE. I recall that the word "hereafter" is used.

Mr. GALLINGER. I think that word ought to come out, because it makes it a permanent appropriation.

Mr. GORE. I wish to say to the Senator that it is my purpose to request the Secretary of Agriculture to advise the Senate at its next session as to those investigations which have been completed. I agree with the Senator that when an investigation has once been authorized it seems to be interminable in nearly every bill, and I do not favor that policy. If it is possible to prosecute this investigation and find out the facts, it ought to be done, and then the investigation ought to stop and the appropriation ought to stop. I hope that will be the case, not only in this instance but in a great many other instances under this bill and many other bills.

Mr. GALLINGER. If I do not offer the amendment I have suggested, and I have no disposition to do it if it is not agreeable to the Senator from Oklahoma, is the Senator willing to take out the word "hereafter," so as to make the appropriation merely apply to the next fiscal year?

Mr. GORE. It seems to me if it is really a deserving appropriation it ought to justify itself, and I shall not quarrel with the Senator about the word "hereafter."

Mr. GALLINGER. Then I move to strike it out.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Strike out the words "and hereafter" and begin the word "the" with a capital.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. GALLINGER. I have nothing further to say.

Mr. SMOOT. I move that the Senate disagree to the amendment of the committee, and on that I ask for the yeas and nays.

The VICE PRESIDENT. Does the Senator from Utah insist on his motion, or merely that the yeas and nays shall be taken on the question whether the Senate will agree to the amendment?

Mr. SMOOT. Of course the Chair can put it affirmatively, and then I ask for the yeas and nays on agreeing to the amendment of the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended, on which the yeas and nays are demanded.

The yeas and nays were orderd.

Mr. WARREN. Mr. President, a parliamentary inquiry. As I understand the question, to vote "yea" is to sustain the amendment of the committee as amended?

The VICE PRESIDENT. As amended. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL], who is necessarily absent, and withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. McLEAN (when his name was called). I am paired with the senior Senator from Montana [Mr. MYERS] and withhold my vote.

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLINGHAM] and withhold my vote.

Mr. STONE (when his name was called). I am paired with the senior Senator from Wyoming [Mr. CLARK], and I withhold my vote.

Mr. SHAFROTH (when Mr. THOMAS's name was called). I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably absent on official business. If he were present, he would vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the senior Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Oklahoma [Mr. OWEN]. I vote "yea."

The roll call was concluded.

Mr. GALLINGER (after having voted in the negative). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. That Senator has not voted. I therefore withdraw my vote.

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming]. He is paired with the Senator from Missouri [Mr. STONE].

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], but with reference to this bill I understand certain measures in which he is interested and which he has explained to me. As to others, I am at liberty to vote. Where I disagree with him, I will refrain from voting during his absence. As to this question, I am at liberty to vote, and I vote "yea."

Mr. TILLMAN. I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I have voted uniformly on this bill against such appropriations. Therefore I will transfer my pair to the Senator from Nevada [Mr. NEWLANDS] and vote the same way now. I vote "nay."

Mr. MARTINE of New Jersey. I was requested to announce a pair existing between the Senator from Illinois [Mr. LEWIS] and the Senator from Minnesota [Mr. NELSON].

The result was announced—yeas 35, nays 19, as follows:

YEAS—35.

Ashurst	Jones	Poindexter	Smith, Ga.
Brady	Kern	Pomerene	Smith, Mich.
Bryan	La Follette	Ransdell	Smith, S. C.
Chamberlain	Lee, Md.	Reed	Swanson
Gore	McCumber	Robinson	Thompson
Gronna	Norris	Shafroth	Thornton
Hollis	Page	Sheppard	Vardaman
James	Perkins	Shields	Williams
Johnson	Pittman	Smith, Ariz.	

NAYS—19.

Brandegee	Crawford	Overman	Tillman
Bristow	Kenyon	Sherman	Weeks
Burleigh	Lane	Shively	West
Burton	Martin, Va.	Smoot	Works
Catron	Martine, N. J.	Sterling	

NOT VOTING—41.

Bankhead	du Pont	McLean	Smith, Md.
Borah	Fall	Myers	Stephenson
Bradley	Fletcher	Nelson	Stone
Chilton	Gallinger	Newlands	Sutherland
Clapp	Goff	O'Gorman	Thomas
Clark, Wyo.	Hitchcock	Oliver	Townsend
Clarke, Ark.	Hughes	Owen	Walsh
Colt	Lea, Tenn.	Penrose	Warren
Culberson	Lewis	Root	
Cummins	Lippitt	Saulsbury	
Dillingham	Lodge	Simmons	

So the amendment of the committee as amended was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 73, beginning with line 9, the committee proposes to insert the following:

That hereafter the Secretary of Agriculture, whenever in his judgment it is clearly advantageous to the Government, may lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture: *Provided*, That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 30 days' notice.

Mr. SMOOT. I wish simply to say to the Senate that the renting of buildings in the District of Columbia is provided for in other appropriation bills, and this item has no place whatever in this appropriation bill. Therefore I make a point of order against the amendment on the ground that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

Mr. GORE subsequently said:

Mr. President, my attention was momentarily diverted when the point of order made by the Senator from Utah was sustained by the Chair relating to the provision in the bill authorizing the Secretary to lease buildings for periods of 10 years.

I think the amendment was subject to the point of order. I regret, however, that the Senator felt impelled to raise the point. I hold in my hand a letter from the Secretary of Agriculture stating that that amendment will save as much as $2,500 a year on a single building if the department is given the privilege of making long-time leases. I am sorry the Senator has deprived the department of that opportunity to economize.

Mr. SMOOT. Mr. President, I wish to say that I have not deprived the Senate of an opportunity to economize in any way. I made the point of order simply because this item does not belong in the Agricultural appropriation bill. There is now pending before the Senate an appropriation bill where the question of renting buildings in the District of Columbia is taken care of; and any amendment that the Secretary of Agriculture wants to put on he can present to the Committee on Appropriations and have it put on the bill if it is going to economize in any way.

Mr. GORE. Mr. President, I understood that the Senator's point was that this was new legislation. I do not know of any appropriation bill to which new legislation is properly referred. While I do not wish to be technical with the Senator, as he was within his rights in raising the point of order, he has deprived the Secretary of an opportunity to save $2,500 a year on a single building. I do not know how much he has. If he is willing to take the responsibility, of course I have no objection; but I do ask to have the letter of the Secretary upon the point, together with the remarks I have just submitted, printed just following the action of the Chair in sustaining the point of order.

The matter referred to is as follows:

LONG-TERM LEASES.

On page 73, after line 8, insert the following:

"That hereafter the Secretary of Agriculture, whenever in his judgment it is clearly advantageous to the Government, may lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture: *Provided*, That each lease shall contain a provision that the same can be determined by the Secretary of Agriculture at any time on 30 days' notice."

This amendment was passed over at the request of Senator KENYON.

The proviso authorizes the Secretary of Agriculture to lease buildings for the accommodation of the Department of Agriculture for a term of not exceeding 10 years when it is clearly to the advantage of the Government to make a lease for a term of years.

It is understood that other departments of the Government, notably the Department of Commerce, now has authority to make long-term leases for rent of buildings. It is distinctly to the advantage of the Government to make this arrangement. In dealing with the owners of property which this department may desire to rent for office or laboratory purposes it will be possible, under the authority requested, to make more advantageous terms for the Government than under the present arrangement of yearly leases. As a specific instance, this department has received a proposal from a builder to erect for its use in this immediate neighborhood an office building on which a saving of $2,500 per annum in the rental can be made if the department is authorized to enter into a long-term lease. The department is now occupying buildings in this neighborhood which it has rented for many years, in some cases as many as 20 years. If it had had authority to make long-term leases, there is no question but that large savings could have been effected in the amounts paid for rent.

Mr. SMOOT. I say again to the Senate that I have deprived the Secretary of Agriculture of nothing. The proper course for the Secretary of Agriculture to adopt is to call the matter to the attention of the committee that has the subject matter in hand. If he can show that there is to be a saving of $2,500 a year upon this building, or any other building, the Committee on Appropriations will be glad to save that amount of money.

Mr. McCUMBER. Mr. President, I wish to ask the Senator from Utah if he claims that an appropriation to hire, for instance, a single building in the city of Washington is general legislation?

I think we are carrying this matter of general legislation, in our objections to appropriation bills, to a ridiculous extent. If the Senator will turn to the precedents themselves, where Bouvier and the dictionary are cited to determine what is general and what is special legislation, we will find that this does not come under the definition of general legislation, which applies generally to a class or generally over the entire country and not to a particular locality or to a particular class.

While I do not know that it makes any difference, and I took no occasion to make any suggestion about it, I insist that a provision in an appropriation bill for renting a building in a certain locality is not general legislation under the terms of our rules.

Mr. GALLINGER. This is "buildings," not "a building."

Mr. OVERMAN. Mr. President, I do not rise to discuss the question of order, but I think my distinguished friend was mistaken in what he said about appropriating money in another committee for the rent of buildings. We do provide for all the rents of the buildings in the city of Washington, I think, except the Department of Agriculture. I have no recollection of ever making provision for the rent of a building for the Agricultural Department.

I will ask the Senator from Wyoming, who is much older in service on the committee than I am, whether we have ever carried an appropriation for rent for the Agricultural Department. I think the Senator is mistaken. If so, I think the matter ought to be reconsidered. I should like to know the experience of the Senator from Wyoming, as to whether his recollection is in accord with mine or not.

Mr. WARREN. Mr. President, I do not relish getting into a controversy of this kind. I am of the opinion that the Agricultural appropriation bill rests solely upon the law which created the Department of Agriculture, and in that respect we do not even provide in other bills for the Secretary's salary, or anything of the sort. It is all in the Agricultural bill.

Mr. OVERMAN. Yes.

Mr. WARREN. I do not like the amendment in the shape it is in, but I believe the stricture that it ought to be in another bill does not rest upon the fact that it has been that way heretofore.

Mr. OVERMAN. That is my recollection. I remember that this is one department with which we have nothing in the world to do, whereas in the case of every other department we do provide for rent of buildings. The Agricultural Department being provided for by statute, we have not provided for rents in connection with it.

Mr. SMOOT. Mr. President, the chairman of the committee says that if this provision is allowed to remain in the bill the Secretary of Agriculture can save for the Government $2,500 per year. The appropriation for rent is, therefore, in some other appropriation bill. This provision says:

That hereafter the Secretary of Agriculture, whenever in his judgment it is clearly advantageous to the Government, may lease for terms not exceeding 10 years buildings or parts of buildings in the District of Columbia necessary for the accommodation of the Department of Agriculture.

There is no appropriation whatever connected with this.

Mr. WARREN. I think the Senator is both right and wrong in this respect: He is right in that there is no specific place where authority is granted for rental of new buildings; but there are through the bill several appropriations that include the appointment of men and rental of buildings in Washington in the appropriations themselves.

Mr. SMOOT. But they specifically state what they are. This refers to an appropriation that is made for rent of a certain building in this District.

Mr. GALLINGER. Or buildings.

Mr. SMOOT. Yes; or buildings. It says "buildings or parts of buildings."

Mr. GALLINGER. You could rent a hundred buildings under that language. I call for the regular order.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 73, beginning in line 17, the committee proposed to insert the following:

For investigating the grading, weighing, and handling of naval stores, and the establishment and preparation of definite type samples thereof, $5,000.

Mr. SMOOT. I make the same point of order against this item.

Mr. SMITH of Georgia. Mr. President, this amendment is not general legislation in any sense. The Agricultural Department has charge of the Forestry Service. It has charge of all agricultural work. These are products of the forest, and they are just in the line of all the other work that has been done by the Agricultural Department. It is a single appropriation. It dies with its one service. There will never be another service to be had on the subject. What is intended is simply this: The turpentine and rosin interests of our entire country, stretching from the Atlantic to beyond the Mississippi, have found difficulty about established standards, and they simply desire that the Agricultural Department shall examine and standardize the product, and the work is over with.

Mr. GALLINGER. I notice the Senator said the Agricultural Department have jurisdiction over forests. They are not tapping the trees in the national forests to get turpentine?

Mr. SMITH of Georgia. No; but the trees fall under the work of the Agricultural Department.

Mr. GALLINGER. But this seems to deal with turpentine that comes from the tree.

Mr. SMITH of Georgia. That is the product of the tree.

Mr. OVERMAN. This appropriation is for standardization?

Mr. SMITH of Georgia. Yes.

Mr. OVERMAN. Ought it not to be under the Bureau of Standards?

Mr. SMITH of Georgia. I do not think so. The standardization of cotton is under the Agricultural Department. This is the class of standardization that falls under the work of the Agricultural Department. The request for this standardization came from the general organization of naval-stores people including turpentine, rosin, and all naval stores of that kind. It is an enormous industry. It is one of the largest exports that we have. At their convention they appointed a committee to appear before the Committee on Agriculture and ask that a small appropriation, as the work will be small, be made that their products may be sold in the commercial world on established grades. It was their view that it would facilitate their commercial relations abroad in the sale of their products. As I said, the appropriation dies with this one appropriation, for when it is once done it is over; it is no continuing appropriation.

Mr. SMOOT. I wish to say to the Senator from Georgia that this is not a new subject before the Senate. Former Senator Taliaferro presented an item like this quite often, and really I thought it was simply to continue that which had already been done in the past.

Mr. GALLINGER. He debated it for hours.

Mr. SMOOT. He debated for hours at a time the standardization of naval stores, which included turpentine, and that is the particular article in which he was specially interested. I can not see but that this is general legislation on an appropriation bill.

Mr. WEST. I do not think this is the same item that former Senator Taliaferro was interested in.

Mr. SMITH of Georgia. It is very different.

Mr. SMOOT. Oh, yes.

Mr. SMITH of Georgia. No. I suppose the Senator from Georgia [Mr. WEST] has more knowledge of the turpentine and rosin business than probably all the balance of the Senate put together, and I have no doubt he is familiar with that legislation. I understand this is an entirely different proposition from that Senator Taliaferro brought before the Senate.

Mr. SMOOT. I still make the point of order against the amendment.

Mr. GALLINGER. I will say that I have traveled sufficiently through the South to observe those vaccinated trees that are scattered over three or four States, and for the life of me I could not see why the Government should go into the work of increasing the value of the product for that particular interest. It looks to me like a subsidy, and that alarms me.

Mr. SMITH of Georgia. Then I am sure the Senator will give it his support. I am much obliged to the Senator for his assistance.

Mr. GALLINGER. I will let the matter rest on the decision of the point of order.

Mr. SMITH of Georgia. Mr. President, in reference to the point of order, this is not general legislation. Every Agricultural appropriation bill assigns and modifies the work of the Agricultural Department on certain specific lines. As the bill comes from the House and work develops an appropriation is made for this line of work and that line of work in the Agriculture Department. It changes no law. It is simply a designation of a particular piece of work in the line of their ordinary work. It is simply an appropriation, and their authority to do the work comes under the general law. This is nothing but an appropriation. It does not require any work outside of their ordinary line of work. It does not change or modify existing laws. It simply says to the department, "Here is a fund with which you can do work that already belongs to you under the broad sphere of the act creating your department"; but an appropriation was necessary to do it. If each time an appropriation is placed in any one of these bills for the Agriculture Department to do a piece of work that it had not done before that is held to be general legislation, most of the bill would fail.

The Committee on Agriculture, in charge of the appropriation bill, studies the field of the Agriculture Department's work, and it designates funds for particular lines of work that fall within the purview of the Agriculture Department's general work.

If each item of work which the Agricultural Department is allowed to do through a particular appropriation constitutes general legislation, you could not make an appropriation.

Mr. SWANSON. If the Senator from Georgia will permit me, I will state the rule, which makes it clear that the amendment is in order. Rule XVI provides that to add a new item of appropriation—and this is a new item of appropriation—there shall be certain conditions—first, that an estimate shall be made for it, and, second, that it shall be moved by direction of a standing or select committee of the Senate. This is moved by a standing committee of the Senate. This is a new item in an appropriation bill, put in by a standing committee of the Senate, and, under Rule XVI, it seems to me to be clearly in order.

Mr. SMITH of Georgia. I thank the Senator from Virginia. A new item of appropriation must come either from an estimate of the department or from the committee. Do you mean to say that the Agricultural Department, seeing a line of work which it ought to do and asking for an appropriation to do that particular work, can not obtain the appropriation on the Agricultural appropriation bill without passing a special statute to enable the department to do it?

Mr. GALLINGER. But, Mr. President, the Senator from Georgia will not lose sight of the fact that there is a clause in that rule—that troublesome rule—that general legislation can not go into an appropriation bill, even though it may contain an appropriation.

Mr. SMITH of Georgia. I am distinguishing it from general legislation.

Mr. GALLINGER. Exactly.

Mr. SMITH of Georgia. If legislation were necessary to confer the power of conducting this class of work upon the Agricultural Department just as in the case immediately before, it would fall under the point of being new legislation. There is no legislation that authorizes the Agricultural Department to make a 10-year lease.

The VICE PRESIDENT. May the Chair inquire what really is the Agricultural Department of this Government authorized to do—everything?

Mr. SMITH of Georgia. The Agricultural Department is, broadly, authorized to conduct lines of work to promote the interests of agriculture and of agricultural production.

Mr. SMOOT. Will the Senator from Georgia allow me just a moment?

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

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. In my opinion this is general legislation, for the provision reads in this way:

For investigating the grading, weighing, and handling of naval stores, and the establishment and preparation of definite type samples thereof, $5,000.

If to establish those types is not legislation, I do not know what legislation is.

Mr. SMITH of Georgia. Then, Mr. President, I will ask to amend the paragraph by striking out the words "and the establishment."

The VICE PRESIDENT. One moment. There is a point of order now before the Senate.

Mr. SMITH of Georgia. Well, Mr. President, if one element of the point of order involves the words in the paragraph and we can amend by striking them out, I think we are entitled to

have that amendment passed upon before the point of order is decided.

The VICE PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Georgia to the amendment.

Mr. SMOOT. That will not obviate the point of order.

Mr. WARREN. The Senator should move to strike it all out except the appropriation.

The VICE PRESIDENT. The Chair thinks the amendment to the amendment proposed by the Senator from Georgia is in order. It will be stated by the Secretary.

The SECRETARY. On page 73, line 18, in the amendment reported by the committee, it is proposed to strike out the words "and the establishment," so as to read:

For investigating the grading, weighing, and handling of naval stores, and preparation of definite type samples thereof.

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

The amendment to the amendment was agreed to.

The VICE PRESIDENT. Is the point of order renewed?

Mr. SMOOT. Now, I renew the point of order, and I call particular attention to the fact that the word "preparation" is exactly the same as the word "establishment," so far as it being new legislation is concerned.

The VICE PRESIDENT. It seems to the Chair that the Senate has discussed this point of order quite fully, and the Chair will submit the question to the Senate, it having been so discussed. Is the amendment in order?

Mr. WEST. Mr. President, I desire to say in reference to the establishment and preparation of definite type samples in naval stores that it has long since been discovered that in getting these samples they are supposed to be seven-eighths of an inch. If they are a little larger or a little smaller than the standard, that fact influences the grade. There has been great trouble about that. The grade in the rosin does not keep itself long at a time. The purpose of this provision is that definite type samples be established. For instance, the best grade is water white; the next is window glass; and so on down. They would make them of a definite shape and size in order that they might stay the same always, for, as a matter of fact, the rosin itself changes; if you get it a little too large, it lowers the grade, or if it is too small, it raises the grade. Before I conclude, I would say that I can not see any difference in the establishment of these type samples and the establishment of grades of cotton and grades of grain.

Mr. SMOOT. Mr. President, the argument the Senator from Georgia has just made could not be made any stronger to prove that this is general legislation.

The VICE PRESIDENT. The point of order having been discussed, the question is, Is the amendment in order? [Putting the question.] The noes seem to have it.

Mr. SMITH of Georgia. I call for a division.

The VICE PRESIDENT. All who believe that the amendment is general legislation will rise——

Mr. GALLINGER. I think the question is perhaps not understood. It should not be put in the affirmative.

The VICE PRESIDENT. The question is, Is the amendment in order?

The question being put, there were on a division—ayes 18, noes 18; no quorum voting.

The VICE PRESIDENT. A quorum is not present. The Secretary will call the roll.

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

Ashurst	Gronna	Overman	Smith, Ga.
Brady	Hollis	Page	Smith, Md.
Brandegee	James	Perkins	Smith, Mich.
Bristow	Johnson	Pittman	Smith, S. C.
Bryan	Jones	Poindexter	Smoot
Burleigh	Kenyon	Pomerene	Sterling
Burton	Kern	Ransdell	Swanson
Catron	La Follette	Reed	Thompson
Chamberlain	Lane	Robinson	Thornton
Chilton	Lee, Md.	Shafroth	Vardaman
Crawford	McCumber	Sheppard	Warren
Dillingham	McLean	Sherman	Weeks
Gallinger	Martin, Va.	Shields	West
Gore	Martine, N. J.	Smith, Ariz.	Williams

Mr. SHIELDS. I wish to announce the necessary absence on the business of the Senate of the junior Senator from Delaware [Mr. SAULSBURY] and of the junior Senator from Montana [Mr. WALSH].

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The question is, Is the amendment in order? [Putting the question.] By the sound the noes seem to have it.

Mr. SMITH of Georgia. I ask for a division.

The VICE PRESIDENT. All those who believe the amendment to be in order will rise. [A pause.] All who believe the amendment not to be in order will rise. [A pause.] The amendment is declared to be in order. The question now is on agreeing to the amendment of the committee as amended.

Mr. SMOOT. Upon that I ask for the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER] and withhold my vote.

Mr. CHILTON (when his name was called). I announce my pair as on a former ballot, but transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. CRAWFORD (when his name was called). I announce my pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and I therefore withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote "nay."

Mr. KERN (when his name was called). I transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

I am requested to announce also the absence from the Senate on the business of the Senate of the junior Senator from Delaware [Mr. SAULSBURY] and of the junior Senator from Montana [Mr. WALSH].

Mr. WARREN (when his name was called). I again announce my pair with the Senator from Florida [Mr. FLETCHER].

While on my feet I wish also to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming] and his pair with the senior Senator from Missouri [Mr. STONE].

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded, and the Secretary recapitulated the vote.

Mr. WILLIAMS. In order to make a quorum, I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Oklahoma [Mr. OWEN] and vote "nay," nay being the safest vote when you do not know what the question is.

The result was announced—yeas 29, nays 19, as follows:

YEAS—29.

Ashurst	Johnson	Reed	Swanson
Brady	Kern	Robinson	Thompson
Bryan	La Follette	Shafroth	Thornton
Chilton	Lee, Md.	Sheppard	Vardaman
Gore	McCumber	Shively	West
Gronna	Norris	Smith, Ariz.	
Hollis	Pittman	Smith, Ga.	
James	Poindexter	Smith, S. C.	

NAYS—19.

Brandegee	Dillingham	Overman	Smith, Mich.
Bristow	Gallinger	Page	Smoot
Burleigh	Jones	Perkins	Sterling
Burton	Kenyon	Pomerene	Williams
Catron	Lane	Sherman	

NOT VOTING—47.

Bankhead	Fall	Myers	Smith, Md.
Borah	Fletcher	Nelson	Stephenson
Bradley	Goff	Newlands	Stone
Chamberlain	Hitchcock	O'Gorman	Sutherland
Clapp	Hughes	Oliver	Thomas
Clark, Wyo.	Lea, Tenn.	Owen	Tillman
Clarke, Ark.	Lewis	Penrose	Townsend
Colt	Lippitt	Ransdell	Walsh
Crawford	Lodge	Root	Warren
Culberson	McLean	Saulsbury	Weeks
Cummins	Martin, Va.	Shields	Works
du Pont	Martine, N. J.	Simmons	

So the amendment of the committee as amended was agreed to.

Mr. KERN. Mr. President, a number of Senators desire to attend the exercises to-morrow afternoon in connection with the unveiling of the monument to Commodore Barry. I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock; and I give notice, in this connection, that after the address to-morrow of the junior Senator from Montana [Mr. WALSH] I shall move that the Senate adjourn, to the end that Members of the Senate may attend those exercises.

The motion was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment of the committee is on page 73, beginning on line 20.

Mr. GORE. Mr. President, I will say that there is an amendment on page 18 which has been passed over heretofore, in which the Senator from South Carolina [Mr. SMITH] is much interested. He desires to leave the city. I ask to have that amendment read. It has been thoroughly discussed, and probably will not provoke any additional discussion, if a dream of that sort may be indulged in.

The SECRETARY. Three amendments were passed over in the paragraph beginning on page 18, line 9, for investigating the ginning, handling, grading, baling, gin compressing, and wrapping of cotton, and the establishment and demonstration of standards for the different grades thereof.

The first amendment is in the proviso, beginning on line 13, where the committee proposes to strike out "$80,580" and to insert "$180,580: *Provided*, That of the sum thus appropriated $100,000 shall be used for furnishing the primary markets in the cotton-growing States with a set of the samples as standardized by the Government, and a sample of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof."

Mr. GALLINGER. Mr. President, I make the point of order on that amendment that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair believes that it is substantially in accordance with other sections that have been passed upon by the Senate to-day. The Chair is not in accord with the Senate; the Chair believes that it is general legislation, but the Chair submits the question to the Senate.

Mr. GALLINGER. If the Chair submits it, I withdraw the point of order. When a point of order is as clear, to my mind, as this is, I do not propose to have it submitted to the Senate.

Mr. JAMES. The Senator ought to be perfectly willing to submit it. If it is that clear, the Senate will certainly take a wise view of it.

Mr. SMOOT. I make the point of order, then, if the Senator from New Hampshire does not.

The VICE PRESIDENT. It seems identical with the former point of order that was raised, as the Chair sees it; and as the matter was decided this afternoon by the Senate, the Chair does not agree with the Senate; but the Chair submits the question to the Senate. The question is, Is the amendment in order?

Mr. GALLINGER. Mr. President, I desire to say that I took no exception to the action of the Chair. That is provided for in the rules; but the matter is so clear, to my mind, that I do not care to make the point of order and have it submitted. That is all.

Mr. SMITH of South Carolina. Mr. President, I wish to call the attention of the Senate to the fact that this is nothing more nor less than providing how the appropriation shall be used.

Mr. SMOOT. The matter is not debatable.

Mr. SMITH of South Carolina. I do not care to go into the discussion of it, because it is a matter of such great importance, not only to my section of the country but to the whole textile industry, that I do not think anyone who has at heart the interest not only of the agricultural people but of the great export trade dependent upon this industry would for a moment vote against it.

The VICE PRESIDENT. The question is, Is the amendment in order? [Putting the question.] The ayes have it. The question now is on agreeing to the amendment.

Mr. SMOOT. On that I ask for the yeas and nays.

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

Mr. CHILTON (when his name was called). I announce my pair as on a former roll call and withhold my vote.

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and withhold my vote.

Mr. GALLINGER (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "nay."

Mr. KERN (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. BRADLEY] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS] and withhold my vote. While I am on my feet I wish to announce that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

The roll call was concluded.

Mr. JAMES (after having voted in the affirmative). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Tennessee [Mr. SHIELDS] and will allow my vote to stand.

Mr. CHILTON. I transfer my pair to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is absent. I transfer my pair with him to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. MARTINE of New Jersey. I am requested to announce the pair existing between the junior Senator from Illinois [Mr. LEWIS] and the senior Senator from Minnesota [Mr. NELSON].

The result was announced—yeas 34, nays 11, as follows:

YEAS—34.

Ashurst	Johnson	Poindexter	Sterling
Bryan	Kern	Ransdell	Swanson
Burleigh	La Follette	Robinson	Thompson
Chamberlain	Lee, Md.	Shafroth	Thornton
Chilton	McCumber	Sheppard	Vardaman
Gore	Martin, Va.	Smith, Ariz.	West
Gronna	Martine, N. J.	Smith, Ga.	Williams
Hollis	Page	Smith, Md.	
James	Pittman	Smith, S. C.	

NAYS—11.

Bristow	Dillingham	Lane	Shively
Burton	Gallinger	Pomerene	Smoot
Catron	Jones	Sherman	

NOT VOTING—50.

Bankhead	Fall	Newlands	Smith, Mich.
Borah	Fletcher	Norris	Stephenson
Bradley	Goff	O'Gorman	Stone
Brady	Hitchcock	Oliver	Sutherland
Brandegee	Hughes	Overman	Thomas
Clapp	Kenyon	Owen	Tillman
Clark, Wyo.	Lea, Tenn.	Penrose	Townsend
Clarke, Ark.	Lewis	Perkins	Walsh
Colt	Lippitt	Reed	Warren
Crawford	Lodge	Root	Weeks
Culberson	McLean	Saulsbury	Works
Cummins	Myers	Shields	
du Pont	Nelson	Simmons	

The VICE PRESIDENT. Less than a quorum has voted. The Secretary will call the roll.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was not agreed to.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gore	Page	Smith, Ga.
Brady	Gronna	Pittman	Smith, Md.
Bristow	Hollis	Poindexter	Smith, S. C.
Bryan	James	Pomerene	Smoot
Burleigh	Johnson	Ransdell	Sterling
Burton	Jones	Reed	Swanson
Catron	Kern	Robinson	Thompson
Chamberlain	Lane	Shafroth	Thornton
Chilton	Lee, Md.	Sheppard	Vardaman
Crawford	McCumber	Sherman	Warren
Dillingham	Martin, Va.	Shively	West
Gallinger	Martine, N. J.	Smith, Ariz.	Williams

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call, and there is a quorum present.

EXECUTIVE SESSION.

Mr. SHIVELY. 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 six minutes spent in executive session the doors were reopened, and (at 6 o'clock and 11 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 16, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Arthur Bailly-Blanchard, of Louisiana, now secretary of the embassy at Tokyo, to be envoy extraordinary and minister plenipotentiary of the United States of America to Haiti, vice Madison R. Smith, resigned.

ASSISTANT ATTORNEY GENERAL.

Charles Warren, of Boston, Mass., to be Assistant Attorney General, vice Jesse C. Adkins, resigned.

COLLECTOR OF INTERNAL REVENUE.

Charles V. Duffy, of Paterson, N. J., to be collector of internal revenue for the fifth district of New Jersey, in place of Herman C. H. Herold, superseded.

POSTMASTERS.

VIRGINIA.

J. M. Minnich to be postmaster at Gate City, Va., in place of Clinton W. Hoge. Incumbent's commission expired January 10, 1914.

Wade H. Lipps to be postmaster at Wise, Va., in place of E. T. Kiser. Incumbent's commission expired February 20, 1913.

WASHINGTON.

J. F. Payne to be postmaster at Auburn, Wash., in place of W. F. McMahon. Incumbent's commission expires June 1, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1914.

CONSUL.

Wilbur Keblinger, to be consul at Malta, Maltese Islands.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Daniel H. Boughton to be colonel.
Maj. Robert D. Walsh to be lieutenant colonel.
Capt. George P. White to be major.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 30, 1914.

Daniel Le Ray Borden.
William Cott Hobdy.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Irvin V. G. Gillis to be a commander.

Charles Wheatley to be an assistant surgeon in the Medical Reserve Corps.

Garland E. Faulkner to be an assistant surgeon in the Medical Reserve Corps.

Joy A. Omer to be an assistant surgeon in the Medical Reserve Corps.

Commander Guy H. Burrage to be a captain.

POSTMASTERS.

ARIZONA.

Andrew J. Herndon, Prescott.

OHIO.

Carl W. Smith, Kenton.

PENNSYLVANIA.

Charles J. Hansell, Cynwyd.
John J. McCoy, Crum Lynne.

WEST VIRGINIA.

Guy F. McComas, St. Albans.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 15, 1914.*

The House met at 12 o'clock noon.

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

We thank Thee, our Father in heaven, that the trend of life is ever toward the ideal in the home, society, government, religion, the promise of victory at last. For Thou, O God, art good, ever working in and through the hearts of Thy children. May it be ours to do and dare, to live and smile; pushing forward unperturbed by adverse winds and tides until at last victory shall be ours, under the divine leadership of the world's Great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

ENROLLED BILL 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 bill:

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill, with Mr. FINLEY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. COOPER. Mr. Chairman, I believe there are 32 minutes remaining on this side.

The CHAIRMAN. Thirty-two minutes.

Mr. COOPER. And how much on the other side?

The CHAIRMAN. The gentleman from Virginia has one minute remaining.

Mr. COOPER. I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. COOPER. Mr. Chairman, how much time did the gentleman consume?

The CHAIRMAN. The gentleman consumed three minutes.

Mr. COOPER. I yield a half minute to the gentleman from California [Mr. J. R. KNOWLAND]

Mr. J. R. KNOWLAND. Mr. Chairman, I propose to take advantage of that time to place in the RECORD a letter from the San Francisco Center of the California Civic League, protesting against the discrimination shown by the administration in refusing to appoint women.

The letter is as follows:

SAN FRANCISCO CENTER OF THE CALIFORNIA CIVIC LEAGUE,
San Francisco, May 9, 1914.

Hon. JOSEPH RUSSELL KNOWLAND,
Washington, D. C.

DEAR SIR: The board of directors of the San Francisco Center of the California Civic League desires to call your attention to the following letter, which has been sent to President Wilson and to Attorney General McReynolds:

"In spite of denials it is generally understood in California that Mrs. Annette Adams was not appointed to the United States district attorney's office solely because she is a woman. The San Francisco Center of the California Civic League does not ask that inferior women be appointed to Federal positions, but it does demand that the names of women citizens be submitted to the same tests, and only to the same tests, as those of men; that is, character and fitness.

"The center protests against the rejection of Mrs. Adams, or any other woman, solely on sex grounds; women electors, who are otherwise qualified, having the same right to these positions as male electors. We realize that other grounds are alleged for Mrs. Adams's rejection, but we find from such investigation as we have been able to make that sex discrimination must have been the determining factor in her rejection at Washington."

Very respectfully, yours,

MARION DELANY,
Corresponding Secretary.

Mr. COOPER. Mr. Chairman, I yield 20 minutes to the gentleman from Minnesota [Mr. SMITH].

Mr. SMITH of Minnesota. Mr. Chairman, admitting the necessity of more extended legislation on the part of Congress for the protection of the water-power interests of the United States and regulation of hydroelectric companies, and, moreover, recognizing the value of many of the provisions of the pending bill, I desire to call the attention of this House to two sections of this bill that appear fraught with serious consequences and may be used to defeat the very purpose of the proposed act, which I take to be the safeguarding of the water-power resources of this country.

How great these resources are is plain to all. The Commissioner of Corporations in his report to the President, submitted March 14, 1912, found 6,000,000 horsepower of hydroelectric plants in use as of June, 1911, measured by water-wheel installation then in operation. The commercially available water power of such companies and plants fully developed was estimated at 25,000,000 horsepower. The potential maximum of undeveloped sites listed by the Government, not including storage reservoirs, would swell this to over 60,000,000 horsepower.

Prominent hydroelectric authorities, such as Mr. Rome G. Brown, have estimated the total potential water-power development of the United States at 200,000,000 horsepower. If to this immense power total we apply the conservative valuation of $20 per horsepower, we find the potential water-power resources of this country run into hundreds of millions of dollars per annum. This gives us a bird's-eye view of the vast volume of wealth in the possession of the Nation and States of this Union, the control and regulation of which we are seeking to determine through this bill. With such vast issues involved and at stake, affecting the rights and interests of the people of this country, not only to-day but for a period of at least 50 years into the future, as shown by the 50-year term fixed in this bill for water-power franchises, we can not exercise too great care in scrutinizing the provisions which we incorporate into this measure.

IMMUNITY FROM PROVISIONS OF ANTITRUST LAWS.

The first provision to which I desire to call your attention is section 15, as follows:

SEC. 15. That no works constructed, maintained, and operated under the provisions of this act shall be owned, trusteed, or controlled by any device or in any manner so that they may form a part of, or in any manner effect, a combination in the form of an unlawful trust or form the subject of an unlawful contract or conspiracy to limit the output of electric energy, or the exercise of any other business contemplated: *Provided, however*—

And to this proviso I desire the close scrutiny of this House.

Provided, however, That it shall be lawful, under the approval of the Secretary of War, for different grantees to exchange and interchange currents; to assist one another whenever necessary, by supplementing the currents or power; and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War.

Mr. HARRISON. Will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. HARRISON. What is the bill the gentleman is discussing? He stated it by number, but not by title.

Mr. SMITH of Minnesota. It is an amendment of the general dam act—properly named. [Laughter.]

In order to appreciate the full force of this proviso it is necessary to read this section inversely; and thus reading it, what do we learn? That "for different grantees to exchange and interchange currents; to assist one another whenever necessary, by supplementing the currents or power; and enable any grantee to secure assistance to carry on the business and supply his customers" is lawful. That is to say, reading in here the following language of the major propositions, it is not (1) "a combination in the form of an unlawful trust," or (2) "the subject of an unlawful contract or conspiracy to limit the output of electric energy, or in restraint of the generation, sale, or distribution of electric energy."

In brief, grantees of water-power rights at the hands of Congress may join in the exchange and interchange of business and cooperate and combine in the conduct of their business, and unite in securing assistance to carry on their business, and such united and cooperative action is not "a combination in the form of an unlawful trust," nor is it "in restraint of the generation, sale, or distribution of electric energy," and therefore such united action of water-power grantees is, to that extent, immune from the prohibitions and penalties of the national and State antitrust laws.

That, in substance, Mr. Chairman, is the logical and practical interpretation of this section. And now let us look for the application to the water-power companies and hydroelectric conditions of this country.

Let us note, first, what Herbert Knox Smith, former Commissioner of Corporations, says of the present trend of water-power organizations in his letter of March 14, 1912, submitting his report to the President.

Note these first two results, as ascertained by the department's investigations. The commissioner says:

This report shows the results:
(1) An increasing concentration of the control of water powers by certain large interests.
(2) Extensive relationship between water-power interests, public-service companies (street railway, lighting, and power concerns), and banks.

This trend had already been forecast in the veto messages transmitted to Congress by former President Theodore Roosevelt in his vetoes of the Rainy River and James River dam bills. Speaking of the alarming proportions of the concentration trend of water-power and public-service corporations, President Roosevelt summarized the situation in the following significant terms:

In other words, it is probable that these 13 concerns directly or indirectly control developed water power and advantageous power sites equal to more than 33 per cent of the total water power now in use. This astonishing consolidation has taken place practically within the last five years.

When a small group of 13 corporations, Mr. Chairman, control one-third of the total water power in use by a nation of 100,000,000 people, and, in addition to that, the lion's share of the advantageous power sites yet undeveloped, we begin to appreciate the significance of a provision which makes it lawful and beyond the limitations of our antitrust laws for such consolidations to enjoy the special privileges of free exchange and interchange of business and joint action in the conduct thereof and the financing thereof in carrying on their business.

The conditions described in the Roosevelt veto messages were those of six years ago. Let us now take a concrete case from the report of Commissioner Herbert Knox Smith of two years ago. Let us take his report upon that giant consolidation known as "The General Electric Group."

And right here I want to state to the members of this committee they can not secure a copy of this report without paying 75 cents for it. We have no trouble in procuring copies of reports that teach us how to distinguish the difference between the male and female angleworm, but when it comes to a great substantial proposition we find that the reports are not to be had unless purchased.

Here is one corporation, or rather aggregation of corporations under one general directorate, that controls 50 per cent of the commercial power of 18 States. It not only controls the water powers, but the principal public-service corporations which buy and consume the power. It controls the street railways of 16 cities and the electric-light plants of 78 cities. For fear the municipalities might evade its lighting monopoly and use gas, it stops that possible loophole by owning the gas plants of 19 cities.

By way of illustration of that provision of the section before us, which specifies that these water-power grantees may join "to secure assistance to carry on the business," we find that this General Electric group of officers and directors are likewise officers and directors in upward of 50 banks and trust companies, including 5 of the leading financial houses of Philadelphia, 6 in Boston, and 24 banks and trust companies in New York City, there being 3 General Electric directors in J. P. Morgan & Co., the leading underwriting corporation of America. And this bill makes such financial cooperation and combination lawful and immune from the operations of the Sherman antitrust law.

Gentlemen of the committee, you have all read the testimony of Charles S. Mellen given yesterday before the Interstate Commerce Commission. From the disclosures made by Mr. Mellen, indicating how these large financial institutions operate when they have an opportunity, do you not now realize more than ever before what it means to have an institution like J. P. Morgan & Co. given an opportunity to control the hydroelectric power plants of this country?

Says Commissioner Smith in his report to the President:

This one group of interrelationships—

Referring to the General Electric—

controls or influences 24 corporations that operate hydroelectric plants; over 50 public-service corporations, not counting as many minor subsidiaries; and, finally, one group of interrelationships includes numerous railroads and industrial corporations and over 50 banks and financial houses, many of them in the first rank of importance. About 20 "General Electric" men in all constitute most of the chain of connection, 3 of these being members of the firm of J. P. Morgan & Co.

As showing the sweeping character of the network of operations of this one company and the transcontinental breadth of its control, we find that it owns and controls 55 per cent of the water powers of Oregon and Washington, on the Pacific; 72 per cent of the water powers of Colorado, in the Rockies; 61 per cent of the water powers of New Hampshire, in New England; and 80 per cent of the hydroelectric plants of the State of Pennsylvania. But that is not all. Says the Commissioner of Corporations:

The influence of the General Electric Co. in municipal public-service corporations extends into practically every section of the United States.

In the face of such official statement of facts and conditions, Mr. Chairman, is the Congress of the United States, fully conversant with the tidal wave of trust organization which has besieged the Nation, now about to pronounce this interrelationship as above described lawful? Are we going to make this vast hydroelectric combination immune from the operations of the antitrust laws of the Nation and the States?

Are we going to write into the law of the land, for the government of an aggregation which includes 24 hydroelectric companies, 50 public-service corporations, not including subsidiaries, numerous railroads and industrial corporations, the street railways of 16 cities, the gas plants of 19 cities, the electric-light

plants of 78 cities, and holds directorates in 50 leading banks and trust companies, the language of this bill, which says:

It shall be lawful, under the approval of the Secretary of War, for different grantees to exchange and interchange currents, to assist one another whenever necessary, by supplementing the currents or power, and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War?

Mr. Chairman, the Secretary of War at this time has troubles on hand in connection with the pacification and the interrelationships of our neighboring Republic of Mexico. But before he, under the provisions of this bill, should get through one year of the accounts and payments and exchanges and interchanges and of first aid between grantees whenever they may see fit to deem necessary, and of rate regulations and adjustments for all the corporations and subsidiaries and interrelationships involved in this one great combination known as the General Electric, he would look upon the Mexican problem by comparison as an A B C lesson.

But the first and most serious question before this House is this: Are we going to cooperate with the hydroelectric and public-service combinations in their plain efforts to evade the operations of the antitrust law? Shall we go further and open and pave the road to such wholesale evasion? Shall we by law extend special trust immunity to all corporations and combinations and interrelationships which seek the monopoly of our great water-power resources and the control of our municipal utilities?

There is not a Member of this House who does not realize the nature and extent of the national struggle of the past 25 years to place upon our statutes and secure the efficient administration and strict judicial interpretation of a law for the protection of the people from trust aggrandizement. We know how such law has been fought at every step; we know how for years every foot of the path was blocked and the law was made a dead letter; and then how, little by little, the proper enforcement and interpretation of the law began to make progress in the interest of public welfare. We know how it was fought by the greatest industrial giants of the age and by the ablest of corporate counsel; and at last we have begun to get light and see our way through the trust jungle to something like law and order.

Mr. Chairman, in the history of the American Congress during the past half century I question if there is any one act which can be pointed to as a greater monument to the constructive labor of this body in protecting the people from the greatest economic danger of the age than that law—the product of many sessions and many minds—known as the Sherman antitrust law. It is still imperfect enough at best, because of the vast difficulties and complexities of law and custom, of business and human greed, to be met and overcome. No law in the history of the world has had more powerful, bitter, and resourceful enemies. Shall this Congress now lend a hand to cooperate with these enemies and be a party to halt the progress of a half century of legislative and legal struggle? I can not believe it.

NEW 50-YEAR FRANCHISE TO WATER-POWER CORPORATIONS.

Mr. Chairman, I now desire to call the attention of the House to the second menace embodied in the provisions of this bill, and the section I now refer to is of no less value to the water-power grantees and their corporate interrelationships than the section above considered. I call your attention to the closing section, also a brand-new provision not found in the law of 1910, which it is proposed to amend:

SEC. 17. That all provisions in this act contained fixing conditions upon which the consent of Congress is granted for the construction of dams shall apply alike to all existing enterprises in operation or authorized as well as to new projects to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any act of Congress granting consent to the construction of any dam are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all the conditions and provisions incorporated in this act.

What is the force of this provision, Mr. Chairman? It is to give to every water-power grantee of the United States, now in operation or hitherto authorized, a brand-new franchise from the date of the approval of this act, and modified to the conditions and provisions incorporated in this act.

What will be the provisions of these new water-power grants, dating from the passage of this bill?

First, the term of the grants. Sections 9 and 10 provide that the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure described in the approval of the Secretary of War, and thereafter until the grantee, in the event of the taking over of the property by the United States, has been fully compensated for the value of the property.

This means a new 50-year franchise for all the water-power grantees of the Government. It does not matter how defective was the original grant or how limited; all defects and shortcomings are cured and copper-bottomed and extended for a half century to come or until most of the living beneficiaries are dead and buried.

Second, in regard to the powers of the grant. All the new immunities granted in section 15 above, authorizing different grantees to exchange and interchange currents, to assist one another whenever necessary by supplementing the currents or power, and enabling any grantee to secure assistance to carry on the business and supply his customers, are incorporated in the new franchises and hold good for the coming 50 years. So that if the old grants were given by Congress subject to the provisions of antitrust laws, all such limitations are removed and full immunities granted for interchange of business and cooperative physical and financial aid between the interrelated grantees and their subsidiaries.

The phrase "enable any grantee to secure assistance to carry on the business and supply his customers" has special significance in aid of such an aggregation as the General Electric, because among the chief of its customers are the public-service corporations, including street railway and lighting companies, which consume electric current and at the same time belong to the great corporate interrelationship. The relationship, the mutual assistance, and the supply of such "customers," as well as the financing under the name of securing "assistance to carry on the business," are all made lawful and incorporated in the new charters.

Behold, then, the General Electric, the Westinghouse, the Stone & Webster, and other great corporate groups enumerated by the Commissioner of Corporations, starting out with their new 50-year franchises and grants of immunities. It is quite proper in this connection that the bill should define "persons" as covering "both the singular and the plural, as the case demands, and shall include corporations, companies, and associations"; and also, it might have added, the "groups" and "interrelationships" described by the Commissioner of Corporations.

It is proper that the bill should provide, in the last clause of section 17, that "in no case shall such arrangement be permitted to raise the price." That, however, would appear to be superfluous, in view of the fact that rates can scarcely be forced upward in the face of a future largely increased development and use of electric current and public utilities. It is notable, however, that there is nothing in the bill prohibiting such aggregations from resisting the natural reduction in rates which largely increased volume of consumption should bring about or defeating price cuts which might be threatened by possible competition. They are simply not allowed to "raise the price." They may sustain present prices through the term of the grants.

EXEMPTION FROM STATE CONTROL.

One of the serious and widespread consequences of sections 15 and 17 is the logical exemption of the principal hydroelectric corporations of the United States from State regulation and control and the substitution of the fiat of the Secretary of War for the laws, constitutions, and public-service regulations of the several States in which the hydroelectric plants and allied public-utility companies are located.

Section 11 provides that where the electric current enters interstate commerce the Secretary of War is—

hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered.

This authority would not be so far-reaching were it not for the provision in section 15 permitting "different grantees to exchange and interchange currents." When you give that power to an aggregation of allied hydroelectric corporations, such as the General Electric or the Stone & Webster, and like groups, which may extend their operations over a stretch of adjoining States in a period in which, as stated by the Commissioner of Corporations, such electric group may operate over a contiguous area of 100,000 square miles, no one can effectually dispute their claim that their current is interstate, and thereby, under the provisions of sections 11 and 15, subject only to the regulation of the Secretary of War.

Such a condition would render null and void all attempts of States and municipalities under present laws and charters to regulate such electric utilities. The public-service commissions of 30 or more States which attempt to regulate such utilities would be put out of commission and their powers bestowed in lump upon the Secretary of War, who by nature of his location can know little of local conditions and be in only a slight degree in touch with the great masses of local, State, and munici-

pal consumers. They can not go to him in Washington to attend hearings and make statement of grievances, as now provided for in State and municipal laws and ordinances. And, in the nature of things, the Secretary of War can not visit the people of the 48 States and their thousands of municipalities and settle their just grievances.

The practical working of this provision will be that in any State or city where there is an efficient local commission which looks after the local public interest and holds the public-service corporation strictly to account, and not to its liking, the corporation that does not like such local regulation under the eyes of consumers will set up the excuse given by section 11 and claim that its current is interstate, because its plant is "tied in" or "coupled up" with other plants across the State boundary, as authorized by "the exchange and interchange of current" clause of this bill.

My own State operates under the home-rule plan. The State has legal machinery by which the people regulate and control their public-service corporations, but this bill makes it possible for the companies to evade and escape such State and local control. If the power at the high dam at Minneapolis were owned by a public-service corporation, and if it were tied in with the hydroelectric dam at St. Croix Falls, the current would then become interstate, and the Secretary of War would have the right to fix prices as well as regulate the service for the people of Duluth, St. Paul, and Minneapolis.

In my neighboring State of Wisconsin they have a new law for the regulation of all hydroelectric companies, as well as public utilities generally, by State commission. The Wisconsin water-power law is elaborate and detailed and covers every branch of procedure, giving all aggrieved parties and consumers full hearings for adjustment of claims and complaints as to rates and quality of service.

Eighteen States of the Union cover waterway and water-power control in their constitutions. But what are these constitutional provisions worth if the great hydroelectric aggregations are given by Congress an easy route of evasion from State jurisdiction to that of the Secretary of War?

What is the result? Instead of government of the water powers and public utilities of a State by the people of that State you substitute government by the Secretary of War. Is that democracy? Is that in accord with the teachings of Jefferson and Lincoln? Is that what our fathers fought for and what they incorporated into the great Declaration and Bill of Rights of our Constitution?

When electric current enters a State it should be subject to regulation by the laws of that State without interference on the part of the Federal Government. It is the duty of the representatives of the people, as well as of the people themselves, to resist any effort which, if successful, will deprive the State of exercising power and control over matters of local concern. Those functions of government which are national in character belong to the Federal Government, and those that are local belong to the several States. For 125 years we have adhered to this basic principle, and in the light of the success which has come to us I for one am not willing to abandon it.

CORPORATE FEAR OF THE STATE.

If any Member is in doubt as to what is intended to be accomplished by section 11, I invite his attention for a moment to the hearings before the Interstate and Foreign Commerce Committee on April 14, 1914, pages 26 and 27:

MR. HUGH L. COOPER, CONSULTING ENGINEER AND OWNER OF WATER-POWER PROJECTS, ON THE STAND.

The CHAIRMAN. What is the reason this will not do? If it is entirely within the jurisdiction of the State, let the State do what it pleases.

Mr. COOPER. I am afraid of any State.

I have heard such awful things stated in the halls of various legislatures that I am generally afraid of them. It is no joke with me; I am afraid of them, but I am not afraid of Congress.

The CHAIRMAN. Suppose that we provide that if the State does not provide adequate legislation, that the Government preserve the right to do it, and they can not confiscate your property by making the rate too low.

Mr. COOPER. That is all I ask.

The CHAIRMAN. I think we are about of the opinion to do that.

Mr. Cooper can not be familiar with the history of Minnesota. By practically a unanimous vote the citizens of that State directed the State treasurer to pay a $5,000,000 bond issue after the supreme court of the State and of the United States held the issue void.

Since regulation has become the established mode of dealing with public utilities, their owners have been endeavoring to place them in the hands of an individual or board as far removed from the consumer as possible. Does anyone know any other place where power could be lodged that would be further removed from the people than in the War Department?

SECRETARY MAY PERMIT STATE REGULATION.

But our attention is called, Mr. Chairman, to that beneficent provision of this bill wherein the Secretary of War may grant to the States, if thus he may be so generous minded and fully satisfied that it is wise so to do, the boon of regulating by their own laws the rates, charges, and service to the consumers for such electric current.

The special proviso to such end reads as follows:

Provided, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, charges, and service to the consumers for such electric current, and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State arising from the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such State.

This is certainly one of the most original and unique, as well as generous and beneficent, provisions ever proposed in a bill submitted for passage by the Congress of the United States. Upward of 30 States thus far have laws for the regulation of electric rates and service, and a great many hundred municipalities have charters and ordinances of like purpose. The Secretary of War, endowed with the kindly authority of a father, will take note of such efforts on the part of the States. If he finds a State in which such attempted regulation appears to him to be "adequate," he may waive the supreme authority conferred upon him by this bill and allow the State to undertake his function of regulating its own rates and service. But he must first satisfy himself that such State "regulation shall not be unduly discriminatory and unjust," and of that he is the responsible arbiter and supreme judge.

Eighteen States have constitutional provisions asserting State sovereignty over State water resources. Colorado and New Mexico declare in their constitutions that the waters of the State are public property belonging to the people. North Dakota and Wyoming declare their waters the property of the State. Colorado and Idaho give preference to the domestic use of water over navigation and to irrigation for agriculture over water power for manufactures. California and Idaho declare that their waters may be appropriated for beneficial uses, subject to the control of the State. Colorado and Idaho authorize in their constitutions legislative regulation of water rates and service. Colorado, Idaho, Montana, Oklahoma, Washington, and Wyoming assert in their organic acts the right of eminent domain for the construction of reservoirs, canals, and dams. Recent statutes of Minnesota and Wisconsin, like the laws of the great majority of Western States, declare the waters of the State to be public property dedicated to the use of the people and subject to the regulation and control of the State.

The honorable Secretary of War will consider, under the authority of the above happy proviso in the bill, all such State constitutions and laws; and if, peradventure, he finds such State constitutions and laws wise, "adequate," and not "unduly discriminatory and unjust," or, to quote the careful and exact language of the bill, "and such facts shall be established to the satisfaction of the Secretary of War," then, "in such case the provisions of this section shall not apply to the rates, charges, and service in such State."

Mr. Chairman, thus did Moses, in certain cases, grant to the children of Israel the privilege of making rules for their own government. Thus did Lord North concede, in many cases, the wisdom of colonial legislation. So, likewise, did George III ratify as sane and permissible many of the measures adopted by the American Colonies. And through the course of human history, from the time of Moses down to that of King George III, excepting only such revolutionary periods as those of Magna Charta, Oliver Cromwell, and George Washington, it was always the custom to place over the people and their attempts at local government some wise lawgiver, who reviewed their sundry rules and ordinances and ratified and incorporated into the law of the land those provisions which he deemed wise and "adequate."

It is only since 1776 that the experiment has been tried of allowing the people themselves to be judge of the adequacy and justice of the laws of their making, and the consequences are apparent in many poor laws. It is fortunate, indeed, for the people of the United States at this juncture, when the entire water resources of the 48 States and the Nation at large are at stake, the potential income of which may reach hundreds of millions of dollars per annum for generations to come, as long as the rains of heaven shall condescend to fall upon the earth. It is fortunate, I say, that we have in this Nation one man, though an appointive Secretary at that, who is eminently and signally competent not only to regulate the hydroelectric lightnings in their countless public-service ramifications throughout the length and breadth of the greatest empire on earth, but like-

wise to review the constitutions, laws, charters, and contract regulations of this constellation of States and the myriad municipal subdivisions thereof, and sift, analyze, select, and determine that which is nondiscriminatory, adequate, just, safe, and sane, thereby giving to such regulations the force of law and casting all else into outer darkness. And it occurs to me as highly appropriate, Mr. Chairman, that the trustees of the Carnegie and Rockefeller Foundations should erect a monument to the genius who has made the discovery of this man. Moreover, were the three General Electric directors of J. P. Morgan & Co. (Ltd.) within reach of my voice I have no doubt they would second my suggestion.

SOVEREIGNTY OVER STATE WATERS.

Unfortunately for the theory of government upon which this beneficent but paternalistic provision is based, the Supreme Court of the United States has given to the world the following doctrine pertaining to the sovereign rights of the States over their waters:

Each individual State of the Union has control of the waters of navigable streams and lakes within its borders, the right and interest of the United States in such waters being only that their navigability be preserved for interstate commerce. The title is in each State, and the use of the water is a matter of State regulation. (Pollard v. Hagan, 3 How., 212; Shively v. Bowlby, 152 U. S., 1.)

The control of the General Government in the case of dams across navigable streams arises only as incidental to its control of interstate commerce and navigation. The sovereignty of the State over its waters is otherwise complete. Thus the laws and constitutions of the various States for the regulation of State water resources has solid foundation in the law of the land as interpreted by the court of last resort—said court of last resort being the Supreme Court of the United States, and not the Secretary of War, as proposed in this bill.

Condemnation for public use finds general recognition in two principal classes of cases: First, the domestic use of municipalities; and, second, the navigation purposes of either State or Nation. To this, under the constitutions of west-of-the-Mississippi States, is now being added storage reservoirs for irrigation and flood prevention.

COOPERATION OF NATION, STATE, AND MUNICIPALITY.

Thus the law of the land as it has been developed through the years offers a broad foundation of principle on which to frame a comprehensive water-regulation law, recognizing alike the rights and interests of Nation, State, and municipality on an equitable democratic basis of public cooperation. Such act should recognize Federal control only as interstate commerce and navigation is concerned, and rights incidental thereto. Municipal control should have its proper place based on domestic and public municipal requirements. All other control and regulation should rest on the sovereign authority of the State. Laws of the State for such water power and electric regulation should find their authority in such program, not on the ipse dixit of the Secretary of War, but on the recognized sovereignty of the State, which existed before the formation of the General Government, and on the original title of the people of the State to the waters which are part of the permanent State domain and inalienable. That the constitution and law of a sovereign State should derive their authority from the will of a single outside official is something which in this age of the world will scarcely find lodgment even in the law of a monarchy, to say nothing of a Republic like the United States, which is supposed to stand as the model of progressive democracy for the civilization of the twentieth century.

PUBLIC COOPERATION IN MINNESOTA.

Opportunity for such cooperation of Nation, State, and municipality exists in my own State and congressional district in connection with the use and operation of hydroelectric power at the so-called high dam across the Mississippi midway between the cities of Minneapolis and St. Paul. This 15,000-horsepower project of the General Government will be completed this season and be ready for hydroelectric installation next spring. The institutions of the State, the Twin Cities, and the Federal Government, located within a 6-mile radius of this plant, could readily consume the entire electric product. To that end the State Legislature of Minnesota has created a special public corporation with the mayors of Minneapolis and St. Paul and the president of the State university board of regents as directors. The State and the two cities are ready to issue bonds for the construction of the necessary hydroelectric plant for the generation and distribution of electric current and provide for the scientific and business administration of such enterprise, and they also stand ready to pay the General Government a proper rental, based on the interest on the Government investment. Now steps in a Chicago private corporation, which already has a practical monopoly of electric current supply and Government water-power grants in six to eight Minnesota and Wisconsin congressional districts, and there seems to be a strong disposition in certain quarters to exclude the public association and turn over the hydroelectric installation to the private foreign corporation. The argument for such private control is that the State and cities can just as well buy electric light and power from the private corporation and save the State and cities from a lot of experiment and trouble.

But this means that both the State and cities will have to pay extra rates in order to yield the middleman—the Chicago private corporation—profits and dividends for the product of a public project. What is the justification for bringing the private corporation into this public project? An argument is set up in favor of the greater economy of private operation by reason of the fact that the new Government water power may be "tied in" or "coupled up" with the 8 or 10 other hydroelectric plants owned and operated by the private corporation located on Mississippi River tributaries in Minnesota and Wisconsin, and that this consolidation permits of greater operating economy. Admitting this point for the sake of argument, is there not, on the other hand, a large element of extra cost involved—in the dividends which must be earned and the higher interest that must be paid on the stocks and bonds of the private corporation? Developed and operated as a public enterprise only, the rates and rental collected need only equal operating and fixed charges on the actual Government, State, and municipal investment, and the interest charge will approximate about 4 per cent. The private corporation must earn not only 5 to 6 per cent on its mortgage bonds, but enough profits additional to pay 6 to 10 per cent dividends on the capital stock of the shareholders who finance the enterprise for the profits it will make for them. Thus a group of middlemen seeking private profits are allowed to step in between the General Government on the one hand and the State and municipalities on the other and demand that public use shall yield its tribute to private profit.

PUBLIC USE PARAMOUNT TO PRIVATE PROFIT.

I hold, Mr. Chairman, that in the rental of all water-power resources by the United States in connection with dams and reservoirs erected for navigation and flood prevention, priority and preference should be given to public use over private profits, and that the State in which the water power is located should receive priority of consideration as a Government lessee.

Moreover, on the assumption that the water resources of a State exist and should be developed for the greatest public benefit of that State, rather than for exploitation by private capital, I hold that the purpose of Congress should be to cooperate with State and municipal government in the greatest degree and to give the local consuming public the largest practicable voice in the management of the water-power plants, that the service supplied and the rates charged may approximate the maximum efficiency and economy and most closely reach the needs and demands of the local consuming public. The aim of this bill, therefore, should be as democratic as practicable, with the minimum of Federal control commensurate with the protection of natural resources and interstate commerce.

PROVISION FOR ORDER OF PRIORITY OF RIGHT.

Furthermore, this bill should contain a well-considered provision defining the order of priority in regard to the use of the streams and water powers. The great electric trust groups naturally want no such order of priority. They want private greed placed on the same terms as public need, knowing full well that on such basis their powerful aggregations of capital and expert legal staffs and political machines can handle the situation and secure the cream of the water-power rights of the country.

But the United States Government, Mr. Chairman, has already established a proper precedent in determining the order of precedence in the disposition of water privileges in the international boundary water treaty between the United States and Canada. Article 8 of that treaty instructs the International Joint Commission that in adjusting disputed water claims it shall be guided by certain "rules or principles" for the determination of the order of precedence, which shall be as follows:

1. Use for domestic or sanitary purposes.
2. Uses for navigation, including service of canals for purposes of navigation.
3. Uses for power and irrigation purposes.

This principle of priority of public use is recognized in the modern water acts of all civilized nations. One of the latest acts of the kind is the new act of British Columbia, the most western of the Canadian Provinces. Part 4 of the British

Columbia water act lays down the following rule of priority in the issue of leases:

PRIORITY PROVISION OF CANADA.

Part 4. Priority of purpose and of right in acquisition of water.—All licenses to use water shall issue with regard to the purpose for which it is required, which shall have priority in the following order:

First. Domestic purposes.

Second. Municipal purposes, which shall mean and include the supply of water by any company to a city, town, village, or unincorporated locality for domestic purposes.

Third. Irrigation of land for agricultural or horticultural purposes.

Fourth. Industrial purposes, which shall mean and include water required for the production of steam and all other purposes save domestic, municipal, irrigation, and the production of power for sale, barter, or exchange, and mining.

Fifth. Power, which shall mean and include the use of water for generating power for sale, barter, or exchange.

It will be noted that the new British law places commercial power last in the list of priority in the rental of water leases. The obvious basis for working out the above order of precedents is the degree of public use with which each purpose is affected. Profit from commercial power for sale and barter is properly deemed least affected with public use.

Navigation is not included in the provincial water act, because navigation comes under the control of the general Dominion Government, just as in our case it comes under the control of Congress for the protection of interstate commerce. It will be noted, however, that the Dominion Government turns over to the respective Provinces regulation of water resources for all purposes except navigation and interprovincial commerce, which is in accord with the principle laid down by the United States Supreme Court in Third Howard, page 212, and One hundred and fifty-second United States, page 1, quoted above. This, likewise, is in accord with best European practice, which rests upon joint cooperation of national, State, and municipal agencies in bringing the regulation of public service and public resources close to the consuming public.

NATIONAL COMMISSION OF CONSERVATION.

The pending bill goes far beyond the precedent of the acts of 1910 and 1906 in extending the powers of the Secretary of War as sole national arbiter in water-power regulation. It gives him the rate-making power, which is a legislative function. It likewise gives him the right of regulating service and issuing permits. Meantime, it leaves out the Departments of Agriculture, Commerce, and the Interior, all of which deal more directly with the public domain and with the people and enterprises which use and develop the resources of our national domain. The Dominion of Canada works on a far more representative basis. Besides the water commissioners of the several Provinces, Canada has created as a general bureau of supervision and information a commission of conservation, which exercises such general Dominion control as is beyond the proper jurisdiction of the respective Provinces. This includes, as in our case, control of navigation and rights developed incident thereto. The Dominion of Canada does not rob the Provinces of their local regulation.

Mr. Chairman, I believe that our General Government would gain in general efficiency of administration of its public domain, including the regulation of its waterways and water powers, and the uses thereof for agriculture, commerce, navigation, flood protection, and forestry, if into such administration we brought the particular departments which directly deal with such public resources and their use and development by the people. The Secretary of War should be included, simply by reason of the fact that it is the Chief of Engineers upon whom the Government relies for engineering services in planning and constructing Government works. Aside from that essential service, the Department of War is, by nature of its purpose and organization, the least of all our Government departments in touch with the development of our industrial interior, which is essentially a program of peace rather than of war. Thus organized we would have a national commission of conservation, including the Departments of Agriculture, Commerce, Interior, and War, which, together, would bring all the administrative energies of our General Government dealing with the resources of our public domain into cooperation with the States and municipalities where these natural resources are located, for the mutual public service of all the people and the conservation of our vast resources of natural wealth for the highest good of the Nation and the several component States to-day, and for the generations to follow.

PUBLIC INTEREST OF MINNESOTA.

Mr. Chairman, few if any States of this Union are more directly and vitally concerned in the adoption of a sound and progressive national policy in the administration of water-power resources than my own State of Minnesota, and few congressional districts are more deeply interested than my own district, the city of Minneapolis. In the list of congressional grants of water-power rights listed in the final report of the National Waterways Commission, including all such grants by Congress from the year 1789 down to 1912, I find that 22, or approximately one-fifth of the total number of Federal grants, relate to dam and power sites within the State of Minnesota or on the boundary waters of that State. Certainly no State in the Union, therefore, has greater concern in the proper conservation and regulation of water-power resources.

In six congressional districts of Minnesota, and particularly in my own district, we have an additional direct interest, because a foreign corporation, controlled by Chicago capital, and operating in the four States of Illinois, Wisconsin, North Dakota, and Minnesota, has control of a large group of power plants, and likewise of public-service corporations furnishing light, heat, power, industrial, and transportation service, and has a practically complete monopoly of the sale and supply of hydroelectric current. With this corporation the city of Minneapolis has been engaged in legal contest for some time in the struggle to secure reasonable municipal lighting rates, and the aroused public sentiment of the State is such that there is little question that the incoming State legislature, which convenes in January, will give the people sufficient authority to adjust their grievances.

Let us now apply the provisions of the pending bill to the Minnesota situation and see why it may be fraught with danger. Here is a Chicago corporation which travels under the various names of H. M. Byllesby & Co., Northern States Power Co., Consumers' Power Co. of Chicago, and Minneapolis General Electric. Its headquarters and general offices are in Chicago, although its hydroelectric and public-utility plants are in four States. It owns and controls dam and power sites on the Apple and St. Croix Rivers in Wisconsin and on the Mississippi, Minnesota, Cannon, and other rivers in Minnesota. It also owns subsidiary steam plants at Minneapolis, St. Paul, Stillwater, Faribault, and other Minnesota cities. It likewise is supposed to have secured control of the lion's share of the undeveloped power sites granted by Congress on the Mississippi River in our State.

Section 15 of this bill would authorize this Chicago "interrelationship," to use the phrase of the Bureau of Corporations, to "tie in" or "couple up" all of these power plants into one cooperative entity. It makes it lawful for the "different grantees to exchange and interchange currents, to assist one another whenever necessary," and so forth. As a consequence, the electric current generated and distributed over the lines of the general operating company of this complex syndicate might be called by the company "local current," "intrastate current," or "interstate," to suit its interests best in any controversy which might arise, and no one except the company itself would know whether a given current which had been supplied was local, State, or interstate. If the State or municipality started a case, the company could say that the current was interstate; and, if the Secretary of War started regulation, the company could safely claim that the electric current in such case was State or local in its origin and beyond Federal control, which covered only interstate business. Thus the company could play city against State, State against Nation, and Nation against both State and city, and the people would get chaos, litigation, costs, and high rates, with the Chicago syndicate sitting serenely on the lid and laughing at the amateur performances of lawmakers in general and of this Congress in particular.

I am willing and anxious, Mr. Chairman, to cooperate with any well-considered effort to secure strict and efficient administration of our water-power resources, and when the proper time comes I shall offer amendments which I hope may help to cure the defects to which I have pointed in this bill, and properly amended I trust the bill may become a law. But the foundation of such effective law, I am convinced, will be such cooperation of Nation, State, and municipality that the highest permanent interests of each shall be conserved, and the people whose title and interests are directly concerned shall be given no uncertain voice in the conservation program.

How thoroughly imbued with the principle and practice of conservation are the people of Minnesota is shown by the report of the State treasurer, just issued. So wisely have the school, agricultural college, swamp land, and other land grants of Congress been conserved and administered by the people of Minnesota, Mr. Chairman, that the State treasurer reports to-day a net permanent trust fund to the credit of our educational institutions to the amount of over $30,000,000, while the public school and university estate, in the shape of iron mines, timber reserves, water powers, and farm lands, saved from congressional grants and preserved and administered for the school children of future generations of Minnesota is estimated at the

ultimate total valuation of $200,000,000, which is perhaps the greatest public-school endowment in the world. So, I trust, fellow Members, that whatever legislation is attempted for the regulation of our public domain that no hasty act shall pass this House which in any manner can be used to jeopardize the safe and progressive administration and control of the State of Minnesota over the great resources of its public domain.

Mr. COOPER. I yield the balance of my time to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, on the 12th of last March I took part on this floor in what I supposed were the preliminaries of a campaign of real accomplishment for the people of this country. The story of the marvelous power of radium had startled the world, as cure of cancer was added as one of its inestimable properties. The price of this most precious of all precious metals soared to the unthinkable sum of $4,000,000 an ounce, or more than $1,000,000,000 for 16 pounds of 16 ounces each. Asia, South America, and Africa had been explored without encouragement of finding deposits of pitchblendes or carnotite or other ores containing radium. In Bohemia and Saxony and Russia private interests had gained control of these deposits. In Cornwall and the Trenwith mine, near St. Ives, the British Radium Corporation (Ltd.) held sway. The Cornish mine of South Terras, near Grampound Road, unique in that it had been worked in the past solely for uranium ore, was owned by the Société Industrielle de Radium.

The Canadian Government on that same 12th of March had declared, among other things—

AT THE GOVERNMENT HOUSE AT OTTAWA,
Thursday, the 12th day of March, 1914.

HIS ROYAL HIGHNESS THE GOVERNOR GENERAL IN COUNCIL:

* * * * * * *

And whereas it would appear to be to the public interest that radium, which means and includes all deposits of carnotite, pitchblendes, or other ores containing radium in sufficient quantity for commercial extraction, the property of the Crown, should be for the present withdrawn from disposal:

Therefore His Royal Highness the Governor General in Council, under and by virtue of the provisions of section 37 of the act 7–8 Edward VII, chapter 20, is pleased to authorize the minister of the interior to withdraw from disposal and to reserve to the Crown all rights within the said Provinces and territories to radium, and to other minerals which may contain radium in sufficient quantity for commercial extraction.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

That the Government of the United States was rich beyond the wealth of Crœsus in radium in the carnotite found in the sandstone of Colorado and Utah was heralded from ocean to ocean. The whole world turned its attention this way. Speculators who wanted to profit by the find were flocking to the grounds to take from the people and appropriate to themselves this inestimable wealth.

A great and progressive Secretary of the Interior—unfortunately astride a lazy and halting donkey—sounded the alarm and begged the powers that had authority in this country to act for the people. Had there been a Theodore Roosevelt in the White House, with the forward command of a progressive party to spur him on, the radium areas would have been withdrawn and the people would still be the proud owners of these resources. But upon carefully scanning the Democratic platform it was learned that there was nothing in that document about radium; and, as the President told the suffragists, he could not start anything that the platform had not mentioned. So the President said nothing about radium. Secretary Lane again warned the Members of Congress, and the gentleman from Illinois, Dr. FOSTER, introduced a resolution withdrawing from private entry the affected areas. The Public Lands Committee wanted to get this resolution, but Dr. FOSTER wanted it to go to his committee—the Committee on Mines and Mining. The question of reference was the preliminary struggle referred to in the first of these remarks. The House stood by Dr. FOSTER and his committee got the resolution. A similar resolution has been pending all this time in the Senate. What has been accomplished toward withdrawing those lands? Absolutely nothing. If Theodore Roosevelt and Gifford Pinchot had moved after that fashion the coal of Alaska would to-day be the property of the Guggenheims instead of the property of the people.

If any Member wants to discover one just cause of popular distrust of Congress by the people, let him read the House and Senate hearings on this radium proposition and ponder over the fact that Congress has done absolutely nothing while these lands have been entered in Colorado and Utah by private persons for private purposes at such a rate that all the best claims are now gone. The whole proceeding is nothing short of shameful. When Gifford Pinchot recommended the withdrawal of the principal Alaska coal fields and President Roosevelt followed his advice, Mr. Pinchot became the subject of every conceivable slander and abuse by a band of men who wanted to appropriate those lands. Because he saved these coal lands for the people and had stopped lootings of the public domain by railroads and timber syndicates he incurred the enmity of all who had heretofore profited by the loose way in which public-land matters had been administered.

In recent debates on this floor Mr. Pinchot has been falsely accused by a Representative from the State of Washington in this connection. In substance it has been declared that he was responsible for all the frauds perpetrated under the lieu-land law he did not succeed in preventing, on the theory that if he could prevent one fraud he ought to have been able to prevent all. He has been denounced in particular because he did not stop the railroad raids on the public domain, although he was not in any official position where he could regulate such matters at the time; but it is said that he stopped some of these things by extra-official warnings. Take the Santa Fe Railroad exchange, for example, about which my colleague from the State of Washington has denounced Mr. Pinchot. This exchange was managed entirely by the Department of the Interior. Mr. Pinchot was in the Department of Agriculture. He had no responsibility of any sort, shape, or kind in connection with it. Mr. Pinchot was given charge of the national forests in 1905. The Santa Fe exchange was made several years before that time.

He has also been accused of allowing the Santa Barbara Water Co. to exchange 63,000 acres of the public domain for land they themselves estimated at 25 cents an acre, and it has been stated on the floor of this House that Mr. Pinchot indorsed the transaction. The fact is that he investigated the disposal of the Santa Barbara lands and the claims that these lands, then owned by private interests, were needed by the public for a watershed. He reported that these lands were needed and ought to be acquired by the Government, stating in his letter of approval that he did not know what lands were to be accepted in exchange, but understood that lands in the Dakotas were to be exchanged. Yet it is charged that he approved in this letter of an exchange of the Santa Barbara lands of the Government for certain worthless lands. The simple truth is he did not do anything of the sort.

The State of Washington and the great Northwest owe to Gifford Pinchot a debt of gratitude which can never be paid, and I am unwilling to have these unfounded charges go unchallenged. They do not contain the slightest merit. The plain people of the Northwest love Mr. Pinchot and stand by him in every argument, but there is not a land crook or a crooked land lawyer on the Pacific coast that does not hate him with all the pent-up hatred of a disappointed highwayman.

Mr. Pinchot is now a candidate for the United States Senate from the State of Pennsylvania, and these charges made here on this floor by a Representative from the State of Washington have been widely circulated and exploited in the public press and in public documents in the State of Pennsylvania to make false impressions there and deprive him of that support to which he is entitled.

As a Representative of the State of Washington in this Congress, I say that Gifford Pinchot has the confidence of the people of my State, and I wish it were possible for my word to reach every man who has gained a false impression from these widely published charges. I would say to them all that Mr. Pinchot is entitled to the highest credit and to unstinted praise for his service in stopping the land frauds against the people of the United States in the great Northwest.

In order that he may not at any time in the future be wrongly charged in connection with the disgusting fall-down of the executive arm of this Government first and the legislative arm second in this radium matter, I call to the attention of Congress the following warnings that have been sent out recently by Mr. Pinchot on this subject:

NATIONAL CONSERVATION ASSOCIATION,
COLORADO BUILDING,
Washington, D. C.

As president of the National Conservation Association, Gifford Pinchot gave out the following statement with regard to the Foster radium bill for the Federal control of radium lands:

"Every friend of conservation will indorse with keen satisfaction the efforts of the Secretary of the Interior and of Congressman FOSTER, of Illinois, to safeguard the remaining radium lands now in public ownership from monopoly and exploitation by private interests. The bill recently introduced by Mr. FOSTER (H. R. 12741) is not only a conservation measure of high importance but also a great humanitarian measure. This bill will effectively conserve the remaining radium-bearing ores on the public domain and at the same time will encourage legitimate development. It should have the support of every conservationist.

"What is of still greater importance, Mr. FOSTER's bill will devote to public uses all of this invaluable curative mineral now publicly owned and will defeat the efforts of private corporations to monopolize it for their own private profit. Recent experiments indicate how priceless is radium in the fight against cancer and other diseases. In view of this fact the people of the country will have neither sympathy nor

patience with the special interests which are seeking to exploit these natural resources for their own selfish advantage.

"The passage of this bill will be a long step forward in the application of natural resources to conserving human life and in promoting human welfare, and will mark one more victory in the age-long fight against disease. Secretary Lane hit the nail squarely on the head when he said:

"'The issue is believed to be one of life and death to hundreds of thousands, and I believe the American people will support any broad-gauged policy that aims to extract from lands now in public ownership sufficient American radium for American hospitals, that thus the poorest patients may secure promptly the treatment now necessarily limited to the selected few.'

"The Foster bill should have the support and indorsement of every conservationist. On behalf of the National Conservation Association I strongly urge its passage."

On March 23, 1914, Gifford Pinchot, as president of the National Conservation Association, issued the following statement:

More than two months have elapsed since a joint resolution was introduced in Congress to reserve to the people of the United States the radium-bearing ores on the public lands. During these two months of needless and inexcusable delay not less than 500 additional claims have been located by private persons, so that their content of radium—the only medical remedy for cancer—may be exploited for private profit instead of being used for the public good. This was the object of those who caused the delay.

It is officially estimated that the loss to the Government on the radium needed for its hospitals and the profit to the grabbers, if the grabbers have succeeded fully in their purpose, will be more than $1,500,000. But this is the smallest part of the loss.

At present at least half of our radium goes abroad. Our Government hospitals need 30 grams of radium at once, while 2 grams is all we have in the United States to-day. There are constantly in this country over 200,000 persons suffering from cancer, of whom not less than 75,000 die each year. One woman dies of cancer out of every eight that die at ages over 35, and one man out of every twelve.

The brutal callousness of the men in Congress and out who by delaying this bill have delayed relief to this army of sufferers, for the sole purpose of extracting an exorbitant profit from their necessities, makes even the offense of the food poisoners look mild and small.

Obstruction by the radium lobby and their friends in Congress could not, however, last indefinitely. After delaying for two months a bill which should have passed House and Senate in two days the grabbers saw that the bill must soon be acted on. Accordingly, secret preparation was made to have it passed in a form that would appear to give the public what it needed, yet which would leave the grabbers in substantial control of the situation.

On March 16 the Walsh bill was reported with amendments which were never discussed in any public hearing nor in any conference with the friends of the measure, and which makes the bill a fraud upon the people of this country. One of these amendments provides that if the Government fails at any time to purchase radium ore tendered to it at any railroad station and derived from any claim reserved for Government use under the bill, and does it just once, then the Government loses forever all right to buy the radium from that claim and from all contiguous claims in the same ownership. As to those claims, the bill is repealed. Congress may fail to appropriate money enough to buy the ore, carelessness, accident, or collusion may intervene—no matter what the cause, if the Government fails just once, the radium monopoly gets the claims free from all control. For, utterly incredible as it may seem, the Government officers are thereupon by this bill debarred from going upon the claims to see that the law is obeyed.

It would seem as if the cynical impudence of monopolists could reach no further. Yet the bill contains another clause, under which all that is necessary to take the radium ore in any claim out from under the provisions of the bill, out of the reach of the Government, and into the sphere of the grabbers, is for the locator of that claim not to know when he locates it that it is valuable for radium. The effect of such a provision needs no pointing out.

Another Senate amendment requires the Secretary of the Interior to pay for radium ore, not a just price but the "market" price. The "market" price of radium is an excessive monopoly price to-day. There is no reason to expect that the "market" price of radium ore, fixed by the same men, will be anything but an excessive monopoly price also. This amendment simply authorizes the grabbers to make the Government pay substantially whatever price they may choose to require.

The Senate amendments to the radium bill are simply infamous. They make it a weasel bill, which withdraws from the people the benefits it pretends to give, and it does so in the interest and at the behest of men who are preventing the relief of human misery, in order to make money out of it.

If this radium bill passes in its present form, every man who votes for it will write himself down the servant of special privilege in one of its most abominable forms. It is such cases as this that supply the reason, and so far as they go the good and sufficient reason, why so many people believe that the political power of private monopoly in Congress is stronger than the obligation of the public good, even when the saving of human life is at stake.

There are some other matters to which I wish to refer. I notice in the RECORD of yesterday, in the remarks of the gentleman from New York [Mr. LEVY], that applause was scattered all the way through them. That was a correct and true report of the proceedings here; but the fact is we were engaged in more or less horse play at the late hour yesterday afternoon when the gentleman from New York was talking, and a false impression may be created by the use of the word "applause" in the remarks of the gentleman from New York.

This House was not in sympathy and the country is not in sympathy with any such criticism of the Interstate Commerce Commission as was made by the gentleman yesterday. The fact is, I believe the people of this country heartily indorse the Interstate Commerce Commission for the careful way in which that commission is considering the matters before it. The commission is doing good work and the people are with them, and the people are with Senator LA FOLLETTE in attempting to thwart a well-organized conspiracy to coerce the commission.

There are many of us who read the figures very differently to the way the gentleman from New York reads them. To increase railroad rates as requested, nearly $70,000,000 annual revenue would be handed over to the railroads of the one district. To proportionately increase the rates all over the country would raise the annual income of the railroads about $200,000,000. The Government would then have assumed the responsibility of keeping up these profits. That much added income guaranteed by the Government in the form of dividends ought to increase the stock-market value of the railroad stocks at least twenty times that much, figuring on a 5 per cent basis. That would mean an increase in the value of these stocks of $4,000,000,000. Think of it—$4,000,000,000! That would be equivalent to increasing the national debt by that tremendous amount, for the people have to keep up the interest on the railroad bonds and the dividends on their stocks. Certainly freight rates are paid by the people, as surely as is the tariff. I commend the Interstate Commerce Commission for their deliberation, and I sincerely hope that they will continue to think of Jones, who pays the freight, just as tenderly as of Mr. Railroad Owner, who collects the freight. I am for Government ownership of the railroads, and of course I do not want to increase the face value of their stocks $4,000,000,000 by Government decree.

THE POWER COMPANIES AND LOCAL PUBLIC UTILITIES.

The gentleman who has just taken his seat has taken up, to a certain extent, the proposition of big corporations in this country, and as sure as this Congress is alive, and as sure as adjournment is going to come some day soon, we are facing a great big problem, involving the railroads of this country, and the corporations that are concentrating the control of the municipal lighting plants, street car lines, and the public utilities of the land are involved, as well as the great transportation systems.

There is only one remedy; there is only one relief. You can talk all you want about trust legislation and antitrust bills. They may be efficient or they may be inefficient, but we have got to get practical about this matter.

We have before us in the city of Washington a problem right now that presents a way to bring about a real solution of this particular question. The question of the Government of the United States owning the street car lines and the public utilities of the city of Washington is now a live question, and one that ought to be settled by the Government taking over these lines in the city of Washington without delay and administering them and operating them in a model way, so that the people of the country and the cities of the country can see how these lines ought to be operated, and can gain information and instruction from a model operation here in the city of Washington. There is no use of talking about revising the laws and about regulating. We can not get anywhere in that way. And the cities of this country have taken up the proposition of local municipal ownership of these lines and systems, and as we advance in that way we will settle the problem, and settle it permanently.

MUNICIPAL OWNERSHIP OF POWER PLANTS.

It has long been the favorite argument of the special interests that municipal ownership is a failure both abroad and in this country. It is, therefore, not surprising to find that most people in this country believe this. Years ago when the first stories of successful municipal ownership began to reach us from abroad a propaganda was immediately begun to discredit these few current rumors of public ownership and operation. In the light of what we know to-day as to the successful operation by foreign municipalities of their public utilities it is hard to understand how the truth was withheld. With the increased travel abroad and study of municipal problems the misleading statements regarding the failure of public ownership in municipalities in Great Britain, Germany, France, Sweden, Norway, and Denmark fell of their own weight. The careful study of municipal ownership and its results by our authorities on municipal problems began to demonstrate that not only was public ownership and public operation a marked success, but it was more economical and more highly organized than our public utilities and equally as efficient. It is evident to-day that the web of fiction woven by our special interests with regard to public ownership and operation of public utilities abroad has been swept away. This is clearly shown in the increasing number of water and gas utilities which are being operated by municipalities—and as efficient as those under private ownership. The proportion of gas and waterworks handled by private interests are steadily decreasing. Progress is also being made in the ownership and operation by American municipalities of their electric plants and street railways. There are to-day over 1,400 municipal electric plants in this country. But, of course, this is only a dot compared with the privately owned electric plants. There are

over 20,000 private water-power plants supplying cities and towns in this country. It is time the citizens of our municipalities should ask themselves the question why this situation is a fact. Perhaps some will say because certain experts—gentlemen who inwardly wear the livery of great corporations—tell us that our cities and towns have the most efficient and economical service to be had, and then they tell of the failures and waste of municipal experiments. Then from the subsidized citizens, and perhaps press, we will hear a loud cry that it is "socialism"; or that it is unconstitutional. They are all cleverly danced before the American people as a solemn warning against the use of their own property by themselves. It happens, however, that there are many practical cases of the success of municipal operations in many sections of our country.

HOW SEATTLE SETTLED THE POWER PROBLEM.

In January, 1902, the citizens of Seattle finally became aroused to the exorbitant and excessive rates and impositions placed upon them by the private utility companies. As a result of this aroused public sentiment, the board of public works submitted a report to its council advocating the installation of a small power plant for operating city light only, or a general power plant for power and lighting. The two plans were shortly afterwards submitted to the people of Seattle. There was strong opposition to the latter plan by the power interests, who made every effort to defeat municipal ownership, but by an overwhelming and large majority the people of Seattle declared for a bond issue for the construction and operation of a municipal plant. A bond issue of $590,000 was voted. It has since been increased, on December 31, 1912, to $4,000,000. To-day, after over 10 years' operation, Seattle points with pride to a lighting and power system which will equal, if not excel, that of any city in the country. It has been said by civic experts that Seattle is the best-lighted city in the world, and this is directly due, in a large part, to its successful municipal system. But figures speak more directly and eloquently as to the success of a proposition than mere generalities. To-day the Seattle municipal system has 27,000 private customers and lights 668 miles of its streets with 8,500 street lamps. For the year ending 1912 a surplus of $320,096 was reported. After paying interest, sinking fund, depreciation, operation, and maintenance, an 8 per cent profit has been paid upon a capitalization of $4,000,000. Mayor Cotterill, in his annual report, says:

The city lighting plant has passed the experimental stage and has also proven its efficiency as a rate maker in competition with a powerful private corporation.

In 1902, when the proposed plant was advocated, the people of Seattle were paying more per hour for light and power than they are to-day.

The fact that the municipal lighting and power plant has been extended from its own depreciation fund and profits—

Says J. D. Ross, superintendent of the municipal system—

to the extent of $1,293,000, after providing for maintenance, interest, and cost of operation, is the only answer we could give to the question whether publicly owned plants can be operated as economically as private concerns, for the rates in Seattle, on the average, are probably the lowest in the United States.

PASADENA HAD A POWER PROBLEM.

Several years ago the city of Pasadena also woke up. The price it was paying for power hurt its municipal pride. A private corporation was charging a minimum rate of 15 cents per kilowatt hour. So Pasadena also thought it would try municipal ownership, and voted a bond issue of $125,000. As usual the power interests tried to fight the plan. Municipal ownership and operation, however, has been more successful than its most enthusiastic supporters expected. Power is sold by the city of Pasadena to-day at 5 cents per kilowatt hour. The annual report of the municipal system, in speaking of the success of the experiment, says:

The citizens of Pasadena have saved sufficient by reason of the difference in electric rates to pay for their own plant. This tremendous saving, which must be treated as a credit to the plant, is the people's dividend, and in addition to this great saving to the people the plant remains as a valuable asset, paying its own way from its own earnings.

In fact, from October, 1908, to June, 1912, the Pasadena city government has saved $408,000 in power bills over the old rates. The cost for street arc lights is 23 per cent less and for incandescent lights 40 per cent less than in the private corporation days. At the same time Pasadena claims to be the best lighted city in California. Mr. Koiner, manager of the system, in his recent report, said:

The city of Pasadena proved all claims made heretofore concerning the success of its municipal lighting works with the continued loyal support of its owners. There is no question about making the property a greater success than the people ever anticipated at the time they established this enterprise.

It should be remembered that California, like many other parts of the country, has long been in the grasp of a power monopoly. The successful fight of this city with a grasping monopoly points well a moral that other cities could heed.

CONNECTICUT TOWN OF SOUTH NORWALK.

Not only in the West, but also in the East, you find examples of successful municipal ownership and operation. In 1892, in the town of South Norwalk, Conn., the citizens voted $22,000 for a small power plant. It is needless to say it was commonly considered as a wild venture. The system in operation in this town to-day, however, is valued at about $200,000, and over 88 per cent of its cost has been paid from the earnings. The company for the year ending October, 1912, had a net income of about $66,000, with gross profits of $24,000. The lowest rate for power in New England is found in this town. Of course that is not widely known—there is a reason why. For commercial lighting a maximum charge of 9 cents and a minimum charge of 5 cents per kilowatt hour is made. For power there is a maximum charge of 5 cents and a minimum charge of 3 cents. The story of the fight of this little town for municipal ownership ought to be an inspiration to every monopoly-strangled town or city. In 1900 the Connecticut Light & Power Co. made a flattering offer to the city to take over its plant. By an overwhelming vote the kindness was not accepted. The company then served notice it would apply for injunctions to prevent operation. Various suits for alleged damages amounting to large sums were instituted, and the fight was on. It was a long, lone-handed fight. The matter was finally taken to the supreme court, and after a seven years' contest was decided in favor of the municipal plant. It has cost the town nearly $10,000 in attorney fees alone. But it has won a good fight.

MUNICIPAL OWNERSHIP A SUCCESS.

Seattle and Pasadena and the Connecticut town found municipal operation more efficient and economical than private operation. So also 1,400 other municipalities in this country have arrived at a similar conclusion. It is self-evident that the exorbitant rates for light and power to the average consumer bears directly on our external question of the high cost of living. If municipal ownership can reduce this important item, there is not much to be said against it. There are many other instances where it has greatly reduced the price to the consumer. In Marquette, Mich., lighting is sold for 5 cents per kilowatt as a maximum and 2 cents as a minimum charge, while for power 3 cents is the maximum and 1 cent the minimum charge per kilowatt hour. Iola, Kans., charges a maximum of 4 cents for its current. Jamestown, N. Y., charges 4½ cents and Jacksonville, Fla., charges 5 cents. Yet many so-called experts, principally emanating from Wall Street, invariably tell us that the people lose both in cost and service if they operate their own properties. These gentlemen evidently do not speak from facts; besides, let us see how well private ownership serves the people. We find in Brooklyn a maximum rate of 11 cents and a minimum rate of 4 cents is charged; in New York a maximum rate of 10 cents and a minimum rate of 5 cents (incidentally one company alone in New York has accumulated a surplus of $30,000), while in Chicago, St. Paul, Spokane, Pittsburgh, Portland, Providence, Richmond, Reading, San Antonio, Washington, and other large cities a base rate of 10 cents or more per kilowatt is charged. In reply to the repeated statements that large cities can not reduce their rates in justice to "return on capital," it is interesting to note the Cleveland municipal plant has a maximum rate of 3 cents and a minimum rate of 1 cent per kilowatt hour. How much longer will the people of the municipalities of this country allow these fabrications of public-utilities finance to blind them? A thorough investigation made by the Bureau of Labor for 1900 developed the following estimates of the average price between private and municipal plants:

Plants having engines with horsepower of—	Private plants.		Municipal plants.	
	Number reporting.	Average price per ampere hour.	Number reporting.	Average price per ampere hour.
50 and under 75	1	$0.0075	3	$0.0055
75 and under 100	3	.0106	1	.0090
100 and under 125	7	.0083	4	.0073
125 and under 150	2	.0125	2	.0071
150 and under 200	7	.0083	7	.0088
200 and under 300	11	.0105	8	.0066
300 and under 400	6	.0080	4	.0113
400 and under 500	2	.0085	2	.0063
500 and under 750	17	.0100	2	.0075
750 and under 1,000	8	.0077	1	.0075
1,000 and under 1,500	4	.0097	.....	.....
1,500 and under 2,000	4	.0106	.....	.....
2,000 and under 3,000	6	.0099	.....	.....
3,000 and under 5,000	1	.0090	.....	.....
5,000 and over	3	.0088	.....	.....

This investigation developed that in municipal plants the income from private users during the year exceeded the cost of production, and the municipalities not only obtained free electricity for their own use, but made a profit besides. While, on the other hand, the cost of electricity to the municipality from private plants was always extremely high, the service of municipal plants was equal, if not better, than that privately owned. It has always been a favored argument by the great interests that politics would necessarily enter into the operation of municipal waste, and great stress is always laid upon the waste by mismanagement, which will necessarily follow; but the Bureau of Labor report proved the contrary. This is what it says:

As regards the average cost, it is seen that in 7 of the groups shown the average cost in the municipal plant slightly exceeds that in the private plants, while in 10 of the groups this cost in the private plants is greater by far than in those municipally owned. These estimates were made for about 500 private plants and 300 municipal plants, but investigation shows, without much doubt, that the municipal plants are both economical and, from a standpoint of efficiency, well able to stand comparison with any privately owned plants.

In its last analysis this whole question revolves around the large profits made by private utility corporations. To-day it is well known that public utilities offer the most inviting field for investment. For example, the net earnings of railroads have increased only 1.37 per cent since 1907, industrials have decreased, while public utilities have increased since 1907 over 31 per cent. There is a very good reason for these increased profits. Electricity generated from water power is a perpetual fuel. After the initial cost of plant and transmission system has been met, there is very little expense except for upkeep and obsolescence. There is no more inviting field of finance, for every man in the community may become a contributor to your dividends. As was said in a recent article by experts on the subject:

With advancing civilization and the rapid growth of our cities, electricity will become increasingly essential for our well-being, and it will be brought more forcibly home to us than ever that we can not, without great jeopardy, permit interests that are inimical to the general welfare to control it.

The whole question rests on the initial cost of power as compared with the ultimate price to the consumer; and yet, as fundamental as the comparison is, there seems to be little effort to get the facts. The Prussian Government in recent experiments has developed that power can be generated by electricity for 0.0952 cent per kilowatt hour, at which price the Prussian State will develop and sell power to the municipalities of Cassel and Gottenberg.

At the Puget Sound Navy Yard the cost of generating electricity is a slight fraction over 1 cent per kilowatt hour.

In the city of Washington the consumers pay a base rate of 10 cents per kilowatt hour. The electricity used by the city is furnished by a private corporation. This company is closely related to one of the two street railway systems. It is perhaps unnecessary to say that this private corporation has a monopoly of light and power. It is estimated by the report of the Army Engineers that the Great Falls of the Potomac will generate sufficient power for the uses of the District and Federal Government. The estimated cost of the power project is $9,000,000. I shall give my hearty support to the recommendation for legislation for the construction of this plant. But above all I believe there should be immediate provision for the sale of power to the citizens of Washington. In doing so I believe we will contribute largely to awakening the people of municipalities throughout the country who are to-day paying unfair and unreasonable rates to private corporations.

The story of how the street railway corporations in this city have for many years defeated the public welfare of this community is well known throughout the country. It reflects no credit upon our National Government. In this connection a recent editorial in a New York paper is an interesting comparison with the present situation in this city:

Toronto, Canada, population 410,036, is making its street railway company pay rent for the use of its streets at the rate of $2,437 a day. Besides that, Toronto rates of fare are, for the rush hours, 8 tickets for 25 cents—nearly a 3-cent fare.

Detroit, population 465,766, charges 4 cents fares, and after the street railways have taken in $3,000,000 in any one year the city takes one-fifth of the gross receipts thereafter.

Paris, France, population 2,846,986, has a subway like New York, built by the city, but leased to private operators. The city gets 2 cents of every 5 cents paid.

Chicago, population 2,185,283, recently received $2,500,992 as its 55 per cent of the net earnings of the Chicago street railways. The city's share is $695,048 more this year than last and far in excess of any other year's profits since the city went into partnership with the traction company. Nothing is more certain than that the city's profits will increase year by year in the future.

In the commissioner's recommendation, recently submitted for the city of Washington, there is no provision for the use of this power for the operation of municipal railways. But I feel, with the passage of this legislation, will shortly come legislation for the ownership and operation of the street railway by the District of Columbia.

I hope we will get down to practical common sense and will put an end to the private ownership of these tremendous public utilities in this country. The city of Washington ought not to be the last; it ought to lead.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Virginia [Mr. FLOOD] has one minute remaining.

Mr. FLOOD of Virginia. Mr. Chairman, I do not care to consume it, and I will ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, China, Cuba, and the Netherlands and Luxemburg, at $12,000 each, $72,000.

Mr. GARNER. Mr. Chairman, does not the gentleman want to strike out the words "Argentine Republic" and "Chile," in line 4?

Mr. FLOOD of Virginia. Mr. Chairman, I desire to offer an amendment. I will ask unanimous consent in a few minutes to go back. Let the Clerk read now.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the paragraph just read be passed without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, is not the purpose of that to insert items for Argentina and Chile?

Mr. GARNER. To change those items. They have now the rank of ambassador.

Mr. MANN. I think nobody would have objection to inserting them now.

Mr. FLOOD of Virginia. I was trying to figure out how we had best do that.

Mr. GARNER. Strike out the words "Chile" and "Argentine," in line 4, page 2.

Mr. MANN. Just insert them in this paragraph, and when you reach the other strike them out.

Mr. GARNER. The trouble is we have passed the first paragraph.

Mr. MANN. I think not.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to offer an amendment in line 11, page 1, to insert the word "Argentine" after "Austria-Hungary," and "Chile" after the word "Brazil."

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks to amend the paragraph read——

Mr. FLOOD of Virginia. I want the word "Argentina" after the word "Austria-Hungary."

Mr. MANN. It is carried here under the name of "Argentine Republic."

Mr. FLOOD of Virginia. The proper name is "Argentina."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 11, by inserting, after the word "Austria-Hungary," the word "Argentina," and after the word "Brazil" insert the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. I would suggest to the gentleman that he ask leave to have the Clerk correct the totals here and wherever else these changes are made.

Mr. FLOOD of Virginia. What I wanted to do was to insert "$227,500" instead of "$192,500."

Mr. MANN. There will be a number of these changes made. It is well to have the Clerk change the totals.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the Clerk have a right to correct the totals. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD of Virginia. Mr. Chairman, on page 2, line 4, strike out the words "Argentine Republic."

The CHAIRMAN. The gentleman from Virginia moves to amend, on page 2, line 4, by striking out the words "Argentine Republic."

Mr. FLOOD of Virginia. And then the word "Chile."

Mr. MANN. Let the Clerk report the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amend, page 2, line 4, by striking out the words "the Argentine Republic" and the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Secretaries of embassy to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Mexico, Russia, Spain, and Turkey, at $3,000 each, $33,000.

Japanese secretary of embassy to Japan, $3,600.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to offer an amendment. On page 2, line 22, after the words "Austria-Hungary," put in the word "Argentina," so that that embassy can have a secretary just as these others, and, after the word "Brazil," put in the word "Chile."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 22, by inserting after the words "Austria-Hungary" the word "Argentina" and after the word "Brazil" the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. After "secretaries" the Clerk ought to be authorized to change the totals.

Mr. GARNER. He has unanimous consent to do that now.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Secretaries of legation to the Argentine Republic, Belgium, Chile, China, Cuba, and the Netherlands and Luxemburg, at $2,625 each, $15,750.

Mr. FLOOD of Virginia. Mr. Chairman, I move to strike out, on page 3, line 3, the words "the Argentine Republic," and, in line 4, strike out the word "Chile."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 3, by striking out the words "the Argentine Republic," and, in line 4, by striking out the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Second secretaries of embassy to Austria-Hungary, Brazil, Great Britain, France, Germany, Italy, Japan, Spain, Mexico, and Russia, at $2,000 each, $20,000.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to amend, page 3, line 21, by the insertion of the word "Argentina" after the words "Austria-Hungary" and the word "Chile" after the word "Brazil," on line 22.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 21, by inserting, after the words "Austria-Hungary," the word "Argentina," and in line 22, after the word "Brazil," inserting the word "Chile."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries of secretaries, not exceeding two, detailed to duty in the Department of State, $3,600, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. What is the purpose of this item—

For salaries of secretaries, not exceeding two, detailed to duty in the Department of State?

That means secretaries of what?

Mr. FLOOD of Virginia. It is a new item. The State Department now, when it has any matters of peculiarly engrossing importance in any particular part of the world, takes a secretary of legation from that part of the world and brings him here and puts him in a clerkship in the State Department. He gets the pay of that clerkship, but he is recalled from a position that is more remunerative, because he has peculiar knowledge of the affairs under consideration; and the object of this item is to give these secretaries the salaries they receive at their regular posts of duty and to enable the department to put others in their places.

Mr. MANN. What is the object of calling a secretary here, a secretary of an embassy or legation, who is to be an official in the State Department.

Mr. FLOOD of Virginia. The item reads:

For salaries of secretaries, not exceeding two, detailed to duty in the Department of State.

They are not officials of the State Department.

Mr. MANN. They come under the heading "Secretaries of embassies and legations."

Mr. FLOOD of Virginia. It comes under a general heading.

Mr. MANN. If these are clerkships, they should be called clerks; but evidently they are secretaries of embassies and legations, detailed in the State Department at $1,800, which is less than the salary of the secretary of an embassy.

Mr. FLOOD of Virginia. No. The purpose of the State Department is that they will have to call secretaries of legations and embassies here to fill these places temporarily. They do not keep them here all the time. Sometimes it is not necessary to have them here. It is intended to give the man who is detailed here the same salary that he receives at his regular post of duty.

Mr. MANN. Is it intended to keep the same two here all the time?

Mr. FLOOD of Virginia. No; they are to be changed about; but when they are detailed here it is desired to keep them on the same salary they are now getting.

Mr. MANN. The secretary to a legation or embassy now receives $2,000 and over abroad. Is it the purpose to transfer them here and pay them a salary of $1,800?

Mr. FLOOD of Virginia. I said it was the purpose of the State Department, when they detailed these secretaries here, to pay them a salary equal to the salary at their regular posts, and then to detail somebody for the time being in their places. It enables them to bring secretaries here for this duty without vacating any secretaryship from which they are detailed.

Mr. MANN. But the gentleman will see that all of these secretaries of embassies and legations receive a salary of more than $1,800 a year. Now, the gentleman says that it is the intention to detail those secretaries who are on a higher salary than $1,800 to come to Washington, and here they will get only $1,800. I suppose the man who takes their place will get only $1,800, which, I think, is a discrimination.

Mr. FLOOD of Virginia. I have no objection to the gentleman making it $4,000.

Mr. MANN. I do not see any reason for it at all yet.

Mr. FLOOD of Virginia. That is the reason the State Department gave to the committee.

Mr. FITZGERALD. Mr. Chairman, why should the departmental employees be carried in the Diplomatic and Consular bill at all?

Mr. MANN. Of course they should not be.

Mr. FITZGERALD. If they want secretaries in Washington, why not carry them in the legislative bill, where they would belong?

Mr. FLOOD of Virginia. They are not departmental employees. They are detailed from the Diplomatic Service.

Mr. FITZGERALD. Some one has an idea that if we send a man abroad in one of these embassies or legations and bring him to Washington he is of more value than those who are located right here. If you call it a detail instead of a permanent appointment, the detail will never end. It is one way of detailing a man to the departmental service with less difficulty than he would otherwise encounter in getting in.

Mr. MANN. There are only two secretaries of embassies who receive $1,800 a year under this bill. They are the secretaries of legation to China and Cuba, at $1,800 each. All the others receive either more or less than that amount. Now, I still do not understand whether a secretary at an embassy abroad or a legation abroad is to be detailed and come to Washington, and while he is here draw $1,800 a year or not.

Mr. FLOOD of Virginia. He is to be detailed from abroad, but while he is here he is to receive the same salary that he received in the post that he occupied abroad.

Mr. MANN. Then he will not be paid out of this item?

Mr. FLOOD of Virginia. Paid out of this item.

Mr. MANN. He can not be paid out of this item.

Mr. FLOOD of Virginia. He may not stay here a whole year. He may only stay a few months. They may not consume the whole of this $3,600, but they will consume so much of it as is necessary.

Mr. MANN. This is for two secretaries, $3,600. I think the auditor's office will construe that at $1,800 a year.

Mr. FLOOD of Virginia. If they do, he can get only $1,800, if he stays a year.

Mr. MANN. It would be very unfair.

Mr. FLOOD of Virginia. Not as unfair as to bring a $3,000 man here and put him down in the State Department at $1,500.

Mr. GARNER. May I suggest to the gentleman from Virginia that possibly by changing the language of this item so as to make it available in the discretion of the Secretary of State, and make it available to pay for the services of secretaries detailed from abroad, that might accomplish what he is trying to get at.

Mr. FLOOD of Virginia. If that will meet the objections made by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN]——

Mr. GARNER. This is really an emergency fund, out of which they can make up the salaries of gentlemen who are detailed to do work here, who do not get as much money here as they get in their regular occupation abroad.

Mr. FLOOD of Virginia. I think the language in the bill is very clear, and that it explains the purpose of it. The object is, when these men are detailed, to give them a salary commensurate with the salary they are already getting. It is a new item, which was suggested as a matter of justice to those secretaries who are detailed here, and it appealed to the committee as proper to be done.

Mr. MANN. It would be an injustice to them, and therefore I make a point of order against the item.

Mr. FLOOD of Virginia. So that the gentleman can not say it would be an injustice to them, I move that the item be amended by inserting $4,000 instead of $3,600. Then there would be $2,000 a year for each of them.

Mr. MANN. I make a point of order against the paragraph.

Mr. FLOOD of Virginia. The point of order is well taken.

Mr. BARTHOLDT. Will the gentleman reserve the point of order?

Mr. MANN. I will reserve it for a moment.

Mr. BARTHOLDT. Mr. Chairman, I want to call attention to the hearings on this subject. When Mr. Carr was asked about this particular item he explained to the committee that it will not be possible to take ordinary clerks for that particular service; that it is necessary to call in the secretaries of legation, who have particular knowledge on the subject under consideration. And when he was asked by the committee whether such a secretary could not be paid, while serving in the department, the same salary that he receives as secretary of legation, Mr. Carr answered that the department had no right and no authority to pay him the same salary that he receives as a secretary of legation.

I believe that it is a very valuable work which is being performed by these men in the department. Questions arise every day in the State Department that call for particular knowledge as to a particular country. The department calls in these secretaries for the purpose of advising the department with respect to these matters, and if anything at all should be done in this connection, it seems to me their salaries as secretaries of legation should be continued while they are serving in the department.

Mr. GARDNER. Will the gentleman from Virginia allow me to ask him a question?

Mr. FLOOD of Virginia. Certainly.

Mr. GARDNER. As a matter of fact, does the gentleman know what the salaries of the two secretaries who are here now happen to be?

Mr. FLOOD of Virginia. I do not; but less than their salaries as secretaries when at their posts.

Mr. GARDNER. That is, if they were at their posts to which they are accredited, instead of being in Washington, would they be getting from $1,200 to $1,500?

Mr. FLOOD of Virginia. No; they would be getting $2,000 or $3,000; and when they are brought here they get less than that.

Mr. GARDNER. Does the gentleman know the names of the secretaries?

Mr. FLOOD of Virginia. No; I do not.

Mr. GARDNER. Is one of them Mr. Lachlan?

Mr. FLOOD of Virginia. I do not know.

Mr. GARDNER. I know he is in Washington; and I understand he is a $3,000 man.

Mr. FLOOD of Virginia. I do not know the name.

Mr. GARDNER. The gentleman does not know that there are two $1,800 men then?

Mr. FLOOD of Virginia. I do know this, That the statement was made to us that when these secretaries were detailed they had to give them any clerkship in the State Department that happened to be vacant at the time, and that in nearly every instance the compensation of the clerkship had been very much less than the compensation of these men as secretaries at their posts.

Mr. GARDNER. As a matter of fact, did you ask the State Department whether there are two such secretaries here now?

Mr. FLOOD of Virginia. No; I did not. Sometimes there are none of them here. Sometimes there is one, and sometimes there are two. There are never more than two.

Mr. MANN. Mr. Chairman, may I ask the gentleman a further question?

Mr. FLOOD of Virginia. Certainly.

Mr. MANN. If a secretary of the embassy at Japan, one of whom gets $3,000 a year and another gets $3,600 a year, should for any reason be ordered to Washington to assist here, does not the gentleman think that secretary ought to receive his official salary while he is here?

Mr. FLOOD of Virginia. I do; and if he is kept here a month, if he is a $3,600 secretary he gets $300 and if he is a $3,000 secretary he gets $250.

Mr. MANN. Do they not now get that?

Mr. FLOOD of Virginia. When they are here?

Mr. MANN. Yes.

Mr. FLOOD of Virginia. No, indeed.

Mr. MANN. What do they get?

Mr. FLOOD of Virginia. They get the salary of whatever clerkship they can be placed in. They never get as much as their salary as secretary.

Mr. MANN. I think if they are brought here for governmental reasons, when they have no choice about it and are required to come here, they are entitled to receive a salary somewhat commensurate with the salary that they receive abroad; and I think this item would destroy that right.

Mr. FLOOD of Virginia. The Secretary of State and the State Department thought this would accomplish that very purpose. That is the reason we inserted it in the bill.

Mr. MANN. They did not put it in very good form. I will make the point of order, and it can be corrected somewhere else.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey, at $1,000 each, $10,000: *Provided*, That said student interpreters shall be chosen in such manner as will make the selections nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Turkey so long as his said services may be required within a period of five years.

Mr. MANN. To that, Mr. Chairman, I reserve a point of order. I will ask the gentleman from Virginia whether he has any information as to these student interpreters. We have carried the item in the bill for several years. What is the situation about the 10 student interpreters in Constantinople?

Mr. FLOOD of Virginia. They supply the places of clerks and secretaries to the embassy, the legation at Persia, and other places. The statement made to the committee was that it was necessary to keep 10, or as many as could be gotten, in order to keep up a supply of men who speak that language in these different countries.

Mr. MANN. We have carried 10 student interpreters to Turkey for many years. I do not know whether the number has been increased or not, but they all agree to serve five years after their student days are over. What do we do with them and what do they do? Do they just get a nice trip abroad and an education at the Government's expense, or do they really remain in the service?

Mr. FLOOD of Virginia. They remain in the service.

Mr. MANN. Where do they go?

Mr. FLOOD of Virginia. They remain with the embassy at Turkey and act as secretaries and clerks, and at legations of countries where their language is spoken.

Mr. MANN. I wish at some time some member of the Committee on Foreign Affairs would get us accurate information as to who these student interpreters have been and where they are now.

Mr. FLOOD of Virginia. Does the gentleman mean to get their names?

Mr. MANN. Yes; so that we may know whether they remain in the service.

Mr. FLOOD of Virginia. I have a general statement here from the State Department, but it does not give the names of the individuals.

Mr. COX. How many are there now?

Mr. FLOOD of Virginia. We have sometimes five, sometimes six, sometimes more. The State Department says it is hard to get young men to go there as students.

Mr. MANN. I guess there is no trouble in getting young men to go over there and study when they get their tuition free and receive $1,000 a year.

Mr. FLOOD of Virginia. That is all they get, and it costs that to live.

Mr. MANN. But they get their education.

Mr. FLOOD of Virginia. Yes, so far as speaking this language; but it is not worth very much to them, because they have to be Americans. I understand it is difficult to get young men to take up this branch of study.

Mr. MANN. Does the gentleman know how much money was used during the last fiscal year for this purpose?

Mr. FLOOD of Virginia. I think they had only six students last year.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized $388,435.

Mr. MANN. Mr. Chairman, I do not know whether that is two paragraphs or one.

Mr. FLOOD of Virginia. It is one paragraph.

Mr. MANN. The gentleman will see that there is an error, then, in printing the bill, where it says "total, $388,435." That should be inserted after the word "authorized." That is an appropriation for one item, and there is no total about it.

Mr. FLOOD of Virginia. That is the way the bill reads.

Mr. MANN. I see; I have the former copy of the bill. Now, there is another question I want to ask the gentleman. I see it carries an item for stationery and postage and for printing for the Department of State. I would like to ask the gentleman whether any of that money can be used for circularizing Congress or the newspapers in behalf of particular legislation?

Mr. FLOOD of Virginia. I think not.

Mr. MANN. My recollection is that there is a law which forbids the use of money in any appropriation bill for the maintenance of a news bureau, and I have a recollection of a rule of the House that provides that communications intended for the committees of the House shall be sent from the departments through the Speaker. But I hold in my hand a communication, which I think all Members of Congress have received, in an envelope of the Secretary of the Interior, and the envelope reads:

Department of the Interior, office of the Secretary.

It came through the post office containing a number of items, and this is one of them:

Congress has much important business to transact before adjournment, but it will be a big mistake if it neglects to pass the Ferris bill, providing for carrying out the plan of Secretary Lane for utilizing the million acres of coal and oil lands in the West that have been, under Republican policy of conservation, of no use whatever to the people.

I would like to know whether there is any limitation in this appropriation to prevent the Secretary of State from violating the proprieties, if not the law, by sending out officially on stationery printed in his department under a penalty envelope, a lobbying propaganda addressed to Members of Congress and newspapers throughout the land. This is a gross violation of the proprieties, not to mention the law.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. What is the parliamentary situation of the proceedings?

The CHAIRMAN. There has been no motion made and no point of order reserved.

Mr. MANN. I thought that I moved to strike out the last word, but if I did not I will do so now.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. FLOOD of Virginia. The gentleman knows that there is a law prohibiting the use of a fund appropriated for one purpose for any other purpose. This item appropriates a specific sum for a particular purpose, and it could not be used for any other purpose without violating the law. I can assure the gentleman that the Secretary of State will not violate the law by converting this appropriation to any such purpose.

Mr. MANN. It appropriates for stationery and postage and for printing in the department.

Mr. FLOOD of Virginia. It is the stationery and postage for foreign mission and not for circularizing Congress or any other purpose than those stated in this bill.

Mr. MANN. No; it is for printing, and also for printing in the Department of State. I do not think there is any appropriation anywhere in any department for circularizing Congress. I should have really supposed that about the last man in the Cabinet, if not in the country, to violate the proprieties and the law would be Secretary Lane, for whom I have the highest personal and official respect.

Mr. FLOOD of Virginia. Mr. Chairman, the gentleman from Illinois [Mr. MANN] is mistaken. This item only applies to stationery for the embassies and legations. I expect, also, that when the gentleman ascertains the facts in the matter he will find that Secretary Lane has never violated the law nor the proprieties of the situation. I do not know anything about the circulars that the gentleman speaks of. I have not received a copy of it, but I do know the Secretary of the Interior.

Mr. MANN. I do not know who did it.

Mr. FLOOD of Virginia. I agree with the gentleman that Secretary Lane would be the last man in the Government to violate the law or the proprieties of his position.

Mr. MANN. I have the envelope. The gentleman has probably received one, but has not seen it. It comes from the Secretary's office, and not only urges the passage of the bill, but urges it on partisan grounds, wholly violating all of the proprieties.

Mr. FLOOD of Virginia. I have no doubt the stationery was paid for out of a proper fund. I know nothing about it; but I know that Secretary Lane has done nothing wrong or improper.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment. This is the paragraph which carries the provision for the rent of our embassies and legations. A different policy is suggested by the department toward our various embassies in respect to the allowance for rent. This subject is directly related to the establishment of Government-owned embassies and legation buildings. In a letter from the Secretary of State he states that we have been allowing $15,000 for rent for the embassies at Berlin and St. Petersburg, whereas at London we allow only $7,000; at Vienna, $5,000; at Paris, $6,600; at Madrid, $4,440; and at Rome, $3,525. The increase in this appropriation of some thirty-odd thousand dollars is to make provision for a greater allowance for rent for all of our legation and embassy buildings?

Mr. FLOOD of Virginia. The gentleman is mistaken in that.

Mr. STAFFORD. Not all, but those enumerated?

Mr. FLOOD of Virginia. Just the embassies.

Mr. STAFFORD. Just the embassies. I would like to direct this inquiry to the gentleman, whether in the embassy buildings at St. Petersburg and Berlin the rented quarters are not used also for the chancellery as well as for the dwelling of the ambassador?

Mr. FLOOD of Virginia. Yes.

Mr. STAFFORD. Whereas in these other places the rent is merely for the chancellery?

Mr. FLOOD of Virginia. Yes.

Mr. STAFFORD. Is it the proposed policy of the department to require the diplomatic officials to have the chancellery and the residence in one and the same building, as far as embassies are concerned?

Mr. FLOOD of Virginia. As far as that can be arranged, if they can get a building that will do for both the residence and the chancellery, that is the purpose of the administration, as is shown in the provision of this bill further on providing for building embassies and legations, which provides that the home of an ambassador or minister and the chancellery shall be in the same building.

Mr. STAFFORD. It will depend largely upon the personal tastes of the ambassadors. I can easily conceive that some of our ambassadors would decline to live in quarters that would be provided for such a small sum as $15,000 a year. They would absolutely refuse to consent to accept the appointment if they were compelled to live in any such democratic quarters as that would provide. These ambassadors, both of the present administration and of the past, who have had extravagant tastes and luxurious surroundings at home and abroad, would absolutely refuse, because it would not be in consonance with their extravagant style of living.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Of course if this policy is to be inaugurated—and I wish to commend the policy of the present Secretary of State—if he is going to enforce it it will result in resignations from some of these highbrows, these aristocratic diplomatic officials who have accepted appointments under a different status.

I notice before us our distinguished and esteemed Representative from *Ohio* [Mr. SHARP], who has been mentioned very prominently for the post at St. Petersburg. I assume he could not have considered that post, if there had not been a provision, which has been carried for years and years, of $15,000 for both embassy and chancellery. He is a Democrat of the old school and believes in living in a democratic fashion, and he permitted his name to be used in that connection largely against his will, because with the qualifications, through long training here, to fill that post eminently and satisfactorily he could maintain himself and the dignity of the station on the salary and the allowance for rent; but when we consider these other officials, who are reputedly worth millions of dollars, I question whether they would want to be limited to any $15,000 dormitory of the Government at these other places.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. What! Five minutes has expired in less than two?

The CHAIRMAN. The Chair understood the gentleman to ask for two minutes.

Mr. STAFFORD. I asked for five minutes. I will now ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I would like to inquire whether the gentleman does not realize that if the Secretary of State is going to insist on this modern Democratic idea for all ambassadors, living in consonance with American standards, some of those who have been recently appointed will not resign, because this will be inconsistent with their prior mode of living.

Mr. FLOOD of Virginia. I do not know of any of them who will be likely to resign, except some who have held over from the last administration. [Laughter.]

Mr. STAFFORD. Oh, they have been gotten rid of long ago. These posts were passed over to those who furnished the fry very shortly after the present administration came into power. I need not mention the names, because the gentleman knows many of them who have had these appointments handed to them because of campaign contributions and other favors extended to the Democratic administration in the last campaign.

Mr. FLOOD of Virginia. No; I do not know anything like that, but I do know that the gentleman is mistaken when he says that all those who were appointed in the last administration have resigned.

Mr. STAFFORD. What ambassador other than the one at Paris?

Mr. FLOOD of Virginia. The one at Argentina.

Mr. STAFFORD. That is not an embassy.

Mr. FLOOD of Virginia. It is an embassy now.

Mr. MANN. Oh, not yet.

Mr. FLOOD of Virginia. Yes; the President has signed that bill.

Mr. LINTHICUM. I merely want to suggest to the gentleman that Mr. Garrett, from my State, is the minister to Argentina, and he was appointed by Mr. Taft and reappointed by Mr. Wilson.

Mr. STAFFORD. That is one of the rare exceptions where the present administration was almost forced to recognize worth.

Mr. LEVY. Nearly all the consuls general appointed——

Mr. STAFFORD. We are not talking about consuls; I thought the gentleman from New York was awake. We are talking about ambassadors. This had nothing whatever to do with consuls. The gentleman has been here right along, and I thought he was going to inform us about some of the aristocratic constituents of his appointed to these ambassadorial places, and he rises to inform us something about consuls general when this has nothing whatever to do with consuls general.

Mr. FLOOD of Virginia. The gentleman asks a question and then does not give anyone a chance to answer.

Mr. STAFFORD. I certainly thought the gentleman from New York might know, but he did not give any information.

Mr. FLOOD of Virginia. The gentleman referred to the aristocratic constituency of the gentleman from New York. I want to say the only New Yorker who has been appointed to one of these ambassadorships was appointed to the place where they get $15,000 a year, and he is living in that building, and in that building is the chancellery.

Mr. MANN. May I ask the gentleman where that ambassador is who only gets $15,000 a year?

Mr. FLOOD of Virginia. For rent; and at Berlin.

Mr. MANN. For rent?

Mr. FLOOD of Virginia. That is what we are talking about; we are not talking about salaries.

Mr. LEVY. I want to say to the gentleman, my constituents are all Democratic people.

Mr. STAFFORD. Then I am surprised the gentleman is here representing that constituency.

Mr. FLOOD of Virginia. Did the gentleman from Wisconsin make the point of order?

Mr. STAFFORD. I did not, and I do not.

The Clerk read as follows:

TRANSPORTATION OF DIPLOMATIC AND CONSULAR OFFICERS IN GOING TO AND RETURNING FROM THEIR POSTS.

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, $50,000.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. A few minutes ago the gentleman from Illinois [Mr. MANN] spoke of a matter arising in the office of the Secretary of the Interior, and the chairman of the committee suggested that there was a law against the spending of money appropriated for one purpose for another purpose, and that he believed it was impossible that such a thing had occurred. Still at this very time, according to most reliable information that I have received, there is going on in the Treasurer's office that very proposition of spending money that is appropriated for postal savings for the auditing of money orders and money-order accounts. I brought that to the attention of the Congress and have introduced a resolution asking for the facts, but no attention has been paid to it. I now call special attention to the fact that the Secretary of the Treasury, through the Auditor for the Post Office Department, is expending money appropriated for the postal savings for auditing money-order accounts, and then the auditor advertises to the world that he is saving a tremendous amount of money to the Government by a cast-iron audit of money-order accounts through machines and piece-rate operators.

No wonder the postmasters of the country are protesting in an ever-increasing number against this audit that is all right until it is tested by making a charge against some postmaster, and then all of a sudden it becomes a farce. I asked Auditor Kram the other day to introduce me to the bookkeepers and to suggest to them to answer my questions as to postmasters' kicks. He refused. I now ask the Acting Secretary of the Treasury to answer the resolution I have submitted as to the facts of this matter.

No wonder the auditor has passed around a paper requiring every employee to sign a "mum's-the-word" agreement. The office loves the dark; it does not want the light.

The other day the auditor dismissed an employee, because he believed she had given out information. Some weeks ago he dismissed another employee, and up to this day he ignores the demand of the Civil Service Commission for the grounds of his dismissal. The Health Bureau wanted to investigate the operation of machines in his office under complaint filed, but the auditor has succeeded to this day in keeping the Health Bureau of the United States Government out of his office.

Mr. ROGERS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. Does the gentleman speak in opposition to the motion?

Mr. ROGERS. Yes.

Mr. Chairman, it is with deep regret that I announce to the House the death at Vera Cruz on Wednesday, May 12, of Maurice Welch, late a private in Company A, of the Nineteenth United States Infantry. Gen. Funston, who was in command of the troops in which Pvt. Welch was serving, reports the death in an official dispatch received yesterday, and states that it occurred in line of duty, the soldier being at the time on guard.

Pvt. Welch is the first soldier of the United States Army to die in the conflict with Mexico. This fact can be no solace now to his afflicted family, but as time softens the shock of the present, I trust that the thought may carry with it some measure of consolation.

Pvt. Welch was a constituent of mine, being a native and a resident of Andover, Mass. He comes of that sturdy Irish stock which has already without stint poured out its blood in many a conflict in defense of the United States; from the stock

of fighting Jack Barry, whose noble statue we shall see unveiled in Washington to-morrow.

Like the majority of the sailors who have lost their lives at Vera Cruz, Pvt. Welch was little more than a boy. He was born February 19, 1892, but he died for his country for all that. He was serving his first enlistment in the Army, and indeed had barely completed the third month of service. His enlistment dates from February 13, 1914. The Adjutant General tells me that his record though brief was spotless.

He died for his country. May he rest in peace. [Applause.]

The Clerk read as follows:

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOMS TARIFFS.

To meet the share of the United States in the annual expense for the year ending March 31, 1915, of sustaining the international bureau at Brussels for the translation and publication of customs tariffs, $1,500; this appropriation to be available on April 1, 1914, pursuant to convention proclaimed December 17, 1890.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman how it would be possible to make this appropriation available?

Mr. FLOOD of Virginia. It is not possible now, but it will be available as soon as this bill becomes a law.

Mr. MANN. Does the gentleman think it is desirable to put a provision in a bill making an appropriation available for several months before the bill is passed?

Mr. FLOOD of Virginia. Well——

Mr. MANN. I presume they put it in the estimate supposing the bill might be passed by that time, but the department ought not to have submitted an estimate in that form; but I have no criticism of the committee for taking it.

Mr. FLOOD of Virginia. It should be stricken out and the words "immediately available" inserted.

Mr. MANN. If the gentleman wants it to be made immediately available, of course that is the way to fix it.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the amendment to strike out the words "this appropriation to be available on April 1, 1914," and insert "this appropriation to be immediately available."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, line 1, amend by striking out the words "available on April 1, 1914," and substitute in lieu thereof the words "immediately available."

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

The Clerk read as follows:

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $10,000: *Provided*, That the Commissioner of the International Boundary Commission, created under authority of the treaty of March 1, 1889, be, and is hereby, authorized and directed to pay the salaries, compensation, and allowances heretofore authorized or approved by the Secretary of State, of any and all persons employed by or under direction of the commission created by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service, if such separation occurs before said date; and the appropriation made by the Diplomatic and Consular appropriation act, approved February 28, 1913, "To enable the commission to continue its work under the treaties of 1884, 1889, and 1905," is hereby made available for the payments herein authorized and directed.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. This is in fact a deficiency appropriation. If it is intended to be utilized at all, it had better be put on a deficiency appropriation bill, where it properly belongs.

Mr. FLOOD of Virginia. The reason we put it here was that it developed in the hearings before the committee that the appropriation of $25,000 which has been made for the International Boundary Commission of the United States and Mexico had not all been used for the payment of the expenses of that commission, but a former Secretary of State had created another commission—a commission for the equitable distribution of the waters of the Rio Grande—and the employees of that commission were being paid out of this appropriation, which was in violation of law and which the committee proposed to stop; but when these facts developed it appeared that many of these men had amounts coming to them, and that commission was deemed by some gentlemen to be more important than the commission which we appropriated for, and we thought it was only fair to those employees, who were not to blame for it, that we should make legal the payment of their salaries and for their services out of the appropriation from which they had been paid.

Mr. MANN. Are they being illegally paid?

Mr. FLOOD of Virginia. No; they are not now. They were until recently.

Mr. MANN. I suggest to the gentleman that we have an urgent deficiency bill coming before the House. If these men are to be paid at all, they ought to be paid before the 1st of June. Now, this is a deficiency item, and this bill will not become a law as soon as the other bill. What the gentleman ought to do is to offer this as an amendment to the urgent deficiency bill.

Mr. FLOOD of Virginia. I will say to the gentleman that as soon as this bill passes the Secretary of State will feel at liberty to pay these men out of the appropriations made last year for this purpose. You see that this proviso makes provision for the payment out of appropriations that have already been made.

Mr. MANN. I understand the situation.

Mr. FLOOD of Virginia. And as soon as the Secretary of State gets authority to pay them he will make these payments, which have been held up since March.

Mr. MANN. The gentleman does not get the point I was trying to make. This bill probably will not become a law before the 1st of July. The urgent deficiency bill will probably become a law within a week. Now, if these people are rendering the service, having entered the employ of the Government under the supposition that they were entitled to be paid, and the auditor having found there was no appropriation with which to pay them, and the gentleman wants to make a fund available for their payment immediately, he better add it as an amendment to the urgent deficiency bill so that they can be taken care of. It is a pure deficiency.

Mr. GARNER. It is a very small matter.

Mr. MANN. It is not a small matter to the gentlemen who are without their money.

Mr. GARNER. I mean from the standpoint of dollars and cents. The appropriation last year was $25,000 for the boundary commission to determine the boundary between the United States and Mexico. Heretofore they have been paying out of that fund employees who were measuring the water of the Rio Grande with a view of equitably distributing the water between the two countries.

Mr. TOWNSEND. For irrigation purposes?

Mr. GARNER. For irrigation purposes.

Mr. MANN. Not wholly. It covers a whole lot of questions down there.

Mr. TOWNSEND. Not these salaries.

Mr. GARNER. Now the gentleman from Illinois will understand the difficulty in certifying from the State Department to the Appropriations Committee and making an estimate for the small amount that could be paid out of this particular fund. It would be some trouble, to say the least of it.

Mr. MANN. It will be no more trouble for the State Department to send an estimate for the deficiency and to go before the proper committee than it is to send an estimate improperly to the Committee on Foreign Affairs.

Mr. GARNER. They did not send an estimate to this committee. This money has already been appropriated for the fiscal year 1914.

Mr. MANN. Not for this purpose.

Mr. GARNER. Well, no; but it was thought for this purpose.

Mr. MANN. Do I recognize the cunning hand of my distinguished friend from Texas in this item——

Mr. GARNER. The cunning hand of "the gentleman from Texas" never goes into any item.

Mr. MANN (continuing). And not coming from the State Department at all?

Mr. GARNER. The gentleman from Illinois does not understand the situation.

Mr. MANN. I think I understand it better than does the gentleman from Texas. I am trying to help the gentleman get his money.

Mr. GARNER. From what he says I doubt if he understands it better than "the gentleman from Texas," because if he did he would not say that "the gentleman from Texas" had anything to do with it.

Mr. MANN. I simply asked the question.

Mr. GARNER. "The gentleman from Texas" is not interested in this matter, only it was called to his attention, and it affects people in his territory.

Mr. MANN. Is the gentleman anxious to have these men paid promptly, or does he want to postpone the payment?

Mr. GARNER. I want them paid promptly.

Mr. MANN. Then put it in as an item in the general deficiency bill. It will become a law before this bill does.

Mr. GARNER. They are willing to have it under this bill.

Mr. MANN. They do not understand the parliamentary situation.

Mr. FLOOD of Virginia. Some of them do. One of them was a former distinguished Member of this House.

Mr. MANN. I take it that no Member of this House is getting pay out of it.

Mr. FLOOD of Virginia. I said a former Member of this House.

Mr. MANN. Well, that does not indicate knowledge. I make a point of order on the proviso, Mr. Chairman, first, that it is not authorized by law, and, second, that it is a deficiency appropriation over which this committee has no jurisdiction. I refer to the language beginning in line 9, page 11.

Mr. FLOOD of Virginia. I concede the point of order.

Mr. MANN. I suggest to the gentleman they can probably get this item in the urgent deficiency bill, where it will do some good.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of making a statement to the committee with reference to the amount carried in this bill. The committee has carried this year an appropriation of $10,000, when the estimate, I believe, was for $25,000. Now, the committee, as I understand from the hearings, arrived at this amount upon the theory that under present conditions in Mexico the boundary commission would not be able to do any work, and that undoubtedly was a fact. But it looks at present as if the relations between this country and Mexico might become settled and the diplomatic conditions may be such that this work can be done. I want to suggest to the committee that there is a very urgent need for this work. There is an example before this Congress and before the country showing the absolute necessity of marking these bancos and determining definitely the boundary between this country and Mexico. You all remember what was known as the Vergara case, where a man, a citizen of Texas, was killed in Mexico and his body was recovered. It became quite a notorious case. Now, that gentleman lived near an island in the Rio Grande River between Texas and Mexico. No one could tell whose property that island was, whether it belonged to Mexico or whether it belonged to Texas, and to confirm that the land commissioner of Texas himself has rendered an opinion that he can not tell, and will not be able to tell, until this boundary commission under this treaty has determined where that line is, whether that banco belongs on the Mexican side or on the Texas side. Now, if we do get back on friendly and diplomatic terms with Mexico——

Mr. MANN. Will the gentleman yield for a question?

Mr. GARNER. In just a moment. It is very essential to the people living along that boundary there that this boundary line should be determined. It has been determined down to a certain point, and these bancos have been marked, but there are about 68, if I am correctly informed, that are still unmarked and still undetermined. The two countries have never had any trouble in arriving at an agreement. I want to say in this connection that Gen. Mills, in my judgment, has rendered a very distinguished service in this matter. I say it for the reason that when I came here I was very much prejudiced against his work, and one of my first efforts—and I think some gentleman will bear me out in that—was to cut out this whole appropriation, because I thought it was money illy spent. But Secretary of State ROOT came before the committee and said:

If you cut out that appropriation of $35,000, I believe it will cost me a greater sum each year to adjust these differences.

Twice before the committee he reiterated that statement when I was making an effort to cut it out. Mr. Knox came along and did the same thing after a thorough investigation. I have not had the honor of being on the committee since the present Secretary of State has had charge of the matter, but I have been thoroughly convinced that it is a matter of economy to continue this commission to settle the differences between the people of Texas and the people of Mexico as to the boundary line.

Mr. MANN. Does the gentleman want to increase the amount?

Mr. GARNER. I believe it ought to be increased to $15,000.

Mr. MANN. I am perfectly willing to vote with the gentleman, but I would like to ask the gentleman whether—and I value his judgment in these matters very highly——

Mr. GARNER. I am much obliged to you——

Mr. MANN. Whether it is worth while to go ahead fixing the boundary line between the United States and Mexico on the Rio Grande in view of the fact that it will soon have to be relocated a little farther south?

Mr. GARNER. Of course, if it would have to be "relocated a little farther south," there would be no necessity of deciding permanently this boundary line; but that matter has not been decided.

Mr. BRYAN. Mr. Chairman, will the gentleman yield to me right there for a moment?

Mr. GARNER. In a moment. If we do get back to the point where we can do this work by the 1st of January, 1915, it will take about $15,000 or probably more, from what I can learn, to continue this work that has been neglected for quite a while now, to the 1st of July, 1915.

Now, I realize that we could come in and ask for a deficiency, but I believe it would be better and more economical if we could appropriate a sufficient amount of money, say $15,000. Some who have been suggesting an increase say $30,000, and others name different amounts; but I believe that $15,000 will be sufficient to continue and do this work efficiently after we renew diplomatic terms with the Mexican people, and I would like the committee to accept an amendment to increase the amount to $15,000. I appeal to the committee, because they know from my service on the committee that I have never been one to ask for a dollar except in the interest of the public service and in the interest of economy.

Mr. FLOOD of Virginia. Mr. Chairman, the committee does not think this appropriation ought to be increased. The Mexican Boundary Line Commission has done practically no work for three or four years, and the appropriation that has been made for its maintenance has been diverted from the purpose for which it was appropriated to the maintenance of another commission. The chief work done in recent years by this commission itself, eliminating the work done by this other commission, which was created without law by the Secretary of State, and whose general expenses were paid out of this appropriation without any authority of Congress—I say, eliminating the work done by that commission, called the "Commission for the Equitable Distribution of the Waters of the Rio Grande River," the main commission has done practically little or nothing except to pay high salaries to people who did very little work. There was a secretary who got $4,800 a year salary, who was secretary to one man only; and in addition to that, he received about $500 for living expenses. Then there was an engineer down at El Paso who received $4,800 a year and an unlimited amount for expenses, to go up and down the Rio Grande in an automobile to do the work of this other commission. Very little work was done for which this appropriation was made, the work in reference to bancos having being suspended. The committee thought, in view of the fact that there might be amicable relations reestablished between this country and Mexico, that $10,000 should be appropriated, and that it would be sufficient to take up the question of bancos and to carry on that work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD of Virginia. Mr. Chairman, I ask for 2 minutes more.

The CHAIRMAN. The Chair would state that no motion is before the committee.

Mr. FLOOD of Virginia. The gentleman has moved, as I understand, to increase the appropriation by $5,000.

Mr. GARNER. I move to strike out the last word, Mr. Chairman. If the gentleman from Virginia will permit me, I will offer an amendment to strike out "$10,000" and insert "$15,000" in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

Amend, page 11, line 9, by striking out the figures "$10,000" and inserting in lieu thereof the figures "$15,000."

Mr. FLOOD of Virginia. Mr. Chairman, the committee carefully looked into this matter. We were not disposed to cut down this commission to an amount upon which it could not live. The committee, I believe, has a high opinion of Gen. Mills and a high opinion of his secretary, but we thought the secretary was being paid too much. It developed that he wrote only a dozen or so letters in the course of a month or two, and was getting this enormous salary. After going over all the facts and taking into consideration the question that amicable relations may be reestablished between this country and Mexico, the committee thought that all of the work that this commission could do between the date of that happy event and the 30th of June, 1916, could be easily paid for, well paid for, with an appropriation of $10,000.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman from Virginia a question.

The CHAIRMAN. Does the gentleman yield?

Mr. FLOOD of Virginia. I do.

Mr. CULLOP. In view of practically no service performed by this commission in the last three or four years, why make any appropriation at all for it?

Mr. FLOOD of Virginia. We made an appropriation at all for the reason that this commission is established under a treaty between this country and Mexico. We can not abrogate the treaty; at least it would not be the proper treatment of Mexico by this country to abrogate the treaty by failing to make an appropriation to maintain the commissioner as provided for in that treaty, and we thought that this appropriation would keep the commission alive and would provide for

the fulfillment of the obligations that we assumed under the treaty. Then, again, we thought, in accordance with the suggestion made by the gentleman from Texas [Mr. GARNER], that we might resume friendly relations with Mexico and take up again the questions of bancos in the Rio Grande, a number of which could be taken up by the commission, and that they could go to work and settle as many of them as they could when peace is declared and before the next appropriation is made.

Mr. CULLOP. What salary does the commissioner get?

Mr. FLOOD of Virginia. He gets for himself no salary.

Mr. CULLOP. Where does the money go, then?

Mr. FLOOD of Virginia. It goes to the secretaries and engineers and other employees.

Mr. CULLOP. What work has this secretary to do?

Mr. FLOOD of Virginia. I say he wrote a dozen or more letters in three or four months. That is about the extent of his work.

Mr. CULLOP. I understand that the secretary wrote only a few letters in 90 days?

Mr. FLOOD of Virginia. Yes.

Mr. CULLOP. And then received a salary of $4,500 a year?

Mr. FLOOD of Virginia. He does not receive that now. He did receive that.

Mr. MANN. Mr. Chairman, I suppose there is no portion of this money that can be expended at the present time, is there? There is nothing that these commissioners on the part of the United States can do now, is there?

Mr. FLOOD of Virginia. As long as the present state of affairs exists between this country and Mexico, probably it can not.

Mr. MANN. There is no government in Mexico which we recognize.

Mr. FLOOD of Virginia. No.

Mr. MANN. There are no officials there that we can deal with.

Mr. FLOOD of Virginia. No.

Mr. MANN. No commissioners can be appointed by anybody in Mexico now to work in connection with our commission.

Mr. FLOOD of Virginia. The commission is already appointed, but I know our commissioner is not cooperating with the Mexican commissioner now. There is no work being done.

Mr. MANN. The President has stated to Congress that there is no government in Mexico, and hence, of course, we can not recognize the action of any commissioners in Mexico representing anybody there, because they can not represent any government there.

Mr. FLOOD of Virginia. I say there has been no cooperation between the commissioner on the part of this Government and the commissioner on the part of Mexico since the present unfortunate condition of affairs has existed there.

Mr. GARNER. Mr. Chairman, I have no desire to press this amendment, and am perfectly willing to let the item stay as it is. What I wanted to do was to call the attention of the committee to the necessity of appropriating for this boundary commission. The gentleman does not seem to understand that there are three treaties existing between this country and Mexico which this appropriation heretofore has undertaken to cover. The Auditor for the State Department has held, and I think very properly, that the money that has been appropriated for the boundary commission can not be used for the purpose of paying a commission to determine the equitable distribution of waters along the Rio Grande for irrigation purposes; and I am very glad he has held that, because the people of my State do not want that commission to interfere with the arrangements that they now have for irrigating their lands in Texas from the Rio Grande; but it is essential and it is economical that this commission, to determine the boundary between this country and Mexico, should be continued and that a sufficient amount of funds should be appropriated for its proper maintenance. Considering the conditions existing in Mexico at the present time, $10,000 may be sufficient. If it is not, of course Congress will be in session next winter, and I can present the matter to the Appropriations Committee, if necessary, and secure a deficiency. Therefore I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $2,550.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Was it intentional to make this "commission," in line 10, instead of "commissioner"?

Mr. FLOOD of Virginia. Yes; for the commission.

Mr. MANN. Heretofore it has been "the expenses of a commissioner."

Mr. FLOOD of Virginia. I think the gentleman is mistaken about that.

Mr. MANN. No; I am not mistaken about my statement. I got this item into the bill, and I know.

Mr. FLOOD of Virginia. I may have misunderstood the gentleman.

Mr. MANN. I say heretofore we have made an appropriation for the expenses of a commissioner. The commissioner has been a distinguished constituent of mine, and that is the reason the item is in the bill. Now I ask, was it intentional to change it from "commissioner" to "commission"?

Mr. FLOOD of Virginia. Yes. Dr. Henderson has been the commissioner before, and the purpose of this provision is to enable the administration to appoint more than one commissioner.

The Clerk read as follows:

The United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This paragraph and the succeeding paragraph are both in the existing appropriation law, and were put there for the purpose of making them permanent law. If they are permanent law, they ought not to be carried in the appropriation act each year. Of course, if they are not permanent law they are subject to a point of order. If there is any question about their being permanent law, I want to offer an amendment to make them permanent law. If there is no doubt that they are permanent law, then they ought to be stricken out of this appropriation bill, because it is not necessary to carry them.

Mr. CULLOP. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. CULLOP. Does the gentleman mean that the annual subscription of the United States as an adhering member of the International Prison Commission is $2,550 by permanent law?

Mr. MANN. No; I am speaking of the next item.

Mr. CULLOP. I thought the gentleman from Illinois said the item just read and the preceding one.

Mr. MANN. No; the succeeding one.

Mr. CULLOP. I misunderstood the gentleman.

Mr. MANN. If the gentleman from Virginia has any doubt about this being permanent law, I should like to move to insert the word "hereafter." When this went into the bill before, the intention was to make permanent law of these two paragraphs, so that they would not have to be carried every year.

Mr. FLOOD of Virginia. My recollection is that they need not be carried here, because they are provided for in a joint resolution passed by Congress several years ago.

Mr. MANN. There was a joint resolution, and then this item was inserted in the appropriation bill to make permanent law. The departments very frequently send in estimates covering matters which are permanent law, but we do not endeavor to carry the same item in the bill every year when it is permanent law.

Mr. FLOOD of Virginia. No. Does the gentleman suggest an amendment?

Mr. MANN. If there is any question about it, I would insert the word "hereafter" in the beginning of the paragraph in each case. Then you will not need to carry it in the appropriation bill again.

Mr. FLOOD of Virginia. Suppose the gentleman offers his amendment, then.

Mr. MANN. I move to insert at the beginning of line 12 the word "hereafter."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 12, at the beginning of the line, insert the word "hereafter."

Mr. FOSTER. Will the gentleman permit a question?

Mr. MANN. Yes.

Mr. FOSTER. Have we a law now providing for this prison commission?

Mr. MANN. We have.

Mr. FOSTER. Permanent law?

Mr. MANN. Yes. We have a joint resolution. I think it is permanent law as it stands. When Mr. Sulzer was a Member of the House he had a joint resolution passed on the subject.

Mr. FOSTER. Providing that this Government should be an adhering member?

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The Clerk read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commission to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress.

Mr. SHARP. Mr. Chairman, I move to strike out the last word. In the light of the recent events connected with the taking of Vera Cruz, I am reminded of some contention in our Committee on Foreign Affairs when this item of appropriation was discussed and the question was raised as to the wisdom and need of this Government participating as an adhering member of such International Prison Commission. I am only confirmed in my statement made at that time, in answering one of my colleagues' objection, that the commission was performing a great and useful service for humanity. Illustrating its need, I have only, indeed, to call the attention of my colleagues to one of the frightful discoveries that were made at the time our sailor boys took possession of the Mexican seaport city of Vera Cruz. Divine Providence sometimes chooses most unusual ways to work out good to man. It is true that up to date the taking of that city has involved the life sacrifice of a score of our young boys; but one thing accomplished by that act was worth that sacrifice, if we go no further. It was to let the sunlight of heaven down into those dark prison cells beneath the level of the sea, rivaling in their horrid conditions, if we attempt to describe them, the description of Byron in his Prisoner of Chillon:

A double dungeon wall and wave
Have made—and like a living grave.

If there was no other purpose secured by the loss of life of those sailor boys, it was a great thing to be able to expose to the world the prison conditions that in their ingenuity rivaled the days existing back in the time of the Spanish inquisition. From these revelations will come a more enlightened and humanitarian treatment of prisoners throughout Mexico as soon as that unfortunate country is restored to stable government.

I hope and believe that the members of this humanitarian commission will take cognizance of the fact that, with all our boasted civilization, with all the enlightenment of the beginning of the twentieth century, we still have in the neighboring Republic of Mexico such a horrid place to which are condemned those who have committed mere political offenses. My own belief is that there will yet be found many—even at the present time—of these cesspools of iniquity that lower men down to the estate of the lowest animal.

When this commission again convenes—and I understand that sessions are held every five years—I hope its members will turn their eyes to Vera Cruz. The commission is well organized and doing a splendid humanitarian work, and has been for 50 years past. If I remember correctly, the United States Government has been a member of the commission for about 20 years.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHARP. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. SHARP. Certainly.

Mr. SELDOMRIDGE. Does the gentleman believe that the United States is blameless in looking into these prisons in foreign countries and not giving more attention to the conditions in our own country?

Mr. SHARP. I am glad that the gentleman has asked that question. I think there is great need of prison reform, not only in this country but in most of the countries of the world. The revelations that have recently come to us by the antiquarians in destroying the prisons of the Middle Ages, and of a date prior to that, only confirm us in the belief that man has always been just a little removed from a state of savagery when it comes to imposing penalties on his fellow man. I do not know when this is going to end. I might take this occasion to say that if I had my way I would abolish capital punishment except in a very few classes of cases. I never would, for any offense, commit a man to solitary confinement for any considerable length of time. More than that, where possible I would open the prison doors and put the men to work on the highways. We recently passed the good-roads bill, involving millions of dollars, and I would use the prison labor all over the United States for that purpose. It would be humanitarian from every point of view.

Mr. MADDEN. Will the gentleman yield?

Mr. SHARP. Certainly.

Mr. MADDEN. Is that money available, or does the gentleman expect that it will ever be available?

Mr. SHARP. It is not available now; but if there was no money ever available it would still be a saving to both the State and National Governments.

I hope that if our forces find it necessary eventually to take temporary charge of Mexican affairs, as to all similar conditions such as they found at Vera Cruz, where many prisoners, as the dispatches tell us, were confined where they could not see the sunlight, in filthy cells partly beneath the waters of the sea—I trust that the same investigation will be carried out with the same humanitarian results. [Applause.]

Mr. CLINE. Will the gentleman yield?

Mr. SHARP. I will.

Mr. CLINE. I want to inquire what particular benefit the gentleman expects the United States to get by taking part in this commission. Is it not true that we have the best regulated prisons and that they are conducted under the best management of any prisons in any country on earth? Do we get a benefit by imparting that information to other countries?

Mr. SHARP. If we get no other benefit, in the interest of humanity and brotherly love, than the helpful giving of our own superior methods and experience to other countries, that is surely benefit enough.

Mr. CLINE. I am trying to get some expression as to where the benefit lies. Is it in disclosing our own methods of management, or are we expected to improve our own methods by membership in the commission?

Mr. SHARP. Both. We will not only derive much benefit from the views of other nations, but we will impart something of value to them.

Mr. MANN. Mr. Chairman, the gentleman from Indiana [Mr. CLINE] asked a natural and proper question. The International Prison Congress met in the United States several years ago; I do not remember just the date. They went through the United States and visited a great many of our prisons, penitentiaries, reformatories, and so forth. It was the consensus of opinion of the foreign delegates that they had learned a great deal from their visit to the United States, and it was the same on the part of our people in charge of these institutions, that they had received a great deal of valuable information, not merely from the meeting of the congress but from the visit of the foreign delegates to these institutions and the suggestions which they personally made there to a number of the people in charge of some of the county, State, and national institutions. A number of the people in charge of some of the county, State, and national institutions wrote me letters, because I had had something to do with the item in the bill, praising the work done by the commission and giving thanks for the valuable information which they had received as prison officials.

Mr. Chairman, I move to insert in line 15, page 13, after the word "that" the word "hereafter."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 13, line 15, by inserting after the word "that" the word "hereafter."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

PAN AMERICAN UNION.

Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the union: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1915.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the following amendment in the nature of a substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 14, strike out lines 4 to 14, both inclusive, and insert in lieu thereof the following:

"Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the chairman of the governing board of the union for the purpose of meeting the expenses of

the union and of carrying out the orders of said governing board: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 6,000 copies per month, for distribution by the union during the fiscal year ending June 30, 1915."

Mr. MADDEN. Mr. Chairman, on that I reserve the point of order.

Mr. FLOOD of Virginia. Mr. Chairman, the purpose of the amendment is to substitute for "the Secretary of State" "the chairman of the governing board of the union," who is the Secretary of State.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman who is the chairman?

Mr. FLOOD of Virginia. The Secretary of State.

Mr. CULLOP. And the purpose is to make the Secretary of State the chairman?

Mr. FLOOD of Virginia. No; the Secretary of State is already the chairman, and the governing board prefers to refer to him as the chairman of the governing board rather than as the Secretary of State of this country.

Mr. MADDEN. What would be the advantage?

Mr. FLOOD of Virginia. I do not know that there would be any advantage, except that the other members of the board prefer that their chairman be known as the chairman rather than as the Secretary of State. Then there is another amendment in the language, "for carrying out the purposes of the union, and of carrying out the orders of the said governing board."

Mr. MADDEN. But the question that arises in my mind is this: I suppose the Pan American Union representatives would have the right to elect the chairman of the governing board.

Mr. FLOOD of Virginia. Oh, no.

Mr. MADDEN. They may choose to elect some other than the Secretary of State.

Mr. FLOOD of Virginia. No; the Secretary of State of the United States is ex officio chairman of that board.

Mr. MADDEN. By what right?

Mr. FLOOD of Virginia. By the agreement entered into when the Bureau of American Republics was organized.

Mr. MADDEN. But they could change that agreement, could they not?

Mr. FLOOD of Virginia. Of course they could, and we could stop making this appropriation and withdraw from the union.

Mr. MADDEN. It might be that our distinguished friend John Barrett would become Secretary of State some time, and I presume he would like very much to have the title of Secretary of State instead of chairman of the governing board.

Mr. MANN. Will my colleague yield for a moment?

Mr. MADDEN. Certainly.

Mr. MANN. My colleague will have noticed that Mr. John Barrett is first to become Senator before he becomes Secretary of State.

Mr. MADDEN. Oh, I thought he was to become Secretary of State first and then Senator afterwards.

Mr. MANN. No; he becomes Senator first and then Secretary of State, and, of course, that will give us time to change it if it is necessary.

Mr. MADDEN. I suppose if he becomes Senator he will become Senator at Large?

Mr. FLOOD of Virginia. The gentleman must admit that he would make a very good one.

Mr. SELDOMRIDGE. I would like to ask the gentleman from Illinois if he has not omitted the title of President of the newly rehabilitated Republic of Mexico?

Mr. MADDEN. I am not sure what titles he gave himself in the communication he marked confidential, indicating the policy he had in shaping the destinies of the world, but I was wondering whether it would not detract something from the dignity of the office the gentleman now holds to take away the title of Secretary of State and change it to the title of chairman of the governing board. I would very much dislike to see anything taken away from the dignity of the office of Secretary of State, in view of my anticipation that my distinguished friend Mr. Barrett is soon to become Secretary of State.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I have not the floor.

Mr. HUMPHREY of Washington. Oh, very well. I was simply going to ask how the gentleman thought it was possible to take away the dignity of the office of Secretary of State at this time?

Mr. FLOOD of Virginia. I did not hear what the gentleman from Washington said.

Mr. HUMPHREY of Washington. It is not important, anyway.

Mr. FLOOD of Virginia. It is not often that the gentleman utters things that are not important.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. MADDEN. Oh, Mr. Chairman, I reserved the point of order on that.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. But there is no time to expire on that. I am trying to get enlightenment on this very important subject, and I know that the chairman of the Committee on Foreign Relations has the information.

Mr. FLOOD of Virginia. Mr. Chairman, the governing board of the Pan American Union, through the distinguished Director General, to whom the gentleman from Illinois [Mr. MADDEN] has alluded, requested the Committee on Foreign Affairs, when they made up the bill, to put these changes in what is the current law, and we failed to do so—forgot to do so. The change has the approval of the present Secretary of State and of the Director General of the Pan American Union and of the governing board of the union.

Mr. MADDEN. I really have no objection to it, except I was afraid it might detract something from the dignity of the office to which our distinguished friend might some time come.

Mr. FLOOD of Virginia. I do not think he thinks so.

Mr. COX. Mr. Chairman, does the gentleman yield? How much of this $75,000 is contributed by other nations?

Mr. FLOOD of Virginia. None of it.

The CHAIRMAN. Does the gentleman from Illinois withdraw the point of order.

Mr. MADDEN. Before doing that I wish to say that John Barrett reminds me of a man who in its pioneer days moved to Denver and opened a bank. Everybody deposited in this bank. Later on, the bank failed; the banker called a meeting of the depositors and made them a speech, in the course of which he said he had nothing but himself to offer, and they could do with him what they pleased. A man in the audience said, "When you are cutting him up I want to speak for his gall."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. COX. Mr. Chairman, I move to strike out the last word. I want to secure some information. Then if no part of this sum of $75,000 is contributed by other and adhering nations, what does this language mean:

That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisition to the Secretary of State—

And so forth?

Mr. FLOOD of Virginia. That is what it means; in addition to the appropriation herein made.

Mr. COX. As against this fund of $75,000 which we appropriate what funds do the subscribing nations contribute?

Mr. FLOOD of Virginia. Why, we contribute about two-thirds or a little more. It is based on population.

Mr. COX. We contribute, as I understand it, this $75,000, and then adhering nations contribute about a third as much.

Mr. FLOOD of Virginia. Nearly half as much as we do.

Mr. COX. How many nations belong to this union?

Mr. FLOOD of Virginia. Twenty.

Mr. COX. All South American Republics, are they?

Mr. FLOOD of Virginia. Yes.

Mr. FESS. Mr. Chairman, I have in my hand a pamphlet that was issued in 1909 in the interest of the Pan American Union. It has been set out in 1913 that the statement of the figures for population and trade, being some four years old, are therefore not to be taken as the measure of the population and trade of these countries to-day—1913—and so forth. Looking through this pamphlet there appears some very interesting data. I read from page 17 of the pamphlet:

Too much importance is now attached in the United States to the idea that revolution prevails all over Latin America, and that, therefore, commerce and investments are insecure.

* * * * * * *

The Continent of South America to-day is free from serious insurrectionary movement, with few, if any, indications of more civil wars. The recent conflict in Central America was unfortunate, but it served to emphasize the firm peace and prosperity of Mexico.

On page 19 I read as follows:

The investment of North American capital in the resources, mines, industries, and in the construction of railways, tramway, and electric light plants in the more peaceful and progressive countries of South America are important considerations.

Then on page 40 I find a statement by Mr. Creel, the distinguished ambassador of Mexico assigned to this country, and a man who stands high both in the financial and diplomatic

circles of his Government, that over $700,000,000 of money from the United States are invested throughout his country.

That statement was in 1907. It would be interesting to know just how much it is now.

On page 41 I read a statement in reference to Colombia as follows:

Although Colombia has had the name of being disturbed with internal strife in the past, it is now, through the wise administration of its President, Gen. Rafael Reyes, gradually substituting confidence and quiet for distrust and conflict. Gen. Reyes is doing all in his power to interest foreign capital in the exploitation of the resources of Colombia. He wants to build trunk and branch lines of railroads over its wide area; to open up its mines of gold, copper, and platinum; to improve the navigation of its many rivers; to carry to market the valuable timber of its primeval forests; to put in electric light and street-car lines in its principal cities; and to take advantage of its numerous water powers.

Then I read on page 49:

As a result of Mr. ROOT'S visit to South America a new era has already dawned in the relations of the United States with her sister nations, and it now remains for the capital of this country, accumulated through our past prosperity and looking for new fields, to improve the wonderful opportunity in the great southern continent.

Then I read on page 51:

Resourceful Central America.

I have looked over this pamphlet that appears to be written and edited by Mr. John Barrett, who I think has done a great work in interesting our country in the possibilities both of Central and South America, as well as Mexico, and I rise now, because of the topic before us, to ask whether it is consistent for us to have circulated officially or semiofficially among the Members of Congress and the people generally interested in the possibilities of these Republics; is it quite consistent to in this manner or in any manner attempt to induce capital to invest in those countries, and then when an unfortunate situation occurs as is now distressing Mexico are those citizens thus induced to pack up their grips and move out of the country and leave their property at those places to be destroyed by a situation that we so much deplore? That is the question that I think is really pertinent now, whether we as a Government are acting consistently with the invitation extended to our citizens to invest the capital of this country in those countries. That is all I desire to say.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THACHER. Mr. Chairman, on last Monday I had the honor of attending as a member of the Congressional committee the ceremonies in New York over the heroes who fell at Vera Cruz, and it was indeed one of the most impressive occasions that I have ever attended.

The solemn procession, which began at the Battery, the battalions of bluejackets and marines who marched therein, clean-cut youngsters of the same age as those who died at Vera Cruz, almost boys in appearance, the flag-draped caissons crowned with beautiful flowers, the march with muffled drum and funeral dirge by the naval bands, the tolling of the church bells, the vast crowds who packed the sidewalks to the curb, standing in respectful silence with uncovered heads, the swarm of people at every window and on every roof, the 500 school children who sang at the City Hall "Nearer, My God, to Thee," the little groups of foreign-born children from the public schools of the east side waiting on the curb with American flags in their hands, the crippled children who filled several omnibuses occupying prominent positions, and above all the quiet hush and respectful attitude which pervaded the huge crowd of perhaps 1,000,000 persons, the impressive address of the President at the Brooklyn Navy Yard, the sorrowing relatives seated near me—all made part of a solemn event which I shall never forget as long as I live.

The *Montana* sailed from Brooklyn Monday afternoon for Boston, carrying the bodies of three heroes who belonged to New England. One of these young men—Walter L. Watson—came from Cape Cod, from Eastham, which is but a few miles from my home town—Yarmouth.

The town Eastham, settled in 1644, is small in area and population, but, like all the towns of Cape Cod, has always been rich in patriotism and has for nearly three centuries produced a noble line of citizens ever ready to serve the country in time of peace or war. The men of Eastham fought in the King Philip War of 1674, assisted in the capture in 1745 of the French stronghold—Louisburg, Cape Breton—and served under Washington in the American Revolution. In the War of 1812, at the naval victory on Lake Erie, Eastham was represented among the fighters on the battleship of Commodore Perry. In the town of Orleans, where Walter Watson used to attend church, the crudely armed militia in this same war repulsed successfully the British forces, while near Eastham Capt. "Hoppy" Mayo, by the use of Cape Cod shrewdness, captured an armed British schooner with her crew of 28 fighting men, so well described in a recent book, which smacks of the sea, by Michael Fitzgerald, of Brewster, entitled "1812, A Tale of Cape Cod." With such a record it is needless for me to say that Eastham did more than her share in the Civil War and all other national wars.

The people of Eastham and Cape Cod have always been famous for their skill and bravery on the sea. At the Nauset Life-Saving Station, which is but a short distance from the old home of Walter L. Watson, and at many other stations which I might name, live the life savers, whose duty it is to risk their lives in order to save those in peril on the sea. They, like their brothers in the Navy, obey orders and go where duty calls them in the service of their country.

Mr. Chairman, I heard Secretary Daniels, at the exercises in the Brooklyn Navy Yard on May 11, announce, in his address to the President, the names of the 19 heroes: Walter L. Watson and Daniel A. Haggerty, of Massachusetts; Rufus E. Percy, of New Hampshire; Gabriel A. De Fabbio, Dennis J. Lane, John Schumacher, Clarence R. Harshbarger, and Albin E. Stream, of New York; George Poinsett, Francis P. De Lowry, and Charles A. Smith, of Pennsylvania; Henry Pulliam, of Virginia; Randolph Summerlin, of Georgia; Esa Hursh Frohlichstein, of Alabama; Elzie C. Fisher, of Mississippi; Louis O. Fried, of Louisiana; Samuel Marten and Louis F. Boswell, of Illinois; Frank Devorich, of Iowa. I heard some French, Hebrew, German, Irish, and Italian names, but I thought of them only as true-blooded Americans right to the core of their hearts, who showed the rest of the country a type of patriotism and devotion which all Americans can copy. Our country is proud of these men.

Walter L. Watson, like most of the young men who fought at Vera Cruz, was very young—but 22 years of age. He came to Eastham when about 10 years of age, and early caught the love of the sea. He entered the Navy on December 31, 1912. His brother is now serving in the United States Cavalry at Fort Sheridan, Ill. A younger brother and sister live at Eastham. His home was with his foster parents, Mr. and Mrs. Edmund L. Knowles. He possessed a charming personality and had many friends in Eastham and Orleans.

Mr. Chairman, a few days ago I saw in the Boston Globe a picture of the young man whom Eastham and all Cape Cod mourn—Walter L. Watson. As I gazed intently at the curly hair, the open, frank eyes, the honest face, in which one seemed to feel perfect confidence and trust, there came before me a picture of the same curly hair and attractive eyes and face of a never-to-be-forgotten younger brother, who bore the same name, Walter. He left us many years ago when but a child, but the name "Walter" has been precious to me ever since.

Why is it that there are some people in whom we implicitly put faith and trust? Is it not because they have noble standards of duty and high ideals, and are ready to live and, in case of need, die for those they love? What is there greater than a life of service, not for one's self but for others and for one's country? Did not Walter L. Watson show this type of manhood and self-sacrifice?

Let us all resolve that from the lesson taught by our brave men who fell at Vera Cruz that we should be better Americans. Let us not forget that Walter L. Watson and the 18 other heroes offered the supreme sacrifice of laying down their lives for their country.

"Greater love hath no man than this, that a man lay down his life for his friends."

Under the privilege given me I take the liberty of inserting here the address of President Wilson at the exercises in the Brooklyn Navy Yard on May 11, 1914. This address contains such noble thoughts and sentiments so well expressed, and so much better than I can do, that I think it fitting under the circumstances to include the following address:

ADDRESS OF PRESIDENT WILSON.

"Mr. Secretary, I know that the feelings which characterize all who stand about me and the whole Nation at this hour are not feelings which can be suitably expressed in terms of attempted oratory or eloquence. They are things too deep for ordinary speech. For my own part I have a singular mixture of feelings. The feeling that is uppermost is one of profound grief that these lads should have had to go to their death; and yet there is mixed with that grief a profound pride that they should have gone as they did, and, if I may say it out of my heart, a touch of envy of those who were permitted so quietly, so nobly, to do their duty. Have you thought of it, men? Here is the roster of the Navy—the list of the men, officers and enlisted men and marines—and suddenly there swim 19 stars out of the list—men who have suddenly been lifted into a firma-

ment of memory where we shall always see their names shine, not because they called upon us to admire them but because they served us, without asking any questions and in the performance of a duty which is laid upon us as well as upon them.

"Duty is not an uncommon thing, gentlemen. Men are performing it in the ordinary walks of life all around us all the time, and they are making great sacrifices to perform it. What gives men like these peculiar distinction is not merely that they did their duty, but that their duty had nothing to do with them or their own personal and peculiar interests. They did not give their lives for themselves. They gave their lives for us, because we called upon them as a Nation to perform an unexpected duty. That is the way in which men grow distinguished, and that is the only way, by serving somebody else than themselves. And what greater thing could you serve than a Nation such as this we love and are proud of? Are you sorry for these lads? Are you sorry for the way they will be remembered? Does it not quicken your pulses to think of the list of them? I hope to God none of you may join the list, but if you do you will join an immortal company.

"So, while we are profoundly sorrowful, and while there goes out of our hearts a very deep and affectionate sympathy for the friends and relatives of these lads who for the rest of their lives shall mourn them, though with a touch of pride, we know why we do not go away from this occasion cast down, but with our heads lifted and our eyes on the future of this country, with absolute confidence of how it will be worked out. Not only upon the mere vague future of this country, but upon the immediate future. We have gone down to Mexico to serve mankind if we can find out the way. We do not want to fight the Mexicans. We want to serve the Mexicans if we can, because we know how we would like to be free, and how we would like to be served if there were friends standing by in such case ready to serve us. A war of aggression is not a war in which it is a proud thing to die, but a war of service is a thing in which it is a proud thing to die.

"Notice how truly these men were of our blood. I mean of our American blood, which is not drawn from any one country, which is not drawn from any one stock, which is not drawn from any one language of the modern world; but free men everywhere have sent their sons and their brothers and their daughters to this country in order to make that great compounded Nation which consists of all the sturdy elements and of all the best elements of the whole globe. I listened again to this list of the dead with a profound interest because of the mixture of the names, for the names bear the marks of the several national stocks from which these men came. But they are not Irishmen or Germans or Frenchmen or Hebrews or Italians any more. They were not when they went to Vera Cruz; they were Americans, every one of them, and with no difference in their Americanism because of the stock from which they came. They were in a peculiar sense of our blood, and they proved it by showing that they were of our spirit—that no matter what their derivation, no matter where their people came from, they thought and wished and did the things that were American; and the flag under which they served was a flag in which all the blood of mankind is united to make a free Nation.

"War, gentlemen, is only a sort of dramatic representation, a sort of dramatic symbol, of a thousand forms of duty. I never went into battle; I never was under fire; but I fancy that there are some things just as hard to do as to go under fire. I fancy that it is just as hard to do your duty when men are sneering at you as when they are shooting at you. When they shoot at you, they can only take your natural life; when they sneer at you, they can wound your living heart, and men who are brave enough, steadfast enough, steady in their principles enough, to go about their duty with regard to their fellow men, no matter whether there are hisses or cheers, men who can do what Rudyard Kipling in one of his poems wrote, 'Meet with triumph and disaster and treat those two impostors just the same,' are men for a nation to be proud of. Morally speaking, disaster and triumph are impostors. The cheers of the moment are not what a man ought to think about, but the verdict of his conscience and of the consciences of mankind.

"When I look at you I feel as if I, also, and we all were enlisted men. Not enlisted in your particular branch of the service, but enlisted to serve the country, no matter what may come, even though we may sacrifice our lives in the arduous endeavor. We are expected to put the utmost energy of every power that we have into the service of our fellow men, never sparing ourselves, not condescending to think of what is going to happen to ourselves, but ready, if need be, to go to the utter length of complete self-sacrifice.

"As I stand and look at you to-day and think of these spirits that have gone from us, I know that the road is clearer for the future. These boys have shown us the way, and it is easier to walk on it because they have gone before and shown us how. May God grant to all of us that vision of patriotic service which here in solemnity and grief and pride is borne in upon our hearts and consciences."

Mr. FOSTER. Mr. Chairman, it seems to me that I remember two or three years ago that the number of these bulletins which were to be printed at the Government Printing Office was increased from 4,500 to 6,000.

And at that time it was said that no Member of Congress received these bulletins regularly, as they had done previous to that time, and so Congress increased the number.

Mr. MADDEN. That was because of the valuable information they contained, was it not?

Mr. FOSTER. Since the number has been increased, as I remember it, they still have received no numbers of this bulletin issued by the Pan American Union. So I desire to inquire of the chairman if he can give us any information with reference to the matter.

Mr. FLOOD of Virginia. I understood they were sending out more of them. That was the purpose of the provision put in the bill.

Mr. FOSTER. I do not know what other Members have received. I do not look over their mail, but I am sure there is one who has not received a single number.

Mr. TRIBBLE. Will the gentleman yield? I will testify to the same fact. I enjoyed that bulletin very much.

Mr. FOSTER. I used to enjoy reading the bulletin, and I had some people who like to receive them.

Mr. FLOOD of Virginia. All the chairman can do is to promise that you will receive them.

Mr. HARRISON. I think you can get them if you write to Mr. Barrett.

Mr. FESS. I can testify that you can get them if you write for them.

Mr. MADDEN. I do not think we ought to be subservient to Mr. Barrett. He is our servant and ought to be compelled to send them.

Mr. MANN. I think he ought to be compelled not to send them. Nobody looks at the bulletin except somebody who is interested in studying Spanish or Portuguese.

Mr. FOSTER. The gentleman from Ohio has been reading one here.

Mr. MANN. He was not reading from one of the bulletins at all.

Mr. FOSTER. I thought he was. I have not seen one in so long that I would not know it.

Mr. MADDEN. It was a history of the Pan American Union, by John Barrett, that he was reading from.

Mr. COOPER. Mr. Chairman, I want to break into this discussion long enough to say that I received a letter a few days ago from an important manufacturer in my home city, saying that his company was very desirious of extending its trade in Colombia, Venezuela, Panama, and in Central and South America generally, and asking me to get data from the Pan American Union. So I have directed that the bulletins and publications of the Pan American Union be sent to this manufacturer, knowing that his company will be benefited by them. I have read similar publications of the union with much interest.

Mr. FOSTER. And I will say to the gentleman that I have read them with a good deal of interest.

Mr. KAHN. Mr. Chairman, I move to strike out the last three words. The gentleman from Ohio [Mr. FESS] called to the attention of the committee the fact that a great deal of money has been invested by Americans in Mexico by invitation of this Government. On the 26th day of February, when trouble was brewing in Mexico and our people had been asked to withdraw from that Republic by our State Department, I called to the attention of the House the fact that that attitude of our State Department would undoubtedly cost this Government many millions of dollars. I have read in the newspapers within the last week or 10 days that hundreds of claims against this Government are being filed by citizens of the United States who left their property in Mexico by reason of the action of this Government in having ordered their departure from that country; and more recently, within the last day or two, I have read in the newspapers that the citizens of Spain who lost their property at Torreon by reason of the ravages of the so-called constitutionalists have also filed their claims for damages with the State Department, and will undoubtedly look to this Government for reparation.

Mr. CLINE, Mr. SHARP, and Mr. FLOOD of Virginia rose.

Mr. KAHN. The sum of $20,000,000 has been claimed as damages for the destruction and looting of the property of Spanish citizens in Torreon alone, and the time will come when the Congress will be called on to appropriate all of this money to pay these claims.

Mr. SHARP. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman; yes.

Mr. SHARP. Suppose that order had not been issued or that advice given to our people living in Mexico, and a massacre had resulted by which several thousand of our people had been killed, does the gentleman say that we would have been justified in not giving that notice that there was serious danger at that time?

Mr. KAHN. I doubt if there was any serious danger at that time. The refugees who returned to this country at the time the order of the State Department was issued were reported in the newspapers to have said there was no need for such action by our Government at that time. There were certainly no outbreaks in the territory that was under the control of Huerta. The only outbreaks that occurred were in the territory occupied by the so-called constitutionalists.

Mr. SHARP. And did not President Taft make the same request while he was still in office?

Mr. KAHN. No; not that I recall.

Mr. SHARP. He issued the same request.

The CHAIRMAN. The time of the gentleman from California [Mr. KAHN] has expired. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BAILEY, for five days, on account of important business.

To Mr. DIES, for three days, on account of illness.

CALLING THE ROLL.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order there is no quorum present, and evidently there is not.

Mr. FITZGERALD. I move the call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Clayton	Griffin	Kreider
Ansberry	Coady	Gudger	Lafferty
Ashbrook	Connelly, Kans.	Hamill	Langham
Austin	Connolly, Iowa	Hamlin	Langley
Bailey	Covington	Hayes	Lee, Pa.
Baker	Crisp	Helgesen	L'Engle
Barchfeld	Dale	Hill	Lenroot
Bathrick	Davenport	Hinebaugh	Lesher
Beall, Tex.	Dershem	Hobson	Lindquist
Bell, Ga.	Dies	Holland	Loft
Booher	Difenderfer	Houston	Logue
Brodbeck	Dooling	Hoxworth	McClellan
Broussard	Driscoll	Hughes, W. Va.	McCoy
Brown, W. Va.	Drukker	Hulings	McGuire, Okla.
Browning	Dyer	Humphrey, Wash.	Manahan
Bruckner	Edmonds	Humphreys, Miss.	Martin
Brumbaugh	Elder	Jacoway	Merritt
Buchanan, Ill.	Esch	Johnson, Utah	Metz
Burke, Pa.	Estopinal	Johnson, Wash.	Miller
Burke, S. Dak.	Fairchild	Jones	Montague
Burnett	Farr	Keister	Morin
Butler	Ferris	Kelley, Mich.	Mott
Calder	Francis	Kelly, Pa.	Murdock
Callaway	Frear	Kennedy, Conn.	Nelson
Cantrill	Gallagher	Kennedy, Iowa.	O'Brien
Caraway	George	Kettner	O'Hair
Carew	Goldfogle	Kless, Pa.	Padgett
Carlin	Gordon	Kinkaid, Nebr.	Paige, Mass.
Carr	Gorman	Kirkpatrick	Palmer
Chandler, N. Y.	Goulden	Kitchin	Patton, Pa.
Clancy	Graham, Pa.	Konop	Peters, Me.
Clark, Fla.	Griest	Korbly	Porter
Prouty	Sherley	Stephens, Miss.	Watson
Ragsdale	Shreve	Stone	Webb
Reilly, Conn.	Sinnott	Stringer	Whaley
Riordan	Sisson	Switzer	Whitacre
Roberts, Mass.	Slayden	Taggart	Wilson, N. Y.
Rothermel	Slemp	Talbott, Md.	Winslow
Rupley	Small	Taylor, Ala.	Woodruff
Sabath	Smith, Md.	Taylor, Colo.	Woods
Scully	Smith, Minn.	Treadway	
Sells	Smith, Tex.	Vare	
Shackleford	Stanley	Walker	

During the calling of the roll Mr. DONOVAN took the chair as Speaker pro tempore.

At the conclusion of the roll call,

The SPEAKER. On this roll call 261 Members—a quorum—have answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER. Mr. Speaker, I call up privileged House resolution 256.

The SPEAKER. The Clerk will report it.

The Clerk read the resolution by title, as follows:

Resolution (H. Res. 256) providing for the appointment of a committee to investigate and report whether any Members have been guilty of violating the provisions of the Criminal Code by soliciting contributions for political purposes, etc.

Mr. RUCKER. Mr. Speaker, I ask that the resolution and substitute reported by the committee be read.

The SPEAKER. The Clerk will report the original resolution and the substitute. The Chair thinks the original resolution ought to be read.

Mr. MANN. It ought to be read. The gentleman from Missouri [Mr. RUCKER] did not ask to dispense with it.

The SPEAKER. The Clerk will read the original resolution and the substitute.

Mr. THOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. I would like to know what the "and so forth" in that resolution means?

The SPEAKER. The Chair does not know.

Mr. MANN. You will never know enough to find out over there. [Laughter.]

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 256.

Whereas the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, provides in section 118 that no Senator or Representative shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States; and

Whereas it is provided in section 119 of said act that no person shall in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever; and

Whereas it is alleged that the Democratic national congressional committee, composed in chief part of Members of this House, has directed to be sent, and it is alleged there has been sent, to the Democratic Members of this House a letter stating that an assessment has been levied upon the Democratic Members of this House, soliciting contributions from such Members for political purposes, and it is alleged that said letter has been signed by a Member of this House and delivered to other Members of this House in the Capitol Building and in the House Office Building, which letter is alleged to read as follows:

"SEPTEMBER 15, 1913.

"At a meeting of the Democratic national congressional committee August 28, 1913, the following resolution presented by Senator THOMAS, of Colorado, was unanimously adopted:

"'*Resolved*, That an assessment of $100 be made on each Democratic Member of the House of Representatives and the United States Senate, to be paid to the chairman of the congressional committee, as follows: $25 at once; $25 on or before January 1, 1914; balance on or before July 1, 1914.'

"The committee is in debt to the extent of nearly $4,000 and has no money in the treasury. The object of the foregoing resolution is to secure funds with which to pay the debts of the committee and begin the work of the approaching campaign.

"Checks should be made payable to Hon. WILLIAM G. SHARP, treasurer, and handed to ———, member of the committee from your State, who will make return thereof to the treasurer. The entire amount may be paid at once or in installments provided by the resolution.

"Trusting that you will favor the committee with an early payment, I beg to remain,

"Very sincerely, yours,

"FRANK E. DOREMUS, *Chairman*."

And
Whereas section 122 of said act provides that whoever shall violate any provision of section 118 or section 119 shall be fined not more than $5,000 or imprisoned not more than three years, or both: Therefore be it

Resolved, That a committee of seven members shall be appointed by the Speaker to investigate and report to this House whether any Members of this House have been guilty of violating any of the provisions of the Criminal Code by soliciting or receiving or by being in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States, and particularly from Members of this House, to the end that it may be ascertained whether the Members of this House, constituting in part the law-making branch of the Government, are above the law.

And the first substitute resolution, as follows:

Resolved, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Are these two resolutions that are submitted as a substitute to be treated as one amendment or two amendments? It is immaterial to me.

The SPEAKER. The Chair would think they would be treated as two.

Mr. MANN. If they are to be treated as two, I make the point of order on the amendment just read that it is not in order; that the committee can not report an amendment which is not germane to the resolution, nor can it report an amendment to a privileged resolution which amendment is not privileged, and that this is not a privileged resolution as amended.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, first, I call the attention of the Speaker to page 337 of the copy of the manual which I have, third session of the Sixty-second Congress, that the rule in reference to germaneness applies to amendments reported by committees.

The SPEAKER. What rule is it? What is the number of it?

Mr. MANN. Rule XVI, paragraph 7, the last half of it:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

That is a rule of the House. The manual reads:

The rule that amendments should be germane applies to amendments reported by committees—

And cites the precedents in Hinds' Precedents. I suppose that is hardly a contested matter, that the committee can not report an amendment which is not germane to the subject under consideration.

Now, let us see what the resolution is. The resolution which was introduced and which is now pending before the House reads:

Resolved, That a committee of seven Members shall be appointed by the Speaker to investigate and report to this House whether any Members of this House have been guilty of violating any of the provisions of the Criminal Code—

And so forth.

That resolution is for the appointment of a special or select committee. The amendment proposed by the committee in reporting it back is:

Resolved, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

Is a resolution for the appointment of a special committee subject to amendment by an amendment to dispose of the merits of the whole proposition? I have rulings here which I will give the Speaker. In volume 5 of Hinds' Precedents, paragraph 5801, is an old ruling which has been quite consistently followed since. This ruling was made by Speaker Howell Cobb in the Thirty-first Congress:

To a proposition for the appointment of a select committee to investigate a certain subject an amendment proposing an inquiry of the Executive on that subject was held not to be germane.

It is not necessary to read the matter in full; but there, where it was proposed to have a select committee of the House investigate a certain matter, it was held not germane to offer an amendment even to have it investigated by one of the executive departments of the Government.

The Chair will also note at the bottom of page 338 of the manual a number of citations where amendments are held not to be germane.

To a bill relating to commerce between the States an amendment relating to commerce within the several States was held not germane.

To a proposition to relieve destitute citizens of the United States in Cuba a proposition declaring a state of war in Cuba and proclaiming neutrality was held not germane.

To a bill granting a right of way to a railroad an amendment providing for the purchase of the railroad by the Government was held not germane.

In page 5806 of Hinds' Precedents, volume 5, it is held that the rule that amendments shall be germane applies to amendments reported by committees.

In paragraph 5809, volume 5, it is held that it is not in order to amend a pending privileged resolution by adding matter not privileged and not germane to the original proposition.

Where they had under consideration resolutions concerning the assignment of rooms in the Capitol Building an amendment was offered:

And that the Committee on Public Buildings and Grounds be instructed to inquire if other and additional accommodations can not be procured for the Library of Congress, by which the space in the Capitol now used for the library can be used for committee rooms, and report the same.

There was a resolution pending, to which a proper amendment had been added, for the assignment of rooms, but it was held not germane to add an amendment directing the committee to make an inquiry concerning further rooms.

That Speaker was John G. Carlisle, and the gentleman in the House who made the point of order was Samuel J. Randall. Those were two very good parliamentarians, and that case was very similar to this.

The SPEAKER. What section is that?

Mr. MANN. Section 5809, volume 5, of Hinds' Precedents. And the very next paragraph is to the same effect, so far as the adding of a nonprivileged amendment to a privileged matter under consideration is concerned.

Paragraph 5841 of Hinds' Precedents. The House was considering a bill to amend the act to regulate commerce. That related to commerce between the States. Mr. Nelson, of Minnesota, offered an amendment, which I will not read, covering the question of commerce within the States. Mr. Charles F. Crisp, of Georgia, made the point of order that the amendment was not germane to the bill; and the Speaker—there is some question whether it was Speaker Carlisle himself or the Speaker pro tempore, Mr. McCreary, of Kentucky—held that the amendment was not germane. Here was a bill regulating commerce, but it was commerce between the States; and the Speaker held that it was not germane to add an amendment concerning intrastate commerce.

This volume of Hinds' Precedents is filled with precedents of a similar character.

Now, here is a privileged resolution in reference to the appointment of a committee. It brings in an amendment to that, not relating at all to the appointment of a committee, but making a declaration of an abstract proposition, which in itself would not be privileged. I think the Speaker can not hold as privileged any resolution which any Member of the House at any time may choose to offer, declaring that it is no violation of law for a Member of Congress to do certain things which the Criminal Code may say are a violation of law. It would not make any difference, if it was held privileged, it would not make any difference what provision of the Criminal Code was under consideration. As an abstract proposition the privilege of the original resolution lies in the fact that a charge is made against the actual Members of Congress; but it would not be privileged if I offered a resolution—

Resolved, That it is a violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

If I had left out the word "not" in the resolution as reported from the committee and had offered it from the floor as a privileged resolution, the Speaker would have held that it must be referred to a committee through the basket, that it could not be presented on the floor; and if the Speaker should hold that it was privileged to offer an abstract declaration as to whether a Member of Congress violates the penal code by doing a certain act, that privilege could be exercised as to every provision in the criminal code; and in case of a filibuster it would be a very handy instrument, because it would not take a very large majority to offer a sufficient number of privileged resolutions of that sort, involving no individual or moral responsibility, to keep the House working all the time for a week or a month; and it would be a matter of the highest privilege, if privileged at all.

The SPEAKER. What does the gentleman say was the gist of his resolution?

Mr. MANN. The gist of my resolution was the appointment of a committee to investigate facts.

The SPEAKER. Do you think the appointment of the committee was the real thing, or was it to find out whether these gentlemen had committed a felony?

Mr. MANN. It was to find out the facts. The real point of my resolution was to appoint a committee to investigate the facts.

The SPEAKER. Is it not true that the House made a ruling of its own on that question?

Mr. MANN. The House made no ruling.

The SPEAKER. Did not the House refer this resolution to the Elections Committee?

Mr. MANN. Certainly.

The SPEAKER. Is not the determination of a parliamentary question by the House itself superior to the opinions of any Speaker?

Mr. MANN. It was proper to refer it. It was in order to refer it.

The SPEAKER. If it was in order to refer it, did not we get rid of the committee of seven?

Mr. MANN. Not at all. If it had not been a privileged resolution, I would have dropped it in the basket and the Speaker would have referred it; but being a privileged resolution, it comes before the House, and the House has the right to refer it, and, as I think, the House exercised a proper function when it did. I did not even contest the reference. On the other hand, I suggested that the reference be made.

The SPEAKER. Does the gentleman say that the appointment of a committee of seven was the gist of his resolution, or was it to find out whether these men had violated the law?

Mr. MANN. Of course the real gist of that resolution was to appoint a committee to find out whether they had violated the law.

The SPEAKER. Why should the gentleman care how he found out, so that he found out, if the House passed on that question?

Mr. MANN. The House did not pass on that question, I beg the Speaker's pardon. The House only referred the matter to the committee to report whether a special committee should be appointed like any proposition of that sort. The only thing the House did was to refer to the committee the question as to whether there should be a select committee appointed. As a matter of fact, the committee referred it to the Committee on Election of President and Vice President. A proper reference probably would have been to the Committee on Rules.

The SPEAKER. That is it. Is not that exactly the case? If the House had wanted a committee of seven raised, it would have referred it to the Committee on Rules, where ordinarily it would have gone.

Mr. MANN. As a matter of fact, that would not be the case, because, as a matter of fact, the gentleman who moved to refer it afterwards came to me and suggested that it go to the Committee on Rules. I told him I did not care where it went.

The SPEAKER. If the Chair had referred it, he would have sent it to the Committee on Rules.

Mr. MANN. But the Chair could not send it to any committee. The House could have sent it to the Committee on Reform in the Civil Service or to the committee on expenditures in the back yard. The House could send it wherever it pleased, but what the House sent to the committee to determine was whether a select committee should or should not be appointed.

Mr. BARTLETT. Mr. Speaker, I think that these resolutions are responsive to the resolution of the gentleman from Illinois. If the Chair will read the last two lines of the resolution offered by the gentleman from Illinois, he will find that it reads:

To the end that it may be ascertained whether the Members of this House, constituting in part the lawmaking branch of the Government, are above the law.

The committee to which it was referred, in place of a special committee, have reported to the House their opinion in response to the resolution that they are not above the law, because they have not violated the law and have submitted to the House the resolutions which are reported in response to the resolution of the gentleman from Illinois, in the form of a report that they have violated no law, and therefore in full response to the original resolution.

Mr. RUCKER. Mr. Speaker, just one word, and not because I think I can throw any light on the parliamentary situation. Briefly, I want to say that the resolution introduced by the gentleman from Illinois, after a long preamble, provided for the appointment of a committee to investigate and report if the membership of this House was not guilty of acts in violation of a section of the statute referred to by him. The action of the committee reports back to the House a resolution which seems to me, if I know the meaning of the word, is absolutely germane to this resolution. The burden of the resolution was to investigate and report to the House the result of it, advising the House if Members have violated this section of the statute, and to report if Members of Congress, one branch of the lawmaking body, is above the law and not amenable to it. After a careful consideration we have invited by this resolution a discussion of the question, Are Members of Congress felons in doing the things referred to in the original resolution? The gentleman from Illinois, to my surprise, reads a whole volume of precedents for the purpose of seeking further delay. It seems to me he would rather insist on action on his resolution.

Mr. TOWNER. Mr. Speaker, I would like to make this suggestion: The committee that was sought to be appointed by the resolution offered by the gentleman from Illinois was a committee of investigation. The question whether that committee should be appointed or not was referred to one of the standing committees of this House. The standing committee of the House could have reported unfavorably on that resolution. They did try to report unfavorably, but instead of putting that matter in their report they put it in a resolution, and, strange to say, we have this anomaly that this committee now reports to the House favorably on the resolution introduced by the gentleman from Illinois with an amendment.

The question must be considered by the Chair, whether that amendment is or is not germane to the original resolution. Certainly it could not be held that it is germane merely because it is of the same subject matter, because the one is for the appointment of a committee to determine a personal question as to whether or not any Member of this House had or not violated the law. That could have been determined, and the committee could have said "No," and it could have stated reasons. But that is not what they did. They reported this resolution favorably with an amendment.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TOWNER. In a moment. That amendment is what? Not any modification, not any change of the resolution, but merely an exposition of the law as the committee understood it; in other words, their reasons why they would have reported unfavorably and their suggestion as to what the meaning of the statute is. It looks to me as if there could be no question but that the exposition of the law—and, in fact, I remember that repeatedly it has been held that an exposition of the law is not germane to the law itself, and that is what this is, and nothing else. Now I will yield to the gentleman from New York.

Mr. FITZGERALD. Where does the gentleman find the recommendation that this resolution be favorably reported?

Mr. TOWNER. Mr. Speaker, the gentleman misunderstood me.

Mr. FITZGERALD. The gentleman stated the resolution had been favorably reported by the committee.

Mr. TOWNER. I say that in effect.

Mr. FITZGERALD. The gentleman did not say it in effect. He twice stated positively that this resolution had been favorably reported by the committee.

Mr. MANN. That is true.

Mr. FITZGERALD. Where is there any such statement in the report of the committee? A favorable recommendation is that the resolution be adopted. There is no such recommendation.

Mr. MANN. The gentleman has not read the report.

Mr. FITZGERALD. Yes; I have it right before me:

In accordance with the facts herein reported and the conclusions herein expressed, your committee reports back to the House the resolution H. Res. 256 with recommendations that the House adopt, as a substitute therefor, the following resolutions.

Mr. MANN. Certainly. That is reporting favorably with a recommendation.

Mr. FITZGERALD. Oh, that is not a favorable recommendation. Nobody would dream of construing it to be such.

Mr. MANN. The gentleman used to be a good parliamentarian, but he has been in the House so little lately that he has lost his knowledge. He knows, however, that a resolution goes by its number.

Mr. FITZGERALD. If I had remained to listen to such arguments as that, I would lose any knowledge I ever had. [Laughter.]

Mr. TOWNER. Mr. Speaker, there can be no such substitution of a resolution for the original resolution; that is not a favorable report. Of course, everybody understands that the committee did not intend to report favorably on the resolution, and what they ought to have done was to bring in an unfavorable report against the resolution, stating their reasons for so doing, which they have included in the resolution.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HARDWICK. The resolution that the committee did report is the exact opposite of the resolution offered by the gentleman from Illinois, is it not?

Mr. TOWNER. That is one of the proofs, is it not, that it can not possibly be germane to the original resolution?

Mr. HARDWICK. Not at all.

Mr. TOWNER. I am only arguing these circumstances to show that it can not possibly be germane.

Mr. MANN. It will not need instructions on this side of the House to know that to report favorably a bill does not mean that every one of its provisions must be reported favorably, though the gentleman from Georgia [Mr. HARDWICK] and the gentleman from New York [Mr. FITZGERALD] seem to assume that. What a committee reports is the number of the bill. In this case they report the number of the resolution with a recommendation changing the entire matter, but they report the resolution favorably, or else it would have been laid upon the table by this time.

Mr. HARDWICK. After changing the sense of it from what the gentleman offered.

Mr. MANN. We thought everybody understood that without explanation. We will get a chart for the benefit of those two gentlemen and explain that the committee were afraid of an investigation, and hence opposed it.

Mr. FITZGERALD. Mr. Speaker, the resolution of the gentleman from Illinois [Mr. MANN] contained a preamble which recites that certain acts are prohibited by section 118 of the penal laws and that section 119 prohibits certain other acts. It then recites that it is alleged that certain Members of Congress performed certain acts, from which it is inferred that the statute was violated, and upon these allegations the gentleman's resolution to create a special committee was predicated. The special committee was to investigate and report whether any Members of the House were guilty of violating the two sections of the Penal Code mentioned, and the acts upon which the report would be made were recited in the preamble of the resolution. The committee, it appears, sets forth in its report that certain acts mentioned had been done by certain persons, and then states the practice of Members of Congress relative to solicitation of campaign funds from other Members of Congress, and set out the conclusion that it is not a violation of either section of the Penal Code to do the things recited in the preamble of the gentleman's resolution as a basis for the creation of a special committee.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MANN. Mr. Speaker, while I am thoroughly convinced that the point of order is good, I am quite content that the majority side of the House should stultify itself on a matter of this sort if it wishes, and I withdraw the point of order.

The SPEAKER. The gentleman withdraws the point of order.

Mr. FITZGERALD. I thought that would be the effect of my remarks. [Laughter.]

Mr. MANN. Oh, I did it in spite of the gentleman's argument, which I could not hear, but knew was unsound.

The SPEAKER. The question is on agreeing to the resolution.

Mr. RUCKER. Mr. Speaker, I do not see the ranking member of the committee, Mr. AINEY, on the floor, but I would like to know if we can agree on some length of time for debate?

Mr. MANN. How much time does the gentleman want?

Mr. RUCKER. I will let the gentleman fix it, if he does not fix it too short.

Mr. MANN. I do not think much time will be taken.

Mr. RUCKER. Does the gentleman desire to debate it at all?

Mr. MANN. Yes; I want to say a few words on the subject.

Mr. RUCKER. About how much time would the gentleman like to have?

Mr. MANN. I do not know whether anybody else desires to be heard or not. How much time does the gentleman want?

Mr. RUCKER. I would like to know about how many gentlemen desire to discuss it, if they want to discuss it at all. How many minutes does the gentleman suggest?

Mr. MANN. I have not suggested any. Let the gentleman proceed. I think there will be no protracted debate.

Mr. RUCKER. I will consume very little time.

Mr. MANN. The gentleman has an hour under his control.

Mr RUCKER. Does the gentleman want to fix the time at 30 minutes on the side?

Mr. MANN. I think we may be able to finish it sooner than that.

Mr. RUCKER. Of course I want to close the debate upon the question.

Mr. MANN. The other substitute resolutions were not read.

Mr. RUCKER. No.

Mr. MANN. I suggest that the substitute resolutions be treated as one amendment.

The SPEAKER. The gentleman asks unanimous consent that both of these resolutions be treated as one. Is there objection?

There was no objection.

Mr. RUCKER. I desire to close debate. I will yield to the gentleman from Illinois such time as he may desire.

The SPEAKER. The Clerk will report the second resolution.

The Clerk read as follows:

Resolved, That it is no violation of section 119 of the Criminal Code of the United States for a Senator or Member of the House to solicit contributions for political purposes, from other Senators or Members of the House, by letters written in his office in the Senate or House Office Buildings.

The SPEAKER. How much time does the gentleman from Missouri yield to the gentleman from Illinois?

Mr. RUCKER. I yield the gentleman from Illinois such time of 30 minutes as he may desire.

Mr. MANN. Mr. Speaker, on September 15, 1913, or under that date, a letter was sent out to the Democratic Members of Congress, both of the House and Senate, as follows:

SEPTEMBER 15, 1913.

At a meeting of the Democratic national congressional committee, August 28, 1913, the following resolution, presented by Senator THOMAS, of Colorado, was unanimously adopted:

"*Resolved*, That an assessment of $100 be made on each Democratic Member of the House of Representatives and the United States Senate, to be paid to the chairman of the congressional committee, as follows: Twenty-five dollars at once; $25 on or before January 1, 1914; balance on or before July 1, 1914."

The committee is in debt to the extent of nearly $4,000 and has no money in the treasury. The object of the foregoing resolution is to secure funds with which to pay the debts of the committee and begin the work of the approaching campaign.

Checks should be made payable to Hon. WILLIAM G. SHARP, treasurer, and handed to ———, member of the committee from your State, who will make return thereof to the treasurer. The entire amount may be paid at once or in installments provided by the resolution.

Trusting that you will favor the committee with an early payment, I beg to remain,

Very sincerely, yours, FRANK E. DOREMUS, *Chairman*.

That letter was signed by FRANK E. DOREMUS, chairman of that committee, and in this connection and before I pass on, I desire to say a good word for the gentleman from Michigan [Mr. DOREMUS], whether he has unintentionally violated the law or not. I have watched Mr. DOREMUS in this House, and joined with him on several notable fights, especially in connection with the tolls question on the Panama Canal, and I entertain for him not only the highest official and personal regard, but also a very affectionate regard. I would not do anything here or elsewhere which I thought would really embarrass him, but when this letter came out I called it to the attention of the House, and have since learned with surprise that this violation of the law was a regular thing for the Democratic congressional committee, and have since been informed that even our Progressive reformers have followed in the same course; and I have served for a time on the executive committee of the Republican congressional committee and knew, so far as I knew anything about the management of that committee, which was not very great, that it was not considered lawful for that committee to solicit subscriptions of Members of Congress, and I read the law. This is section 118 of the Penal Code, which is taken, I think, word for word from the old civil-service law, and really sounds better when you speak of it as a section of the civil-service law than a section of the Penal Code when you are talking about Members of Congress in connection with it. That law is as follows:

SEC. 118. No Senator or Representative in or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

Now, Members of Congress are not officials or officers of the Government, but they are persons receiving their salaries from the Treasury of the United States; and here is an express inhibition against Members of Congress receiving from each other contributions for political purposes. The distinguished gentleman from Missouri [Mr. RUCKER], who makes the report on this case, admits this proposition so far as the letter of the law is concerned. In his report he says:

It will be conceded that the letter of section 118 would prohibit one Senator or Member of Congress from soliciting or receiving campaign contributions from another Senator or Member of Congress. But that is not the end of the matter.

Here is an express admission that the letter of the law forbids the transaction which I have referred to, the action of

the Democratic national committee; that the letter of the law makes this a penal offense. Then follows a series of reasonings so fantastical that they could only emanate from a mind filled with the imagery of brilliant thoughts. A Member of Congress is above the letter of the law. That is what I asked in my original resolution, to the end that it may be ascertained whether the Members of this House, constituting in part the law-making branch of the Government, are above the law. The distinguished committee, or the Democratic members of it, find that Members of Congress are above the law. They admit that the letter of the law includes Members of Congress; but we are so great, we are so mighty, we are so important, that the law does not touch us, in the opinion of this committee. Now, I have been taught to believe that of all the people who ought to carefully observe the law it is the ones who make the law. Members of Congress who make the law are the ones first who ought to observe the law, and because we are Members of Congress, because we are not officers of the Government, because we are unclassified in the description of governmental employees, this distinguished committee finds that Members of Congress, though covered by the letter of the law, are above the law and not covered by the spirit of the law. And here is one of the reasonings which is given:

In the present case the title of the act—

That was the old civil-service act where this provision first appeared—

"An act to regulate and improve the civil service of the United States" indicates quite clearly that Congress was not legislating for the benefit or protection of its own membership, since the phrase "the civil service of the United States" has always been understood as comprising principally persons holding office or employment by appointment in the executive departments of the Government.

Now, I may be mistaken, but I have always thought that the civil service of a government was a term used in contradistinction to the military service of the government, and that in our Government everything that is not connected with the Army or the Navy under the Government was the civil service side of the Government; but according to this learned committee, nothing is under the civil service unless it is a matter of appointment in the executive departments of the Government. I suppose my good friend from Missouri would think that this civil-service law, passed under that title, now carried in the Penal Code, would permit the Democratic national committee to solicit and receive subscriptions from Army and Navy officers on the grounds that they are not connected with the civil-service end of the Government. The main argument that is made is that the civil-service act is to be construed by the title, which refers only to the civil service of the Government, and hence can not do anything to forbid anyone not in the civil service of the Government from making contributions. He reasons that Members of Congress are not in the civil service of the Government, and hence may make these political contributions to each other; but who will claim that the military branch of the Government can make political contributions under this law, which forbids anyone receiving salaries or compensation from moneys derived from the Treasury making contributions, or anyone to receive contributions from such persons.

Mr. Speaker, it is palpable that a great Democratic majority can pass any kind of a resolution it wants and exempt itself from violation of the law. Of course, they can not determine the construction of the law which would be binding on anyone. If they wanted a construction of the law, the courts are to construe it; but the Democratic side of the House having been found violating the law, with the goods in their possession, admitting that they were violating the law or doing the acts which the letter of the law says is a violation, now proposes to administer to itself a dose of whitewash. It is a travesty upon legislative procedure. It will not redound to their credit in the country. They violated the law, a law passed to uphold the benefits of the country to the people and to prevent the legging and begging for political contributions from persons in the employ of the Government, and soon, if the Democratic majority were to continue in this House long, which, thank God, it has not a chance to do [applause on the Republican side], soon gentlemen who now come to Congress from districts where they do not live, because sometimes in the past, at least, they have been liberal contributors to campaign funds, will be seeking election to Congress at the suggestion of Democratic congressional committees in order that they may make fat contributions here and receive committee assignments in pay for them. [Applause on the Republican side.]

Here is your proposition: You think that the only purpose of the law was to prevent poor clerks from contributing to campaign funds. I would rather let the clerks have the right to contribute and take the chances on their demoralizing the public service than to permit Members of this House, because they are rich, because they can contribute freely, to buy their places through a caucus control of committees. Idle nonsense? Not at all. That is what will happen. Under this construction of the law it will be impossible, if Members of Congress have the right to contribute to their campaign funds—and it is understood that is to be the method of raising money—to prevent the rich men who come to Congress from tendering campaign contributions and exacting in return favors in the House. I am against the whole thing. I am willing to finance my campaign in my district, but I am unwilling to help finance the campaign of some other Member in his district. I am unwilling to be placed where a rich Member of Congress can tender me his contribution to help me in my district, expecting rewards in return. You can do it if you want to do so, but it is corruption of the worst kind. Thank God, you will not stay long. Good-by! [Applause on the Republican side.]

Mr. RUCKER. Mr. Speaker, let me say in the very beginning that I have never questioned the right of the gentleman from Illinois [Mr. MANN] to introduce the resolution which gives rise to this discussion. In introducing the resolution (H. Res. 256) he was quite within his rights as a Member of the House. I have not said, and shall not to-day say, one word that will even look like a criticism of his exercise of that right. I want to say, too, because sometimes what one says in debate is misunderstood, that I have for the gentleman a profound regard. I regard him as one of the most efficient Members of this House, and if he were a Democrat I would probably regard him the most efficient Member in the House. I have regard for his legal learning, and admiration for his tireless, unceasing energy. Until very recently, since this matter came up, I was becoming alarmed at the amount of affection I bore for him. I still respect him, but have lost some of the affection I used to have for him. [Laughter.]

Mr. Speaker, if I correctly caught the language used by the gentleman in this debate, he admitted that Members of Congress are not officials or officers of the Government, and no one contends that they are employees. In admitting this he clearly admits himself out of court so far as the resolution relates to section 119 of the Criminal Code. And yet the gentleman deliberately wrote into the preamble to his resolution the suggestion, if not charge, that Members of Congress were violating the provisions of section 119. This section prohibits any person from soliciting or receiving political contributions "in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section." Members of Congress are not employees, and if they are not officials or officers of the Government, and the gentleman admits they are not, then surely it is no violation of the provisions of section 119 to either solicit or receive contributions for political purposes in a Member's office.

No gentleman who signed the minority views—no gentleman in this House will assert the proposition that the writing of the letter quoted in this resolution in a Member's office was or is a criminal act. This is all I desire to say upon this feature of this controversy at this time.

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER. Certainly. With great pleasure.

Mr. MANN. I have not quite gotten through my head the point the gentleman makes.

Mr. RUCKER. I will try to make myself clear to the gentleman.

Mr. MANN. I am asking for information. I did not quite get the point the gentleman is trying to make in regard to section 119.

Mr. RUCKER. Here is the point. I will read the section again, even at the hazard of losing valuable time.

Mr. MANN. I know what the section is.

Mr. RUCKER. You know what it is. Then I will not read it, but will repeat that if Members of Congress are not officers or employees, then obviously section 119 could not and does not refer to a Member's office.

Mr. MANN. Why not?

Mr. RUCKER. Because this section expressly refers to the room or building occupied in the discharge of official duties by the officers and employees mentioned in the previous section and to no other room or building.

Mr. MANN. Does the gentleman claim that there are no employees of the United States employed in the House Office Building or the Capitol Building?

Mr. RUCKER. The gentleman understands I am not claiming that, but the question now asked does not bear on the issue raised by his resolution.

Mr. MANN. I did not understand you, then.

Mr. RUCKER. Upon reflection I hope the gentleman will be able to understand me.

Mr. MANN. I was asking the question seriously of the gentleman.

Mr. RUCKER. I am trying to answer you seriously. With reference to the last clause of section 118, which reads, "or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States," it is true, it is admitted in the committee's report, that the letter of this clause prohibits one Senator or Member from soliciting or receiving contributions for political purposes from other Senators and Members.

It is upon this clause in the statute and this frank admission in the report that the gentleman based his entire argument. If the language just read from the statute, the closing clause of section 118, was all the language defining those from whom contributions should not be solicited or received, this proceeding would not now command the attention of the House. The gentleman's argument confesses the weakness of the cause, because he, as a good lawyer, knows, and knows well, that to get the true meaning of the law the whole section must be read. Those whom the law, as written in section 118, protects from solicitation or payment of contributions for political purposes are defined and classified as—

from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

It is in connection with the last clause that the gentleman's resolution charges that Members of Congress are guilty of criminal practices. Your committee denies the charge. We insist that the courts, from the highest to the lowest judicial tribunals in the United States, have established well-recognized rules by which statutes like this must be construed. The leading case is that of Holy Trinity Church *v.* United States (143 U. S., 457), and there the Supreme Court fully discussed and decided every principle involved here. Every contention made by your committee finds unqualified support in this case as well as in many other authorities cited in its report.

I will not read at length from this case as your committee made liberal quotations from it in its report, which I hope all Members have carefully read.

Permit me to say, in few words, the case to which I have just referred was a prosecution for an alleged violation of the alien contract-labor law, which made it a crime for anyone to contract in advance with any alien to come to the United States "to perform labor or service of any kind." The Holy Trinity Church, a corporation, had contracted with one Warren, a foreigner, to come to New York and enter its service as rector and pastor. After conviction in the lower court the defendant took the case to the Supreme Court. In determining the case the Supreme Court of the United States said: "It must be conceded that the act of the corporation is within the letter" of the law, but reversed the lower court and discharged the defendant, because the act complained of, though "within the letter of the statute, was not within the statute, because not within its spirit, not within the intention of its makers."

In this connection, let me say, the gentleman from Illinois [Mr. MANN] made his entire speech on the admission in the report that "it will be conceded that the letter of section 118," if the statute is construed strictly by its letter, would apply to Senators and Members. If the Supreme Court of the United States can "concede" that a given act may be within the "letter" of the law and yet not be within the law, can not your committee do the same? Will any Member of this House be influenced by such argument as the gentleman made? Why, Mr. Speaker, the gentleman from Illinois [Mr. MANN] had this committee report in his hands nearly one week and of course he studied it. In it he found every principle of law upon which your committee relies; he found every authority cited; he saw, read, and considered every conclusion we reached. He challenges the application of no legal principle; he criticizes no authority; he controverts the accuracy of no conclusion. By his action he admits the force and legality of every contention we make. Does any thoughtful man believe, or will any such person ever believe, that the Congress intended the general words "or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States" to apply to all who come within the "letter" of these words? The man who is employed by a contractor on any work being done for the Government comes with the "letter" of the law. The owner of a building rented to the Government is within the "letter," the pensioner is within the "letter," but who will be bold enough or, more correctly, who will be reckless enough with his opinion to say it was the intention of Congress to include them? If not to them, then by what process of reasoning can it be said to apply to Senators and Members?

I challenge the gentleman to find one word in the extended and prolonged debate on this section which in any remote degree suggests that any man intended the language under consideration to include Members of Congress and Senators. If he will take the language of Senator Logan, of his own State; the language of Senator Harrison, of Senator Maxey, of Senator Beck, of Senator Hawley, who offered these sections as an amendment to the civil-service bill, and of all the Senators who discussed it, he will be forced to admit that this amendment was not intended to apply and had no reference whatever to contributions or collections made by Senators or Members of Congress.

Mr. MANN. Will the gentleman permit me to read an extract?

Mr. RUCKER. Certainly. What page are you going to read from?

Mr. MANN. Page 6 of the first report, at the bottom of the page. Senator Hoar said:

I think all, or nearly all, of us felt sure that the public expression of condemnation of that circular was such that the practice of appealing to officials by a committee of either or both branches of Congress would never be heard of again.

Mr. RUCKER. Oh, yes.

Mr. MANN. I believe we are officials.

Mr. RUCKER. Oh, read it all. It has reference to the humble official—the humble employees—not to Senators and Members, as the gentleman will clearly see if he will read a little further on the same page from what Senator Hoar said. I will read for his benefit what Senator Hoar said in that same connection:

It is an entirely indelicate and improper relation for Senators or Members of the House of Representatives to be asking contributions, voluntary or involuntary, of persons in the civil service of the Government.

Does that afford the gentleman any comfort or strengthen his argument?

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. I will.

Mr. FESS. I am trying to construe this section 118, and I want to read a sentence and ask the distinguished Member whether I read it correctly or not. I read:

SEC. 118. No Senator or Representative * * * shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from * * * any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

Does not that take me in?

Mr. RUCKER. As you read it, yes; but you did not read it all. I grant you that if what you read was the only language, then it would take you in.

Mr. FESS. But if I were parsing this, for the construction of subject and predicate, I have certainly read it according to the interpretation.

Mr. RUCKER. But if you were construing it according to the well-recognized rule laid down by the Supreme Court of the United States you would have to construe the general words you have read to have reference to the class of persons previously particularly mentioned in that section.

Mr. FESS. Why were the words "from any person" put in there?

Mr. RUCKER. I can not answer that, except in this way: The gentleman well knows there are a great many employees of the Government who are not referred to as officers or employees. We have the charwomen, the Capitol police, the messengers, the doorkeepers, and a thousand other officers and employees, as you well know, who are not usually considered or referred to as officers or employees.

Mr. FESS. Why would not "employees of the United States" cover all of those?

Mr. RUCKER. It would in a general way.

Mr. FESS. Those words are in here.

Mr. RUCKER. Yes; I know they are.

Mr. FESS. Then why was the explanatory phrase necessary, if they are all included under "employees of the United States"?

Mr. RUCKER. Why were the particular words used if the broad language in the phrase referred to was intended by Congress to embrace all who would come within the "letter" of that phrase?

I quote from a recognized textbook:

By the rule of construction known as "ejusdem generis," where general words follow the enumeration of particular classes of persons or things, the general words will be construed as applicable only to persons or things of the same general nature or class as those enumerated. The

particular words are presumed to describe certain species and the general words to be used for the purpose of including other species of the same genus. The rule is based on the obvious reason that if the legislature had intended the general words to be used in their unrestricted sense they would have made no mention of the particular classes.

Mr. FESS. Where the letter of the law is clear, does the court take into consideration the spirit of the law? Suppose the letter of the law is one thing, and the spirit is in contradiction of that, will the court not hold by the letter rather than the spirit?

Mr. RUCKER. That is, if there is no ambiguity?

Mr. FESS. If there is no ambiguity in the letter of the law?

Mr. RUCKER. Where there is no ambiguity in the law, unquestionably the law as it is written will govern; but will anybody say there is not in this language some ambiguity? Will anybody question for one moment that when the Congress of the United States, acting on the recommendation of President Arthur, in attempting to cure and provide against the recurrence of an evil that had existed in our country for many years, namely, the assessment of these various little officeholders for political purposes, that it intended that these general words should be read and construed in their unrestricted sense?

Mr. FESS. But the law that I refer to is the law of March 4, 1909.

Mr. RUCKER. Oh, it was 1883 when this law was enacted.

Mr. FESS. That is the civil-service law.

Mr. RUCKER. This is the civil-service law—taken bodily from the civil-service law.

Mr. FESS. This is the corrupt-practices act of March 4, 1909.

Mr. RUCKER. With due deference to the gentleman, I fail to see the relevancy of his inquiry.

Let me suggest to the gentleman if the Congress of the United States had intended that nobody who draws compensation or salary from the United States should contribute to campaign funds, then why specify officers, employers, or clerks or anybody else? Why not use broad language alone and avoid any possible confusion?

Mr. MADDEN. The gentleman's contention is that if the Congress meant to convey that idea it would have said "no person"?

Mr. RUCKER. Yes; it would have used that language alone. It would have simply written in the law that no Senator, Representative, or clerk, and so forth, shall solicit or receive campaign contributions from "any person who receives any salary or compensation" from the United States, and that would have ended it, because then it would have applied to every person who draws such salary.

I desire to call attention to another case which will aid in construing the statute under consideration. In the case of the United States against Bevans the indictment was for murder committed on a ship in Boston Harbor. The act of Congress provided:

That if any person or persons shall within any fort, arsenal, dockyard, magazine, or in any other place or district or country under the sole and exclusive jurisdiction of the United States, commit the crime of willful murder, such person or persons being thereof convicted shall suffer death.

The indictment charged the killing on a ship in a harbor. It was contended by the United States that the ship was a "place" within its sole and exclusive jurisdiction within the meaning of that statute, but Chief Justice Marshall in deciding the case said:

The objects with which the word "place" is associated are all in their nature fixed and territorial. A fort, an arsenal, a dockyard, a magazine are all of this character. When the sentence proceeds with the words "or in any other place or district or country under the sole and exclusive jurisdiction of the United States," the construction seems irresistible that by the words "other place" was intended another place of a similar character with those previously enumerated and with that which follows.

Then, again, another case, which I think furnishes strong support of my contention, is a North Dakota case. There a dealer ordered a case of beer from another State. The vendor accepted the order and shipped the beer under an agreement with the railroad that it would not deliver the goods to the dealer until he produced the bill of lading which the vendor attached to a sight draft for the price of the beer and sent to a bank in North Dakota for collection. The collecting bank was indicted under section 239 of the Criminal Code of the United States, which provides that "any railroad company, express company, or other common carrier, or any other person," who, in connection with interstate shipments of liquors, shall collect the purchase price, and so forth, shall be fined, and so forth. In reversing the judgment of the lower court the court said:

To our minds the natural and manifest meaning of the declaration in this law that "any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation," etc., shall collect the purchase price or act as the agent of the buyer or seller, shall be fined, excludes banks, ordinary collectors, and all persons who are not members of the general class of carriers.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. For a brief question.

Mr. SLOAN. May I ask if there are any others exempt under this, except Representatives and Senators?

Mr. RUCKER. Oh, I think so. I think the President of the United States would be exempt. Does not the gentleman?

Mr. SLOAN. I thought perhaps so.

Mr. RUCKER. What is the gentleman's judgment about it?

Mr. SLOAN. I am inclined to think that that is probably correct, but I wanted to observe that it ought to be clear what we are doing.

Mr. RUCKER. I think the President and the Secretary of State and other Cabinet officers would be exempt, although as to that I prefer not at present to express a decided opinion, because my investigation has been confined to the membership of the House and the other body of Congress.

Mr. STEENERSON. I think it has been held in extradition proceedings that a man who represented himself as a Member of Congress was violating the act that prohibited a man representing himself as an officer of the United States. That decision held that a Congressman was an officer of the United States.

Mr. RUCKER. I have not examined a case where it was so held.

Mr. KAHN. That is the Lamar case, which case is on appeal now in the Supreme Court of the United States.

Mr. RUCKER. Well, we can speak more accurately after the Supreme Court has disposed of it. As my time has expired, I must close, but will here insert the report of the committee in continuation of my argument:

[House Report No. 677, Sixty-third Congress, second session.]

CONTRIBUTIONS FOR POLITICAL PURPOSES.

Mr. RUCKER, from the Committee on Election of President, Vice President, and Representatives in Congress, submitted the following report, to accompany H. Res. 256:

The Committee on Election of President, Vice President, and Representatives in Congress, to which was referred, by order of the House, the resolution (H. Res. 256) entitled "Resolution providing for the appointment of a committee to investigate and report whether any Members have been guilty of violating the provisions of the Criminal Code by soliciting contributions for political purposes, etc.," having had the same under consideration, respectfully submits to the House the facts ascertained and its conclusion thereon.

The resolution under consideration is as follows:

"Whereas the act to codify, revise, and amend the penal laws of the United States approved March 4, 1909, provides in section 118 that no Senator or Representative shall directly or indirectly solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States; and

"Whereas it is provided in section 119 of said act that no person shall in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever; and

"Whereas it is alleged that the Democratic national congressional committee, composed in chief part of Members of this House, has directed to be sent, and it is alleged there has been sent, to the Democratic Members of this House a letter stating that an assessment has been levied upon the Democratic Members of this House, soliciting contributions from such Members for political purposes, and it is alleged that said letter has been signed by a Member of this House and delivered to other Members of this House in the Capitol Building and in the House Office Building, which letter is alleged to read as follows:

"SEPTEMBER 15, 1913.

"At a meeting of the Democratic national congressional committee, August 28, 1913, the following resolution presented by Senator THOMAS, of Colorado, was unanimously adopted:

"'*Resolved*, That an assessment of $100 be made on each Democratic Member of the House of Representatives and the United States Senate, to be paid to the chairman of the congressional committee, as follows: $25 at once; $25 on or before January 1, 1914; balance on or before July 1, 1914.'

"The committee is in debt to the extent of nearly $4,000 and has no money in the treasury. The object of the foregoing resolution is to secure funds with which to pay the debts of the committee and begin the work of the approaching campaign:

"Checks should be made payable to Hon. WILLIAM G. SHARP, treasurer, and handed to ———, a member of the committee from your State, who will make return thereof to the treasurer. The entire amount may be paid at once or in installments provided by the resolution.

"Trusting that you will favor the committee with an early payment, I beg to remain,

"Very sincerely, yours,

"FRANK E. DOREMUS, *Chairman*.

"And

"Whereas section 122 of said act provides that whoever shall violate any provision of section 118 or section 119 shall be fined not more than $5,000 or imprisoned not more than three years, or both; Therefore be it

"*Resolved*, That a committee of seven members shall be appointed by the Speaker to investigate and report to this House whether any Mem-

bers of this House have been guilty of violating any of the provisions of the Criminal Code by soliciting or receiving or by being in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person receiving any salary or compensation from moneys derived from the Treasury of the United States, and particularly from Members of this House, to the end that it may be ascertained whether the Members of this House, constituting in part the lawmaking branch of the Government, are above the law."

In the discharge of the duties imposed upon the committee hearings were had on the resolution above quoted, and the testimony of officers of the national congressional committees of the various political parties, and of other persons, was obtained and considered. It is perfectly clear from the testimony of those identified with the Democratic national congressional committee during the last 8 or 10 years that it has been the uniform usage, custom, and practice of that committee, through its appropriate officers, to solicit and receive contributions for political purposes from Senators of the United States and Representatives in Congress of the Democratic Party.

The testimony of Mr. DOREMUS, present chairman of the Democratic national congressional committee, discloses, without the least effort at concealment, that, since he became chairman, contributions for political purposes have been solicited from Senators and Representatives of his political party, through letters bearing his signature; that letters similar to the letter quoted in the resolution under consideration were mailed to Senators and Representatives with his knowledge and consent; that said letters were prepared in the office assigned to him in the House Office Building, as a Representative in Congress; but that neither he nor anyone acting for him has solicited or received any contribution from any officer, clerk, or employee of the United States mentioned in the sections of the Criminal Code referred to in said resolution.

The testimony of the present chairman of the Republican national congressional committee, Hon. FRANK P. WOODS, makes it clear that since he became chairman it has not been the usage, custom, or practice of that committee to solicit or receive contributions from Senators or Representatives of his political party; that he has no knowledge that said committee has at any time solicited or received contributions for political purposes from Senators or Representatives in Congress.

Mr. John C. Eversman, who, for many years past, has been associated with the Republican national congressional committee, has no recollection of solicitations being made of or contributions being received from Senators or Representatives, except that he remembers, on one occasion, Hon. William McKinley, a distinguished ex-Member of this House and a former chairman of said committee, made a contribution.

Hon. Wm. H. Hinebaugh, chairman of the national congressional committee of the Progressive Party, testified, with frankness and candor, that on the occasion when the members of the Progressive Party organized their national congressional committee each member present, as he remembers, contributed to a fund to be used under the direction of that committee for political purposes.

The hearing, summarized, shows that the national congressional committees are in the main composed of Senators and Representatives in Congress; that the Democratic national congressional committee has for many years been in the habit of soliciting and receiving contributions from Senators and Members; that its actions were open to view; were generally known and each contribution reported as required by the national publicity law since its enactment; that if such committee of the Republican Party solicited or received contributions from Senators or Members in the past for political purposes, the witness who appeared before this committee and testified to his long connection with the Republican congressional committee has no recollection of the fact, except so far as relates to one contribution by an ex-Member of this House; that the committee of the Progressive Party frankly and without hesitation or effort at concealment admits that it has received contributions from Members of Congress of that political party to be used for political purposes.

The questions involved in the consideration of this resolution (H. Res. 256) are largely questions of law. There is no controversy as to the facts; when carefully considered there should be no controversy as to the law.

Sections which are now 118, 119, 120, and 121 of the Criminal Code were added by way of amendment to the civil-service act, as reported by the committee to the Senate in 1883, and, as they all bear upon the same question, should be considered together in determining the questions herein involved

They are as follows:

"SEC. 118. No Senator or Representative in or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States.

"SEC. 119. No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever.

"SEC. 120. No officer or employee of the United States mentioned in section 118 shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose.

"SEC. 121. No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever."

The above sections of the Criminal Code were taken without substantial change from "An act to regulate and improve the civil service of the United States," approved January 16, 1883 (22 Stat., 403).

It will be conceded that the letter of section 118 would prohibit one Senator or Member of Congress from soliciting or receiving campaign contributions from another Senator or Member of Congress. But that is not the end of the matter. If to give the statute that effect would be manifestly contrary to the intention of Congress, the letter must yield. This, of course, is elementary.

The leading case is Holy Trinity Church *v.* United States (143 U. S., 457). There the Supreme Court, overruling the circuit court of appeals, held that a contract whereby an alien engaged to remove to the United States and to enter into the service of a religious society as its rector or minister, although clearly within the letter of the alien contract labor law, was not a violation thereof, because it was plainly not the intention of Congress by that law to prohibit such contracts. We quote from the opinion in the above cited case as follows:

"Plaintiff in error is a corporation, duly organized and incorporated as a religious society under the laws of the State of New York. E. Walpole Warren was, prior to September, 1887, an alien, residing in England. In that month the plaintiff in error made a contract with him, by which he was to remove to the city of New York and enter into its service as rector and pastor; and in pursuance of such contract, Warren did so remove and enter upon such service. It is claimed by the United States that this contract on the part of the plaintiff in error was forbidden by the act of February 26, 1885 (23 Stat., 332, ch. 164), and an action was commenced to recover the penalty prescribed by that act. The circuit court held that the contract was within the prohibition of the statute, and rendered judgment accordingly (36 Fed. Rep., 303), and the single question presented for our determination is whether it erred in that conclusion.

"The first section describes the act forbidden, and is in these words:

"'*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.'

"It must be conceded that the act of the corporation is within the letter of this section, for the relation of rector to his church is one of service, and implies labor on the one side with compensation on the other. Not only are the general words labor and service both used, but also, as it were to guard against any narrow interpretation and emphasize a breadth of meaning, to them is added 'of any kind'; and, further, as noticed by the circuit judge in his opinion, the fifth section which makes specific exceptions, among them professional actors, artists, lecturers, singers, and domestic servants, strengthens the idea that every other kind of labor and service was intended to be reached by the first section. While there is great force to this reasoning, we can not think Congress intended to denounce with penalties a transaction like that in the present case. It is a familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers. This has been often asserted, and the reports are full of cases illustrating its applications. This is not the substitution of the will of the judge for that of the legislator, for frequently words of general meaning are used in a statute, words broad enough to include an act in question, and yet a consideration of the whole legislation, or of the circumstances surrounding its enactment, or of the absurd results which follow from giving such broad meaning to the words, makes it unreasonable to believe that the legislator intended to include the particular act.

In the same case the court said:

"Among other things which may be considered in determining the intent of the legislature is the title of the act. We do not mean that it may be used to add to or take from the body of the statute (Hadden *v.* The Collector, 5 Wall., 107), but it may help to interpret its meaning."

In its opinion in State *v* Clark, 5 Dutcher (29 N. J. Law), 96–99, quoted with approval in Trinity Church *v.* U. S., the court said:

"The language of the act, if construed literally, evidently leads to an absurd result. If a literal construction of the words of a statute be absurd, the act must be so construed as to avoid the absurdity. The court must restrain the words. The object designed to be reached by the act must limit and control the literal import of the terms and phrases employed."

In United States *v.* Kirby (7 Wall., 482–486), quoted and approved in Trinity Church *v.* U. S., the court said:

"All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always, therefore, be presumed that the legislature intended exceptions to its language which would avoid results of this character. The reason of the law in such cases should prevail over its letter."

In U. S. *v.* Freeman (3 Howard, 1 ch., 564), the court, quoting from Wimbish *v.* Tailbois (Plowd., 57), said:

"Wherever any words of a staute are doubtful or obscure, the intention of the legislature is to be resorted to, in order to find the meaning of the words. A thing which is within the intention of the makers of the statute is as much within the statute as if it were within the letter."

In the same case the court quotes from 4 Dall., 14.

"The intention of the legislature, when discovered, must prevail, any rule of construction declared by previous acts to the contrary notwithstanding."

And from 2 Cranch, 33—

"A law is the best expositor of itself—that every part of an act is to be taken into view for the purpose of discovering the mind of the legislature."

Applying this principle again in a later case under the same act, the Supreme Court held that a contract made with an alien in a foreign country to come to this country as a chemist on a sugar plantation in Louisiana was not a contract "to perform labor or service of any kind" within the intendment of Congress. (United States *v.* Laws, 163 U. S., 258.)

For later statements and applications of the principle by the Supreme Court see Treat *v.* White (181 U. S., 264, 267); Hawaii *v.* Mankechi (190 U. S., 197, 212, 213); Pickett *v.* United States (216 U. S., 456, 461); American Security Company *v.* District of Columbia (224 U. S., 491, 495). In the last-named case the court said (p. 495):

"A well-known example of construing a statute not to include a case that indisputably was within its literal meaning, but was believed not to be within the aim of Congress is Church of the Holy Trinity *v.* United States (143 U. S., 457)." * * *

Obviously the principle is one to be applied with the utmost circumspection. As observed in United States v. Goldenberg (168 U. S., 95, 103), by Mr. Justice Brewer, who stated the principle so forcefully in the case of the Church of the Holy Trinity, the cases for its application "are few and exceptional, and only arise when there are cogent reasons for believing that the letter does not fully and accurately disclose the intent."

For the purpose of showing in a given case that the letter of an act of Congress is plainly contrary to the intent of Congress, reference may be had to the title of the act, the evil to be remedied, and the circumstances surrounding the appeal to Congress as disclosed in the records of the proceedings of Congress and other public documents. (Church of the Holy Trinity v. United States, 143 U. S., 457, 462–465; Johnson v. Southern Pacific Company, 196 U. S., 1, 19.)

In Holy Trinity Church v. United States, supra (1, ch. 463), the court said:

"Again, another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at the contemporaneous events, the situation as it existed, and as it was pressed upon the attention of the legislative body."

And at page 472—

"It is the duty of the courts, under those circumstances, to say that, however broad the language of the statute may be, the act, although within the letter, is not within the intention of the legislature, and therefore can not be within the statute."

In the present case the title of the act—"An act to regulate and improve the civil service of the United States"—indicates quite clearly that Congress was not legislating for the benefit or protection of its own membership, since the phrase "the civil service of the United States" has always been understood as comprising principally persons holding office or employment by appointment in the executive departments of the Government. No one reading this title would suppose that Congress had any thought of prohibiting one of its Members from receiving a voluntary campaign contribution from another Member either for the benefit of the first Member individually or for the common benefit of all Members of the same political party.

Again, the evil complained of and disclosed in the records of Congress and other contemporaneous public documents leaves no room for doubt as to what Congress intended to strike down. The exaction of contributions from those holding appointive positions in the Government service to promote the election of Members of Congress had become a national scandal. In 1882 one of the congressional committees openly circularized officeholders for contributions in definite sums. The evil had grown to such proportions that President Arthur brought it to the attention of Congress at the opening of the regular session on December 4, 1882, saying:

"It has, however, been urged, and doubtless not without foundation in fact, that by solicitation of official superiors and by other modes such contributions have at times been obtained from persons whose only motive for giving has been the fear of what might befall them if they refused. It goes without saying that such contributions are not voluntary, and in my judgment their collection should be prohibited by law."

On December 5, 1882, a resolution to investigate the evil was introduced in the Senate by Senator Beck. In the course of the discussion Senator Hoar said:

"I think all or nearly all of us felt sure that the public expression of condemnation of that circular was such that the practice of appealing to officials by a committee of either or both branches of Congress would never be heard of again.

"It is an entirely indelicate and improper relation for Senators or Members of the House of Representatives to be asking contributions, voluntary or involuntary, of persons in the civil service of the Government.

As a result of the agitation, on December 23, 1882, what now constitutes the substance of sections 118, 119, 120, and 121 of the Criminal Code was offered as an amendment to the Pendleton bill (S. 133), "To regulate and improve the civil service of the United States," and became sections 11, 12, 13, and 14 of that act as finally approved January 16, 1883. Nowhere does it appear that it was considered an evil for Members of Congress to give each other financial assistance in their campaign or to contribute to political committees, or that Congress had any thought of prohibiting them from doing so.

It will be observed that the inhibitions of section 118 are only against "*soliciting* or *receiving* * * * contributions from any officer, clerk, or employee * * * or *from any person receiving any salary or compensation from moneys derived from the Treasury* of the United States" by certain persons therein named, but that this section does not prohibit the *making* or *giving* of contributions.

On the other hand, section 121 expressly and explicitly provides that "No officer, clerk, or *other person in the service* of the United States shall * * * *give* or *hand over* to any other officer, clerk, or *person in the* service of the United States, or to *any Senator* or *Member* * * * any money * * * to be applied to the promotion of any political object."

This section does not prohibit *soliciting or receiving* contributions.

If the Congress intended to include Senators and Members in the class of persons of and from whom contributions should not be "solicited or received," and thought the phrase "any person receiving any salary or compensation from the United States," used in section 118, sufficient to accomplish that purpose, why was it deemed necessary to follow broader and stronger language, namely, "give or hand over to any other officer, clerk, or *person in the service of the United States*," in section 121, with the particular language, "or to *any Senator or Member*"? Will anyone contend that the Congress which did not intend the words used in section 121 "or *person in the service of the United States*" to include Senators and Members did intend the general language used in section 118 to include Senators and Members? True, as hereinbefore conceded, the language of section 118 is broad enough to embrace them. But will it be seriously contended that Congress designed to prohibit solicitation of or contribution from *any* person who receives "any *salary* or *compensation*" from the United States? Such construction would include the man who ferries a mail carrier over a river, as the hire he receives is "compensation" for services rendered. It would include the citizen who receives "compensation" or rent for a building leased to the United States for a post office, hospital, offices, or for any governmental purposes. No one, it seems to the committee, will upon mature reflection insist on such construction of this language.

Congress, in declaring it unlawful to solicit or receive contributions or subscriptions for political purposes from any "officer, clerk, or employee of the United States, or any department, branch, or bureau thereof," legislated with reference to a particular class of persons; and this particular designation is not affected by the subsequent general language—"or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States."

The doctrine of ejusdem generis applies. Under this rule, where general words follow the enumeration of particular classes of persons or things, the general words will be construed as applicable only to persons or things of the same general nature or class as those enumerated. (36 Cyc., 1119, and cases there cited.)

In United States v. Bevans (3 Wheat., 336), one William Bevans was indicted for murder in the United States Circuit Court for the District of Massachusetts. The offense was alleged to have been committed on November 6, 1816, on board the U. S. S. *Independence*, lying in the main channel of Boston Harbor. The third section of the act of Congress of April 30, 1790, provided—

"That if any person or persons shall within any port, arsenal, dockyard, magazine, or in any other place or district or country under the sole and exclusive jurisdiction of the United States, commit the crime of willful murder, such person or persons being thereof convicted shall suffer death."

It was contended that the United States ship was a "place" within the sole and exclusive jurisdiction of the United States, and jurisdiction was urged on that ground. In reference to this contention Chief Justice Marshall said:

"The objects with which the word 'place' is associated are all in their nature fixed and territorial. A fort, an arsenal, a dockyard, a magazine, are all of this character. When the sentence proceeds with the words, 'or in any other place or district or country under the sole and exclusive jurisdiction of the United States,' the construction seems irresistible that by the words 'other place' was intended another place of a similar character with those previously enumerated and with that which follows."

Another case illustrating the application of this rule is First National Bank of Anamoose v. United States (206 Fed., 374). One Meyers, of Anamoose, N. Dak., ordered a case of beer of the Hamm Brewing Co., of Minnesota. The brewing company accepted the order and shipped the beer and received bill of lading from the railroad company under an agreement that the company would not deliver the beer to Meyers until he presented the bill of lading to its agent at Anamoose. The brewing company then attached a sight draft on Meyers for the purchase price of the beer to the bill of lading and sent the same to the bank at Anamoose, which agreed with the vendor to collect the same from Meyers and to deliver the bill of lading to him, and thereby complete the sale and delivery of the beer. The bank was convicted of violating section 239 of the Criminal Code, which provides that "Any railroad company, express company, or other common carrier, or any other person" who, in connection with the transportation of intoxicating liquor from one State to another, shall collect the purchase price or any part thereof from the consignee or any other person, for the purpose of buying, selling, or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined, etc. But the circuit court of appeals for the eighth circuit promptly reversed the judgment under the doctrine of ejusdem generis, saying:

"To our minds the natural and manifest meaning of the declaration in this law that 'any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation,' etc., shall collect the purchase price or act as the agent of the buyer or seller, shall be fined, excludes banks, ordinary collectors, and all persons who are not members of the general class of carriers."

During the rather extended debate on the Pendleton and Hawley amendments Senator Beck said:

"I do not know how we can prevent Members of Congress from furnishing money for campaign purposes or publishing their own speeches. I suppose we all do that."

Senator Hoar said:

"The first section of his amendment (referring to what is now section 118 of the Criminal Code) prohibits any officer of the United States from either directly or indirectly making these solicitations of any officer or person receiving compensation from the United States. So the case of a Senator sending his private secretary to the boarding house of an employee is completely covered by the first section."

Senator Hawley, in discussing his amendment (now secs. 118, 119, and 120, Criminal Code), said it—

"only forbids employees collecting from each other and forbids persons going into rooms and offices and there collecting money for political purposes."

Senator Logan said:

"The intention is to keep persons from going into the departments for such purposes."

Senator Harrison said:

"I do not understand that any Senator here controverts the fact that there are legitimate and proper uses to which money may be put in political campaigns. The evil, then, against which we direct our legislation is not the collection of money for political uses; neither is it the corrupt or unlawful use of money in elections. What is it, then? It is simply this, sir, as I understand it: It is to remove from all those in the official service of the United States any other influence or control in their giving than that which may operate upon a private individual. That is what I understand to be the aim; that every clerk in a department and every officer of the Government shall be entirely emancipated from every influence except those influences which may operate upon the unofficial citizen in determining the question whether he will give or not give. The intention is by this bill to remove not only coercive influences but the semblance of them; not only to withhold legal power to exact but to withhold the use of official place which may be treated as an exaction."

Senator Jones said:

"You will see from the nature of this first section that two things are contemplated. First, it is directed against officials occupying high public places under the Government, and is for the protection of those in official station in humble capacity. Now, I say, if you are going to give the humble officeholder protection, make it an offense for any man, whether he be a Senator or Representative, to solicit from a person drawing compensation from the Government of the United States any contribution of money for a political purpose."

Senator Maxey, in discussing his amendment (now sec. 121 of the Criminal Code) to the amendment offered by Senator Hawley (secs. 118, 119, and 120 of the Criminal Code), said:

"The purpose of the amendment to the amendment is a protection of the employees of the Government. If they are prohibited from paying out of their earnings to any Senator, Representative, or Territorial Delegate, or person acting for such, then we effectually put a stop to the political assessment business, so far, at least, as these congressional committees are concerned. That is the object of my amendment."

It is fair to assume from the specific mention of Senators and Representatives in several sections of the act that Congress intended the act to apply to them only when they were specifically mentioned. Moreover, there was a very good reason why Congress would employ the specific designation wherever it intended the act to include Senators and Representatives, as the Attorney General only a few months before, in connection with the very subject of levying contributions upon officeholders, had held that a Member of Congress was not included within the general designation "any officer or employee of the Government." (17 Opin., 419.)

The language employed in the sections being considered, it seems clear that Congress recognized the distinction between Senators and Members of Congress and "officers of the United States." Senators and Members are not "officers" as the term is used.

In United States *v.* Mouat, reported in 124 U. S., at page 307, Mr. Justice Miller, speaking for the court, said:

"What is necessary to constitute a person an officer of the United States in any of the various branches of its service has been very fully considered by this court in United States *v.* Germaine (99 U. S., 508). In that case it was distinctly pointed out that under the Constitution of the United States all its officers were appointed by the President, by and with the consent of the Senate, or by a court of law, or the head of a department; and the heads of the departments were defined in that opinion to be what are now called the members of the Cabinet. Unless a person in the service of the Government, therefore, holds his place by virtue of an appointment by the President or of one of the courts of justice or heads of departments authorized by law to make such an appointment, he is not, strictly speaking, an officer of the United States."

In United States *v.* Smith, reported in 124 U. S., at page 532, Mr. Justice Field, speaking for the court, said:

"An officer of the United States can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the head of a department. A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution."

In Burton *v.* United States, reported in 202 U. S., at page 369, Mr. Justice Harlan, speaking for the court, said:

"While the Senate, as a branch of the legislative department, owes its existence to the Constitution and participates in passing laws that concern the entire country, its Members are chosen by State legislatures, and can not properly be said to hold their places 'under the Government of the United States.'"

Finally, if a Member of Congress can not receive campaign contributions from another Member, then members of the same political belief will be prohibited from organizing and supporting a committee of their own members for the purpose of promoting their own reelection or the success of their political party. This would give the statute an effect bordering on absurdity. It is inconceivable that Congress intended any such effect. No reason in morals can be assigned in support of such intention; no demand by the public can be pleaded as its justification; no question of public policy can be urged in its behalf.

We conclude that this is a case where the letter of the law must yield to reason and the intendment of Congress, and that therefore sections 118 and 119 of the Criminal Code should not be construed to prohibit one Senator or Member of Congress from soliciting campaign contributions from another Senator or Member of Congress or from making such solicitation in the office furnished such Senator or Member of Congress in a Government building.

Section 119 of the Criminal Code was also taken from "An act to regulate and improve the civil service of the United States," approved January 1, 1883.

If the foregoing conclusion is correct, of course it follows by the same reasoning that section 119 does not prohibit a Member of Congress from mailing requests from his office in the House Office Building to other Members of Congress for campaign contributions.

The committee, after a full consideration of the facts and of the sections of the Criminal Code referred to in the resolution (H. Res. 256), is firmly of opinion that congressional committees or members thereof may lawfully solicit and receive contributions for political purposes from Senators and Representatives in Congress; that such solicitation or receipt of contributions from Senators and Representatives may be lawfully made and had in offices assigned Senators and Representatives in Government buildings; that the appointment by the Speaker of a committee of seven Members of the House to investigate and report upon the matters contained in and referred to in the resolution (H. Res. 256) is wholly useless and unnecessary because they are fully covered by this report.

In accordance with the facts herein reported and the conclusions herein expressed, your committee reports back to the House the resolution (H. Res. 256) with recommendations that the House adopt, as a substitute therefor, the following resolutions:

"*Resolved*, That it is no violation of section 118 of the Criminal Code of the United States for a Senator or Member of the House to solicit or receive assessments or contributions for political purposes from other Senators or Members of the House.

"*Resolved*, That it is no violation of section 119 of the Criminal Code of the United States for a Senator or Member of the House to solicit contributions for political purposes, from other Senators or Members of the House, by letters written in his office in the Senate or House Office Buildings."

Mr. WINGO. Mr. Speaker, I would like to have about 10 minutes.

Mr. RUCKER. Mr. Speaker, before I yield the floor I ask unanimous consent for 10 minutes more debate, the time to be consumed by the gentleman from Arkansas.

The SPEAKER. Does the gentleman want to reserve his one minute?

Mr. RUCKER. Yes, sir.

The SPEAKER. The gentleman from Missouri asks unanimous consent that debate be extended for 10 minutes. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is the gentleman going to speak on the resolution?

Mr. WINGO. No.

Mr. MANN. I shall not object; but I used 18 minutes while the gentleman from Missouri used 42 minutes on the resolution.

Mr. WINGO. Of course, if there is the slightest objection, I shall not proceed; but I think it is a fitting time at this moment, as I have been waiting all day for the opportunity.

Mr. MANN. I thought if the gentleman was going to talk on the resolution I might wish some time in which to reply.

Mr. WINGO. No; I do not intend to talk on the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri [Mr. RUCKER] has one minute remaining, and the gentleman from Arkansas [Mr. WINGO] is recognized for 10 minutes.

[Mr. WINGO addressed the House. See Appendix.]

Mr. RUCKER. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Missouri moves the previous question.

Mr. UNDERWOOD. Mr. Speaker, I desire, before any vote is taken on the matter here to-day——

Mr. MANN. There will be no roll call on the previous question.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. First I want to get this order. To-morrow the Barry statue will be unveiled. I find that there are a great many Members on both sides of the House who desire to be present on that occasion, and I think it would be advisable for the House to adjourn at half past 2, or earlier if we can, in order to allow the Members to be present. I think that if there is no undue delay the Diplomatic and Consular bill could be finished in three hours. I therefore ask unanimous consent that the House meet at 11 o'clock to-morrow, so that we can take up the Diplomatic and Consular bill, with the understanding that when that bill is finished the House will adjourn, and that it will adjourn anyhow at half past 2 if the bill is not finished by that time.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House meet to-morrow at 11 o'clock instead of 12, and that it adjourn when the Diplomatic and Consular bill is finished, and adjourn at half past 2, whether it is finished or not. Is there objection?

Mr. MANN. Reserving the right to object, may I ask the gentleman from Alabama whether he is able now to make a statement as to whether the Unanimous Consent Calendar will be called Monday or whether the Committee on Rules will bring in a report?

Mr. UNDERWOOD. There are a great many gentlemen in the House who desire to have the Unanimous Consent Calendar considered before the rule is adopted; and as that is a sort of field day for the individual Members, and belongs to all the individual Members, I think the Rules Committee have about concluded that they will not bring in the rule until Tuesday.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Saturday, May 16, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting an additional estimate of appropriation in the sum of $50,000 for Medical and Hospital Department for fiscal year ending June 30, 1914, required by the Medical Department of the Army to cover extraordinary expenditures incidental to the occupation of Vera Cruz, and to the mobilization of troops for service abroad (H. Doc. No. 977), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," reported the same with amendment, accompanied by a report (No. 676), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLDFIELD, from the Committee on Patents, to which was referred the bill (H. R. 16480) amending sections 476, 477, and 440, Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 678), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Utah, from the Committee on the Public Lands, to which was referred the bill (S. 1214) to amend sections 2380 and 2381, Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 679), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16197) to authorize the county of Barry, State of Missouri, to construct a bridge across White River, in Barry County, Mo., near a point known as Goldens Ferry, reported the same without amendment, accompanied by a report (No. 680), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16283) granting a pension to Martha L. Rummell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GUERNSEY: A bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE (by request): A bill (H. R. 16580) to extend the authority to receive certified checks drawn on national and State banks and trust companies, and travelers' checks and drafts issued by corporations or joint-stock companies subject to the interstate-commerce act and its amendments, in payment of duties on imports and internal taxes and all public dues; to the Committee on Ways and Means.

By Mr. DAVENPORT: A bill (H. R. 16581) to regulate the transportation of oil by means of pipe lines; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 16582) to prevent importation of Egyptian cotton and cotton seed to prevent bringing into this country the pink boll worm; to the Committee on Interstate and Foreign Commerce.

By Mr. WALSH: A bill (H. R. 16583) for the erection of a public building at Princeton, Mercer County, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: A bill (H. R. 16584) to provide for the purchase of a site and the erection of a building thereon at Nephi, Utah; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16585) to provide for the purchase of a site and the erection of a building thereon at Bingham Canyon, Utah; to the Committee on Public Buildings and Grounds.

By Mr. RAYBURN: A bill (H. R. 16586) to amend section 20 of an act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: A bill (H. R. 16587) for the control and regulation of the waters of Niagara River, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HENRY: A bill (H. R. 16588) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges; to the Committee on the Judiciary.

By Mr. WICKERSHAM: Joint resolution (H. J. Res. 267) to disapprove an act of the Legislature of Alaska; to the Committee on the Public Lands.

By Mr. HAMMOND: Resolution (H. Res. 516) authorizing the Clerk of the House to pay Mary E. De Coster a sum equal to six months' salary of Francisco V. De Coster, deceased; to the Committee on Accounts.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 517) referring the bill (H. R. 13519) for the relief of the Iowa Indians of Oklahoma to the Court of Claims for a finding of fact and conclusions of law; to the Commitee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 16589) granting a pension to John E. Colvin; to the Committee on Invalid Pensions.

By Mr. BROWNE of Wisconsin: A bill (H. R. 16590) granting a pension to Mary Downing; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 16591) for the relief of Paul E. Huettner; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 16592) for the relief of Edwin L. McQuie; to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 16593) granting an increase of pension to James Flint; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 16594) for the relief of Eva G. Bond and Daisy E. Jackson, sole heirs of the late Warren F. Jackson; to the Committee on Claims.

By Mr. EAGAN: A bill (H. R. 16595) granting an increase of pension to George Oberg; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 16596) granting an increase of pension to John W. Smith; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 16597) granting an increase of pension to Samuel Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16598) granting an increase of pension to Robert E. Benson; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16599) granting an increase of pension to Aaron F. Miner; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 16600) granting an increase of pension to Daniel Sullivan; to the Committee on Pensions.

Also, a bill (H. R. 16601) granting an increase of pension to Ellen M. De Coursey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16602) for the relief David F. Turnbull, alias David Trunbull; to the Committee on Naval Affairs.

By Mr. HELVERING: A bill (H. R. 16603) granting an increase of pension to James L. Soupine; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16604) granting an increase of pension to Eliza Martin; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 16605) for the relief of Sarah E. Potter; to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 16606) granting a pension to John P. Simpson; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 16607) granting a pension to Mrs. E. L. Markham; to the Committee on Pensions.

By Mr. PAGE of North Carolina: A bill (H. R. 16608) granting an increase of pension to Anna B. Davis; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 16609) to remove the charge of desertion from the military record of Elijah S. Howard; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 16610) granting an increase of pension to Ira L. Knull; to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 16611) granting an increase of pension to James M. Riley; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 16612) granting a pension to Julia Jones; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 16613) granting a pension to Mary Bates; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 16614) granting a pension to Catherine M. Hazelton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16615) granting a pension to Anna M. Camp Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16616) granting an increase of pension to Isaiah P. Reynolds; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 16617) granting an increase of pension to George L. P. Wentworth; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of citizens of Liberty Corner, N. J.; Winchester, Kans.; Highland, Kans.; Alexis, Ill.; Renville, Minn.; Donnelly, Minn.; Fort Collins, Colo.; Denver, Colo.; Erie, Pa.; Bethany, Ill.; Hillboro, N. Y.; Brooklyn, N. Y.; Nampa, Idaho; Bridgeport, Conn.; Summerfield, Kans.; Durand, Wis.; Waukesha, Wis.; Wrightsville, Pa.; Utica, N. Y.; Ingram, Pa.; Americus, Kans.; Wood River, Nebr.; Colorado Springs, Colo.; Minneapolis, Minn.; Dallas Center, Iowa; Creston, Iowa; Clarinda, Iowa; Shellsburg, Iowa; Kuna, Idaho; Sioux City, Iowa; Moberly, Mo.; Emmett, Idaho; Roswell, Idaho; and Buffalo, Minn., against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of the Aid Conference of Colorado Mine Strikers, of Newark, N. J., relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also (by request), petition of the Commercial Club of Juneau, Alaska, favoring provision for an Alaskan exhibit at the Panama-Pacific Exposition; to the Committee on the Territories.

Also (by request), petition of sundry citizens of Ponca City, Okla., favoring appropriation for a combined Federal post-office and Indian agency building at Ponca City, Okla.; to the Committee on Public Buildings and Grounds.

Also (by request), petition of the Noke Street Methodist Episcopal Epworth League, of Anderson, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of Lodge No. 66, International Brotherhood of Maintenance of Way Employees, of Montpelier, Ohio, favoring House bill 10518, to promote safety of employees, etc., on railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of the Newark (Ohio) Branch of the American Association of Letter Carriers, protesting against House bill 12028, relative to Sunday work in post offices; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY (by request): Petition of the temperance committee of the Christian Endeavor of Tyrone, 800 citizens of Hollidaysburg, 569 citizens of Portage, 46 citizens of Bellwood, 72 citizens of Darby, 300 citizens of Schellsburg, 802 citizens of Johnstown, 137 citizens of Fishertown, 40 citizens of South Fork, 203 citizens of Cumberland Valley, 562 citizens of Bedford, 325 citizens of Saxton, and 84 citizens of Wolfsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Portage (Pa.) Local Union, No. 570, United Mine Workers of America, relative to troubles in mines of Colorado; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petitions of the Western Automobile Co., the West St. Louis Trust Co., the Fulton Iron Works, the Christopher & Simpson Iron Works, the Morton Salt Co., the Missouri Lamp & Manufacturing Co., the Acme Specialty Manufacturing Co., the Laclede-Christy Clay Products Co., the Union Electric Light & Power Co., the American Cement Tile Manufacturing Co., the Dakota Park Improvement Association, the Banner Iron Works, the Kupferle Bros. Manufacturing Co., the Schroeter Bros. Hardware Co., the Mechanics-American National Bank, and the N. O. Nelson Manufacturing Co., all of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

Also, petition of the National Oats Co., of St. Louis, Mo., in favor of House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Post Office Clerks' Association of St. Louis, Mo., in favor of House bill 10327, providing for a higher pay for post-office clerks; to the Committee on the Post Office and Post Roads.

Also, petitions of the Davenport Malt & Grain Co., of Davenport, Iowa; the Francis Perot's Sons Malting Co., of Philadelphia, Pa.; Vincent Rapp, Phil. Snyder, C. H. Verborg, Widmann & Walsh, Arthur F. Kaernbach, and Adolph Kaernbach, of St. Louis, Mo., against national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petition of various churches representing 350 citizens of Glendale, 1,168 citizens of Covina, and 250 citizens of Los Angeles, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWN of New York: Petition of 40 citizens of Amityville, N. Y., and 184 citizens of Greenport, Long Island, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNE of Wisconsin: Petitions of 16 citizens of Wausau, 19 citizens of Shawano, 11 citizens of Redgranite, 4 citizens of Bancroft, 6 citizens of Colby, 4 citizens of Plainfield, 5 citizens of Almond, 8 citizens of Wild Rose, 13 citizens of Spencer, all in the State of Wisconsin, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of 17 citizens of Hancock, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 31 citizens of Weyauwega, Wis., asking for an appropriation of $100,000 for work of protecting migratory birds; to the Committee on Agriculture.

Also, petition of 24 citizens of Wausau, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 53 citizens of Wood County, Wis., favoring passage of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of 62 citizens of Wood County, Wis., protesting against passage of House bill 7826, the Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. BURKE of South Dakota: Petition of sundry citizens of the third congressional district of South Dakota, against national prohibition; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers accompanying a bill (H. R. 16591) for the relief of Paul E. Huettner; to the Committee on Claims.

By Mr. CANDLER of Mississippi: Petition of J. W. McKinney, of Shannon, Miss., against national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petitions of 54 citizens of Daytona, 234 citizens of De Land, 125 citizens of Jacksonville, and 100 citizens of Winter Park, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CLINE: Petitions of sundry citizens of Allen County, Ind., and 800 citizens of the twelfth congressional district of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Steuben County, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Protests of E. C. Hindt and 30 other citizens of Lake Township, Macomb County, Mich., and of John Elliott and 10 other citizens of Port Huron, Mich., against passage of the Hobson resolution submitting the question of national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS: Petition of J. S. Cadey Post, No. 2, Grand Army of the Republic, and Ladies of the Grand Army of the Republic, Mary A. Livermore Circle, No. 1, of Anoka, Minn., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petitions of sundry citizens of St. Peter, Hastings, Le Sueur, and Jordan, all in the State of Minnesota, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of the La Crosse (Wis.) Trades and Labor Council, relative to conditions in Government Printing Office; to the Committee on Printing.

By Mr. GALLIVAN: Petition of 1,359 citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Woman's Christian Temperance Union of Waymart, Pa., and sundry citizens of East Brady, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAY: Petition of J. Ed. Rogers and sundry citizens of Newcastle, Ind., favoring constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of Henry Shannon and sundry citizens of Richmond, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of Robert Williams and sundry citizens of Shelbyville, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of Martin Bulach, president, and O. M. Grunzke, secretary, of the Local Branch National Alliance of German Societies, and sundry citizens of Richmond, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of O. P. Nicholson and sundry citizens of Newcastle, Ind., protesting against constitutional amendment for national prohibition; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of 21 citizens of Stockholm, 18 citizens of Willimantic, and sundry citizens of Wytopitlock, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMMOND: Petitions of 29 citizens of Lakefield, Minn., protesting against the enactment into law of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. HART: Petitions of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Washington (N. J.) Ministerial Union, against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of various business men of New Jersey, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HELVERING: Petitions from 160 citizens of Idana and of 258 citizens of Talmage, both in the State of Kansas, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. HOWELL: Petitions of Local Union No. 815, Cooks, Waiters, and Waitresses Union; the Boiler Makers and Shipbuilders and Helpers of America; the District Council of Carpenters and Joiners of America; Local Union No. 121, Amalgamated Sheet Metal Workers' International Alliance; Local Union No. 77, Brotherhood of Painters, Decorators, and Paper Hangers of America; the International Molders' Union; Stone Masons' Union No. 2 of the Bricklayers and Masons' Union of Utah; and Local Union No. 43, Wood, Wire, and Metal Lathers' International Union, all of Salt Lake City, Utah, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of Local Union No. 252, International Union of United Brewery Workmen of America; Local Union No. 19, United Association of Journeymen Plumbers and C. P. S. P. and Helpers; Division No. 382, Amalgamated Association of Street and Electric Railway Employees of America; Local Union No. 134, International Union of Journeymen Horseshoers of United States and Canada; Expressmen's Union No. 148, all of Salt Lake City, Utah, favoring passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

By Mr. HULL: Petitions of sundry citizens of the fourth congressional district of Tennessee, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. KAHN: Petition of the Sailors' Union of the Pacific, relative to strike conditions in Colorado; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Brownell & Field Co., of Providence, R. I., favoring House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens of Renovo, Pa., and the fifteenth congressional district of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany a bill (H. R. 4918) for the relief of Daniel Robb; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: Petitions of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petition of 800 citizens of Ford City, Pa., and sundry citizens of Strangford, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEVY: Petition of Federal Civil Service Society, favoring House bill 15222, relative to compensation for incapacitated Federal employees; to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, relative to trouble in mines of Colorado; to the Committee on the Judiciary.

Also, petition of the Central Federated Union of New York and the Hotel Association of New York and Charles J. Schmitz, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of various members of Gray Bible Class of the Hancock Methodist Episcopal Sunday School, in Hancock, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of sundry citizens of St. Cloud, Minn., against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of Mrs. Ernest Thompson Seton, chairman of the Connecticut delegation, and 32 others, favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the Commercial Club, of Juneau, Alaska, favoring Government aid for an Alaskan exhibit at the Panama-Pacific Exposition; to the Committee on the Territories.

By Mr. MAHER: Petition of the Medical Society of the State of New York, relative to mental examination of immigrants; to the Committee on Immigration and Naturalization.

By Mr. MOORE: Petition of 604 citizens of Pennsylvania against national prohibition; to the Committee on the Judiciary.

Also, petition of various churches and societies of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of meetings of citizens and associations of Pennsylvania, favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of the Philadelphia Quarterly Meeting of Friends, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the New York State Hotel Association, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Women Physicians' Branch of the Political Equality League, of Brooklyn, N. Y., favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of the Philadelphia Board of Trade, protesting against passage of House bill 15657, relative to monopolies, etc.; to the Committee on the Judiciary.

Also, petition of the Independent Retail Merchants of Greater New York, favoring passage of House bill 13305, relative to standardizing prices; to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Apple Shippers' Association, of Rochester, N. Y., relative to House bill 11178, the box bill; to the Committee on Coinage, Weights, and Measures.

Also, petition of the Federal Civil Service Society, favoring passage of House bill 15222, relative to incapacitated Government employees; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petition of the Sailors' Union of the Pacific, of San Francisco, Cal., protesting against outrages in Colorado mines; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of the Proessler & Hasslacher Chemical Co., of New York; the West End Wine, Beer, and Liquor Dealers' Association, of Woodhaven; the Davenport (Iowa) Malt & Grain Co.; Hubert Cillis, of Far Rockaway; Philip J. Peckham, and I. Schmitts, of New York, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. PORTER: Eighty-two petitions of various organizations, societies, and sundry citizens of the twenty-ninth congressional district of Pennsylvania, against national prohibition; to the Committee on the Judiciary.

Also, petitions of various churches and organizations of Pittsburgh, Bellevue, Aspinwall, Allison Park, Cliff Mine, Carnegie, McKees Rocks, McKeesport, Coraopolis, Crafton, and Allegheny County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. REED: Petitions of J. O. Plummer and 162 others, of Somersworth; E. A. Parkman, of Exeter; George H. Sherry and 258 others, of Dover; Paul Lavoie, of Gonic; William E. Smith and 1 other, of Manchester; George D. Nutten and 4 others, of Rochester, all in the State of New Hampshire, opposing national prohibition of liquor traffic; to the Committee on the Judiciary.

By Mr. REILLY of Wisconsin: Petitions of sundry citizens of the State of Wisconsin, favoring the passage of the pending prohibition measures before Congress; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the sixth congressional district of Wisconsin, against national prohibition; to the Committee on the Judiciary.

Also, petitions of various church societies of the sixth congressional district of Wisconsin, favoring the passage of the prohibition measures now pending in Congress; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the sixth congressional district of Wisconsin, favoring the passage of the prohibition measures now pending in Congress; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of 105 citizens of Prattville, 150 citizens of Pittsford, 556 citizens of Galesburg, and 20 citizens of Quincy, all in the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petitions of 200 citizens at a mass meeting in Sawtelle; 100 members of the Seventh Day Adventist Church, of Sawtelle; 75 members of the Woman's Christian Temperance Union of Sawtelle; 100 members of the Seventh Day Adventist Church, of Santa Monica; 150 members of the Brethren Church of Los Angeles; 300 members of the Vernon Congregational Church, of Los Angeles; and Mrs. J. W. Humphrey and 2,045 members of the Home Missionary Society of the Methodist Episcopal Church of Los Angeles, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Los Angeles Chamber of Commerce; the Los Angeles Merchants and Manufacturers' Association; the Hotel Men's Association of Southern California; the Los Angeles Credit Men's Association; George L. Dirks and 25 other citizens of Los Angeles; the Iroquois Bottling Co., of Los Angeles; Elbert E. Johnson, of Los Angeles; H. H. Francisco and 4 other citizens, of Los Angeles; R. J. Taussig and 4 other citizens, of San Francisco; Max I. Koshland and 44 other citizens, of San Francisco; John Herman, president of the German-American League of California, of San Francisco; D. Knabbe,

grand president of the Knights of the Royal Arch, of San Francisco; Theo. Lunstedt, president of the governing board of the Knights of the Royal Arch, all of the State of California, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Pacific Coast Gold and Silversmiths' Association, of San Francisco, Cal., favoring House bill 13305, the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert W. Miller and George S. Pownall, favoring an appropriation for a survey of Victor Valley, Cal.; to the Committee on Rivers and Harbors.

Also, petition of the Board of Trade and Chamber of Commerce of San Francisco, Cal., favoring the erection of a marine-hospital building at San Francisco; to the Committee on Public Buildings and Grounds.

Also, petitions of Charles W. Armstrong and 54 other citizens of Los Angeles, Cal., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. J. O. Ellis, president, and Mrs. E. C. Speicher, secretary, favoring Federal motion-picture commission; to the Committee on Education.

Also, petition of the Retail Dry Goods Merchants Association of Los Angeles, Cal., protesting against House bill 13305, relating to manufacturers fixing a resale price on their products; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas (by request): Petition of John Wolf, of Arkansas, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. TREADWAY: Petition of sundry citizens of the State of Massachusetts, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Philadelphia Board of Trade, against House bill 15657, to regulate trusts, etc.; to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 16, 1914.*

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

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy grace for the duties of this day. Many of Thy blessings come to us unasked. Thou openest Thy hand and suppliest the need of every living thing. Thy providence is about us, preserving us from harm and danger. Thy grace is given to them that call upon Thee in sincerity and in truth. We come to Thee not only because we hunger and are weak and ignorant, but because we are sinners. We have turned aside from Thy ways. We have done the things that we should not have done. We have left undone the things that we should have done. We seek Thy pardoning grace and Thy love, that this day we may find our hearts in accord with Thy will and our lives channels through which Thy blessings may come to men. Hear us in our prayer; forgive our sins. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Cincinnati, Zanesville, New Concord, Weston, Coshocton, Middletown, and Hamilton, in the State of Ohio; of Belmont and Boscobel, in the State of Wisconsin; of Western, Minneapolis, Buffalo, Winnebago, and Madelia, in the State of Minnesota; of Wichita, Osborne, and Winchester, in the State of Kansas; of North Rose, New York City, Delhi, and Jamestown, in the State of New York; of Sparta, Lincoln, Flora, Knoxville, and Chicago, in the State of Illinois; of Martinsburg, Creston, Dallas Center, Shellsburg, Sioux City, and Clarinda, in the State of Iowa; of St. Louis, Mo.; of Emmett, Roswell, and Kuna, in the State of Idaho; of Washington, D. C.; of Grand Rapids, Mich.; of Colorado Springs, Colo.; of Elk Grove, Cal.; of Wood River, Nebr.; of Oriental, N. C.; of Lebanon, Oreg.; and of Mars, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. SMITH of Georgia presented petitions of L. A. McLaughlin, of Talbotton; of the Ministerial Alliance of Atlanta; of sundry citizens of Harris County, Haralson County, Talbot County, Chauncey, Douglasville, Greensboro, Monroe, Griffin, Macon, Barnesville, Quitman, Thomasville, Ashburn, Madison, Elligay, Savannah, Summerville, Bascom, Belmont, Lithonia, Lumpkin, Fitzgerald, Acworth, Vidalia, and Atlanta; and of the Georgia State Woman's Christian Temperance Union, all in the State of Georgia, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Atlanta, Ga., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD. I send a telegram to the desk, and ask to have it read.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

OKLAHOMA CITY, OKLA., *May 15, 1914.*

Senator SHEPPARD,
United States Congress, Washington, D. C.:

The general conference Methodist Episcopal Church South, assembled in Oklahoma City, representing 2,000,000 members, passes this resolution without opposition:

"*Resolved*, That this general conference indorses the Hobson amendment, now pending before our National Congress, and petitions our national legislators to speedily give us the legislation sought therein. Our people are long since wearied of the monster evil, the liquor traffic, and are now praying for its extirpation."

A. F. WATKINS, *Secretary.*

Mr. KERN. I have a short letter from George Ade, a distinguished citizen of Indiana, on the subject of the protection of birds, which I desire to have incorporated in the RECORD. It is headed Hazelden Farm.

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

HAZELDEN FARM,
Brook, Ind., May 12, 1914.

The Hon. JOHN W. KERN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I live in the country, and I am a member of a society for the protection of our native birds, so I have a double reason for asking you to favor a liberal appropriation for enforcing the new law which is intended to protect our migratory small birds, especially the song and plumage birds.

The new and more stringent laws for the protection of both song birds and game animals are proving most beneficial, so that the living creatures that give character and animation to our woods and fields are going to become plentiful and useful if Congress will continue to have the laws enforced.

I am, with best wishes,
Sincerely,

GEORGE ADE.

Mr. BRADY presented a memorial of W. H. Hartshorn and F. H. Toogood, president and secretary, respectively, of Local Union No. 679, Bartenders' International League of America, of the State of Idaho, and a memorial of William Abrens and sundry other citizens of Shoshone, Idaho, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PURLEIGH presented a petition of sundry citizens of Woodland, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Methodist Episcopal Church of Cabot, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of Rev. J. B. Palmer and 30 other citizens of Newport, N. H., and the petition of F. K. Johnson, of Belmont, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a telegram, in the nature of a memorial, from Louis N. Hammerling, president of the American Association of Foreign Language Newspapers (Inc.), of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CATRON presented petitions of sundry citizens of New Mexico, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of Ellendale Local, No. 26, of the Socialist Party of North Dakota, remonstrating against the conditions existing in the mining districts of Colorado, and also against the murder of American citizens in Mexico, which was referred to the Committee on Foreign Relations.

Mr. SHIVELY presented petitions of the Woman's Christian Temperance Union of Miami County, of the Methodist Sunday School of Orland, and of sundry citizens of Woodburn, Odell, Hartford City, and Martinsville, all in the State of Indiana, praying for the adoption of an amendment to the Constitution