Also, memorial of Broadway (N. Y.) Board of Trade, favoring the passage of the Hamill bill, H. R. 5139; to the Committee on Reform in the Civil Service.

By Mr. DALE: Memorial of German-American League and United Irish Societies, favoring strict American neutrality; to the Committee on Foreign Affairs.

Also, petition of steamship companies of Puget Sound and Alaska, favoring certain aids to navigation; to the Committee on Appropriations.

By Mr. DILLON: Petition of citizens of South Dakota, favoring House joint resolution 377, forbidding export of munitions of war; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petition of steamship companies of Puget Sound and Alaska, favoring certain aids to navigation; to the Committee on Appropriations.

Also, petition of William M. Pence, of Norfolk, Va., favoring appropriation for promotion of international peace; to the Committee on Appropriations.

By Mr. FESS: Memorial of 350 Friends of Xenia, 190 of Dover, and 241 of Martinsville, all in the State of Ohio, favoring passage of House bill 16098, to protect the Quaker name from advertising; to the Committee on the Judiciary.

Also, petition of Fred Lozchky, Milford Center, Ohio, favoring House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Pennsylvania: Memorial of Church Council of St. Johannis English Lutheran Church, relative to violation of neutrality in our country; to the Committee on Foreign Affairs.

Mr. JOHNSON of South Carolina: Papers to accompany H. R. 20547, for the relief of Thomas M. Boswell; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20546, for the relief of J. Horace Keeter; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 20545, for the relief of Virgil T. Gregory; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: Petition of What Cheer Laundry and Louittit Home Hand Laundry Co., of Providence, R. I., relative to Chinese competition; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Helen A. Thomas and Mrs. Marsden J. Perry, of Providence, R. I., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Providence (R. I.) Branch of National Association for Advancement of Colored People, against negro exclusion in immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KONOP: Petition of citizens of the ninth congressional district of Wisconsin, favoring House joint resolution 377, prohibiting export of munitions of war from the United States; to the Committee on Foreign Affairs.

By Mr. LONERGAN: Letter of the Taplin Manufacturing Co., of New Britain, Conn., relative to foreign shipments; to the Committee on Interstate and Foreign Commerce.

Also, letters of S. Basia, of Darien, Conn., and Charles Herzer and August Moeller, of Hartford, Conn., in re House resolution 377; to the Committee on Foreign Affairs.

By Mr. MAHAN: Petition of Admiral Bunch Section of the Navy League of the United States, Hartford, Conn., protesting against House bill 1732, relative to erection of monument to Robert Fulton; to the Committee on the Library.

By Mr. MOORE: Petition of the First Magyar Presbyterian Church of Philadelphia, Pa., favoring bill forbidding export of arms; to the Committee on Foreign Affairs.

Also, petition of the American Peace Society, recommending that the President call a conference of the neutral powers to consider what steps should be taken to safeguard neutral rights during the present European war; to the Committee on Foreign Affairs.

By Mr. NEELY of West Virginia: Papers filed in support of House bill for the relief of Silas Morgan; to the Committee on Invalid Pensions.

Also, papers filed in support of House bill for the relief of Belle Shroyer; to the Committee on Invalid Pensions.

Also, papers filed in support of House bill 13846, for the relief of William A. Garnett; to the Committee on Pensions.

By Mr. PLATT: Petition of citizens of Newburgh, N. Y., favoring the passage of Senate bill 3672, relative to straightening of the Harlem River; to the Committee on Rivers and Harbors.

By Mr. RAKER: Petition by H. Clineschmidt and 65 leading citizens of Redding, Shasta County, Cal., favoring the early passage of House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

Also, petition of F. J. Janssen, Anderson, Cal., favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. SELLS: Papers to accompany a bill to pension William Peacock; to the Committee on Invalid Pensions.

By Mr. SINNOTT: Petition of Christian Endeavor Society of Brogan, Oreg., favoring arbitration and international peace; to the Committee on Foreign Affairs.

By Mr. SLOAN: Petition of J. P. Thomer and 25 other citizens of Nebraska, favoring House joint resolution 377, forbidding export of arms; to the Committee on Foreign Affairs.

By Mr. SMITH of Idaho: Papers to accompany bill to increase pension of Jonathan Casteel; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: Petition of A. S. Wells, of Los Angeles, Cal., against literacy test in immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of shipowners of Pacific coast favoring certain aids to navigation; to the Committee on Appropriations.

Also, petition of forty-fifth convention of Fruit Growers of California, favoring Raker bill (H. R. 4357) providing for inspection of all horticultural products at certain points of entry into any State; to the Committee on Agriculture.

By Mr. WALLIN: Petition of sundry citizens of Fonda, N. Y., favoring passage of Senate bill 3672, for improvement of the Harlem River; to the Committee on Rivers and Harbors.

Also, memorial of Common Council of Gloversville and the Ministerial Association of Schenectady, N. Y., favoring House bill 5139, the Hamill bill; to the Committee on Reform in the Civil Service.

By Mr. WILLIAMS: Letters, telegrams, petitions, etc., from various church organizations, ministers, Woman's Christian Temperance Union organizations, etc., all of Illinois, in favor of the Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of William Wenzel and Joseph Kaplo, of Lorain, Ohio, favoring adoption of House joint resolution 377, to prevent the shipment of firearms to warring nations; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *January 6, 1915.*

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

Almighty God, we thank Thee for all the spirit of sympathy and helpfulness that has been shown by the people of this great Nation for those who are in the conflict of war. The spirit of brotherhood still abides with us. Down in the depths of the human heart Thou hast kept alive the divine passion. We pray Thee to teach us the way of largest usefulness and of divinest service for all mankind. May we not be content with our own peace or prosperity. May we seek the welfare of universal man. Cleanse us from our national sins that we shall be enabled to teach others the way of God and restore unto them the joy of Thy great salvation. We ask for Christ's sake. Amen.

ISAAC STEPHENSON, a Senator from the State of Wisconsin, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

RENT OF BUILDINGS, RALEIGH, N. C. (S. DOC. NO. 678).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Treasury, which will be read.

The communication was read, as follows:

TREASURY DEPARTMENT,
Washington, D. C., January 4, 1915.

The President of the Senate.

SIR: I have the honor to request that the following item be included in the urgent deficiency bill:

Raleigh, N. C., rent of buildings.

For rent of temporary quarters for the accommodation of Government officials, and moving expenses incident thereto.. $1,200

This request is made necessary by virtue of the fact that it will be impossible to move into the new quarters until about February 1, 1915, and the balance of the appropriation for "Rent of temporary quarters," now available, is only sufficient to pay the rent up to the middle of November last. The amount asked for above will be necessary to pay for the rent of quarters to February 1, 1915, or a few days thereafter, as the case may be.

The delay incident to the completion of this project is brought about by unforeseen conditions, which have postponed the date on which the new quarters would have been ready for occupation.

Respectfully,

BYRON R. NEWTON,
Acting Secretary.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The PRESIDENT pro tempore. The communication relates to the urgent deficiency bill, and the same will be referred to the Senator from North Carolina [Mr. OVERMAN], the acting chairman of the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 6454) to authorize the Government Exhibit Board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition.

The message also announced that the House insists upon its amendment to the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea, 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. ALEXANDER, Mr. HARDY, Mr. BURKE of Wisconsin, Mr. GREENE of Massachusetts, and Mr. CURRY managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 2824) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 6039) for the coinage of certain gold and silver coins in commemoration of the Panama-Pacific International Exposition, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 6106) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 58) authorizing the Secretary of the Navy to present the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J., with amendments, in which it requested the concurrence of the Senate.

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

H. R. 11318. An act authorizing the sale of lands in Lyman County, S. Dak.;

H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma;

H. R. 17168. An act to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Decatur, Ala.;

H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911;

H. R. 17971. An act for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes;

H. R. 18172. An act to increase the limit of cost of the United States post-office building at Seymour, Ind.; and

H. R. 19424. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 13698) for the relief of Charles A. Coulson, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, which were referred to the Committee on Foreign Relations.

Mr. CRAWFORD presented petitions of sundry citizens of South Dakota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. HITCHCOCK presented petitions of 120 citizens of Holt County, of 80 citizens of Bennington, of 20 citizens of Naper, and of sundry citizens of Dodge County and of Smithfield and Bertrand, all in the State of Nebraska, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of the Typothetæ-Franklin Association, of Detroit, Mich., praying for the discontinuance of stamped envelopes by the Government, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented petitions of sundry citizens of Hanover, Atchison, and Wamego, all in the State of Kansas, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Lawrence, Kans., praying for national prohibition and also to grant the right of suffrage to women, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Clay Center and Bird City, in the State of Kansas, remonstrating against the exclusion of anti-Catholic publications from the mail, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented petitions of Local Division No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Local Lodge No. 111, Brotherhood of Locomotive Firemen and Enginemen, of Mattoon; of Inland City Lodge, No. 374, Brotherhood of Railroad Trainmen, of Indianapolis; and of Local Division No. 537, Brotherhood of Locomotive Engineers, of Fort Wayne, all in the State of Indiana, praying for the extension of the boiler-inspection laws, which were referred to the Committee on Interstate Commerce.

Mr. THOMPSON presented petitions of sundry citizens of Marion and McPherson Counties, and of Vassar, Russell, and Atchison, all in the State of Kansas, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented memorials of the Business Men's Association of Hartford, of the Manufacturers' Association of Hartford County, and of the Connecticut State Board of Trade, all in the State of Connecticut, remonstrating against the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. BURLEIGH presented a petition of the Common Council of Bath, Me., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (H. R. 13240) for the relief of the legal representatives of James S. Clark, deceased, reported it without amendment and submitted a report (No. 858) thereon.

He also from the same committee, to which was referred the bill (H. R. 9734) for the relief of Victoria Coffman, reported it with amendment and submitted a report (No. 859) thereon.

He also from the same committee, to which was referred the bill (H. R. 10201) for the relief of the heirs of Theodore Dehon, reported it without amendment and submitted a report (No. 860) thereon.

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

H. R. 17424. An act for the relief of Hunton Allen (Rept. No. 861);

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch (Rept. No. 862); and

H. R. 5966. An act for the relief of Clyde Odum (Rept. No. 863).

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 13) for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909, reported it without amendment and submitted a report (No. 864) thereon.

Mr. NORRIS, from the Committee on Claims, to which was referred the bill (H. R. 17110) to reimburse Epps Danley for

property lost by him while light keeper at East Pascagoula River (Miss.) Light Station, reported it without amendment and submitted a report (No. 865) thereon.

He also from the same committee, to which was referred the bill (H. R. 2662) for the relief of Andrew J. Lawrence, reported it with amendment and submitted a report (No. 866) thereon.

He also from the same committee, to which was referred the bill (H. R. 15557) for the relief of Anna Miller, reported it without amendment and submitted a report (No. 867) thereon.

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

H. R. 10167. An act for the relief of Hannah Waldo (Rept. No. 868); and

H. R. 13830. An act for the relief of William A. Howard (Rept. No. 869).

BILLS INTRODUCED.

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

By Mr. BRISTOW:

A bill (S. 7157) granting an increase of pension to Thomas T. Jones (with accompanying paper); and

A bill (S. 7158) granting a pension to Lydia A. Muma (with accompanying paper); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 7159) granting a pension to Martha J. Tumbleson; and

A bill (S. 7160) granting a pension to Anna E. Babbitt; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 7161) granting an increase of pension to David Cox;

A bill (S. 7162) granting an increase of pension to George W. Shoop; and

A bill (S. 7163) granting an increase of pension to Eliza M. Watkins; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7164) granting a pension to Oliver P. Marsh;

A bill (S. 7165) granting a pension to Fred Lamke;

A bill (S. 7166) granting an increase of pension to Luther D. Whitten;

A bill (S. 7167) granting an increase of pension to Joseph Randolph;

A bill (S. 7168) granting an increase of pension to Charles Updegraff;

A bill (S. 7169) granting an increase of pension to Lee Jenkins;

A bill (S. 7170) granting an increase of pension to Henry Mandler;

A bill (S. 7171) granting an increase of pension to Richard Dobson;

A bill (S. 7172) granting an increase of pension to Robert O. Jones;

A bill (S. 7173) granting an increase of pension to Miles Matthews;

A bill (S. 7174) granting an increase of pension to Eli W. Adams;

A bill (S. 7175) granting an increase of pension to Joseph H. Dearborn; and

A bill (S. 7176) granting a pension to Sarah L. Hammerton; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7177) granting an increase of pension to Theresa L. Breese (with accompanying paper); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7178) authorizing the Secretary of War to donate to Bluff City, Sullivan County, Tenn., two brass cannon with carriage; to the Committee on Military Affairs.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. OLIVER submitted an amendment proposing to appropriate $3,200,000 for compensation to assistant postmasters at first and second class post offices, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19906), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. OVERMAN. I submit an amendment intended to be proposed by me to the omnibus claims bill (H. R. 8846), which I ask may be properly referred.

The PRESIDENT pro tempore. The amendment offered by the Senator from North Carolina will be printed and lie on the table to be taken up in connection with the bill to which it refers.

RIVER AND HARBOR APPROPRIATIONS.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to the river and harbor bill (H. R. 20189), which was referred to the Committee on Commerce and ordered to be printed.

THE MERCHANT MARINE.

Mr. GALLINGER. I submit sundry proposed amendments to the so-called shipping bill (S. 6856), which I desire shall be read, printed, and lie on the table.

The PRESIDENT pro tempore. Such will be the order, unless there is objection. The Chair hears none.

The amendments were read, ordered to lie on the table, and to be printed, as follows:

Add a new section to the bill, as follows:

"SEC. —. That the ships purchased, chartered, or leased under the provisions of this act shall be officered by American citizens in conformity with existing laws, and the crew shall be composed of at least one-half citizens of the United States."

Add a new section to the bill, as follows:

"SEC. —. That all ships purchased, chartered, or leased under the provisions of this act, if not constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, shall be so changed before being put into the service, in accordance with plans and specifications prepared by the Secretary of the Navy, and they shall be made of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be made of the highest rating known to maritime commerce. Before being accepted for service they shall be thoroughly inspected by a competent naval officer or constructor detailed by the Secretary of the Navy, and such officer shall report in writing to the Secretary of the Navy who shall transmit said report to the President; and no such vessels not approved by the Secretary of the Navy as suitable for the service required shall be purchased, chartered, or leased by the Government."

Add a new section to the bill, as follows:

"SEC. —. That each said vessel shall take as cadets or apprentices one American-born boy under 21 years of age for each 1,000 tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable."

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Postmaster General is hereby authorized to pay for ocean mail service, under the act of March 3, 1891, in vessels of the second class on routes to South America south of the Equator to the Philippines, to Japan, to China, and to Australasia at a rate not exceeding $4 per mile on the outward voyage by the shortest practicable routes, and in vessels of the third class on said routes at a rate not exceeding $2 per mile on the outward voyage by the shortest practicable routes: *Provided*, That, subject to the foregoing provisions, every contract hereunder shall be awarded to that responsible bidder who will contract, under penalties prescribed by the Postmaster General, for the highest running speed between the points named in the contract."

Amend the title of the bill to read as follows:

"A bill to amend the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce.'"

ANNIVERSARY OF BATTLE OF NEW ORLEANS.

Mr. THORNTON. Mr. President, I submit a concurrent resolution which I ask be ordered printed and go over under the rule until to-morrow morning, at which time I shall ask the permission of the Senate to address the Senate briefly in connection with the resolution.

The concurrent resolution (S. Con. Res. 35) in relation to the celebration by the State of Louisiana of the one hundredth anniversary of the Battle of New Orleans was ordered to lie on the table, as follows:

Whereas the General Assembly of the State of Louisiana for the year 1914 provided by act No. 144 for a fitting celebration of the one hundredth anniversary of the Battle of New Orleans, intrusting the execution of the provisions of said act to the Louisiana Historical Society; and

Whereas, in accordance with said act, invitations have been extended to the respective presiding officers and the Members of the Congress of the United States to attend these commemorative exercises, to be held in the city of New Orleans on January 8, 9, 10, 1915: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States acknowledges with pleasure the receipt of said invitations and appreciates the courtesy thus extended; be it further

Resolved, That the Congress of the United States commends the patriotic spirit that has prompted the people of Louisiana to celebrate properly the great victory achieved on the field of Chalmette by American arms under the leadership of Andrew Jackson, and rejoices in the heroic valor displayed by friend and foe alike in that memorable conflict; be it further

Resolved, That a copy of this resolution be transmitted to the governor of Louisiana, the mayor of New Orleans, and the Louisiana Historical Society.

AIDS TO NAVIGATION.

Mr. CHAMBERLAIN. I desire to have printed in the RECORD and referred to the Committee on Commerce an appeal to Congress from the steamship companies of Puget Sound and Alaska, asking for aids to navigation in compliance with the recommendations of the Secretary of Commerce.

The PRESIDENT pro tempore. Unless there is objection, the request of the Senator from Oregon will be complied with. The Chair hears none, and it is so ordered.

The communication was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

AN APPEAL TO CONGRESS FROM THE STEAMSHIP COMPANIES OF PUGET SOUND AND ALASKA.

[An argument for wire-drag survey of Alaskan waters, suitable steamships for United States Coast and Geodetic Survey, charting Alaskan watercourses, establishment of aids to navigation, and creation of office of supervising inspector for Puget Sound and Alaska.]

SEATTLE, WASH., *1914*.

To Senators and Representatives in Congress.

GENTLEMEN: Actuated by the urgency of the case, we, the undersigned, representing the steamship companies engaged in Alaskan trade, herewith respectfully present for your careful reading some brief and pertinent facts relating to the need for aids to navigation on the coast of Alaska and the proper survey of its dangerous channels. We ask that you give this communication that attention which we feel the importance of the subject demands.

It is not our intention to go into detail at this time, for the annual report of the Secretary of Commerce, a thoughtful document covering the situation in full, has but recently been published and no doubt read by Members of Congress generally. We indorse that report for its plain, straightforward statement of facts, and we desire to emphasize the need of certain work being carried out in the resurvey of Alaskan waters and the establishment of aids to navigation from the viewpoint of those engaged in operating steamships along that coast.

Alaska has a rugged, rocky coast line of some 26,000 miles, or relatively a greater length of coast line than the United States proper. Its annual commerce has reached a total of $70,000,000 in one calendar year and will steadily increase from now on, with the prospect of a much greater activity in steamship operations. This is due to the proposed plan of the United States Government to build a 1,000-mile railroad and to develop coal, copper, and other heavy tonnage. It appears to us that now is the time to abide by the judgment of the Government officials in charge of the Department of Commerce and pass such appropriations as may be recommended by that department. It should be thoughtfully considered in this connection that the U. S. S. *Tahoma*, of the Revenue Service, and the *Armeria*, of the Lighthouse Board, were wrecked on the unlighted shores and upon unknown rocks in Alaska, and the total valuation of the Government vessels and property lost in those two catastrophes would represent a figure that would accomplish much toward the proper charting of those dangerous channels.

These are but two instances where the Government has suffered loss. But what of the privately owned and operated steamships that for years have pioneered the water routes to Alaska? Hidden rocks are best remembered or named by the unfortunate vessels that have found them. Too often such vessels have gone to the bottom, leaving no record save that of heavy financial loss and deepest sorrow among those whose relatives or friends have been lost. A detailed and absolutely correct list of wrecks, loss of life, and value of hulls and cargoes taking place in Alaska is impossible to obtain, but from the list of the larger vessels and those of which official record is at hand the grand total in vessels lost is 85, representing a valuation of nearly $7,000,000.

There is nothing new about this statement. It has been published in the press of the country and has even found its way into the CONGRESSIONAL RECORD. The total loss of life is not known, but it is very great, some of the ships that have gone to the bottom having lost nearly all on board, while history records that several, with their entire list of passengers and crew, have never been heard from, and their fate can only be conjectured.

It is proverbial that those who go down to the sea in ships must be ready at all times to manfully face the perils of the deep, the perils being largely due to action of the elements. Those who are endeavoring to operate regular steamship service to and from Alaska must at all times meet additional contingencies and face unknown danger due to the devious watercourses, rocky formation of the shore line and sea floor, the absence of beacons and guides to navigation, and the ever-present danger of striking a pinnacle rock.

This caused the wreck of the *State of California*, with its awful toll of human lives. That steamship, wrecked on August 17, 1913, struck an uncharted rock where the chart showed 12½ fathoms (75 feet), and yet the *State of California* had made 16 trips in and out of that same harbor during the two years preceding, since a new and important industry had been started at Gambier Bay. The year before, on August 13, 1912, the steamship *Mariposa* struck an uncharted rock off Port Baker in Sumner Straits, just west of where the chart shows 111 fathoms (666 feet). On January 14, 1909, the steamship *Ohio* struck an uncharted rock in Tongass Narrows, just north of Ketchikan. The charts showed the soundings where she struck at 30 fathoms (180 feet).

In the case of the *Ohio* and *Mariposa*, these vessels were saved and later repaired. Mention is made of these three cases to show how steamships traveling the regular routes to and from Alaska may, under certain conditions of the tide, strike a pinnacle rock at points where they had previously crossed and recrossed without any idea of the menace to navigation lying beneath the surface of the water.

Every great industry that is started in Alaska means an increased steamship service. The only possible avenue of transportation between the United States and its northern territory is the water route, and as the greater portion of its populous towns and mining camps are located along the inside passages, which abound throughout the southern and western coasts, it will always be necessary for any vessel serving Alaska to use those inside routes. This condition extends from the thriving fishing city of Ketchikan, in the southeast portion of the territory, in a great arc, to the extreme end of the Aleutian Islands, and takes in such well-known places as Wrangell, Petersburg, Metlakahtla, Juneau, Douglas, Treadwell, Haines (Fort Seward, U. S. A.), Skagway, Sitka, Yakutat, Cordova, Latouche, Valdez (Fort Liscum, U. S. A.), Ellamar, Seward, Portage Bay, Knik, and all the salmon canneries and other points where industries flourish.

It seems strange indeed that a great catastrophe in which property loss and a heavy death toll is recorded should be the means of bringing these great needs of Alaska before the people; but such has been the case, and with the expected large addition to the number of steamships operating, while not anticipating trouble, it is apparent that unless something is done immediately to better these conditions that the danger of such disasters will greatly increase.

It is not our intention to suggest an especial appropriation covering any particular lighthouse or other aid to navigation, as those are matters which should be left to the department; but we do most earnestly urge upon each of you gentlemen the necessity of giving immediate heed to the seriousness of this situation, and request that you work for such appropriations as may be recommended by the department:

First. For a thorough survey and search of the channels and passages of Alaska for the purpose of locating pinnacle rocks. This work to be accomplished by wire drag.

Second. For suitable steamships and other vessels to be used in such work by the United States Coast and Geodetic Survey.

Third. For the proper charting and surveying of the watercourses of Alaska.

Fourth. Such lighthouse establishments and other aids to navigation as may be recommended by the department from time to time.

Fifth. The creation of the office of supervising inspector for Puget Sound and Alaska, headquarters Seattle, to take care of this immense coast line; also, additional assistant inspectors for the Seattle office of the Steamboat Inspection Service.

You have already been informed in detail that the steamships now used by the Coast and Geodetic Survey are entirely inadequate for such service. These vessels are such that if they were being used by any privately operated company in regular commercial traffic their owners would be most severely criticized. The cost of conducting the wire-drag survey and the cost of proper vessels for the survey would represent but a very small sum when compared with the tremendous valuation of the steamships operating in those waters, to say nothing of the more humanitarian view of the case in considering the protection of the thousands of people whose lives are imperiled by traveling through those passages.

Alaska is America's last frontier. Alaska is a land of great industrial promise. At the present time its development seems to be assured by legislation which makes for the opening of its great interior mineral storehouses, but it should be remembered that all that interior development must for all time depend upon the successful operation of the steamships connecting that Territory with the United States proper, and it is in behalf of all of the present companies operating and of those who may later join in that important traffic that this appeal is addressed to each of you gentlemen, representing in Congress the great States of this Union, each one of which has been greatly aided and encouraged in its development by the cooperation at all times of its representatives. We now petition you, in behalf of a great Territory of the United States, feeling sure that when these facts are brought to your personal attention you will refer to the detailed reports covering the subject and grant to that frontier country the protection her growing commerce justifies.

Yours, very truly,

J. C. FORD,
President Pacific Coast Steamship Co.
R. W. BAXTER,
Vice President Alaska Steamship Co.
H. F. ALEXANDER,
President Pacific Alaska Navigation Co.
M. KALISH,
Vice President Humboldt Steamship Co.
H. C. BRADFORD,
Vice President Northland Steamship Co.
JOSHUA GREEN,
President Puget Sound Navigation Co.
W. L. GAZZAM,
President Puget Sound Steamboat Owners' Association.

PRESIDENTIAL APPROVALS.

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 January 2, 1915:

S. 6227. An act granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia; and

S. 6687. An act to authorize the Chesapeake & Ohio Northern Railway Co. to construct a bridge across the Ohio River a short distance above the mouth of the Little Scioto River, between Scioto County, Ohio, and Greenup County, Ky., at or near Sciotoville, Ohio.

INDIAN DEPREDATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2824) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891, which was, on page 2, line 4, to strike out "claimant" and insert "claim."

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

The motion was agreed to.

DEPOSITS OF PHOSPHATE ROCK.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6106) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States, which were, on page 1, line 5, after "United States," to insert "and upon which assessment work has been annually performed"; on page 1, line 7, to strike out "such locations" and insert "patents whether heretofore or hereafter issued thereon"; on page 1, line 7, after "title," to insert "to"; on page 1, line 8, to strike out "to" where it first occurs and insert "of"; and on page 1, line 8, to strike out all after "deposits" down to and including "patented," in line 9.

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

The motion was agreed to.

PANAMA-PACIFIC EXPOSITION COINS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6039) for the coinage of certain gold and silver coins in com-

memoration of the Panama-Pacific International Exposition, and for other purposes, which were, on page 1, line 5, to strike out "two" and insert "three"; on page 2, line 14, to strike out the comma and insert a period; on page 2, line 14, after "him," to insert "the coinage shall be executed as soon as may be and"; on page 2, in lines 15 and 16, to strike out "December 1, 1914," and insert "the day of the opening of the exposition"; and on page 4, line 23, after "designs," to insert "*: Provided*, That the Panama-Pacific International Exposition Co. shall reimburse the Treasury Department for the amount thus expended."

Mr. MARTINE of New Jersey. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

LOAN OF BELL.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 58) authorizing the Secretary of the Navy to loan the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J., which were, on line 4, to strike out "loan" and insert "present," and to amend the title so as to read: "Joint resolution authorizing the Secretary of the Navy to present the bell of the late U. S. S. *Princeton* to the borough of Princeton, N. J."

Mr. MARTINE of New Jersey. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

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

H. R. 11318. An act authorizing the sale of lands in Lyman County, S. Dak.; and

H. R. 16738. An act to provide for the payment of certain moneys to school districts in Oklahoma.

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

H. R. 17168. An act to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Decatur, Ala.; and

H. R. 19424. An act to extend the time for the completion of the municipal bridge at St. Louis, Mo.

H. R. 17894. An act to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, was read twice by its title and referred to the Committee on Interstate Commerce.

H. R. 17971. An act for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

H. R. 18172. An act to increase the limit of cost of the United States post-office building at Seymour, Ind., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

SHIPMENT OF NAVAL STORES ABROAD.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate resolution 512, coming over from a former date. It will be read.

The Secretary read Senate resolution 512, submitted by Mr. HARDWICK on the 4th instant, as follows:

Resolved, That the President is respectfully requested, if not incompatible with the public interest, to transmit to the Senate copies of all communications transmitted to or received from the Government of Great Britain touching the recent order of said Government declaring naval stores, turpentine, rosin, and resinous products absolute contraband of war; and the previous order of said Government declaring that the products above enumerated were not contraband of war.

Also copies of any other communications transmitted to or received from any foreign Government in reference to the classification of naval stores, turpentine, rosin, and resinous products as contraband of war.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SMITH of Georgia. In connection with the adoption of the resolution, I would be glad to have read a telegram which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read it unless there is objection. The Chair hears none.

The Secretary read the telegram, as follows:

SAVANNAH, GA., *January 4, 1915.*

Hon. HOKE SMITH,
Washington, D. C.

We have booked considerable rosin for Genoa, Italy, and Gottenberg, Sweden, prior to allies placing rosin on contraband list, and seems to us if goods are shipped to neutral consignees domiciled Italy and Sweden, with accompanying certificate to effect Italy and Swedish consumption, belligerent nations would not have right to seize or seriously detain. Would appreciate your investigation and telegraphic reply at earliest possible moment.

STRACHAN SHIPPING CO.

Mr. HITCHCOCK. Mr. President, I think the resolution ought to be so enlarged as to include any correspondence between our State Department and belligerent nations of Europe relative to all shipments affected by the war. If the Senate is to have information, it ought to be in a comprehensive form so as to bring up to date all the correspondence which is only heard of now through the newspapers. I should like to offer an amendment——

Mr. HARDWICK. Will the Senator from Nebraska yield to me for a moment?

Mr. HITCHCOCK. Certainly.

Mr. HARDWICK. I will support with very great pleasure a proposition of that kind; but this stands in a class by itself, for reasons which I will be glad to explain to the Senate. I hope the Senator from Nebraska will not complicate this proposition by insisting on a broader resolution. I will support a resolution of that sort if the Senator will prepare and introduce a proper one. If the Senator will permit me, I will state some reasons why this resolution stands on rather a different footing from the proposition he suggests.

In November of last year, Mr. President, the British Government issued an order or statement declaring that naval stores, rosin, turpentine, and resinous products, were absolute noncontraband of war. Based on that declaration, business of that kind moved ahead very freely from the southern part of this country, where most of this business originates.

Some time in December, five or six weeks after the first order was issued, the British Government issued another order in which it declared that these very identical products were absolute contraband of war. Of course that very seriously affected some shipments that were in process of transit when the order was issued, when the status of this product, according to the second British contention, was changed.

Mr. President, the contention on which the British Government based its final action was this: Years ago naval stores used to be generally considered by all nations as contraband of war. As ships were then built all naval stores were used in some way in shipbuilding and, of course, for the construction of warships. Since the change in naval warfare, calling for a different class and kind of vessels, naval stores were not thought by most nations of the world to be contraband of war until the present war had progressed for some time. Now, however, the British Government, as I understand, contends that certain explosives of the newer kind have rosin wrapped around them so that when they are thrown into trenches filled with water they will not be put out but will explode more certainly, and, also, that the turpentine is put in them to affect the smoke in some way—that it makes the smoke denser.

Undoubtedly, Mr. President, in view of the change in the position of the British Government itself in regard to the shipping and transportation of naval stores, these articles occupy a different status even in their eyes from what they might had not this sudden change in classification occurred.

Mr. President, it seems to me that this is liable to inflict a very great hardship on that portion of our country which has suffered most from the European war. For every cent per pound reduction in the price of our cotton, which reduction, in part at least, can be attributed to this war, the South stands to lose eighty or eighty-five million dollars on this year's cotton crop. So you can see that the loss is heavy on the very section of the country where we are already suffering heaviest from the war. This conduct of the British Government as to naval stores seems to put a great additional burden on that section of the country and on one of our great products, of an annual value of about $35,000,000, of which about $19,000,000 are produced in Florida and $9,000,000 in Georgia.

This product is susceptible of two uses, even if the British contention as to its war uses is sound. It is not essentially and necessarily and solely an article of war; it has many peaceful uses and purposes; it may be used for many purposes totally disconnected—indeed, most of the purposes for which it is used are totally disconnected—with warfare of any kind, shape, or form.

It does seem, sir, to us that the Government of this country ought to require, if it is possible to require it—and we hope the British Government will readily concede it—that at least the same status be granted to naval stores which have already been granted us, we understand, in an informal way at least, as to copper. Where naval stores are consigned to neutral countries, to given consignees, and there is no reasonable ground to suppose that their ultimate destination is one of the belligerent

powers or that their ultimate use is for the purposes of war, we say that under no view of the law of nations ought such shipments to be interfered with.

Therefore we ask, Mr. President, that this resolution be adopted, so that the Executive may disclose to the Senate such negotiations and representations as have been had or made, if any, with or to the British Government on the subject, and so that our State Department and the President may go to the British Government with the representation that this is a matter of such vital importance to a great portion of our people that the American Congress is interested in knowing whether or not the law of nations is being carried out on this question and whether the rights of our people as to this most important product are being protected.

Of course, I fully realize that my friend the Senator from Nebraska [Mr. HITCHCOCK] can move to amend the resolution if he wants to, and, so far as I am concerned, I am willing to support and urge the passage of a general resolution of this kind, as suggested by him; but I do not think there is any objection to this resolution in this specific case, and I am afraid there might be in the other and more general form. So, if the Senator from Nebraska will pardon me, if he had just as soon do it, I had rather he would introduce his proposition separately and let us vote on this resolution, which is in reference to a policy which seems to impose a particular hardship upon a great interest of our country, without involving the matter in other questions which might be raised on the broader and general line suggested by the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, unquestionably there ought to be no objection to the resolution offered by the Senator from Georgia [Mr. HARDWICK], but I think it is equally true that there can be no reasonable objection to making public in a single document the whole correspondence between the United States and all belligerents in the present war relating to all contraband and conditional contraband articles.

Mr. President, this is not a secret matter; it is not one for which there is any legitimate reason for preserving secrecy. The State Department has from time to time given out, as I understand, most of the declarations which have been made. They have been published widespread in many newspapers, but there is a certain feeling of unreliability in such publications, and I think there ought to be officially laid before the Senate and before the country all the correspondence between the United States and all belligerents showing each one of the various steps by which certain articles were first declared contraband, then certain articles were added to the list, then under which certain other articles were declared conditional contraband, and then also those same articles made absolute contraband.

The Senator from Georgia is undoubtedly correct so far as his special interest is concerned. The Senator from Montana [Mr. WALSH] showed here the other day that copper had been treated very much in the same way. I am not advised as to other large interests that are involved, but unquestionably many articles of American commerce have been materially affected. It may be a matter of considerable consequence some time for the Congress to know exactly what treatment has been proposed, and certainly no harm can come from wide publicity.

Mr. SMITH of Georgia. Mr. President——

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

Mr. HITCHCOCK. I do.

Mr. SMITH of Georgia. Mr. President, the Senator from Nebraska has not yet offered a formal amendment to this resolution. Before he reaches that stage, I wish to join my colleague [Mr. HARDWICK] in appealing to him not to add it to the pending resolution. We have in this resolution a concrete proposition, applicable to a commodity in which the State which my colleague and I represent and two or three adjoining States are greatly interested. We have an investigation going on with reference to it. We believe that we are in a position to bring substantial results if we are allowed to go on at once with this matter. We would regret exceedingly to see it complicated with the general subject.

If the Senator from Nebraska desires the general subject investigated, if he desires information generally with reference to other commodities, it would be very easy for him to introduce a resolution upon the subject and submit it to the Senate. I take it for granted that there will be no objection to such a resolution. Still we have our resolution in a position where we feel it at least will not be if it be broadened to embrace other subjects. We think we will probably obtain a speedy report upon our resolution, and that we are helping the situation by what we are doing.

We are not engaged simply in an idle presentation of a resolution for information. The telegram which I send to the Secretary's desk, and which was read, is from one of the largest shipping houses in Savannah, Ga., and Savannah, Ga., is the largest shipping port of rosin and turpentine in the United States; indeed, much the largest, although I believe the State of Florida produces more turpentine and rosin.

Mr. BRYAN. And it also exports more, although that is not material.

Mr. SMITH of Georgia. The Senator from Florida [Mr. BRYAN] says that Florida exports more than Savannah. He may be right, although I think he is wrong; in fact, I am very confident he is wrong, for I have seen but recently the figures covering the exports from Fernandina, Fla., which is the chief place of export of Florida.

Mr. BRYAN. Mr. President, the Senator from Georgia is making so many mistakes that I can hardly correct them all at once. The State of Florida produces 56 per cent of the naval stores within its own confines, and Jacksonville, Fernandina, Pensacola, and Tampa are the export cities of naval stores.

Mr. SMITH of Georgia. Fernandina, Fla., exports more than any other seaport of Florida, and Savannah, Ga., exports more than does Fernandina. If you take all of the ports of Florida they export more than Savannah, but Savannah, as I have said, is the largest export city for these goods in the United States.

Mr. BRYAN. That is to say, that as between Fernandina, a town of about 4,000 people, and Savannah, a town of about 50,000, Savannah exports more than does Fernandina. I agree to that.

Mr. SMITH of Georgia. And Fernandina exports more than does any other port of Florida.

Mr. GALLINGER. Mr. President, will the Senator from Georgia permit me to ask a question of the Senator from Nebraska which may perhaps clarify this question?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. I will ask the Senator from Nebraska if he has in mind other articles that have been declared contraband, or does he desire simply to get information concerning the halting of our exports abroad? The Senator will observe that I put into the RECORD yesterday a communication from a manufacturing concern in my State complaining bitterly of the disturbance of their business because of the action largely of the British Government; but the articles in which that concern is interested are not articles that are contraband. Has the Senator in mind other articles that have been declared contraband?

Mr. HITCHCOCK. In reply to the Senator from New Hampshire I will say that it was not my purpose to so broaden the resolution offered by the Senator from Georgia as to bring it into the realm of controversial subjects. I think that the inquiry suggested by the Senator from New Hampshire might be desirable, but I do not propose to go into it, because it might raise other questions. I will at this moment read the substitute which I intend to propose to the resolution of the Senator from Georgia, and I want to say that it includes necessarily all that he seeks. It would simply result in laying before the Senate as a complete whole the record of the correspondence between this country and other countries which has been handed out piecemeal through the newspapers and which would only remain piecemeal in case his resolution is adopted. My substitute——

Mr. GALLINGER. Mr. President, if the Senator will permit me, my thought was that if the information the Senator from Nebraska desires is along the line that my correspondents would like concerning articles that have not been declared contraband, my judgment would be that we might well pass the resolution now submitted and then adopt a separate resolution covering the other questions.

Mr. HITCHCOCK. I think that would be——

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. Mr. President, I am altogether sympathetic with both of these propositions. I shall support the resolution of the Senator from Georgia, and I am ready to support a resolution to accomplish what the Senator from Nebraska desires; but I think that, under the circumstances, it is hardly kind to complicate the action which the Senator from Georgia desires by a general enlargement of the resolution.

The constituents of the Senator from Georgia are evidently in a good deal of distress because of the interference with their trade. They want relief to which the correspondence called for would be material, and, if there were no other reason, the de-

lay which would ensue upon enlarging this resolution would be a substantial reason for not amending it. It is a pretty large field that the Senator from Nebraska is entering upon, and it would be quite likely to take a long time to obtain all the information he desires. Now, let us pass the resolution of the Senator from Georgia, so that he may obtain the information he wishes in the limited field in which he is specially interested, and then let us pass another resolution covering what the Senator from Nebraska wishes. I think that such a resolution ought to be pretty fully considered and made broad enough to cover the whole field.

I had in mind one subject which I think ought to be covered, and, if the Senator will permit me, by way of suggestion I will send to the desk and ask to have read a Treasury order which I think bears upon the subject and ought to be included in the scope of the inquiry.

The PRESIDENT pro tempore. The Secretary will read unless there is objection. The Chair hears none.

The Secretary read as follows:

TREASURY DEPARTMENT,
October 28, 1914.

To collectors and other officers of customs:

Until further directed you will refrain from making public or giving out to any other than duly authorized officers of the Government information regarding any and all outward cargoes and the destination thereof until 30 days after the date of the clearance of the vessel or vessels carrying such cargoes.

WM. P. MALBURN,
Assistant Secretary.

Mr. ROOT. Now, Mr. President, I think we ought to know why any such order as that was made and what facts or communications led to it, for upon its face it appears to stamp upon all the honest export business of this country a suspicion.

Mr. SMITH of Georgia. Mr. President——

Mr. HITCHCOCK. I should like to ask the date of that order.

Mr. ROOT. October 28, 1914.

The PRESIDENT pro tempore. The Chair will not undertake to keep up with the interruptions. The Senator from Nebraska will be the judge of when he will yield and to whom.

Mr. ROOT. Mr. President, at a time when, under the admitted law of nations, when under the law as it is agreed upon by both the United States and Great Britain, Great Britain was justified in stopping and searching vessels for contraband, this Treasury order imposes secrecy upon the cargoes of vessels sailing from our ports, necessarily creating a suspicion, necessarily involving the honest cargoes in the same interference, delay, inconvenience, and injury which will be visited upon clandestine attempts to introduce contraband. Let us know why that was done, and let us have a resolution, not interfering with the resolution of the Senator from Georgia for the purpose, but adopting that, and then let us have a resolution that will cover this whole ground and find out why all honest American commerce has been blackened by a Treasury order which creates suspicion regarding it.

Mr. HITCHCOCK. Mr. President, I have an impression that that policy as represented by the Treasury order has been changed sometime back, but whether it has or not, and whether there ought to be an inquiry into it, it would be a controversial matter involving national policy. The amendment which I propose to offer as a substitute involves nothing of that kind. It simply sufficiently broadens the resolution offered by the Senator from Georgia to include all the correspondence, instead of parts of it, relating to contraband and conditional contraband.

Mr. ROOT. Mr. President, I will say that my attention was called to this subject by listening to the very admirable, temperate, and scholarly presentation of the law of contraband by the Senator from Montana [Mr. WALSH] a few days ago. It recalled to my mind having seen something in the newspapers about secrecy of shipments. I sent to the Library and could not find anything about it, and then I sent to the Treasury Department, calling for all the Treasury orders which had been made within the last half dozen months, and this came down; but no modification or repeal of it came from the Treasury Department, so I think it must be still in force. Unless there is some reason which can be given, and which ought to be given, if it exists, it certainly ought not to be in force.

Mr. HITCHCOCK. Mr. President, I have no purpose to antagonize that suggestion. I only gave it as my impression, that the present attitude of the department was not as represented by that order. The resolution which I offer is a simple enlargement of the scope of the resolution of the Senator from Georgia, and I offer it as a substitute.

Mr. HARDWICK. Mr. President, the Senator has been very generous in yielding. Will he yield once more?

Mr. HITCHCOCK. Certainly.

Mr. HARDWICK. If the case that we present is one where there is a peculiar hardship involved, on account of the changes of orders, and where expedition is necessary in whatever is done in order to secure the best results, the Senator from Nebraska would not wish to delay us in this particular matter, when he can get the same general result he seeks by presenting his resolution disconnected from this, would he?

Mr. HITCHCOCK. I have no idea that it will cause any delay. The communications in question are brief and specific. They consist of documents issued by the belligerents of Europe naming certain articles as contraband and certain articles as conditional contraband. Later on supplemental documents of the same sort were issued, and there may have been, and probably has been, certain correspondence by the United States on the subject.

Mr. HARDWICK. If the Senator will pardon me just once more, not only that but the substitute calls for certain information relating to the detention of ships. Now, to my certain knowledge there are many cases of that kind. It would take a long time to get up all of that. To get up the information requested by the Senator from Nebraska will very much delay, and therefore very much affect, the usefulness of the proposition we submit. I hope, therefore, the Senator will disconnect his proposition from ours, if he can.

Mr. HITCHCOCK. I will say to the Senator from Georgia that I have not any intention——

Mr. HARDWICK. I know that, and that is the reason why I am pressing my suggestion to the Senator.

Mr. HITCHCOCK. I have no intention of changing the paragraph of the Senator's resolution relating to the detention of ships. I would neither enlarge it nor expand it in any way. My substitute reads as follows:

Resolved, That the President is respectfully requested, if not incompatible with the public interest, to transmit to the Senate copies of all of the various communications transmitted to or received from the Government of Great Britain and other belligerents in the present war touching the orders of said Governments declaring contraband and conditional contraband of war various articles of commerce, also copies of any communications transmitted to or received from any foreign Government relating to the detention of ships under American registry carrying cargoes of naval stores, turpentine, rosin, and resinous products.

Mr. FLETCHER. Mr. President, will the Senator allow me just a word in this connection?

Mr. HITCHCOCK. I will.

Mr. FLETCHER. I know quite a good deal regarding the matter of naval stores, and I corroborate what the Senator from Georgia has said with reference to the situation in connection with that industry, namely, that some time back the British ambassador informed our State Department that naval stores would not be regarded as contraband of war, and matters proceeded in that direction until it was acquiesced in on all sides that naval stores might accompany cargoes of cotton.

There seems to have been some misunderstanding about the nature of this product, by reason of its name. It consists of rosin, which is solid, shipped in barrels, and spirits of turpentine, which is liquid, shipped likewise in barrels. They can go in the holds of vessels carrying cotton cargoes, as ballast, and accommodate both the shipper and the shipowner, and the markets likewise, because the cotton is going to the same markets in which the naval stores are wanted. The rosin, which is solid, is used largely in the manufacture of soap, while the liquid turpentine is used not only for medicinal purposes but in paints and varnish, and the like.

It was with that understanding that those engaged in the industry—and, as has been stated by my colleague, Florida is very largely concerned, because the product there amounts annually to over $20,000,000—proceeded to find markets and to respond to that demand, and arranged for shipment, and did ship cargoes of naval stores. Some of those vessels have not yet arrived on the other side. There is a question as to what will happen when they do arrive, since the declaration has now come down that they will be regarded as absolute contraband. So it is important that this information shall be obtained as early as possible, not only because of the condition in which the industry is left but by reason of the fact that there are cargoes proceeding across the ocean, and we wish to know something about the fate of those vessels and those shipments.

Mr. STONE. Mr. President, as to the cargoes en route to the foreign port or market, I saw it stated in the press a day or two since that the ambassador from Great Britain had given out a statement that his Government had instructed him to say to our State Department that the order making naval stores absolute contraband would not apply to cargoes on the way at the time the order was made.

Mr. FLETCHER. I saw a statement of that kind, but I have not been officially informed in any way that that has been ultimately decided upon. I hope it is practically concluded, and that that will follow. There is also an effort being made, while leaving the spirits as contraband, to exempt rosin as contraband. We have some favorable indications in that regard.

What I wish to impress upon the Senator from Nebraska, however, is that this situation is in such shape that it will be very prejudicial to delay the pending resolution or to delay furnishing the information desired in connection with it. I have no doubt it can be readily furnished, because there will be no complications about it. They will simply turn to this one question and furnish that information very easily and very quickly; whereas to comply with the resolution which the Senator from Nebraska offers would involve all of these questions of contraband or conditional contraband cargoes, correspondence in connection with them, the detention of ships and all that sort of thing, which would take weeks and weeks to get up, I have no doubt.

Therefore I join the Senators from Georgia in asking the Senator from Nebraska if he will not offer his resolution as a separate matter and leave this to pass as it is.

Mr. HITCHCOCK. There is no reason why we should not take that course, except that the Senators who have made the request feel that these particular articles are of supreme importance because their communities are interested; but there are other communities in the United States interested in other articles.

Mr. SMITH of Georgia. It would take only 24 hours to present it.

Mr. HITCHCOCK. There is no reason why we should not have this information presented to the Senate in one volume and at the same time.

Mr. STONE. Will the Senator allow me to make a suggestion? The resolution presented by the junior Senator from Georgia calls for information respecting certain things relating to the shipment of naval stores only. The resolution requests the President to furnish the information if compatible with the public interest. It might be that nothing has occurred with respect to naval stores that would make the President consider it not compatible with the public interest to supply the information. On the other hand, if you widen the field so as to include a variety of subjects and put it all in one resolution, it might be that the President would answer that he could not respond to the resolution without disclosing matters that he thought it incompatible with the public interest to disclose.

The PRESIDENT pro tempore. The Chair will say to the Senator from Nebraska that there is no amendment pending. If he has prepared a substitute for the resolution, if he will be good enough to send it to the desk it will be stated to the Senate.

Mr. HITCHCOCK. I offer the substitute which I send to the desk.

The SECRETARY. The Senator from Nebraska offers, as a substitute, the following:

Resolved, That the President is respectfully requested, in so far as not incompatible with the public interest, to transmit to the Senate copies of all of the various communications transmitted to or received from the Government of Great Britain and other belligerents in the present war touching the orders of said Governments declaring contraband and conditional contraband of war various articles of commerce.

Also copies of any other communications transmitted to or received from any foreign Government in reference to the classification of articles as contraband and conditional contraband of war.

Also copies of any communications transmitted to or received from any foreign Government relating to the detention of ships under American registry carrying cargoes of naval stores, turpentine, rosin, and resinous products and other contraband and conditional contraband of war.

The PRESIDENT pro tempore. The question is on the adoption of the substitute offered by the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, in deference to the suggestion made by the Senator from Missouri, he will observe that I have inserted in the substitute offered by me the words "in so far," so that it reads:

In so far as not incompatible with the public interest—

Leaving to the President the privilege of omitting anything he may deem incompatible with the public interest.

Mr. President, I think enough has been said, and I offer that as a substitute.

Mr. SMITH of Georgia. Mr. President, we do not desire to continue the discussion, but we do wish to say that we hope the Senate will vote down the substitute and let it come up as an original proposition. It can be presented to-morrow and can be acted on the next day as an original proposition. We feel that it does handicap us in what we are trying to do with our special naval-stores resolution.

The PRESIDENT pro tempore. The question is on the adoption of the substitute.

The substitute was rejected.

The PRESIDENT pro tempore. The question is on the adoption of the original resolution.

The resolution was agreed to.

The PRESIDENT pro tempore. Morning business is closed. The Calendar under Rule VIII is in order.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. OVERMAN. I ask that the Senate proceed to consider Order of Business No. 742.

Mr. OLIVER. I should like to have the bill identified in some way.

The PRESIDENT pro tempore. The Senator from Pennsylvania desires to know what bill it is which the Senator from North Carolina asks unanimous consent to consider. The Secretary will please state the title of the bill.

The SECRETARY. A bill (H. R. 20241) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1915 and prior years, and for other purposes.

Mr. OLIVER. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. LODGE. Mr. President, I desire to thank the Senator from California [Mr. WORKS] for his kindness in giving way to me to speak briefly on this amendment at this moment. I also appreciate the kindness of the Senator from North Carolina [Mr. OVERMAN] in being good enough to allow the bill to go over yesterday in order that I might speak this morning upon the amendment proposed by the Senator from Utah [Mr. SMOOT]. I shall try to be as brief as possible.

This amendment, which is purely formal, proposes to strike out the clause supplying the deficiency in the appropriations for the War Department caused by the leasing of transports to take troops to Vera Cruz. It is an honest debt, honestly incurred and must of course be paid; but I think, Mr. President, it is not amiss at this time and in this connection to review briefly the circumstances which have led to the necessity for this appropriation, and which will lead to the necessity of other appropriations to cover other deficiencies arising from the same source.

I wish, in as compact a manner as possible, to call attention to the events in Mexico which have led to these appropriations and to the condition of affairs in Mexico at the present moment.

The great war in Europe has obscured that question, as it did many others, in people's minds. The Mexican situation has been largely pushed aside and forgotten. Although one of the most important transactions in which this country has been engaged in the last two or three years, it seemed so unimportant to the President that he did not even allude to it in his annual message. But, Mr. President, although in comparison with what we are witnessing in Europe it may not be serious, I think that in itself it is extremely serious, and especially so to the United States, whose territory adjoins that of Mexico.

If I may go back for a moment, so that we may get simply the order of events, I would remind the Senate that in the autumn of 1910 the Madero revolution, directed against the long-established government of President Diaz, began. President Diaz left Mexico City on May 25, 1911, and Francesco Madero, the leader of the successful revolution, arrived there on June 7 of the same year. He took the oath of office as President November 6, 1911.

When the revolution broke out, as everyone will recall, President Taft sent an army of 20,000 men to the border to maintain peace in that region. After Madero had taken the oath as President and become President de facto of Mexico, the disturbances still continuing, President Taft issued a proclamation of neutrality March 2, 1912.

On March 14, 1912, Congress passed a resolution giving the President power, when he found that in an American country conditions of domestic violence existed which were promoted by the use of arms or munitions of war procured in the United States, to forbid the export of such arms or munitions of war, and on the same day President Taft exercised this power and laid an embargo on the export of arms to Mexico.

Mr. President, at the time it seemed to me that the action of Congress was reasonable. I made no opposition to it. I think it was generally agreed to on both sides. But subsequent events in Mexico convinced me of the unwisdom of giving such an authority to the President. The Constitution reserves to Congress the sole right to declare war. To put in the hands of the Executive the opportunity to alter at will neutrality laws which have been in existence more than a hundred years is going far toward impairing the authority of Congress in the great func-

tion of declaring war or maintaining peace. We can see how it operated in this case. President Taft imposed an embargo on the export of munitions of war and arms, and it was a direct aid to the Madero government, which was then facing an insurrection. Then President Wilson, at a later period, lifted the embargo, and that was a direct aid to the insurgents who were opposing the government of Gen. Huerta.

I think this is a power which should not be in the hands of any one man, and I think, moreover, that it is a mistake to subject the Chief Executive to the pressure which the existence of that power in his hands necessarily causes—pressure from one side or the other and from all sorts of influences, which may be sinister or the reverse. The alteration of the neutrality laws is a grave duty which ought to remain in the hands of Congress, which has the sole authority to declare war.

But Congress gave the President that authority, and President Taft, as I have said, laid the embargo on the export of arms. The Madero Government was recognized by President Taft. On January 23, 1913, a little less than a year later, Felix Diaz headed a revolution against the Madero Government in Mexico City and attacked the palace. Gen. Huerta, who was in command of the Madero forces, went over to Diaz and the Madero Government was overthrown. Madero and the vice president, Suarez, were arrested by Huerta February 18 and were forced to resign. On February 20 Lascurain was sworn in as Provisional President, and about forty-eight hours later Madero and Suarez were killed. The manner of their death has never been made perfectly clear, but that they were unlawfully killed is, I think, beyond doubt.

Gen. Huerta then took over the Government, and in accordance with constitutional forms became Provisional President. This was so near the 4th of March that President Taft took no action in regard to the Huerta Government, feeling that he had not the right to commit his successor on so important a point.

President Wilson came in on the 4th of March, and on the 26th of that month the revolution headed by Carranza broke out in northern Mexico. Nothing, practically, was done in regard to Mexican affairs until the following summer, when the President sent Mr. Lind as his personal agent to Vera Cruz and subsequently delivered a message to Congress upon the Mexican situation. The instructions to Mr. Lind involved a demand in the nature of an ultimatum upon Gen. Huerta that he should abdicate. It is not usual, Mr. President, in entering into negotiations, no matter how informal or through a personal emissary, no matter how informal the emissary's position may be, to demand of the head of the Government, with whom that emissary is to communicate, that he should abdicate. Such a demand crudely stated laid us open to a telling retort, and that is the reason why the then secretary of foreign affairs in Mexico was so successful in his reply. Gen. Huerta refused to abdicate and the correspondence to which I have referred ensued.

Mr. President, I was not one of those who was disposed to find fault with the refusal to recognize Gen. Huerta, although there was much to be said in favor of that course. There were broad international grounds and sound international grounds upon which that refusal could have been based. It was entirely possible to say that Gen. Huerta's government was unable to maintain international relations, for over a large area of Mexico it exercised no authority. It was possible and proper to say that the recognition might entail the validification of the loans which the Huerta government was then attempting in Europe, and which would have pledged certain revenues of Mexico, and thus deprived the United States of the opportunity of securing indemnity for injuries to its citizens.

But those grounds, Mr. President, were not put forward. The ground on which recognition of Huerta was refused was what was called a moral ground; that he was a man of bad character, who had reached the highest position in Mexico by treacherous and murderous methods. I think it highly probable that such were his methods. That is the way supreme power has generally been acquired in Mexico. It has been attained by force and accompanied by acts of violence, which are repellent to every man who believes in the reign of law and in ordered freedom.

But when we put our refusal of recognition on the personal ground that the character of the head of the Mexican Government at that time was unsatisfactory to us, to that extent we intervened. We had an absolute right on international grounds to refuse recognition, but when we say to another nation we object to the man who is at the head of your government or at the head of the only government you have got because he is a person of obnoxious character, we intervene in the affairs of that nation.

However, the refusal to recognize Gen. Huerta was based upon that ground, and while it undoubtedly embarrassed the Huerta government it did not overthrow it. He proved himself contumacious. The President, who disapproved of his methods, as we all disapproved of them, now had added to his feelings a personal resentment because Gen. Huerta had not obeyed the President's demand for his abdication. The President is a man accustomed to obedience, and I can quite understand that he should feel a natural resentment at Gen. Huerta's seeming indifference to his request.

But, Mr. President, an animosity is not a policy. The policy of the United States in regard to Mexico, speaking from the international point of view, was to secure as soon as possible the pacification of the country, the reestablishment of order, the removal of all our many causes of complaint, the security of the lives and property of our own citizens and also of the citizens or subjects of other nations, because other nations, in view of our attitude and of the Monroe Doctrine, declined to intervene and made no suggestion of intervening themselves, and that threw a moral, if not a legal, responsibility upon us. This would have been a worthy national policy, but the business of driving Huerta from power and putting somebody else in his place was not a policy at all. Nevertheless, that was the object to which our Government addressed itself.

Still Huerta continued to hold on. Rumors reached us in the spring of 1914 that he had effected a loan through the Mexican banks of sixty millions and that a large cargo of arms was on its way to him from Germany.

At that time, while the indications that the Huerta government might be established and held in power for at least a year longer were before us, there came what was known as the Tampico incident. I need not recall it in detail to the Senate. All Senators are familiar with what happened. A boat's crew from one of our warships, flying the American flag, landed perfectly properly for peaceful purposes and were arrested. They were taken to the town hall and released. An apology was offered by the commander and Admiral Mayo demanded a salute to the flag. Our Government took the question from the locality where it had occurred and carried it to the City of Mexico, thus extending its scope and giving it a national character.

The Huerta government declined to give the salute unless they were assured that it would be returned. In those cases which have happened in our own history, where a salute has been given it sometimes has been returned and sometimes not. It was on that precise point we came to blows with the Huerta government. The President appeared before Congress and delivered his message, and there was submitted from the White House a resolution for Congress to pass which declared that we should give the President power to take proper steps against Victoriano Huerta, naming him, which shows, as I have said, that the whole purpose was the removal of Huerta.

That resolution was passed by a genial and compliant House, but the Senate was unwilling to put the United States in the attitude of taking a step, which might very well mean a general war with Mexico, by declaring against an individual by name. The United States in war with Victoriano Huerta did not commend itself to the Senate as a title for our action. So the name of Gen. Huerta disappeared from the resolution. This side of the Chamber thought that, if we were to take this very serious step, it was proper to put it on the broad international ground of protection to American citizens, to their rights, to their lives, to their property, rather than on the narrow ground of the actions of one man who happened to be at the moment President de facto of Mexico. Our proposition of amendment in this sense was voted down. All efforts to get any recognition of the wrongs to American citizens were voted down. An amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] pledging this Government against the acquisition of Mexican territory was voted down, and the resolution which in fact, though not actually by name, put the United States into war with Victoriano Huerta was passed.

While it was passing our forces had gone to Vera Cruz, where there was no American property in danger, where nothing had occurred, in order to secure reparation for something that had happened at Tampico. The resolution passed to the sound of the guns. We lost 19 men killed, and, I think, altogether there were 120 killed and wounded. Several hundred Mexicans were also killed and wounded.

There apparently was an idea in the President's mind that there would be no resistance to our taking Vera Cruz. I said in speaking that day, not knowing at the time what information the President had received, that we might look for resistance as a matter of course at Vera Cruz, and it came even while I was speaking. He had been told, I afterwards heard, that there

would be no resistance and that we would peacefully take Vera Cruz. That is only a sample of the manner in which his agents subtracted from the sum of human information when they reported to him. But after the bloodshed in the taking of Vera Cruz it seemed to the onlooker that the administration were very much disturbed. They did not seem to have much stomach for the unexpected fight which had arisen, and took shelter under the Niagara conference, a conference which never could have had any result, because, although the United States and Huerta sent representatives to it, the other party in Mexico sent none, and were not compelled by our Government to send any. However, the conference enabled us to escape further fighting, and for that we may be duly grateful.

Mr. President, the object for which we sent those ships and troops to Vera Cruz was to get reparation for the insult to the flag, and the reason for the great celerity demanded in dealing with the resolution was to stop the landing of a cargo of arms. I do not know what has become of the reparation for the insult to the flag; if it has been made, I have never heard of it. My own impression is that it has been forgotten. The ship that brought the cargo of arms from Germany, which was then selling arms to belligerents, was named the *Ypiranga*. She arrived, I think, the day after our occupation of Vera Cruz. We could not exclude her by a peaceful blockade; if we had made a general blockade, it would have been an act of war; and we were not to be at war. Therefore, the *Ypiranga* having come there, the only way she could land her cargo was by getting permission from us as the possessors of the port to do so. That permission, naturally, we did not give. Admiral Badger—I think he was in command at the time—telegraphed to Washington to ask if he should give clearance—the vessel was obliged to get clearance from us—to the *Ypiranga*. The clearance was given. She went to some American port—Mobile, I think, though I am not perfectly certain; but it does not matter—stayed there a few days, sailed again, and landed her entire cargo of arms at Puerto Mexico, which was in control of the Huerta forces. The arms were taken up on the Tehuantepec Railroad to the City of Mexico and delivered. So we did not stop the landing of that cargo by our expedition to Vera Cruz. We neither got reparation to the flag, nor did we stop the delivery of arms to Huerta. In its avowed purposes the Vera Cruz adventure was not very successful. But President Wilson, just about that time, took off the embargo on arms. That, of course, was a real help to the insurgents, with whom we were more or less involved as allies. The insurgents had no port; they could not import arms; but they could bring them over the border when the embargo was raised, because at that time we were selling arms to belligerents without objection from anybody. The Secretary of War, however, with a wisdom and a courage which can not be too highly commended, insisted, for military reasons, that no arms should be carried across the border. A military order to that effect was made. That left Villa and Carranza in an awkward position, without a port, and it became of very great importance to the administration that they should have a port.

Then ensued the second Tampico incident. Our ships were withdrawn and placed 9 miles away, on the ground that if they were there it might cause trouble. My own impression is that they would have saved us from trouble. We have freely caused trouble and bloodshed at Vera Cruz, but we seemed strangely unwilling even to run the risk of trouble at Tampico. So the ships were withdrawn. At Tampico there were American citizens in the immediate neighborhood to be protected, and also American property, especially in the oil fields. The people employed in the oil fields after the withdrawal of our ships, alarmed by the advance of the insurgents, hurried to Tampico, to find themselves without any protection and in danger of a massacre from the Huerta troops and the population still in the city. That massacre and assault were prevented was due to the action of the commanders of the German and British ships which were lying there. Those refugees, to the number of 2,100, as I recall, 1,300 of whom were Americans and 800 the citizens or subjects of other powers, were taken on board the British and German cruisers. Our ships were lying 9 miles away. That method of saving American lives did not, I think, gratify the feelings of the American people. The admiral in command, when he received the order to withdraw, was so astounded by it that he declined to act unless the order was repeated; and the order of withdrawal was thereupon repeated. Our action at Tampico in withdrawing our ships was due to the fact that unless the insurgents secured Tampico they could not get arms, and lifting the embargo would have been of no advantage to them. It was, therefore, of great importance to the movement against Huerta that the insurgents should be able to procure arms and munitions of war. They took Tampico, and they did it to secure the arms.

Mr. President, having got thus far, although we had failed in our alleged objects at Vera Cruz, the interposition at that point and our help to the insurgents in securing Tampico were sufficient to bring about the fall of the Huerta government. The object of the President had been accomplished, but the policy of the United States had not been advanced one step.

It seemed impossible to induce anyone connected with the administration to consider what was to happen after Huerta had been driven from power. When he was driven from power it became painfully obvious that no consideration whatever had been given to that point. The whole course of the administration was owing to the fact that they absolutely declined from the beginning to recognize the character of the Mexican population. It was not our business, however desirable it might be, to undertake to give Mexico new land laws or to choose a President for her. We had no protectorate over Mexico, and to regulate her internal affairs would have been intervening in the affairs of another country; but it was of the utmost importance that in our policy toward that country we should not forget of what the population consisted—50 per cent and more pure-blood Indians, some of them in a wild state; 30 per cent of half-breeds, and perhaps 20 per cent of pure Spanish blood, the descendants of the old Spanish conquerors. To suppose, with a population like that, with the history of Mexico, which apparently nobody in the administration took the trouble to read, that you could build up a government there, at a moment's notice, such as we have, let us say, in the State of Nebraska, that with those foundations you could erect an American Government on American principles, was a dream. When Huerta fell from power the result of this refusal to face facts was seen.

What has been the condition of Mexico since? As everybody who has taken the trouble to study Mexican history and to inform himself knew, the first thing was that our two allies, Villa and Carranza, fell to fighting each other. It required no great intelligence to predict that such would have been the case. We did not hear so much of Carranza when we were his ally, but we can all remember how popular Villa was in certain quarters. When I ventured to have read into the RECORD a sketch of that eminent person's life it was resented, and a defense, said to have been prepared in the State Department, was made of Villa's character. It was currently rumored that it was felt in the highest quarters that he must be a good man because he neither drank nor smoked. It is not apparent that these premises were correct, for I am told by other persons competent to know, such as the Senator from New Mexico [Mr. FALL], that he is guilty of both drinking and smoking; but even assuming that he does not indulge in those particular vices, was it not a hasty inference that he was therefore a good man in the international sense and devoid of murderous tendencies? A mad dog neither drinks nor smokes, but it would be rash to conclude that he was therefore a safe and pleasant companion. At all events, it may be admitted that Villa seems to have been the one man in Mexico who has distinct military capacity.

As I have said, after we got Huerta out Villa and Carranza fell to fighting with each other, and look at Mexico to-day. It is a chaos of fighting factions, the prey of banditti, with predatory bands riding through the country. The social organization has collapsed, and anarchy is a polite word to apply to the condition of things.

Mr. President, I fear that it is now too late to adopt any policy which would be effective there except a complete military occupation of the country at great cost, which all of us wish to avoid, but it is certain that when the Mexican question was first presented to us there were but two possible policies. I am speaking now of policies and not of personal animosities. One policy was to begin by exerting all the power and influence we had under international law and under treaties and in accordance with the comity of nations to prevent outrages, to prevent wrongs, and to try to bring about pacification. This was never effectively attempted, but that is the way we should have begun, and then, in line with the policy of avoiding war at all hazards, we should have refrained from any intervention beyond the efforts warranted by international law.

The other course was to enter Mexico in sufficient force to take possession of and pacify the country and try to bring back a government there which would have the capacity of fulfilling its international obligations and at least establish order. To that course the United States was opposed, and quite naturally and rightly; but the course we did pursue was neither one or the other. It combined with singular dexterity the evils of both and the advantages of neither. We did not stay out and we did not go in effectively. I should be sorry to shed the blood of a single American soldier or sailor for the sake of restoring order in Mexico, but nothing, it seems to me, can possibly justify shedding the blood of a single American soldier or sailor for the

sake of putting one blood-stained Mexican in the place occupied by another. We have our reward for what we have done in the condition of Mexico to-day.

There was American property in Mexico to an enormous amount. I am told there was a billion dollars of American money and capital invested in Mexico—certainly many hundreds of millions. It is practically all gone. More capital, which is nothing but the savings of the American people, has been lost in Mexico in the last few years, many times over, than has been lost by the unfortunate interferences with our foreign trade which have occurred in the last few months. I was informed by gentlemen with property interests in Mexico, who came here representing many Americans employed and large American capital invested, that they were told substantially at the State Department, "We are not concerned about American property in Mexico; Americans who invest in property in foreign countries must not look to this Government to protect them." That was a new doctrine in international law to me, and I think it is a novel one to everybody. I am glad to see, Mr. President, that the indifference to American property in Mexico has not extended to American property on the high seas. I cling to the old notion that American property on the high seas and in foreign countries, when the owners of that property live in accordance with the laws of the countries in which the property is placed, is entitled to our regard and to the active protection of this Government. That protection has not been given in Mexico, and, what is far worse, between 150 and 200 American lives have been lost in Mexico. If there has been any redress secured, or even demanded, I do not know it, for a veil of secrecy has been drawn over our Mexican proceedings, and the inquiries of the Senate in regard to it have thus far been in vain.

Americans have been killed there within a short time. I understand that 52 people have been killed and wounded by Mexican bullets across the line at Naco. It is said that Gen. Bliss announced that if there was any more shooting across the line he would stop it. There was more shooting, and I am sorry to say that he did not stop it. Knowing of him as I do, I think that he may have been prevented from stopping it. There before us is that dismal record of American lives lost, and now, with irresponsible bands roaming over the country, with no government, look at the City of Mexico. One of the presidents has set up a guillotine there, and has been executing the supporters of Huerta, reminding one of the scenes of the French Revolution, but unfortunately without that which was behind the French Revolution, a strong population, with traditions and institutions which were certain to reassert their power, as they did. Those securities for the future have perished in Mexico, and bloodshed goes on unchecked in the capital of the country.

It has gone further than that. These bandits have been turned loose and have thrown themselves upon the most helpless class—upon the women, upon the priests, and upon the nuns. It is a revolting story, unfortunately only too well authenticated. Father Tierney, of New York City, one of the best known and most distinguished of his order, when he went to the State Department to ask for our good offices to prevent these outrages upon his coreligionists, has stated publicly that it was said to him, in the presence of two friends, that the followers of Huerta had committed similar outrages on two American women from Iowa.

What a reply to make! Certainly every dictate of humanity would lead us to do what we could to save those unfortunate men and women who have been the helpless victims of these half-wild Indian soldiers; and the reply is that Huerta's troops were guilty of two cases of similar outrages on American women! What has been done about that? There was an affront, indeed. In the reasons for the excursion to Vera Cruz it did not appear.

I shall ask, Mr. President, to print, at the end of my remarks, the article of Col. Roosevelt, from which I have taken the statement of Father Tierney that I have just quoted, and there I shall leave the matter.

The PRESIDING OFFICER (Mr. NORRIS in the chair). In the absence of objection, that order will be made.

Mr. LODGE. I have no intention of doing otherwise than vote for this deficiency and the others that are to follow. The Secretary of War has done his duty; but I can not let the matter go by, Mr. President, without thus calling attention to what has happened in Mexico; without saying that, in my opinion, even in the midst of the dreadful disasters to humanity and civilization which are now filling Europe and the world, we should not forget what has taken place and is now going on in Mexico—a situation so bad that when the President of the United States delivered his annual message to Congress the best way in which he could deal with it was by complete silence.

The article referred to is as follows:

[From the New York Times, Sunday, December 6, 1914.]

OUR RESPONSIBILITY IN MEXICO.

(By Theodore Roosevelt.)

RECITING A LONG LIST OF CHARGES, BACKED BY AFFIDAVITS, AGAINST THE SOLDIERS OF CARRANZA AND VILLA, MR. ROOSEVELT FLATLY DECLARES THAT THE UNITED STATES IS "PARTIALLY (AND GUILTILY) RESPONSIBLE FOR SOME OF THE WORST ACTS EVER COMMITTED EVEN IN THE CIVIL WARS OF MEXICO."

An astonishing proof of the readiness of many persons to pay heed exclusively to words and not at all to deeds is supplied by the statement of the defenders of this administration that President Wilson has "kept us out of war with Mexico" and has "avoided interference in Mexico." These are the words.

The deeds have been: First, an unbroken course of more or less furtive meddling in the internal affairs of Mexico carried to a pitch which imposes on this Nation a grave responsibility for the wrongdoing of the victorious factions; and, second, the plunging of this country into what was really a futile and inglorious little war with Mexico, a war entered into with no adequate object, and abandoned without the achievement of any object whatever, adequate or inadequate.

To say that we did not go to war with Mexico is a mere play upon words. A quarter of the wars of history have been entered into and carried through without any preliminary declaration of war and often without any declaration of war at all.

The seizure of the leading seaport city of another country, the engagement and defeat of the troops of that country, and the retention of the territory thus occupied for a number of months constitute war, and denial that it is war can only serve to amuse the type of intellect which would assert that Germany has not been at war with Belgium because Germany never declared war on Belgium. President Wilson's war only resulted in the sacrifice of a score of American lives and a hundred or two of the lives of Mexicans; it was entirely purposeless, has served no good object, has achieved nothing, and has been abandoned by President Wilson without obtaining the object because of which it was nominally entered into; it can therefore rightly be stigmatized as a peculiarly unwise, ignoble, and inefficient war; but it is war nevertheless.

This has been bad enough. But the general course of the administration toward Mexico has been worse and even more productive of wide and far-reaching harm. Here again word splitters may, if they desire, endeavor to show that the President did not "interfere" in Mexico; but if so they would be obliged to make a fine discrimination between interference, and officious and mischievous intermeddling.

Whether it is said that President Wilson interfered in Mexico or merely that he meddled in Mexican affairs so as to produce much evil and no good and to make us responsible for the actions of a peculiarly lawless, ignorant, and bloodthirsty faction is of small importance. The distinction is one merely of words. The simple fact is that, thanks to President Wilson's action—and at times his inaction has been the most effective and vicious form of action—this country has become partially (and guiltily) responsible for some of the worst acts ever committed even in the civil wars of Mexico.

When Mr. Wilson became President of the United States, Huerta was President of Mexico. On any theory of noninterference with the affairs of our neighbors, or any theory of avoiding war and of refusing to take sides with or become responsible for the deeds of blood-stained contending factions, it was the clear duty of President Wilson to accept Mr. Huerta as being President of Mexico.

Unless President Wilson was prepared actively to interfere in Mexico and to establish some sort of protectorate over it, he had no more business to pass judgment upon the methods of Mr. Huerta's selection—which had occurred prior to Mr. Wilson's advent to power—than Mexico would have had to refuse to recognize Mr. Hayes as President on the ground that it was not satisfied with his economic policy and, moreover, sympathized with Mr. Tilden's side of the controversy. And if President Wilson made up his mind to interfere in Mexico—for, of course, the most trenchant type of interference was refusal to recognize the Mexican President—he should have notified foreign powers of his proposed action, in order to prevent, so far as possible, Huerta's recognition by them. President Wilson interfered in such feeble fashion as to accomplish the maximum of evil to us and to other foreigners and the Mexicans and the minimum of good to anybody. He hit; but he hit softly. Now, no one should ever hit if it can be avoided, but never should anyone "hit soft."

WILSON'S DEFINITE ACT OF INTERFERENCE.

When President Wilson refused to recognize Huerta he committed a definite act of interference of the most pronounced type. At the same time he and Mr. Bryan looked on with folded arms and without a protest of any kind while American citizens were murdered or robbed or shamefully maltreated in all parts of Mexico by the different sets of banditti who masqueraded as soldiers of the different factions. He maintained for a long time a friendly intercourse with one set of political adventurers through irregularly appointed diplomatic agents, and he adopted an openly offensive attitude toward the chief of another set, although he was then the de facto head of whatever Government Mexico had.

By his action in permitting the transmission of arms over the border, President Wilson not only actively aided the insurrection but undoubtedly furnished it with the means essential to its triumph, while at the same time his active interference prevented Huerta from organizing an effective resistance. His defenders allege that he could not properly have forbidden the transmission of arms to the revolutionaries across the border. The answer is that he did forbid it at intervals. He thereby showed that he was taking an active interest in the arming of the revolutionaries; that he permitted it when he chose to do so and stopped it intermittently whenever he thought it best to stop it, and was therefore entirely responsible for it.

The nominal rights which the contending factions championed and the actual and hideous wrongs done by all of them were in no sense our affair save in so far as Americans and other foreigners were maltreated.

UNITED STATES RESPONSIBLE FOR VICTORS' MISDEEDS.

We may individually sympathize—as, for instance, I personally do—with the general purpose of the program for division of the lands among the Mexican cultivators, announced by Carranza, Villa, and other revolutionary leaders; but this no more justified interference on our part than belief in the wisdom of the single tax for the United States by some foreign ruler would warrant his interference in the internal affairs of the United States. Moreover, nothing in the career of Carranza and Villa or in the conduct of the Mexican people at present justifies us in any certainty that this program will in any real sense be put into effect.

However, the interference took place. By the course President Wilson pursued toward Huerta and by the course he pursued toward Villa and Carranza he actively interfered in the internal affairs of Mexico. He actively sided with the factions which ultimately triumphed, and which immediately split into other factions which are now no less actively engaged in fighting one another.

Personally I do not think that the administration should have interfered in this manner. But one thing is certain, when the administration did interfere, it was bound to accept the responsibility for its acts. It could not give any aid to the revolutionaries without accepting a corresponding share of responsibility for their deeds and misdeeds. It could not aid them because of their attitude on the land question without also assuming a corresponding share of responsibility for their attitude toward religion and toward the professors of religion.

The United States would have had no responsibility whatever for what was done to the church by any faction which did not owe its triumph to action by the United States. But when the United States takes part in civil war in Mexico, as Messrs. Wilson and Bryan forced our Government to take part, this country has thereby made itself responsible for the frightful wrongdoing, for the terrible outrages committed by the victorious revolutionists on hundreds of the religious people of both sexes.

To avoid the chance of anything but willful misrepresentation, let me emphasize my position. I hold that it was not our affair to interfere one way or the other in the purely internal affairs of Mexico, so far as they affected only Mexican citizens, because if the time came when such interference was absolutely required it could only be justified if it was thoroughgoing and effective.

Moreover, I hold that it was our clear duty to have interfered promptly and effectively on behalf of American citizens who were wronged, instead of behaving as President Wilson and Secretary Bryan actually did behave. To our disgrace as a nation, they forced American citizens to claim and accept from British and German officials and officers the protection which our own Government failed to give.

When we did interfere in Mexican internal affairs to aid one faction, we thereby made ourselves responsible for the deeds of that faction, and we have no right to try to shirk that responsibility. Messrs. Wilson and Bryan have declined to interfere to protect the rights of American or of other foreigners in Mexico; but they have interfered as between the Mexicans themselves in the interest of one faction and with the result of placing that faction in power. They have therefore bound themselves to accept responsibility for the deeds and misdeeds of that faction.

Not long ago President Wilson, in a speech at Swarthmore, Pa., declared that "nowhere in this hemisphere can any Government endure which is stained by blood," and at Mobile that "we will never condone iniquity because it is most convenient to do so."

At the very time he uttered those lofty words the leaders and lieutenants of the faction which he was actively supporting were shooting their prisoners in cold blood by scores after each engagement, were torturing men reputed to be rich, were driving hundreds of peaceful people from their homes, were looting and defiling churches, and treating ecclesiastics and religious women with every species of abominable infamy, from murder and rape down.

In other words, at the very time that the President was stating that "nowhere on this hemisphere can any government endure which is stained by blood," he was actively engaged in helping install in power a government which was not only stained by blood but stained by much worse than blood. At the very time that he was announcing that he would "never condone inquity because it was convenient to do so" he was not merely condoning but openly assisting inquity and installing into power a set of men whose actions were those of ferocious barbarians.

Remember that I am not engaged in defending the factional opponents of these victorious wrongdoers. There is not evidence sufficient to decide which of the many factions behaved worst. But there is ample material to decide that they all behaved atrociously. Apparently the administration took the ground that inasmuch as Mr. Huerta and his followers were bad men, it was our duty to condone the evil committed by their opponents.

Father R. H. Tierney, of New York City, an entirely responsible man, informs me that when (in company with two other gentlemen whose names he gives me) he called upon Mr. Bryan to bring to his attention the abominable outrages committed on certain nuns by the followers of Carranza and Villa, Mr. Bryan informed Father Tierney that he had information that "the followers of Huerta had committed similar outrages on two American women from Iowa." (This sentence has been read to Father Tierney, who states that it describes the interview with exactness. The original of the affidavits herein quoted are in the possession of Father Tierney, 59 East Eighty-third Street, New York City, and Father Kelley, and will be shown by them to any reputable person.)

Apparently Mr. Bryan believed this disposed of the situation and relieved the revolutionaries of blame.

Surely, it ought not to be necessary to say that if the facts as thus stated to Mr. Bryan were true (and if there was any doubt immediate investigation as to their truth by the Government was demanded), then the way to get justice was not by treating one infamy as wiping out the other, but by exacting the sternest retribution for both and effectively providing against the repetition of either.

Even assuming for the moment that the attitude of the administration had not so committed the Government that it was its duty to interfere on behalf of the nuns thus outraged, Mr. Bryan's statement to Father Tierney shows almost incredible callousness on his part to the most dreadful type of suffering, to acts far worse than the mere murder of any man.

It seems literally impossible that any representative of the American Government in high office could fail to be stirred to his depths by such wrong or could have failed to insist on the immediate and condign punishment of the wrongdoers and on the amplest safeguarding against all possible repetition of the wrong. Apparently the only way in which it occurred to Mr. Bryan to take any action against the factions whose adherents had perpetrated these hideous wrongs on the two American women was by encouraging another faction which he must have known in advance, and certainly did know after the event, would commit and had committed wrongs equally hideous.

I have before me a copy of El Heraldo de Toluca of September 13 last. It contains a manifesto on behalf of the victorious revolutionaries of the party of Messrs. Carranza and Villa, dealing with the "conditions under which the Roman worship will have to be practiced." (I translate into English.) Among the preambles are the following:

"1. That the ministers of the Catholic Worship circulate doctrines which are not in accordance with the principles of the true Christ; 2, That on account of the learning that these ministers have acquired they can not, in the minds of those who possess equal or greater learning (but who differ from them in opinion), pass as sincere believers in the doctrines they preach, and that they thereby exploit the ignorance of the ignorant masses; 3, That inasmuch as this conduct harms people by frightening them with the fear of eternal punishment, and thereby tends to make them subservient to the priesthood, and that inasmuch as all kinds of people, from workmen to capitalists, give too much money to the churches and because of various other similar facts, the decree in question is promulgated."

WE SHOULD PROTEST AGAINST ANTICLERICAL OPPRESSION.

This decree includes the forbidding "of any sermons which will encourage fanaticism"; the proscribing of any fasts or similar practices; the prohibition of any money being paid for christenings, marriages, or other matters; the prohibition of the soliciting of contributions—that is, the passing of the plate; the prohibition of celebration of masses for the dead or the celebration of more than two masses a week; the prohibition of confession, and with this object in view the closing of the churches except once a week at the hour of the masses; and, finally, the prohibition of more than one priest living in Toluca and the requirement that he, when he walks in the streets, shall be dressed absolutely as a civilian without anything in his costume revealing the fact that he is a minister. In order to be permitted to exercise the functions thus limited the priest is required to affix his signature of acceptance to the foregoing regulations.

Now, in various South American countries there have been bitter contests between the Clericals and the anti-Clericals, and again and again the extremists of each side have taken positions which in the eyes of sensible Americans of all religious creeds are intolerable. There are in our own country individuals who sincerely believe that the Masons, or the Knights of Columbus, or the members of the Junior Order of American Mechanics, or the Catholic Church, or the Methodist Church, or the Ethical Culture Society represent what is all wrong.

There are sincere men in the United States who by argument desire to convince their fellows belonging to any one of the bodies above mentioned—and to any one of many others—that they are mistaken, either when they go to church or when they do not go to church, when they "preach sermons of a fanatical type" or inveigh against "sermons of a fanatical type," when they put money in the plate to help support a church or when they refuse to support a church, when they join secret societies or sit on the mourners' bench or practice confession. According to our ideas, all men have an absolute right to favor or oppose any of these practices. But, according to our ideas, no men have any right to endeavor to make the Government either favor or oppose them. According to our ideas, we should emphatically disapprove of any action in any Spanish-American country which is designed to oppress either Catholics or Protestants, either Masons or anti-Masons, either Liberals or Clericals, or to interfere with religious liberty, whether by intolerance exercised for or against any religious creed or by people who do or do not believe in any religious creed.

AFFIDAVITS OF ATROCITIES COMMITTED BY SOLDIERS.

I hold that these should be our sympathies. But I emphatically hold that it is not the duty of this Government to try to make other countries act in accordance with these sypmathies, and, above all, not the duty of the Government to help some other Government which acts against these great principles with which we sympathize. Messrs. Wilson and Bryan by their actions have assumed a certain undoubted responsibility for the behavior of the victorious faction in Mexico which has just taken the kind of stand indicated in the proclamation above quoted; a stand, of course, hostile to every principle of real religious liberty, a stand which if applied logically would mean that no minister of any church could in public wear a high-cut waistcoat or perhaps even a black frock coat, and which would put a stop even to such commonplace actions as the passing of the plate in any church to encourage home missions.

But this attitude is only one of the offenses committed. Catholic schools almost everywhere in Mexico have been closed, institutions of learning sacked, and libraries and astronomical and other machinery destroyed, the priests and nuns expelled by hundreds, and some of the priests killed and some of the nuns outraged.

Archbishop Blenk, of New Orleans; Father Tierney, editor of America; Father Kelley, president of the Catholic Church Extension Society; Mr. Petry, one of the directors of the Catholic Church Extension Society; and a Mexican bishop, whose name I do not give, because it might involve him in trouble, came to see me at my house; and in Chicago I saw other priests and refugees from Mexico, both priests, nuns, and lay brothers. The statements and affidavits submitted to me in the original and copies of which I have before me as I write set forth conditions which are literally appalling and for which, be it remembered, the actions of Messrs. Wilson and Bryan have made this country partly responsible.

For example, Archbishop Blenk submitted to me an affidavit by the prioress of the Barefooted Carmelite Nuns of the Convent of Queretaro. This sets forth, from the personal knowledge of the prioress, how the churches have been profaned by soldiers entering them on horseback, breaking statues, trampling on relics, and scattering on the floor the sacred hosts, and even throwing them into the horses' feed; how in some churches the revolutionaries have offered mock masses and have in other ways, some of them too repulsive and loathsome to mention, behaved precisely as the red terrorists of the French Revolution behaved in the churches of Paris; how, for example, St. Anthony's Church at Aguascallentes has been made into a legislative hall and the Church of St. Joseph at Queretaro and the great convent of the Carmelites and the lyceum of the Christian Brothers all have been confiscated; how the church property has been sequestered and the archives burned and the men and women in the cloistered communities expelled without being allowed to take even an extra suit of clothes or a book of prayer.

The prioress states that she has herself seen in Mexico City nuns who have been "victims of the passions of the revolutionary soldiers," and some whom she found in their own homes, others in hospitals and in maternity houses who in consequence are about to be delivered of children. She deposes:

"I have seen soldiers dressed up in chausables, stoles, maniples, and cinctures, with copes and altar linen, and their women dressed up in albs, surplices, and corporals used as handkerchiefs."

She has seen the sacred vessels profaned in a thousand ways. She describes meeting seven nuns who had been outraged, who she directed to a maternity house, and who had abandoned themselves to utter despair, saying "that they were already damned and abandoned by God, and they cursed the hour of their religious profession." She describes how she escaped from Queretaro with nuns who had been obliged to hide in private houses in order to escape being taken to the

barracks by the soldiers. She describes how she had daily to beg the food necessary to sustain the 24 sisters with whom she escaped.

In Chicago I saw a French priest, Father Dominic Fournier, of the Congregation of the Passion, who had just escaped from Mexico with two young Spanish students for the priesthood. He had escaped from the city of Toluca with nothing whatever, not even a rosary. He and the two novices described to me their experience in Toluca. The churches and religious houses were sacked and confiscated and the soldiers and their women indulged in orgies before and around the altars.

One of the lay brothers named Mariano Gonzales tried to save some of the things from the church. The revolutionists seized him and accused him of robbing the State. He was shot by a file of soldiers on August 22 last and his dead body was left all day long in the court in which Father Fournier and the other priests and the two novices who spoke to me and their associates were confined. They were kept in prison 16 days and then allowed to go with nothing but what they had on.

I have seen the original of and have in my possession a translation of a letter written on October 24 by a young girl of Toluca to her pastor who had been exiled. She described how the bishop had been heavily fined and exiled. She describes how the clubs of boys and girls for whom she had been working had been broken up, but how some of the boys to whom they used to give breakfast on Sunday mornings still occasionally come to see them; and she asks advice how to keep these clubs of the poor together. But the dreadful and pathetic part of the letter is contained in the following sentence:

"Now I will ask you a question. Suppose some one falls into the power of the Zapatistas. Would it be better for her to take her own life rather than allow them to do their will and what they are accustomed to do? As I never thought such a thing could happen, I did not ask you before about it, but now I see it quite possible. If we had not our good God in whom we trust, I think we would give way to despair."

In other words, this girl who had been engaged in charitable work in connection with the church asks her pastor whether she is permitted to commit suicide in order to avoid the outrages to which so many hundreds of Mexican women, so many scores of nuns, have been exposed in the last few months. I can not imagine any man, of whatever creed, or of no creed, reading this letter without his blood tingling with horror and anger; and we Americans should bear in mind the fact that the actions of President Wilson and Secretary Bryan in supporting the Villaistas have made us partly responsible for such outrages.

I have been given and shown letters from refugees in Galveston, in Corpus Christi, in San Antonio, and Habana. These refugees include 7 archbishops, 6 bishops, some hundreds of priests, and at least 300 nuns. Most of these bishops and priests have been put in jail or in the penitentiary or otherwise confined and maltreated. Two-thirds of the institutions of higher learning in Mexico have been confiscated and more or less completely destroyed, and a large part of the ordinary educational institutions have been treated in similar fashion.

Many of the affidavits before me recite tortures so dreadful that I am unwilling to put them in print. It would be tedious to recite all the facts set forth in these affidavits. For instance, there is one, by Daniel R. Loweree, a priest of the diocese of Guadalajara, the son of an American father and librarian of the seminary and professor of chemistry. He describes what took place in Guadalajara. On July 21 about 100 priests from the city and country round about were put in the jail, while the cathedral was used as a barracks.

MURDER AND TORTURE BY MEXICAN REBELS.

In the affidavit of Canon José Maria Vela, of the Cathedral of Zacatecas, he sets forth how the constitutionalists shot a priest named Velarde, how 23 priests were gathered together and under the orders of Gen. Villa required to produce $1,000,000 within 24 hours under penalty of being shot. A committee of the priests went out through the city begging from house to house and accepting even pennies from the children. A girl was forcibly violated by one of the soldiers in the room adjoining that in which these priests were kept. Finally the citizens raised a couple of hundred thousand pesos, and the priests were released and allowed to flee without any of their belongings. Seventeen of the fleeing priests are now in El Paso, and their names are given in the document, and those of some of them signed to an accompanying document.

In an affidavit by the Rev. Michael Kubicza, of the Society of Jesus, whose father was a Hungarian physician, he describes how he was tortured in order to make him give up money. A soldier nicknamed Baca, in the presence of Col. Fierro, put a horsehair rope around his neck and choked him until he became unconscious. When he came to Baca fired a revolver near his head and commanded him to give up and tell him where the Jesuit treasures were buried. On answering that there were none he was again choked until he was unconscious, and this was repeated a third time. The affidavit describes at length some of the sufferings of the priests in fleeing.

All kinds of other affidavits have been submitted to me, dealing with torture and murder, as, for example, the killing of Father Alba, the parish priest of Cabra, the killing of the parish priest and vicar at Tula, the killing of the chaplain and rector and vice president of the Christian Brothers' College, etc.

The one feature in the events narrated to me and set forth in the affidavits to me which can give any American the least satisfaction is the statement of the kindness with which the unfortunate refugees had been treated in Vera Cruz by the officers and men of the Army and Navy, particular mention being made of Gen. Funston.

What I have above stated is but a small part of the immense mass of facts available to the President and Mr. Bryan, had they cared to examine them. They relate to outrages on Catholics. This is merely because the enormous majority of the religious people of Mexico are Catholics. I should set them forth just as minutely if they had been inflicted by Catholics on Freethinkers or Protestants or Masons—I am myself both a Protestant and a Mason. Even if we had no responsibility for them, I nevertheless fail to see how any American could read the account of them without a feeling of burning indignation. As things actually are, shame must be mingled with our indignation, for the action of the President and Mr. Bryan has been such as to make this country partly responsible for the frightful wrongs that have been committed.

Mr. WORKS. Mr. President, I was glad to give way to the Senator from Massachusetts in order that he might give us this interesting statement of our relations with the Republic of Mexico. Having done so, I now desire to resume the remarks which I began on yesterday.

Mr. STONE. Mr. President——

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

Mr. WORKS. I do.

Mr. STONE. I desire to say to the Senator that I do not wish to interrupt the very able and learned discussion which he began on yesterday, but I do desire, when he has completed such part of his speech as he wishes to deliver to-day, to make some observations growing out of the speech just delivered by the Senator from Massachusetts. I will ask the Senator from California if he can indicate about how much time he will likely occupy to-day?

Mr. WORKS. I expect to conclude what I have to say within an hour.

Mr. STONE. Very well. I will not interrupt the Senator.

Mr. WORKS. I am sorry to interrupt the course of the discussion that has been opened by the Senator from Massachusetts, but I had given notice yesterday that I would conclude to-day what I have to say, and gave way at the request of the Senator from Massachusetts, with the consent of the Senator from North Carolina who is in charge of the bill which is the unfinished business.

THE PUBLIC HEALTH SERVICE.

Mr. WORKS resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

Mr. WORKS. Mr. President, it has come to be regarded as a sacred duty of the National Government to maintain and preserve the public health. In the performance of this duty we have established a bureau of the Treasury Department known as the Public Health Service. We have been making lavish appropriations for this service. The annual expenditures for the Health Service in its various branches, including the Army and Navy, now exceed $20,000,000 a year. We have a Surgeon General at the head of the Public Health Service proper, a Surgeon General of the Army and a Surgeon General of the Navy, and under them an army of surgeons, assistant surgeons, and subordinates of various and sundry kinds running up into the thousands. In a statement issued nearly two years ago by the Secretary of the Treasury, under a resolution offered by me calling for information, a detailed enumeration of expenditures in the interest of the public health was given and a summary of the information thus furnished and also a brief recapitulation by departments, as follows:

Departments and bureaus.	Expenses of operation and maintenance.	Salaries and other compensation.	Total expenses.	Number of officers and employees.
State Department	$36,084.09		$36,084.09	
Treasury Department	668,289.55	$1,236,413.49	1,904,703.04	1,507
War Department	2,875,574.56	2,838,516.13	5,714,090.69	4,521
Panama Canal	628,641.44	991,749.68	1,620,391.12	1,634
Soldiers' Home, Washington, D. C.	65,469.01	23,415.56	88,884.57	89
National Homes for Disabled Volunteer Soldiers	755,022.61	291,719.21	1,046,741.82	1,244
Navy Department	1,911,522.88	1,819,000.00	3,730,522.88	2,074
Interior Department	892,422.70	684,691.40	1,577,114.10	1,278
Department of Agriculture	347,225.60	3,551,977.28	3,899,202.88	3,159
Department of Commerce and Labor	44,739.83	95,060.03	139,799.86	98
Department of Justice	32,598.18	9,953.00	42,551.18	28
Total	8,257,590.45	11,542,495.78	19,800,086.23	15,632

This shows an expenditure for the health service of the Government for the fiscal year 1912 of $19,800,086.23, considerably more than half of which was paid for the salaries and other compensation of 15,632 employees, all of whom were of one school of medicine or under its control. No other school of medicine or mode of healing is recognized or considered. The number of employees and expenses have been largely increased since then. In the endeavor to preserve the public health we have given the Surgeon General and his subordinates almost unlimited powers. We have usurped the constitutional rights and liberties of the individual. If contagion is feared, or an epidemic of disease, the Surgeon General is clothed with or assumes despotic and autocratic power. His authority is not exceeded by that of the general of the Army in time of martial law. He represents, for the time being, the enormous and unrestrained police power of the Government. He may restrain and imprison a citizen and prescribe and enforce the habits of the people, what they shall eat and what they shall wear, and where and how they may live. Even in ordinary times his power is little

less despotic and unrestrained. When we travel he may determine for us what we shall drink and how we shall drink it. The useless and unnecessary precautions taken to keep us in good health are often burdensome and humiliating in the extreme.

Mr. President, we have given over this vast power over the lives and habits of our people to one public official, and the people are compelled to submit to his domination and dictation whether they will it or not. But, unfortunately, most of our citizens are willing and submissive slaves to the doctor whether he appears in the uniform of a public official or serves in a private capacity. The extent to which intelligent people submit to the ministrations of the physician or surgeon, take his obnoxious drugs, and submit to be carved, mutilated, and maimed by the surgeon's knife is one of the wonders of the age. The country is filled with hospitals, many of them veritable slaughterhouses, as reputable surgeons themselves bear witness. The incompetency and recklessness of some physicians and surgeons have filled more graves and mutilated and maimed for life more of their unfortunate victims, made more drunkards, and drug fiends, and more helpless and suffering invalids than probably any other cause. And, sir, it is in the hands of a profession composed to a large extent of such as these that the health and happiness of a suffering and deluded people now mainly rest, and that in large measure by force of laws enacted by Congress and State legislatures. And this is not the worst. Our Public Health Service has been given over without question to just one school of medical men to the absolute exclusion of all other modes of healing. The allopathic or old school of medicine, called by themselves the "regular" school, is made the standard mode of healing and is supreme. No different method is recognized or even considered. No citizen, in time of existing or threatened contagion or epidemic of disease, is allowed to exercise his individual belief or conscience as to the manner or mode of preserving or restoring his health. He must submit to the rules and regulations of the Health Department, eat and drink what it dictates, swallow the vile drugs it prescribes, and live where and as it commands. The service maintains a press bureau and sends broadcast over the country, at public expense, literature, mostly doctors' opinions about microbes and causes of disease and how to circumvent them, that breeds fear, which in turn produces and fosters disease and cures or saves none who are unwise enough to read it, which, fortunately, very few people do.

At this very moment we have before us bills of various kinds intended to enlarge and extend the powers of this service. We have them and pass them every session. The demands of the force for greater power and larger pay are continuous and insatiable. We grant their requests and submit to their continuous demands because of our childlike confidence in the infallibility of the doctors in the matter of health. If they say it is necessary for the public good, who is there with wisdom enough to question their actual or assumed technical knowledge on the subject? We have other bills before us, and they are being introduced at nearly every session of every legislature, intended to perpetuate the old school of medicine and to exclude from consideration every other school of medicine or method of healing. Among other bills that have been pressed for consideration and passage is what is known as the radium bill. Like many other bills of the present time, it is fathered and urged for passage by one of the departments of the Government, moved thereto by the doctors. Its purpose is to preserve in the National Government the title to all radium-bearing public lands. What for and on what theory? Because some doctors have said and some people believe that radium is a cure for the dread disease of cancer. This claim is stoutly denied by other physicians of high character and standing; but no matter, Congress is asked, in effect, to indorse and become sponsor for the radium cure for cancer. It now indorses with all its great power and backs with its unlimited influence, resources, and wealth one school of medicine, and in practice condemns every other so far as governmental health activities are concerned, and compels the people to receive into their bodies vile and loathsome serums and other remedies. But that is not enough. We are asked now to step in and monopolize in the Government the radium trade, and at the same time advertise this mineral as a specific for cancer, and hold out what is certain to prove a false and delusive hope to the poor unfortunates who are suffering from this disease, rob them of their money to the advantage of speculators in human lives, and add to the discomfort and suffering of those so afflicted.

Mr. President, the consideration of these conditions and many others that might be mentioned has strongly influenced me to lay before the Senate some reasons why the Government should no longer cling to one mode of healing to the exclusion of every other and lend its powerful aid to the building up of one school of medicine. I have come to this conclusion with no little reluctance. To me the administration of the Public Health Service is a sacred duty. It affects the comfort, the health, the liberty, and the lives of millions of our people. We have constituted ourselves the guardians of the public health. It is a guardianship that we can not delegate, without reason or intelligent inquiry, to any school of medicine. This great Nation, through its Congress and other agencies, should be broad enough to seek and try, without prejudice or bias, to find the most effective means of preserving the public health, and have courage enough to apply it to the needs of the people, but always leaving every citizen perfectly free to resort to such means of preserving his health as he desires and believes in. If one wants the doctor, whether allopathic, homeopathic, or of any other school, he has just as much right to choose his physical remedy as he has to choose his church. So, if he believes in Christian Science as a means of preventing and healing disease, his right to resort to that remedy is just as sacred in this free country as is the right of the other man to resort to the doctor and his material remedies.

The Government may properly investigate and educate and advise, but it has no right to coerce any citizen to resort to or use any remedy against his own will, judgment, or conscience. I have strong convictions on this subject of physical healing, the result of long suffering and an abundant personal experience. I hope and believe that these bitter experiences and my final relief from my physical ailments and great sufferings for many years by means other than those now fostered and maintained by the Government have not made me a fanatic or unreasonable or unjust toward people who do not believe as I do and have no sympathy with my views or convictions. I recognize the fact, and here acknowledge it with pleasure, that there are many high-minded and conscientious men engaged in the medical profession who are doing very much to alleviate human suffering. They are loyally and faithfully devoting their lives to this great purpose. To such as these I accord great honor. They are entitled to and deserve and have my entire sympathy in their efforts. Many of them are devoted and self-sacrificing humanitarians. But the difference between us is that some of them have not discovered a better remedy for disease than the one they employ, and others are not yet willing to acknowledge that there is a better mode of healing than their own, in the face of the most convincing evidence to that effect, while I, in my own experience and by later observations, have been convinced that drugs and other material alleged remedies do not heal and that there is a remedy that, if rightly applied, will heal all our diseases. I have been the more reluctant to enter upon this discussion because it necessarily leads in an indirect way into a discussion of religion, because of the conscientious belief on my own part, and of thousands of others, that the healing of disease is as much a religious rite as redemption from sin, and that the same principle that regenerates the sinner, applied in precisely the same way, heals the sick. So, in presenting my views on this subject, I come directly in opposition to two powerful forces—contrary religious convictions as sincere as my own and the medical profession, that sees its teachings of centuries put in peril and about to be overthrown and its material interests invaded. The one defends his calling upon which he depends for a livelihood, and holds stubbornly to his position that all knowledge and understanding of disease and its cure is confined to the medical profession, especially his own school of medicine, and that all who believe in or practice any other mode of healing are therefore fakirs and quacks. He assumes at once that the practice of any mode of healing except his own is a menace to health and life and should be suppressed by law. Some of these are honest and conscientious in their views, while others are themselves frauds and fakirs and are looking alone to their own selfish interests. The other class, often intelligent and conscientious, fear, or profess to fear, that the only safe plan of salvation is put in peril, and denounce those who believe that the only true source of healing is divine as un-Christian and unbelievers who are contributing to the loss of men's souls as well as their bodies. Men, and especially women, change their religious views with the greatest reluctance, and only upon convincing and, to them, unanswerable evidence of the error of their beliefs.

The world has been taught for centuries to believe that religion pertains only to the spiritual; that man is a material being and can only be healed when he is sick by material means; and that the only resort in case of disease is the doctor and his drugs. Consequently, their faith in the doctor has become a fixed fact. They see no other means of relief. To such as these, to assail the methods of the doctor in whom they put their trust is to attack their household god, their sole and only source of

relief in sickness, their shield and buckler in the battle of life. Not only so, but the great masses of the people believe that God, in his wisdom, sends sickness and disease upon his children to punish and chasten them in their course through life. But, strange as it may seem, they at once question the divine decree and resort to the doctor for relief from its effects. Thus they array the doctor against God, the supposed cause of disease, with the hope that he may frustrate the divine purpose. So the doctors and the All Wise Father of us all, whom we worship as divinely and wholly good, are made to appear as enemies striving against each other, with God on the wrong side. How inconsistent and unreasonable it all seems when we come to think about it.

Mr. President, I have no animosities against either the doctor or the preacher. So long as people believe as the majority of them now do, they are both necessary—the one to minister to the prevailing belief about sickness and disease, their cause and their cure, and the other to meet the necessities of erroneous but conscientious beliefs about man and his relation to his Maker. I have no criticism to pass upon the good faith and worthy purposes of the one or the other. My purpose is to consider principles and not men, and to show, if I can, that the prevailing beliefs about God and his relation to sickness, disease, and suffering here on earth are mistaken, and that through those mistaken beliefs and the practices growing out of them sickness and suffering are increased and not diminished, and that it is the solemn duty of the Government to abandon its position of accepting one school of doctors as the only reliable school and the remedies they recommend and use as the only ones to be depended upon, and to investigate, through broad-minded, unbiased, disinterested men, all sources of healing, with the common good always in view and with the fundamental doctrine of freedom and liberty of conscience to the citizen always in mind.

Of course the reliability of different methods of healing must, in part at least, be tested by comparison one with another. All human methods are necessarily imperfect, as is every method that must be exercised and applied through human agencies. History has disclosed but one perfect healer of both sin and disease, and even in his case it is said that under certain adverse circumstances and conditions good and perfect work could not be done. But, sir, I maintain and think I shall show before I have concluded that there is a perfect principle and system of healing which, if rightly and understandingly applied, will prevent or cure any and every disease of whatever kind or nature, and that the failure to heal any disease in a given case is not the fault of the healing principle but results from the erroneous attempted application of it. Before I have done I will produce my witnesses, proving to the satisfaction of any unbiased and reasoning mind the truth of the claim I am making. Some of the witnesses I know personally and can vouch for their integrity and reliability. Others I can vouch for from the recommendations of others, who are known by me personally as reliable and trustworthy. I shall not knowingly bring to the attention of the Senate any evidence that is not worthy of entire confidence. This is a solemn subject, that no man can afford to trifle with, and one about which it would be cruel and unjust, yea, inhuman, to mislead or deceive. So, Mr. President, I shall deal with the subject with entire freedom and frankness. It will be my endeavor to show, in the first instance, the unreliability of the methods of healing and preventing disease now resorted to in the public service and promoted and maintained at the public expense and the cruel injustice of excluding from consideration or practical application other methods that have brought health, comfort, and happiness to millions of people, who are rejoicing and praising God for their deliverance from sorrow and suffering. I can not remain silent while the Government, which in part I represent, is a party to such injustice.

In dealing with this question and criticizing methods and measures I exclude from consideration the work that has been done in the way of sanitation. This work, on the part of the Public Health Service, is to be commended. I do not question its efficacy or value as a means of preventing disease.

Mr. President, I hope Senators will understand that in what I am about to say it is not my purpose or my desire to criticize or attack any individual profession or class. My sole object is to show the injustice and inconsistency of the National Government looking to one school or kind of healing to the exclusion of all others, and of laws intended to exalt that one school and suppress and destroy every other. To do this I must perform the unpleasant duty of showing not only that this school is unreliable and unworthy of the confidence and support of the Government but that there are other remedies, and remedies that the Government is refusing to consider, that are more reliable and trustworthy. Not only so, but the right of individuals to resort to the remedies of their choice is constantly being violated and the application of those remedies forbidden by law and made a penal offense. It is a most serious question, involving the liberties of the people in a matter of life and death and, to some of them, of liberty of religion and conscience.

I am not pleading for legislation in favor of any class or any mode of healing. What I insist upon is that no class shall be oppressed or prevented from doing their work by adverse and restrictive legislation. In short, I stand for liberty of thought and conscience, for justice to all classes and all people.

INEFFICIENCY AND DANGER OF MEDICAL HEALING.

In the preface to a pamphlet entitled "The Fallacy of the Prevailing Practice of Medicine," by Alexander K. Calhoun, it is very well said:

When the people see medical men so persistent, as they now are, in their attempts to establish a medical oligarchy in this State, and see millions of dollars of their money going into health boards, it is but natural for them to conclude that the time has arrived to thoroughly investigate the prevailing practice of medicine in order to determine whether or not the doctors give value received for their money.

In this same pamphlet are given the opinions and conclusions of many leading doctors reflecting more severely than I should want to do on their own profession. I give these quotations here, omitting the comments made upon them by the author:

Dr. Oliver Wendell Holmes, who was a past master in the practice of medicine, said: "Mankind has been drugged to death, and the world would be better off if the contents of every apothecary shop were emptied into the sea, though the consequences to the fishes would be lamentable."

The celebrated John Abernathy, professor of anatomy and surgery, Royal College of Surgeons, author of Surgical Observations on the Constitutional Origin and Treatment of Local Diseases, said: "There has been a great increase of medical men of late years; but, upon my life, diseases have increased in proportion."

Prof. Hermann Boerhaave, M. D., a celebrated German physician, said: "If we weigh the good that has been done to mankind by a handful of true disciples of Æsculapius against the evil wrought to the human race by a great number of doctors since the origin of the art of medicine to our own time, we shall doubtless come to think that it would have been better had there never been any doctor in the world."

Prof. C. A. Gillman, M. D., says: "A mild mercurial course and mildly cutting a man's throat are synonymous terms."

Prof. François Magendie, M. D., Paris member of the French Institute of Medicine, celebrated physiologist and teacher, wrote and lectured as follows: "Let us no longer wonder at the lamentable want of success which marks our practice when there is scarcely a sound physiological principle among us. I hesitate not to declare, no matter how sorely I should wound our vanity, that so gross is our ignorance of the real nature of the physiological disorder called disease that it would perhaps be better to do nothing and resign the complaint into the hands of nature than to act as we are frequently compelled to do, without knowing the why and wherefore of our conduct, at the obvious risk of hastening the end of our patients."

In addressing his medical class, he said: "Gentlemen, medicine is a great humbug. I know it is called science. It is nothing like science. Doctors are merely empirics when they are not charlatans. Gentlemen, you have done me the honor to come here to attend my lectures, and I must tell you frankly now, in the beginning, that I know nothing in the world about medicine, and I don't know anybody who does know anything about it. Who can tell me how to cure the headache, or the gout, or diseases of the heart? Nobody. Oh, you tell me doctors cure people. I grant you people are cured, but how are they cured? Gentlemen, nature does a great deal; imagination a great deal; doctors—devilish little, when they don't do any harm. Let me tell you, gentlemen, what I did when I was physician at the Hotel Dieu: Some three or four thousand patients passed through my hands every year. I divided the patients into two classes; with one I followed the dispensary and gave the usual medicine, without having the least idea why or wherefore; to the others I gave bread pills and colored water, without, of course, letting them know anything about it; and occasionally, gentlemen, I would create a third division, to whom I would give nothing whatever. These last would feel that they were neglected, but nature invariably came to the rescue, and all the third class got well. There was but little mortality among those who received the bread pills and colored water, but the mortality was greatest among those who were carefully drugged according to the dispensary."

Prof. William Cullen, M. D., famous teacher, lecturer, and author of the world-renowned Treatise on Materia Medica, published the following: "Our Materia Medicas are filled with innumerable false deductions, which are nevertheless said to be derived from experience."

Prof. Martin Payne, M. D., said: "Drugs do but cure one disease by producing another."

In the Philadelphia Record, April 9, 1905, Dr. S. Solis Cohen said: "Until quite recently one of the most efficacious remedies for tuberculosis in its milder forms was raw meat, which was given the patient at least once a day, but after a time we discovered that this had a tendency to generate tapeworms, and as a result the treatment is now practically obsolete."

John Mason Good, M. D., F. R. S., author of The Study of Medicine, in that work says: "The science of medicine is a barbarous jargon, and the effects of our medicines on the human system are in the highest degree uncertain, except, indeed, that they have destroyed more lives than war, pestilence, and famine combined."

Dr. Reid said: "More infantile subjects are perhaps destroyed by the mortar and pestle than in the ancient Bethlehem fell victims in one day to the Herodian massacre."

The celebrated Dr. Ramage said: "It can not be denied that the present system of medicine is a burning shame to its professors, if, indeed, a series of vague and uncertain incongruities deserves to be called by that name. How rarely do our medicines do good! How often do they make our patients really worse! I fearlessly assert that in most cases the sufferer would be safer without a physician than with one. I have seen enough of the malpractice of my own professional brethren to warrant the strong language I employ."

The venerable Prof. Alex. H. Stephens, M. D., of the New York College of Physicians and Surgeons, said: "The older physicians grow the more skeptical they become of the virtues of medicine, and the more they are disposed to trust to the powers of nature."

Francis Adams, A. M., M. D., LL. D., M. R. C. S., said: "We can not think of the changes in professional opinions since the days of John Hunter without the most painful feelings of distrust in all modes of treatment."

John Stileman Bostock, M. R. C. S., L. S. A., in his history of medicine, says: "And in the space of less than 40 years we have gone through three revolutions of opinion with respect to our treatment of typhoid, a disease of very frequent occurrence and of the most decisive and urgent symptoms."

Dr. Adam Smith said: "The chief cause of quackery outside the profession is the real quackery in the profession."

Prof. Reil said: "Our knowledge of the effects of medicine is empirical."

Thomas Smith, F. R. C. S., the great surgeon, wrote: "Medicine as a whole, as it comes to us, has none of the exact laws of science, nor are its doctrines capable of demonstration."

Deitrick George Kieser, a great physician and a highly esteemed authority in medicine, said: "In many cases the old saying holds good, that the remedy is worse than the disease, and the doctor does more mischief than the malady."

From a medical journal of April, 1904, we clip the following: "Drug treatment is useless in cases of pneumonia. The medical profession, so far as medicines are concerned, can be of no assistance in the fight against this disease. The sooner the profession will acknowledge this to the public, and set to work to discover some specific to save pneumonia patients, the better for all concerned."

This startling statement by Dr. Arthur D. Bevan, who stands high in the profession, has stirred up the members of the Chicago Medical Society at their meeting. Several physicians sprang to their feet to protest against this arraignment. All had to admit, however, that there is no definite remedy known, and they based their protests solely on the fact that they might influence the patient favorably and cure him solely by the moral effect of their presence.

From a paper by Dr. J. H. Kellogg: "Dr. Billings, president of the American Medical Association, in his address in 1903, at New Orleans, made the assertion, almost without qualification: 'Drugs do not cure.' Yet many thousands of medical men still plod on in the old beaten paths of artificial therapeutics, dosing their patients with varied drugs and combinations of drugs, regardless of the irrational character of such a course, and contend that they have abundant authority and precedent for what they do."

From the Philadelphia Record, May 5, 1905: "Dr. Oliver T. Osborn, of Yale University and president of the American Therapeutic Society, in his address on 'The Therapeutic Art,' delivered at the meeting of the society held yesterday in the pink room of the Bellevue-Stratford, said: 'The educated physician of to-day rarely speaks of curing, but constantly of managing a disease. He leaves the word "cure" for practitioners of a dogma, for quacks and nostrum venders. The management of a disease means the diet, hygiene, climate, water, electricity if indicated, and the necessary drugs.'"

Dr. James Gregory, who admittedly added as much reputation to the medical department of the University of Edinburgh as any other of her professors, said: "Ninety-nine in the hundred medical 'facts' are medical lies, and the most medical theories are stark, startling nonsense."

Prof. Marie François Cavier Bichat, M. D., French anatomist, biologist, physiologist, physician, and author, wrote: "Medical practice is said to be contradictory. I say more—it is not in any respect a profession worthy to be followed by sensible men."

Herbert A. Parkyn, M. D., said: "The laymen are familiarizing themselves with suggestive therapeutics and are healing and being healed by it in various guises, and they will soon be called upon to pronounce for or against it. Physicians are not in the class that will be permitted to pass final judgment on the practice of the healing art."

Charles Kidd, M. D., M. R. C. S., author of various treatises, wrote: "It is a sad and humiliating confession that at present our chiefest hopes of medical reform exist in the outer educated public."

Dr. J. Wylie Anderson said: "The doctors are desirous of medical legislation to protect the dear public—in fact, to save themselves. This country was sought for and founded by people of foreign lands, who fled from persecutions because of their beliefs, and the express constitutional provision was made that they were not to be interfered with in their pursuits of life, liberty, and happiness. All medical legislation is of itself in the nature of class legislation, asked for by the few and not by the masses. When the latter are happy and are not seeking redress, why should the former force upon them medical restrictions, unless from selfish motives? While believing in the highest education and qualification, I, for one, do not wish to stand for such methods; and until the demand is made by the people I am an advocate of liberty in things medical and of giving to every adult the right to pursue in his own way any method of healing that appeals to him, proving to himself the good or bad of each dogma.

"Our lawmakers should remember that the Indian tribes, with their limited amount of learning and intelligence, successfully healed themselves for ages past, as was demonstrated by their ability to endure fatigue, exposure, and hardship. Then surely the whites at this day, with their far more learning and intelligence, are capable of selecting the safest and best methods of healing, and therefore should not be prevented from exercising this privilege by State medical laws created for the sole benefit of a class of physicians who follow the dispensary as aforesaid and attempt to cure one disease by producing another. Why should these doctors be entitled to receive any recognition or protection from the State? Why should a vast army of these men have the right, as they now have, to give to sick people anything they please, even though it be patent medicine from the drug store, without the least idea why or wherefore, kill or cure? Why are State laws made to encourage and protect such practices? Is it any wonder that Oliver Wendell Holmes said mankind has been drugged to death? And does not the fact of there being about four times as many doctors in this country as are needed explain why the Americans are the shortest-lived people on the earth, the average being but 24.9 years? This marks the difference between the present condition of the whites and that of the old Indian tribes.

"As the doctors now want a national health bill passed, it will be well for us to seriously consider the question, Shall the American Medical Association or the people control this country in the future?"

Mr. President, this is melancholy reading to people who have been taught to rely upon the doctors and their medicines for relief in case of sickness and disease and who are dependent upon them for help. To thousands of us who have ceased to be dependent upon such remedies for the healing of disease it is only the revelation of the great truth that disease can not be healed by material means.

It is admitted on all sides that there are many well-known diseases that, from the standpoint of the medical doctor, are incurable. Before these the doctor stands entirely helpless and is forced to admit it. *And these are the diseases that need to be cured.* The others will get well of themselves. So where the doctor or some other healing influence is needed he and his remedies are useless, and in the others he is a needless expense and his drugs often create diseases and deadly habits that did not exist before. The only need of the doctor—and in this respect he is useful and does much good—is to allay the fear that engenders disease and often prevents recovery. Faith in the doctor allays fear and promotes and often brings about recovery from functional or curable diseases; but bread pills flavored with the faith and confidence of the patient are just as effective and much less dangerous than all the drugs he may administer. This is well known and acknowledged by nearly all of the doctors themselves, and is coming to be well understood by others.

Perhaps the worst feature of the doctors' mistakes is their wrong diagnosis of cases. The inability to properly diagnose a case is not necessarily an evidence of either incompetency or negligence. There are certain diseases that can be discerned by the layman, the symptoms are so evident. There are others that baffle and deceive the most skillful physician or surgeon. So I am not holding the doctor as always culpable in making such mistakes. But many of them are culpable, and their diagnoses are the result of either incompetence or carelessness. But whatever the cause of them, the large percentage of such mistakes has resulted in the most disastrous consequences and untold suffering. They show also what I am trying to demonstrate, namely, the uncertainty of medical and surgical practice. They not only fail to heal, but they kill untold numbers, how many no one can tell. Dr. Richard C. Cabot, holding a chair of medicine in Harvard University, author of a standard textbook on physical diagnosis, and probably one of the ablest physicians in the country, delivered an address before the American Medical Association at its annual session of 1910 entitled "A study of mistaken diagnosis." It is an exceedingly interesting paper that has been very favorably commented upon, and the doctor very justly commended for his courage and frankness in disclosing his own mistakes in diagnosis. I take the following extract from an editorial of the National Druggist as giving a brief statement of the result of the showing made:

The analysis, as may be supposed, is a very comprehensive one, embracing almost every type of disease in various stages and manifestations, and represents a careful and systematic investigation of every case, both before and after death. *Its net result shows that the diagnosis was correct in only about 50 per cent of the entire aggregation of cases. In the other 50 per cent the post-mortem demonstrated that he was mistaken in his diagnosis, either by commission or omission; i. e., he had either diagnosed conditions which were not present or had overlooked those that were there; and it must be borne in mind that in this 50 per cent of correct diagnoses there were a large number of cases of diseases whose manifestations are so plain that the merest tyro in medicine would recognize them almost at a glance,* such, for instance, as typhoid fever, diabetes, pneumonia, meningitis, valvular disease of the heart, and others which present a well-marked and easily recognized group of symptoms.

It is therefore plain that if all these simple cases had been eliminated the proportion of mistakes would have been much greater, for, according to Dr. Cabot's statements, the percentage of correct diagnoses reached the low figures of 16 per cent in acute nephritis, 20 per cent in acute pericarditis, 22 per cent in chronic myocarditis, 33 per cent in broncho-pneumonia, and so on.

Now, if a man of Dr. Cabot's recognized supremacy in the field of diagnosis, with the courage and candor to face the real facts, confesses that he is only able to make a correct diagnosis in something like 50 per cent of all the cases that he undertakes, and considerably less than that in those diseases which make anything like a tax upon expert skill, what is the irresistible conclusion concerning the thousands of practicing physicians whose skill in this direction is admittedly far below that of Dr. Cabot, who have not the facilities that lie at his command and whose opportunities for verification or disproof are practically nil?

The following brief statement along the same line is taken from the London Daily Mail of June 24, 1907:

MISTAKEN DIAGNOSES.

In the annual report on the work of the Metropolitan Asylums Board, published to-day, it is noted that the cases of mistaken diagnosis admitted number 2,151. The percentage of error amongst cases certified as scarlet fever was 5.2 and amongst diphtheria cases 18.3.

The mistakes amongst cases certified as enteric fever were very numerous, being 33.7 per cent for all hospitals, and attaining the extraordinarily high figure of 52.1 per cent amongst the admissions at the South-Western Hospital.

An investigation by the hospital investigating committee showed that autopsies upon patients that died in Bellevue Hospital showed that 47.7 per cent of the diagnoses of diseases in that hospital were mistaken. The superintendent of that hospi-

tal is reported to have said that that was a very good showing, and that in the Massachusetts hospitals the average of erroneous diagnoses ran higher than 50 per cent.

As the doctors believe that different diseases call for different remedies, that each disease is caused by a different germ and can be healed only by a microbe whose business in the economy of things is to destroy that particular disease producer, the disastrous consequences of missing the disease and its germ in half the cases and prescribing the wrong microbe in the form of a serum or in some other preparation may well be imagined. It is not to be wondered at that the patients became the subjects of an autopsy, to find that their death more than likely resulted from the mistaken diagnosis of some doctor, whose good intentions may be conceded after the death of his patient and a revealing autopsy.

MISTAKES AND TERRORS OF SURGERY.

Surgery has become one of the most common remedies for disease as well as injuries. It is more scientific in its operation than the practice of medicine. Some surgeons have become wonderfully skillful in the use of the knife. They apparently vie with each other in the effort to show how far the human body can be carved and mutilated and the patient still live. The desire to use the knife has become a mania with many surgeons. No one who has noticed the extent to which surgery is resorted to in these modern times can fail to know that thousands of lives are needlessly sacrificed and thousands of persons made invalids and cripples for life by this means. This occurs sometimes from the eagerness to operate but more frequently from ignorance and incompetency, but more commonly still from wrong diagnosis of disease. A conspicuous case of the latter was called to my attention a short time ago, where a bright young boy was saved from an operation by which he would have been made a cripple for life and which was declared by expert surgeons to be necessary to save the child's life. The facts, briefly stated, are these, as I had them from the lips of the boy's father: He was taken violently ill and was suffering agonies of pain. Specialists in surgery were called in, who, after examination and consultation, pronounced the case one of spinal meningitis. They informed the parents of their conclusion and that the only remedy was an operation that would mean curvature of the spine and make the boy a cripple for life. I knew the child, and his parents have been my friends for many years. He was a boy of fine promise and until then strong, hearty, and vigorous. The agonized parents, in this extremity, asked leave to call in their family physician, who was not an expert surgeon. The surgeons consented. The physician came and, after a careful examination in the presence of the others, said to them: "This boy hasn't a single symptom of spinal meningitis. There is nothing the matter with him but a stoppage of the bowels." He gave him a simple remedy for that trouble, and the next day the boy was playing out in the yard. The father, who is a man of high character and a prominent banker in my home city, said to me that he trembled yet when he thought how near his boy Jack, who was the apple of his eye, came to being made a lifelong cripple by the surgeon's knife.

Another case that came under my personal observation, and of which I shall speak in more detail before I have concluded, was that of a young child 3 or 4 years old. She had serious trouble with one of her eyes. As in the other case, specialists were called in. They reached the conclusion that there was a malignant growth behind the eye, presumably cancerous, that could be cured only by an operation. They informed the parents that the operation would be so delicate and dangerous that no one in Los Angeles would undertake it, and advised the parents to take the child to eastern surgeons as the only means of saving her life. The parents did not take the advice, and the child was soon after healed by other means, as I shall explain later on.

These are two striking cases; one of wrong diagnosis, that would, but for the forethought of the parents, have resulted in a tragedy, the other from the mistake of the doctors in believing that there is no means of healing but their own. These two young lives were saved from the knife in spite of the mistakes of the doctors; but how many lives, young and old, have been sacrificed by such mistakes followed to their ghastly conclusions none of us can tell. There is no means of knowing. But surgeons and physicians, many of them conscientious and humane, deplore this condition more even than the laymen. They realize it more and probably sympathize with it less than we do, because they can comprehend its fearful consequences better than we can. Such as these have protested against and pointed out the frequency and the dreadful consequences of mistaken diagnosis and too frequent operations.

This is shown by the following account of the proceedings of the American Medical Association at the session of June, 1912, taken from the Philadelphia North American:

SURGEON ROUNDLY FLAYS HOSPITAL INCOMPETENCE—DR. JOHN B. MURPHY SAYS CLUMSY MEN AND UNSKILLED ANESTHETIZERS CAUSE MANY DEATHS AND OPERATIVE FAILURES.

[By J. Solis-Cohen, jr.]

ATLANTIC CITY, N. J., *June 5.*

A bomb was exploded in the camp of the hospitals late this afternoon when Dr. John B. Murphy, of Chicago, one of the most distinguished surgeons in America, declared at a meeting of the hospital section of the American Medical Association that these institutions suppress the number of deaths and infections occurring after operations in order that the medical profession generally and the public shall not learn of the surgeon's failure and carelessness in operating.

He also declared that a halt should be called in the use of vaccines, which he terms most dangerous and wicked playthings; that the greatest mortality in a hospital is caused by incompetent men administering anesthetics; and concluded his remarks by stating that things occur in a hospital that would not stand the light of day, and unless the institutions themselves forbid the use of their operating rooms to clumsy and unskilled surgeons there is a danger of the legislators stepping in.

Dr. Murphy's remarkable paper was a complete surprise to the members of the section, which is chiefly composed of medical directors of hospitals and sanitariums and members of the medical staff. In view of the recent investigation of certain Philadelphia hospitals, as well as municipal institutions in Atlantic City and other places, it is evident that Dr. Murphy's address will be given careful consideration and his recommendation that the American Medical Association, through State committees, collect mortality statistics about every hospital in the country, carried out at once.

Mr. President, take, for example, the recent craze for removing the tonsils by surgery. This generally useless and cruel torture of young children has come largely from the modern medical idea that the public health calls for the enforced examination of all school children.

Dr. John M. Mackenzie, professor of laryngology and rhinology in Johns Hopkins University, has discussed this phase of the subject quite freely and frankly, condemning in strong terms the craze for the indiscriminate and useless removal of the tonsils. I take some extracts from an article of his on "The massacre of the tonsils":

During the past years I have been repeatedly urged by medical friends to give some public utterance by way of formal protest against the indiscriminate and wholesale destruction and removal of the tonsils, which, far above all others, is the chief and most glaring abuse in the laryngology of the present day. They have been good enough to say that a word might not be amiss from one who has been through the dust and heat of the conflict that has raged around this and other fancies in surgical laryngology which have arisen and fallen during the quarter of a century that has just passed away.

One of these friends, a distinguished general surgeon of wide experience, large practice, and exceptionally high professional skill, in insisting that I say something on the subject, gave me as his deliberate opinion that of all the surgical insanities within his recollection this onslaught on the tonsils was the worst, not excepting the operation on the appendix. And, indeed, when I look back through an experience of over 30 years, in which I have seen theory after theory, for some of which I have been partially, if not wholly, responsible myself, come and go, materialize and dissolve, I feel that, notwithstanding the fact that I approach the subject with reluctance, with diffidence, with hesitancy—with even timidity—and fully mindful of the truth that we are all liable to error, even the youngest of us, and that nowadays in some quarters apparently age and experience count for nothing, I feel I may be pardoned for saying a few words in what I consider to be the interest of the public health and therefore of the public safety.

Let me at the outset be not misunderstood. It is not my object to stir up strife, to impute unworthy motives to anyone, or to arrogate to myself any superior wisdom in the surgical management of tonsil disease.

Nor do I wish to shift to other shoulders all the blame. I, too, in my earlier days have fallen by the way. Indeed, it was once facetiously said that the street in front of my office was paved with the turbinated bones of my victims.

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Many years ago Austin Flint was conducting an examination in physiology at the Bellevue Hospital Medical School in New York. Among the students who came up for graduation was a bright young fellow to whom Flint propounded the following conundrum: "What is the function of the spleen?" And the lad replied that the function of the spleen was to enlarge in malarial fever. To the next question, "What is the function of the tonsil?" the boy declared that the function of the tonsil was to swell and suppurate in quinsy. "That will do," said Flint, "you have passed a perfect examination, for you know as much about the subject as I do myself." * * * I remember a long time ago in a discussion on hemorrhage after tonsillotomy before a New York society a distinguished laryngologist made the statement that he had removed without accident many thousands (I have forgotten the exact number) of tonsils, to which declaration an inquisitive, incredulous individual present, with a mathematical turn of mind, said he had made a calculation which showed that in order to have removed that many tonsils within the limit of an ordinary lifetime the operator would have to average a bushel a day.

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But never in the history of medicine has the lust for operation on the tonsils been as passionate as it is at the present time. It is not simply the surgical thirst from which we have all suffered in our earlier days, just as at a still earlier period we suffered from the measles; it is a mania, a madness, an obsession. It has infected not only the general profession but also the laity.

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In the annual reports of nearly all the special hospitals for diseases of the nose and throat, the number of tonsils removed, as compared

with all other operations on the upper air tract and its appendages, is simply appalling. In conspicuous and refreshing contrast to the usual narratives of these productions, let me quote from the last report of a well-known children's hospital in this city these words of sanity and wisdom:

"The recent universal inspection of the throats of school children has revealed the fact that nearly all children at some time of life have more or less enlarged tonsils.

"That most of these are harmless if not actually physiological, and that their removal in these cases is not only unnecessary but injurious to the proper development of the child is our conviction.

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"Much wild and incontinent talk, for which their teachers are sometimes largely to blame, has poisoned the minds of the younger generation of operators and thrown the public into hysteria. Tonsillectomy, for example, is held out to them not only as sure cure for but as an absolute prophylactic against rheumatism and heart disease. They are told with the disappearance of the tonsil in man these diseases will cease to exist. Parents bring nowadays their perfectly sound children to the laryngologist for tonsil removal in order to head off these affections. Tonsillectomy is recommended as a curative during the agony of acute articular rheumatism.

"But the origin of the latter disease has recently been traced to an infection of the nasal mucosa following operation. To-morrow it will come from somewhere else. Those of us who are old enough to remember will recall the story of chorea. Years ago we found the cause of this affection in the nasal passages. When this view, after the usual struggle, had to be abandoned, it was suddenly discovered that the eye was the portal of entrance. To-day it has been caught in the tonsil. If we exercise a little patience, it will turn up soon in some other organ.

"In considering the question of operation on the tonsils, and especially complete removal, we must face the following facts:

"1. The functions of the tonsils are, in the present state of our knowledge, unknown. * * *

"2. Whatever its functions may be, and the production of leucocytes is undoubtedly one of them, the tonsil is not, as is generally believed and taught, a lymphatic gland.

"The general ignorance of this fact has led to the useless sacrifice of thousands of tonsils, on the fallacious assumption that their functional activity may easily be replaced by the myriads of other lymphatic glands in the body. The physiological integrity of the tonsil is of the utmost importance in infant and child life."

Dr. Mackenzie is one of the ablest of his profession, and we owe him a debt of gratitude for his fearless exposure and condemnation of this tendency to use the knife unnecessarily and to the injury of the health of its unfortunate and unprotected victims.

Dr. R. K. Smith, in a health talk at the Sunday Commons in Huntington Chambers, Boston, February 1 last, is reported to have praised Dr. Cabot for having exposed the appalling facts relating to the mistakes of the doctors in their hospital work. As reported in the Boston Post, "he showed how fashion instead of actual sickness might play a great part in the treatment of patients by telling that recent investigations indicated astonishing numbers of unnecessary operations in those two fashionable diseases, enlarged tonsils and appendicitis, and that 17 per cent of the appendixes removed at a Boston hospital were shown by autopsies to be normal," and told of a professor at the Johns Hopkins Medical School who declared in a recent treatise that the street before his office was "paved with tonsils that should never have been removed." The pathetic story is told of little Leroy Atkinson, 8 years old, who drew straws with his sister, aged 6, to determine which should undergo an operation for adenoids first. He lost the cut, went bravely to the operating table, and in a few moments was dead. William C. Johnson, 37 years old, died on the operating table in a hospital in Indianapolis, reported to be from the anesthetic. He was undergoing a slight operation on his toe. Complaint was made that Mary E. Mitchell was forced, against her will, to undergo an operation at the Bayview Asylum, Baltimore, Md., from which she died soon after leaving the operating table. Minnie Light, after a sickness of three days, died in Berlin, N. H., alleged to be from a delayed operation for appendicitis after being treated for some other disease through mistaken diagnosis. John Mehrer died in the General Hospital at Spokane, Wash., from an operation on the tonsils. Verne Alexander, aged 8 years, died from the same cause in the office of the surgeon who performed the operation, in the same city, November 22, 1911. At the same hospital in that city, August Mengelkemp, 16 years of age, died from an operation on November 24, 1911. The cause was not learned, because, as reported, the doctors "refused to discuss the case." The 4-months-old child of Mr. and Mrs. Fred R. Wood, Hammond, Ind., September 26, 1914, died from an operation. Oliver Cramer, aged 15, August 18, 1914, at Gloversville, N. Y., died from lockjaw, resulting from vaccination. Twin children of Mr. and Mrs. W. C. Ulmer, Bloomingdale, Ind., aged 5 years, died August 28, 1914, from an operation removing their tonsils. Mena Smith, aged 15 years, daughter of Mrs. O. G. Smith, Salem, Oreg., died August 14, 1914, from the effects of an anesthetic given for operation for tonsillitis. Thousands of such deaths have occurred in this country. The few I have mentioned have been gathered from the local newspapers and reported at the time of their occurrence.

The custom of splitting fees for performing operations has become a common source of revenue for family physicians. This will explain to some extent the enormous number of operations that are being performed. It pays. This scandal was lately exposed by the Chicago News. The following article from the Kansas City Star, reproduced in the Humboldt Union, quoting from a paper read by Dr. Child before the Jackson County Medical Society, will explain the situation:

TOO FREE WITH THE KNIFE—GRAFT AMONG PHYSICIANS SAID TO CAUSE MANY DEATHS.

Fee splitting between family doctors and surgeons who perform operations has been taken up by the Jackson County Medical Society. It has been openly charged in a meeting of the society that "Commercialism, with its parasites, speculation and graft, has a strong hold in the medical profession in Kansas City." Those were the words of Dr. Scott P. Child, chairman of the board of censors of the society, at its last meeting.

It is charged that so universal has become the practice of fee splitting between the physician who gets a case and the surgeon who performs the operation, not only in Kansas City, but throughout Missouri and Kansas, that many physicians get their principal income from their half of the surgeon's fee, and that patients who are in need of operations are hawked around by the family doctors among different surgeons to see which one will give the biggest per cent of his fee to the physician.

But more startling than all is the charge that the family physicians, being enriched by their share of big surgical fees, are straining a point and urge operations where no operation is necessary, and that many have died from this manhandling of patients for big fees.

In the paper which he read before the Jackson County Medical Society Dr. Child made the following statement:

"That such fee splitting is a fact is common history the country over, most flagrantly practiced in our neighboring State of Kansas, and, to our regret, the custom prevails among the profession in this city. To the uninformed, to the doubters, or to those who may believe that proof is wanting, or who, as guilty, may demand evidence to prove their guilt, permit me to say that plenty of proof is in hand and more proof is within easy reach if our society acts upon it as it should."

In his paper Dr. Child made the following specific charges:

"During the last month a physician, a graduate of one of our local medical schools, stated that he had referred operative cases from his town, about 100 miles from Kansas City, to a surgeon and former teacher of his, and that after the operation the surgeon had mailed him a check.

"Recently, on request of the chairman of the board of censors of this society, a member of this society confessed that he had mailed several letters to members of the profession in general practice in which he stated that he was now practicing surgery and was prepared to attend to any work they might refer to him, and concluded by saying: 'The business consideration will be satisfactory.'

"A local physician only recently committed himself in speaking of the number of surgical cases he was referring to a surgeon in this city, of the fees charged, and the fact that he, the physician, received one-half of the money paid by the patients.

"A member of this society, upon graduating a few years ago, and having eye cases to refer to an ophthalmologist, went to a local man of practice and ability and solicited a fee on cases he might refer for special eye treatment. The oculist very honorably refused to buy cases or to pay percentages; and the physician has not referred any cases to him since. Within the past two weeks this same physician referred a special case of another type to a certain specialist in this city and again demanded a division of the fee.

"A very busy surgeon of this society went into a country town to perform an operation upon a boy for appendicitis. The boy was the only child of a family of moderate circumstances. The family physician in the case mailed a check for $500 to the surgeon through a local bank. The surgeon immediately remitted a draft for $200 directly to the family physician. I could give many other instances."

I also call attention to the following item in the Chicago News of January 11, 1911, cabled from Paris, showing that this despicable practice is widespread:

"The scandals of commercialized medicine exposed by the Chicago Daily News," said Dr. Doyen, one of the world's most noted surgeons, "exist not only in America but throughout the world, and are most disgraceful where civilization is supposed to be the highest."

In an interview to-day Dr. Doyen described to the correspondent of the Daily News his experiences and suggested what he believes to be the only remedy. Dr. Doyen was found in a Paris hospital, where he had just completed an operation. He was still wearing his white coat and apron and rubber gloves when the correspondent told him of the articles in the Daily News.

HE PRAISES PUBLICITY WORK.

"That is the best work done by a newspaper in the last decade," he said heartily. "Certainly the horrible situation described exists in France, Germany, and England. It is everywhere, and publicity given it by newspapers is the best remedy. I hope that publications throughout the world will take up the work begun by the Daily News. While undoubtedly there are many honest physicians, civilization to-day is plagued by hordes of men who are worse than the charlatans of the Middle Ages. The evils existing in the days of Molière still flourish. Read the Malade Imaginaire and other plays of Molière and you will find everything, including the doctor who impresses the patient by spouting a string of almost meaningless Latin medical terms."

"What are some of the instances of quackery that you have observed?"

SAYS MURDER IS DAILY EVENT.

"Fee splitting is the commonest. Operations by incompetent surgeons are being performed continually and actual murder is committed in this way almost daily. Other physicians form a ring to exploit a patient, passing him from one to the other, saying, 'Go to Dr. Jones for the eyes, to Dr. Brown for the ears, and to Dr. Smith for the stomach,' etc. One of the commonest witticisms of doctors is: 'A millionaire always has a little piece of cartilage in his nose which can be removed for a large sum of money.' Only last week I overheard one surgeon ask another, 'Why did you operate on So-and-so

for cataract before it was ripe?' 'If I had done otherwise, my patient would have gone to another doctor,' was the reply.

"The truth is that medical science has advanced with such rapidity recently that not a few physicians are lost. Intelligent laymen understand modern medical discoveries as well as many professional men, and often better. There is no excuse for a doctor's not explaining a patient's condition in simple language if he knows what the matter is and can explain so the patient can understand. When a doctor does not know he always spouts Latin.

HAS TO KICK OUT LEECHES.

"Physicians telephone to me daily, saying that they have patients requiring operations and asking what commission I will give. When I ask leave to examine the patients they decline to allow it before I have fixed my commission. Sometimes I have to kick such leeches to the door. I also know of several cases of alleged operations in laparotomy when the surgeon merely cut the skin and resewed it.

"Other charlatans, when they hear the name of a man who is about to undergo an operation, search for the name of the surgeon in the case, and sometimes they come three or four at a time demanding commissions, pretending that they are the family physicians of the patient."

"Is it possible for an ordinary physician in Paris to live without such practices?"

"Assuredly, if he is honest."

CHARGE ACCORDING TO WEALTH.

"Do you believe that a doctor should charge in proportion to the wealth of the patient?"

"Yes; because all physicians make no charge to the poor. Also, I believe that a family physician should have a commission when he is forced to advise a patient to go to a specialist. However, instead of the specialist giving the commission secretly, the patient should pay each openly."

"How do you determine the financial status of a patient?"

"The fee should always be discussed and decided before the treatment is begun. People should learn to buy a doctor's services just as they buy clothing."

"Do you believe that such a business arrangement would tend to eliminate the evils mentioned?"

"The evils are due largely to the stupidity of the public, which does not take pains to discriminate between good and bad doctors. The daily press, through leading medical men, should educate the people to use the same common sense regarding the treatment of illness that they use in business."

The following statement of B. F. Goldman, of his experience with the operating doctors, as given in the Boise (Idaho) Capital News of February 23, 1913, is interesting in this connection:

"Several years ago," said Mr. Goldman, "I came to Boise with a swelling in my throat, and, becoming anxious as to what it was, I visited a half dozen of the most prominent physicians and surgeons of the city. Without exception these experts all informed me that I was suffering from goiter and advised me that an immediate operation was necessary. Naturally I did not relish the idea of being cut any more than the average citizen, so I hesitated. I even visited a Chinese doctor, who, to his credit, was the only one among the number visited who advised me against an operation.

"Believing that if I was suffering from such a serious ailment, and must be operated upon, I felt loath to intrust my life to the hands of any but the best surgeons I could find. Accordingly I visited Dr. Housner, of Salt Lake City; Dr. Hamilton, of Topeka, Kans., and others. Without exception the doctors whom I visited outside of Idaho informed me than an operation was not necessary, laughed at my fears, and told me to 'go home and forget it.'

CURE WITHOUT OPERATION.

"With fear and trembling I took their advice, because the idea of being operated upon was repugnant to me. To-day I have no trace of a goiter or any other swelling visible on my throat, and have not been treated in any way for the ailment.

"A number of weeks ago I was lifting a huge bowlder in the mine and suffered a hernia. The local doctor told me that an operation would be necessary, and I hastened to Boise. Here I was told by several physicians and surgeons of high standing that I was suffering from an irreducible hernia and that an immediate operation, costing some hundreds of dollars, would be necessary. I was likewise advised to eat nothing, as eating food, I was told, would kill me. Again I visited a number of physicians and surgeons and finally heard of one who had prevented an operation upon a prominent citizen.

"As a last despairing hope I visited him. After an examination he told me that he would show me in five minutes that my hernia was 'reducible.' In a few moments this physician, with his bare hands, reduced the hernia and to-day I am as sound as ever I was, and that without the use of the scalpel.

"If I had been operated upon I would more than likely be in my grave by this time, or at least would have been injured for life. The instances I have cited are merely my own experiences. I know of many more similar cases and of others in which it is very apparent that surgeons have either operated upon sound persons through ignorance or else for the monetary consideration.

"The only protection for an abused public is legislation which will make the surgeons and physicians legally as well as morally responsible for errors in diagnosis, as well as in deliberate cases where the knife is resorted to in order to collect the big fees usually charged in such cases."

The following comments of Dr. George R. Cruickshank on the work of his profession are interesting and encouraging. They are taken from the Detroit Times, of November 23, 1910:

Dr. George R. Cruickshank, of Windsor, member of the Ontario Medical Council for the counties of Essex, Kent, and Lambton, and one of the leading members of the medical profession in the Dominion, is the author of the foregoing statements. He made them to the Times in his office in Windsor Wednesday morning while commenting on the book Medical Chaos and Crime, recently written by Dr. Norman Barnesby, of Chicago. A review of Dr. Barnesby's book appeared last week in the Times, and caused no end of comment among the doctors of the city and vicinity. Dr. Barnesby, among other things, charges that ignorance, commercialism, and criminal indifference on the part of many doctors are responsible for much human suffering, and that many young physicians obtain experience at the cost of patients' lives.

"I have seen a number of reports on Dr. Barnesby's book," said Dr. Cruickshank, "and I have come to the conclusion that it is really my book. Dr. Barnesby has said just what I planned to say myself when I got the time to write it. But Dr. Barnesby has got ahead of me in regard to having his views placed in book form. For years I have been voicing the sentiments expressed in Dr. Barnesby's book. I have made known my views in papers before medical societies, and taken advantage of every other opportunity to let the medical profession and public know just how I feel about operations. Certain doctors in Detroit and elsewhere have been performing unnecessary operations for years. Abdominal operations have been performed on men and women for no just cause at all. For these operations the patients have paid fabulous sums. Then you may ask, 'Is there graft in medicine?' I am afraid so, and the grafting is made easy by the high standing of the profession. But the worst offenders are not the young doctors; the leaders of the profession are guilty. Thousands of operations are performed which were better left undone. Perhaps the grafters were enthusiasts, not thieves. If that be not the case, then the offending doctors are worse than the man who robs you with a dark lantern and a 'billy.'

"Young doctors operate better than the older ones, but they don't know when to do so. When a man is sick the great question should be, 'What should be done?' The patient should be glad to give his automobile for the answer. He gives too little for advice and too much for the operation. When a man knows he should give $100 for advice before he gives $10 for an operation he will avoid some graft. Meanwhile the grand old profession is at heart self-sacrificing and noble.

"I have seen hundreds of operations which were not necessary, and I will venture to say that no Detroit physician will deny that thousands of operations performed in Detroit are unnecessary."

Dr. Cruickshank deplores the surgical excesses to which the profession has gone in regard to appendicitis, for one thing. In addition to declaring that 75 per cent of the operations for the disease are not necessary, the doctor proudly points to the fact that no patient of his is ever unnecessarily operated on for the ailment. He believes in medical treatment for the cure of the disease.

"No patient suffering from appendicitis should be operated on until it is seen that an operation is absolutely necessary," said the doctor. "Most cases can be cured by proper diet and the administration of medicines and hot or cold applications to the affected portion of the body. Not one of my patients is among those operated on in Detroit, I am glad to say. The appendix is in the body for a purpose, and is not a useless appendage, as claimed by some operators."

Speaking on the practice of removing tonsils, Dr. Cruickshank said:

"The fad just now is to remove tonsils. They should not be removed at all. Tonsils are necessary in the throat, otherwise they would not be there. They stand in the throat like two sentinels, ready to take care of any germs which may gather there.

"Some doctors remove them because they get enlarged, but I don't think that is any reasonable excuse. If they become enlarged, it must be for some purpose, probably so they can take care of more than an ordinary amount of germs in the throat. I would remove a tonsil only in case of its being diseased.

"But, happily, customs are changing. While operative excesses are the rule just now, 10 years from now the operators of to-day will be looked on as barbarians. There will be but little unnecessary operating in the future."

But, unfortunately, the criticisms and advice of such members of the profession as Dr. Cruickshank have been of little, if any, avail. The dangerous and life-destroying operations in great and unnecessary numbers still go on. Some time reason and justice may overcome cupidity and greed as the result of wise counsels such as these.

EFFICACY OF CHRISTIAN SCIENCE HEALING.

Mr. President, I can not speak with authority or from actual knowledge of the healing influences of the various schools of medicine and other means of healing except Christian Science. I have had personal experience in abundance with the so-called regular school of medical practitioners and with homeopathic physicians and a limited experience with osteopathy, none of which were satisfactory. I know nothing of the others except from hearsay. I have no doubt all of them have done much good and some have done less harm than others. The schools of medicine, called irregulars by the allopathic school, have each been compelled to fight their way against the regular school. They came into existence as a protest against the inefficiency of the regulars. The old-school doctors, with their powerful political organizations, have persecuted them with a shocking degree of bigotry and intolerance. They have persecuted them through unjust restrictive laws procured by them from altogether too trusting legislative bodies, but in spite of this persecution these new schools of medicine have been established with more or less success and have gained a greater or less degree of public confidence and favor. All of them have their followers who believe them to be the best means of healing their diseases and ameliorating their sufferings, and the stronger their faith in them the more benefit they derive from their ministrations, but much of this faith and confidence has been misplaced, and as a result many lives have been needlessly sacrificed, many people have unnecessarily been made suffering invalids for life, and many more have been made the hopeless victims of degrading and degenerate habits, caused by the dispensation of habit-forming drugs, that are worse than death. So it is a grave question whether medical practitioners have not done the human race more harm than good. My own experience and observation leads me to believe they have. But some other people do not agree with me. They believe in the different schools of medicine, some in one and some in another. So long as they

believe in these remedies they should be protected in their right to resort to them for relief. Naturally practitioners of the various schools of medicine each believe that his school and his medicines are the best and most efficacious of all. But it is a well-known and now an almost uniform belief that there are no healing qualities in drugs. Some of them deaden and destroy the feeling of pain and suffering and give temporary relief, but they do not heal disease. Their effect is temporary and fleeting. As they lose their power over consciousness or feeling the pain and suffering return often with redoubled fury. The anæsthetic destroys consciousness and feeling while the surgeon wields the knife. This is a blessing if the operation is necessary, but it has resulted in many unnecessary operations with deadly consequences.

Mr. President, there is one remedy about which I can speak with confidence and certainty from my own personal experience, confirmed by like experiences that have come under my own observation. I was healed in Christian Science when death was near and after all hope of relief through medical practitioners had been abandoned after long and faithful trial of such remedies. I have seen and known of other cases of healing, many of them of organic and so-called incurable diseases, and after medical practitioners had given up the patient as hopelessly incurable. I am going to call some of these cases of healing to the attention of the Senate, not to advertise Christian Science or to induce anyone to accept or resort to it for relief. Its adherents do not proselyte or advertise it or persuade anyone to accept it. My sole purpose now is to show the cruel injustice and folly of legislating against it in favor of any other means of healing. If it saves lives and ameliorates and mitigates sorrow and suffering and regenerates humanity morally and physically where no other relief is to be had, as I shall show it does, it is not only cruel, it is criminal, to forbid or hinder *those from* doing so who administer its benefits or who resort to it for relief. I would not have anyone infer from the showing I am about to make that it is, as it is now administered, an infallible remedy and always heals. It does fail to heal sometimes, altogether too often, as all remedies must of necessity do when administered through human imperfect instruments. Some of its patients are disappointed and return to the doctors. They have so long been accustomed to be thumped and pounded and dosed and carved that the quiet and silent Christian Science treatment is too tame for them. They think nothing adequate is being done. Doctors often boast of this return to them of those who have taken up Christian Science as convincing proof that the treatment of disease in that way is a failure. But the fact that thousands of patients have left them for Christian Science never to return, or the fact that those who do return get no relief and are doubly disappointed, makes no impression on their minds, but leaves them strong in the faith that nothing but their method is scientific, regular, or effective. But I am prepared to show that while it fails in individual cases, for reasons that can not always be known or understood, it has healed thousands of cases that under materia-medica treatment would have been incurable. I think I can say with perfect truth that there is no disease not subject to its healing influence, including all of the diseases that are given up by the medical fraternity to be incurable. I am going to give you a few of these cases, many of them coming under my own personal knowledge and observation, the others known to me, through those who have furnished them to me at my request to use as I am now about to use them, to be undoubtedly true and reliable accounts of cases of healing thoroughly authenticated. To mislead anyone by false or unfounded claims in a matter so grave and so important would be cruel and inhuman.

If I have myself been misled as to any of them, I should never cease to regret it. I have for these reasons taken the greatest care in procuring the statements I am about to submit for the candid consideration of the Senate. I shall take the liberty as I go along to state the source of my information and the character and standing of the persons from whom I have received it. None of it has been volunteered. In every instance it has been furnished at my request, with an understanding of the use I intended to make of it. I have called for information from those only upon whose word I felt I could implicitly rely.

Mr. President, I first call attention to a case that came under my own observation, and of which I had personal knowledge. I have mentioned the case in calling attention to the uncertainties and perils of surgery. With as little repetition as possible, I review the facts here. The case is that of a young child 3 or 4 years old, the only daughter of a prominent young business man of Los Angeles, Cal. When I first saw her, she was a beautiful child, with the exception I am about to state. One of her eyes was diseased from infancy; it was believed from birth. The eye and the surrounding parts were badly inflamed, and the eye protruded and seemed almost ready to escape from the socket. This condition gave the side of the face a distorted and distressing appearance. Looked at from one side, the child had beautiful and regularly formed features. From the other side her appearance was repulsive. She was first attended by the family physician, a very worthy and competent member of the profession, whom I know personally. He was unable to give relief. A consultation of specialists in diseases of the kind was called. They concluded that there was a malignant growth, presumably cancerous, behind the eye, and that an operation was necessary to save the child's life. They informed the parents that the operation was so delicate that no one in Los Angeles would undertake it, and advised that the child be taken to the celebrated surgeons, Mayo brothers. The parents had the wisdom in this dreadful emergency to apply to Christian Science for help. I saw the little one at this time and on frequent occasions afterwards. The alarming conditions subsided gradually under the treatment by the Christian Science practitioner and in a few months the child was entirely healed of the trouble. This was five or six years ago, and now the eye is perfectly well and that side of the face is as beautiful as the other.

I submit now for the consideration of the Senate a statement by himself of the healing of Dr. E. F. Burton, now a resident of New York City, but formerly of Los Angeles and Pasadena, Cal. His statement of his experience, in the form of a letter, was furnished at my special request for the use I am now making of it. I have known Dr. Burton since very soon after his marvelous healing. He is a man of superior intelligence and of integrity and high character.

The following is his letter, which states his experience as a physician and surgeon before his healing and his work since that time:

30 EAST FORTY-SECOND STREET,
New York, N. Y., August 21, 1914.

MY DEAR SENATOR: Replying to your letter of the 10th instant, in which you ask as to my healing and experience through and with Christian Science, I am glad to tell you of the following history.

I am an alumnus of Rush Medical College, Chicago. After graduation I received an appointment, through competitive examination, as interne in Cook County Hospital, of Chicago, one of the largest hospitals in the country, and served an internship of 18 months, after which I was appointed on the surgical staff of the same hospital, and at the same time an instructor in Rush Medical College. I held these positions until forced by ill health to leave the North. In Arizona I was afterwards appointed acting assistant surgeon of the United States Marine Hospital Service for Arizona. I was a member of the American Medical Association until I left medical for Christian Science work.

About 12 years ago I was advised by Drs. Frank Billings and John B. Murphy, whose names are widely known, that I must go to Arizona if I would take my one chance for life, as I would soon die with consumption otherwise. For a year prior to this time I had been taking a preparation of opium, which was then considered to be nonhabit forming, to subdue the symptoms of consumption. When I went to Arizona I tried to stop the drug, but found that I had a well-founded opium habit, and that when I attempted to break it, which I did several times, the lung trouble became too serious to be borne. Thus the habit increased, as it always does. I had been a moderate drinker, but became less moderate in the use of alcohol, and also soon began to use cocaine to alleviate both the effects of the morphine and for throat symptoms. To make a long and miserable story as short as possible, these three things—alcohol, morphine, and cocaine—became my food and drink.

After some time in Arizona I went to southern California—to Pasadena. Here I sought the aid of a hypnotist to enable me to free myself from these habits, but found this method ineffectual. After this experience the quantities of the three things that I was taking was enormously increased, until toward the end I was taking such quantities of morphine and cocaine as no one has ever recovered from, so far as I know. For weeks I took on an average of more than 100 grains each of these two drugs daily hypodermically, and consumed between 1 and 2 quarts of whisky daily. I became entirely demented and a menace to those about me.

At this point, and when I had been entirely unconscious for 48 hours, my wife was obliged to call for a consultation of physicians, and five of my fellow physicians, four of whom had been seeing me for some time, told her that I could not live more than three or four weeks, and that this time must be spent under the strictest restraint. It was arranged that I should be sent to the State asylum the following day if possible. At the request of a friend whose husband had been benefited by Christian Science, Mrs. Burton was induced to allow a Christian Science practitioner to call to see me. Again to make a long story short, he came and spent three hours with me. I have no memory of his coming or of his going, but he left me asleep, and I woke on the following morning free from all of these habits, normal in brain and nerve, hungry, energetic, clear-headed, and happy. I knew the moment that I awoke that something had happened to me, and that, whatever had done it, I was free from the awful things that had bound me. But I did not know what it was that had done it until I was told.

That was nine years ago the 20th of April of this year. From that moment I have never felt the slightest appetite for any opiate, cocaine, or alcohol in any form, have never felt any symptom of lung trouble, and have been mentally sound and clear. Nor was there a moment of convalescence. My bowel condition was normal, whereas these organs are in such dreadful conditions even where a moderate quantity of opium has been habitually taken that there are weeks of keenest suffering attendant upon withdrawal of the drug. My nerves were steady and quiet. I read quietly and with understanding, for the greater part of the morning, a book which took a great deal of mental concentration

to understand, the like of which I had not been able to do for months. I drove my automobile half the afternoon, also a thing I had not been able to do for some time. I gained 30 pounds in weight the subsequent month, and within 10 days from this memorable morning I undertook and carried to a successful issue the most strenuous piece of work, from both mental and physical standpoints, that I have ever done. A year from the day of this healing I was asked to assist in the surgical work in the Emergency Hospital at San Francisco following the earthquake and fire of 1906, and for three weeks I stood on my feet and operated for about 16 hours a day. This was my last surgery, and coming after a year of study of Christian Science, decided me as to my future course.

I have spent over nine years in constant study of Christian Science and seven years in its practice. I was most enthusiastic in the practice of surgery and was a Pharisee of the Pharisees as to its virtues. I gave it up only after being most thoroughly convinced that there was something better. I have learned to my entire satisfaction, knowing both sides of the question, that Christian Science is a science, and not only that, but also that it is an advance step—and a long one—beyond medicine and surgery, and that time will prove this to the whole world. I have seen many cases of disease healed by it after they had been pronounced hopeless and dying by the best physicians. I have seen disease healed through it in a few minutes where it would have run days or weeks, according to medical prognosis. And although it is not the practice of Christian Science practitioners to attempt the healing of broken bones without the aid of surgery, I have seen dislocated joint and broken bone healed within a few days without the use of splint or bandage. This only promises what will be done in the future.

As to contagious diseases, my experience teaches me that Christian Science practitioners and other Christian Scientists are more scrupulously careful to shield others from danger of contagion and in obedience to the law than are physicians. This I say without equivocation or qualification.

Most sincerely yours, E. F. BURTON.

Mr. President, what must a man who has passed through such an experience think of laws, which actually exist in some of the States, making the man who rendered him this great service a criminal, subject to fine and imprisonment for saving his life and restoring him to a healthy body and a sound mind? What must he think of the members of his own profession who on that fateful night, with him lying there unconscious, gave up his case as hopeless and consigned him to an asylum as hopelessly insane and sentenced him to an early death, and who would consign the man who took their place and saved both the life and the reason of one of their profession to prison for presuming to save the man whose case they had given up as past all help by a means of healing that they denounce as irregular and unscientific?

Mr. President, this must not be taken as an unusual or extraordinary case of healing in Christian Science. Relief came quickly in this case. So it has in many other cases. But in most cases it comes more slowly. I could cite the Senate to hundreds of cases of healing by this means just as remarkable, some even more remarkable than this one, thoroughly authenticated and beyond dispute. If I had asked publicly for such and like experiences, I could furnish you authentic proof of thousands of cases of healing of diseases pronounced by medical doctors to be incurable. But I could not take up the time of the Senate in reciting any great number of cases however important I regard this question. I have asked for and will submit only a few of them.

Here is another of a like kind that should challenge the attention of lawmakers, social workers, and humanitarians the world over:

2111 WEST THIRTY-FIRST STREET,
Los Angeles, Cal., August 27, 1914.

DEAR MR. WORKS: So great a change has been brought about in my life by Christian Science that I am most desirous and anxious that others may know of the experience and profit by it if they wish.

I was born in Hastings, Mich., in 1865; attended the local schools until 1880, when I entered Olivet College. I hold the degree of Bachelor of Arts from that institution, of which I am at the present time a trustee. I was admitted to practice law in 1889, and later went to Saginaw where I associated myself with the Hon. Ferdinand Brucker, then judge of probate and afterward Member of Congress from the eighth congressional district, now represented by the Hon. JOSEPH W. FORDNEY. I had youth, health, education, friends; I belonged to the leading fraternal organizations and was on the highway to success, but I was said to have been born with a hereditary taint in my blood, the appetite for intoxicating liquor, and as my law practice grew larger my appetite for drink grew stronger. Friends warned me, but I laughed at their fears, and told them that drinking would never overpower me; that I could take it or leave it, just as I wanted to do. By sheer force of will I held the appetite in check for a while, but little by little it crawled upon me until it held me within its grasp. Friends advised, relatives reasoned, and my dear mother begged me to take Christian Science treatments and free myself from the bondage; but I laughed at her and told her that while Christian Science might do for nervous old ladies, it would hardly answer for a strong, rugged man like myself. I struggled a little longer, and then my associate, Mr. Brucker, advised me to take the gold cure. I did so, but its effect was only temporary. Then I did everything I could.

Friends, relatives, physicians, and fraternal brothers did all they could, but it was too late for any human help. I lost everything—law practice, money, home, friends, mother—all. I was lost. I went away. My relatives did not know where I was for years. They had given me up as lost. I was a helpless slave to liquor, a hopeless wanderer on the face of the earth, a nameless derelict on the ocean of failure. In addition to the appetite for drink, I was suffering from kidney and liver troubles and was merely waiting for death to come and end me of my misery. It was in January, 1901, that I left Saginaw. I wandered away West, doing anything I could find to do to make a living, working with my hands at any work that offered. I had given up completely. One day in October, 1907, up in the foothills of the Sierras, I met a courageous woman who told me that I could be healed in Christian Science. She gave me some of the literature and loaned me the textbook of Science, but I believed I was too far gone to be saved and wandered on. After a few more months of suffering and misery I found myself in direst extremity. I was hopeless, friendless, and alone. As I stood there watching the sun rise over the Sierras the thought came to me, as it did to another prodigal long ago, "I will arise and go to my Father." I had kept the page of a Christian Science Journal with the address of a Los Angeles attorney who had been saved from the very bondage that then held me. I determined to go to this man, tell him my story, ask his aid, give Christian Science a fair trial; and if that failed, I would then end it all. I started for Los Angeles immediately. I was at Monterey at the time. I had no money, but I lost no time. I rode on freight trains, engines, blind baggage cars, farmers' wagons, and walked when I had to—anyway to get there—but I kept on and on. One day I arrived in Los Angeles and found the man I was looking for. * * * He listened to my story, took me to his heart in kindness, introduced me to a Christian Science practitioner, and—that is all. I awoke from my nightmare and found I was not a drunkard at all. This was in March, 1908. From that day to this I have never had the slightest desire to drink intoxicating liquor. The kidney and liver trouble went with the appetite for drink. I also lost a smoking habit of 25 years' standing. I was later healed in less than a day of an acute attack of diphtheria. I was healed in 1910 of a chronic condition of sciatic rheumatism, to cure which I had spent many hundreds of dollars in materia medica without any cure being effected. I have had many other healings I need not mention, but I am not ill any more as I used to be. In these years I have known Christian Science I have learned to live a clean and a pure life. I now have a wife and home and a dear little baby 17 months old. I am learning to be more patient, more kind, more considerate of others in my daily life. Hatred and anger and criticism and resentment are being driven out of my life, and in their place is being established love and kindness and good will to all mankind. Years ago I agreed with Burns that "Man was made to mourn"; but now I know that there is no condition of disease, misery, or sin so bad that it can not be wiped out forever by the power of Truth. I have learned that it is normal for man to be happy, peaceful, and prosperous, and I am happier to-day as I am writing this letter than I have ever been in all my life. Every statement in this testimony is capable of legal proof. I will furnish full list of names, dates, and other information to any that may desire further information.

Cordially yours, FREDERICK ALLEN.

Like Dr. Burton, I did not know Mr. Allen until after his healing. His letter shows what he was before he contracted the fearful habit of drink and the depths of poverty and degradation to which he was reduced. He is now fully restored to himself, is engaged in successful literary work in Los Angeles, has a happy home and family, and is, as he says, happier and better contented than he has ever been in all his life. His condition when he applied for Christian Science help has been graphically described to me by the friend upon whom he first called on coming to Los Angeles. He was unshorn and unkempt; his clothing was soiled and worn; in stealing his way on the train he had lost his hat and was wearing an old discarded cap that some one had thrown away. In short, when he stepped into the office, seeking information that might free him from the habit that had so nearly destroyed his life and wrecked his future prospects, he was a veritable tramp. He had no money and no prospects. This was the only hope left to him, and he had sought it eagerly as his last chance. He was taken to a practitioner, who ministered to him without present reward or hope thereof except the inestimable consolation of serving such a human derelict and making of him a free man and useful citizen. He was healed as he says. I know well and intimately the practitioner who rendered this man this great service. I have spent weeks in her home. She was in her earlier womanhood a trained nurse and knew the ways and the practices of the physician and surgeon by actual hospital service. Later her husband was healed by the same means that this man was restored. As a result she became a Christian Science practitioner. She has saved many unfortunates afflicted as this man was and healed many of diseases of almost every kind. Her husband holds a high and important public office. She has a home of culture and refinement, but she finds her greatest and highest enjoyment in her work. She devotes her days and nights to this beneficent service and is subject to call at all hours. She was, amongst many others, called to minister to a woman whom the doctors had determined to be afflicted with an abdominal tumor. An operation was decided to be immediately necessary. The woman had heard something of Christian Science. Her husband had been healed of a broken-down instep. In her great fear of the operation she called for this practitioner's help. She did not go to the operating table. Under treatment, the tumor came away in pieces and the woman was healed.

Let me call the attention of the Senate to one more case of healing of the many performed by this one practitioner, as she has given it to me in a written statement:

A woman of about 45 was taken to a hospital and operated on for cancer of the breast and tissues of the side. Some two weeks after the operation the patient, feeling that her condition was not satisfactory, as she was suffering and being kept constantly under heavy doses of morphine, asked to have a Christian Science practitioner attend her.

During the second visit made by the practitioner the attending surgeon arrived to dress the wound. He asked the practitioner to look at the wound, and then he pointed out some places upon it where the tissue was breaking down and in a bad condition. Asking the practitioner

to go into another room where the patient might not hear what he had to say, he assured the practitioner that he was very glad to have the help of Christian Science, as he believed the religion would be a great help in making her happy in the last few months of her life. He further explained that he and some well-known surgeons had operated on the case two weeks previous to this time; that they had found it one of the worst and most malignant cases of cancer they had ever seen; that the woman's system was full of it; that the tissues had already begun to break down again with the disease; that there was no possible way in which her life could be saved; and that there was nothing to be done but to keep her under heavy doses of morphine until such time as she would die, which he insisted would probably be six months, though there was a slight possibility of her life being prolonged to a year, but under no conditions could she get well. In less than a week after treatment in Christian Science the doctor reported great improvement in the wound. In two weeks the patient was taken from the hospital, driving in an open automobile. After a few days at home and away from the hospital care she refused to take any more morphine, the wound healed completely, and since that time, which is two years or more, she is a perfectly well woman.

Mr. President, the best and most competent physicians declare that the only remedy for deep-seated cancer is the surgeon's knife. They are perfectly sincere in this declaration, because they know of no better remedy. They know and freely acknowledge that this remedy is effective only when the diseased parts are completely removed, which in many cases is impossible to the most skillful surgeon. That many lives have been saved in cancer cases by the knife no intelligent man would presume to deny. But here was a case where the surgeon was helpless to save. He was honest and sincere enough to say so. He was not envious of Christian Science interference, as many doctors are, but like most of them he believed that it could do no more than afford religious consolation until death came within a very brief space.

Mr. President, I have spoken specifically about the work of this one practitioner not because her work is more successful or her devotion to it greater than that of hundreds of others who are rendering like service, but only because I was more familiar with her life and her work.

I submit also the very interesting and remarkable case of healing of Mrs. Elizabeth Downey, wife of Harry S. Downey, of Shelbyville, Ind. Mrs. Downey is a woman of superior education, intelligence, and refinement. Her husband is a prominent lawyer in Shelbyville. His father was a judge in that State for more than a quarter of a century—six years of which was as judge of the supreme court of the State. His last service was as judge of the circuit court, his term of office terminating when he was 80 years of age. One of his sons followed in his footsteps and was for a number of years judge of the same circuit court, a position which he resigned to accept an important office here in Washington, which office he now holds.

I have known the family well and intimately all my life and can assure the Senate of the reliability and truthfulness of Mrs. Downey's statement.

She says:

SHELBYVILLE, IND., *December 11, 1914.*

When a child of 11 years, in piercing the ears, the lobe of the right ear was injured, the wound refused to heal and remained in an irritated condition until we were obliged to remove the earrings. A small growth about the size of a pea made its appearance on the lobe of the ear, but was removed without serious trouble for the surgeon and little discomfort to myself.

Two years later I again had the ears pierced; the same trouble followed, attended with severe stabbing pains, and the ear became angry in inflammation, which was subdued, but the growth grew to be as large as a medium-sized hickory nut, and the pains increased, when it was again removed. Then the physicians pronounced it a recurrent fibrous tumor.

After six or seven such operations, at intervals from 18 months to 2 years, each time the size increasing, the entire lobe of the ear was deformed and fibers extended down and the pain was almost unbearable at times.

Next a burning process was resorted to, medicines given, and applications used locally, but it was only adding fuel to the flames. After 14 applications of this burning process, in which I suffered tortures only to be compared to the fiery furnace, the tumor was lifted out and was about the size of a hen's egg. The entire lower part of the ear was gone and a surface of diseased tissue extended about 4½ inches down the neck, making it necessary to close the wound by skin grafting, using 9 silver pins and 14 stitches, which was a beautiful piece of surgical work. I was in the hospital nearly three months.

Nine months later trouble commenced again, and I had another experience, though slight in comparison to the others.

Two years later the growth appeared again, when it was operated upon with the knife, but almost at once began spreading its fibers over the face, the pain growing, spasmodically, more and more severe. When the growth below the ear had increased again to the size of a walnut and was purple in color I began to think that death would be preferable to such suffering. Again the burning process was used, chloride of calcium, followed by a powder and poulticing was kept up with suffering untold for six months, when it appeared to be healed. Many kinds of medical springs and drugs were used in an effort to subdue the trouble which was on the increase on the cheek, but finally I was compelled to again go to the operating table. This time the surgeons laid the wound open to the bone and found that the fibers had grown and entwined themselves back of the eyeball, and to save deformity of the eye the skin was drawn up in a puff under the hair. The surgeons had again performed a most skillful and delicate operation, and I thought I was restored and had a chance to claim my birthright of freedom from pain, but the trouble came up again on the same side, in the throat, and grew more serious, if possible, than before. The surgeons then removed five growths in the throat and mouth. The irritation had become so severe, the throat so inflamed, and the tonsils so diseased that the surgeons thought best to remove the tonsils, which was done, and there were found two growths back of them, and in the process of removing them two severe hemorrhages followed, and the situation was most serious. After my seeming recovery and sojourn in Denver for five months, the physician's advice to me was to never again have any cutting done in the throat, and if he had known how much had been done he would not have operated; that I was now all right, but to avoid a repetition.

I came home in November, and in December I found, after a case of pneumonia, that the throat and lungs were in diseased conditions, two growths almost as large as peas, causing constant coughing, and the roof of the mouth was in a badly ulcerated condition, with my voice and entire body in an exhausted condition, and one lung very imperfect. For the first time in my many years of suffering I grew rebellious and discouraged, but finally yielded to the importunities of relatives and friends and consented to go South again, but I felt that it would be a fruitless trip. The physician and my family felt that it was my only hope to regain health in a warmer climate, if life was to be spared to prepare for another surgical operation, so we again turned our faces toward San Antonio, Tex.

After being there five weeks, instead of improving I grew worse, coughing and expectorating such poison that each day I would think I could not endure another. Then developed a case of acute kidney trouble, and, to add to the suffering, a pus formation appeared over the left lung. I then realized that the only material hope was in another surgical operation. By this time my courage had failed and I felt that death would prove a friend rather than an enemy; but God's ways are higher than man's ways, so that, in my extremity and in my desire to live until my husband could reach me and to escape the operating table (selfish motives, I grant), at the earnest solicitation of friends who realized the situation better than I did, I turned to Christian Science. The saying that it is a dangerous thing to be ignorant of your own ignorance reflected my attitude at that time, for such was my condition. I thought I knew God, but I found that I did not know and understand His power, His willingness, and His might; but in that dark hour I was left alone with Him to guide and protect, and I found that His love did not fail me. All drugs were discarded and, not without some doubts, I turned to a Christian Science practitioner for help; nor was I disappointed. The kidney trouble was met in three days; breathing was improved so that I could lie down in bed; the coughing grew less day by day, and I have never had a hemorrhage since; the roof of the mouth healed, and the pus formation disappeared at the place where the surgeons had blistered to nerve exposure and drained off the pus. Four months later the tumors came off, one after the other, filled with fibers and pus, but with scarcely any flow of blood. From a weight of 110 pounds I have increased to 156.

The first Christian Science treatment was in January, 1905, almost 10 years ago. I have had little or no trouble in the old scars that formerly gave so much trouble in damp or hot weather or when overheated; indeed, all is fast fading from sight or consciousness except the deformity resulting from the cutting, but no longer are they red and angry looking, but are gradually fading away, and the past nine years have been most blessed ones. As I look back and recall the fact that six of these medical men who rendered me the most faithful service of which they were capable have passed on, I can not refrain from expressing my gratitude for their faithful, loyal services, but my heart overflows with gratitude to God for what this truth, Christian Science, has revealed to me, lifting me out of suffering untold, which one would scarcely believe unless witnessing and in the presence of which more than one brave heart has grown faint.

I could not do otherwise than to stand where I do, with absolute belief in the power of truth as learned from the Bible and Science and Health, with an honest effort daily to let my feeble light shine as a true Christian Scientist, for I have had all proof of its healing power and its spiritual uplift.

All of this is absolute truth.

ELIZABETH HARSHMAN DOWNEY
(MRS. HARRY S. DOWNEY).

Mr. President, many lives are sacrificed and others ruined by the habitual use of intoxicating liquors and deadly habit-forming drugs. For these unfortunates the medical doctor can afford no relief and the surgeon's knife is unavailing. It is here that Christian Science has shown its efficiency in a marked degree. It has saved hundreds of lives and made happy many desolated homes. I have already given one case of healing from the drink habit and another from morphine and cocaine. Here is another striking case of such healing:

AUGUST 29, 1914.

MY DEAR SENATOR WORKS: In response to your request it gives me pleasure to testify to the immeasurable benefits I have enjoyed as a result of the study and application of the teachings of Christian Science.

Since a child I had been accustomed to associating with those who indulged in liquor in a social way, and, quite naturally, was one with them. After reaching young manhood the habit grew, and it was not long before I often reached home in varying stages of intoxication. This continued with increasing frequency until it was the exception rather than the rule for me to leave my companions and go home before midnight or until I had become so helpless that I had to be cared for.

For many years during this time I held a responsible position with one of the largest financial institutions in the West. My employers realized somewhat the condition into which I had fallen, but through consideration for my family and appreciation of my clerical ability I was allowed to remain with them. Finally my appearance and habits had reached a stage where they were reflecting discredit upon the institution for retaining me and I was asked to leave. Twice this request was made, and on each occasion I begged for another chance, but it only meant a chance to earn more money to spend for drink. I had forfeited nearly everything a man holds dear—home, friends, reputation, credit, and the confidence of my employers. I had not lost all, for a faithful, loving wife stood nobly by me through these dark days. In her desperation over our unhappy home she suffered a severe attack of nervous prostration. In this condition and after our

family physician had done all he could and failed she turned to Christian Science and experienced such relief that it gave her renewed hope for me.

Each morning as I left the house it was with the firm determination to return home immediately at the close of the day's work, but this resolve was shattered as often as it was made. Will power in my case availed nothing. Matters went on from bad to worse. My life was a veritable hell. The future was a blank and my few sober moments were filled with remorse over my wasted life.

At this point, in response to the solicitation of my wife, I agreed to attend a Wednesday evening testimonial meeting. I was not only late in reaching the church but was far from sober. My wife and a friend were waiting for me, and this friend asked if I wanted to be helped out of the condition against which I had struggled so long. My response was in the affirmative, and while I promised to call on him the next day it was the following Sunday before I felt the desire to go to him and talk matters over. The three intervening days have always been more or less of a blank, for during that time I indulged in the wildest dissipation of the years I had drank. I questioned the propriety of this friend's receiving me on Sunday, but a kind invitation came for me to come to his home, where I was lovingly received, and, after talking with me gently and I asked for help, he gave me a treatment, and from that moment to this day I have not taken a drink of liquor nor have I had the slightest desire to do so.

Following the destruction of this false appetite, the tobacco habit left me, the use of profanity was eliminated, many physical ills have been met and conquered, and, in short, a complete mental, moral, and physical regeneration has taken place in my life.

Sincerely yours, CHAS. E. JARVIS.

I know Mr. Jarvis well. He is a man of superior qualifications and ability, and in every way trustworthy and reliable. Like so many others who have benefited by its ministrations, he has become an earnest and effective worker in Christian Science.

I submit now a testimonial of healing of double curvature of the spine, uniformly agreed, I believe, by medical practitioners and surgeons, to be incurable, and other serious troubles. Mrs. Kleinberger is known to me to be a woman of high character and entirely worthy of belief. This healing is one well known about by many people in Los Angeles and is thoroughly authenticated. Knowing of it, I requested that the statement be furnished me for my use. She says:

In the year 1908 I took my first Christian Science treatment, the principal desire being that I receive relief from the disease commonly known as gallstones, stomach and intestinal troubles, and paralysis of the bowels. I was instantly helped and quickly healed of these diseases.

When I was 3 years old it was discovered that I had spinal trouble; as time went on many physicians agreed that I would continue all my life to suffer from double curvature of the spine. Because of this trouble I was inactive and a burden to myself and those about me.

While treating for the diseases mentioned above I noticed a great relief from the pain in the back, and gradually, with treatment and study, the spine grew straight and strong, allowing me to gain flesh and become a useful member of society.

Accompanying the physical change came an understanding of the true relationship of God and man, and as a result of this understanding a happier outlook upon life and a greater patience and love for mankind.

For this change in disposition I am indeed grateful.

GLADYS KLEINBERGER,
No. 2302 West Twenty-second Street, Los Angeles, Cal.

Mrs. R. L. Craig, whom I have known for a number of years, is a woman of unusual ability, education, and refinement. Her husband died leaving a wholesale grocery business to be cared for by some one. She took charge of and has managed it for several years, and made it one of the largest, best-managed, and prosperous wholesale establishments in Los Angeles. Besides, she is a public-spirited woman and takes a deep and intelligent interest in public affairs. She is now a member of the board of education of the city. She was healed in Christian Science of tumor that threatened her life, and asthma, from which dreadful disease she had suffered from her childhood. At my request she has furnished me a statement of her experience. She says:

From early childhood I suffered greatly from asthma, with all its attendant complications, such as bronchitis, pleurisy, pneumonia, tonsillitis, and quinsy. At one time, when in a very congested condition, a reputable physician pronounced my case tubercular, and strongly advised an immediate change to a warmer climate. My parents were broken hearted at this decision, and were seized with fear for my future. I was not allowed to go out at night, and was dressed in flannels from head to foot, constantly in dread of taking cold, to which I was most susceptible.

I was told by a number of physicians that there was no cure for asthma, and that I would be obliged to endure it. I was so resigned to this verdict that I did not at first accept Christian Science for asthmatic trouble, but for another affection, which developed about 12 years ago. This was pronounced by physicians to be a tumor, and threatened a quick termination of my life. At this time I asked for and received Christian Science treatment, and was soon relieved and healed. From the first treatment I began to make a consecrated study of Mrs. Eddy's works on Christian Science. I found through this healing that I was also much relieved from asthma, but about a year later I suffered a very acute attack. A few treatments in Christian Science quickly relieved me. This was the last of this trouble, which had been so persistent and painful through many years. Christian Science is my daily study, the source of my happiness and peace of mind.

Mrs. R. L. CRAIG.

I also submit the statement by Mrs. Josephine A. Hebbard of her healing of the drug habit. I know Mrs. Hebbard well. She is a woman of high character and strict integrity, who is now devoting her time and her efforts to the healing of others by the means that saved her from a lingering and horrible death:

Most gratefully do I testify to the healing efficacy of Christian Science. I came to Christian Science to be healed of the morphine habit, having become addicted to the use of that drug through a most severe form of neuralgia which had been superinduced by albuminuria. At the time I was also taking strychnia, digitalis, quinine, and nitroglycerin. I mention these stimulants because it was considered impossible to drop the use of these drugs without severe reaction, causing heart failure; but with Christian Science help I was able to give up all, including morphine. I weighed 97 pounds and was a physical and mental wreck, and turned to Christian Science only as a last resort for and in overcoming this terrible habit.

After receiving one treatment all desire for morphine left me and I gained rapidly in strength and health. During 28 days after taking my first treatment I gained 28 pounds, and in less than three months I had gained 43 pounds.

I was also cured of kidney trouble, nervous prostration, and neuralgia. I did not suffer from the results which always follow the use of this drug.

I am a strong, healthy woman, rejoicing in the freedom Christian Science has given me. I had been a trained nurse before my marriage, and had helped to care for patients who had been afflicted with the morphine habit, and I can not but compare the wide difference in treatment and results when undertaken in materia medica. In materia medica the gradual diminishing of the drug, a substitution, and prolonged suffering, with no encouraging results, and sometimes failure, is pitiful to recall. And if the drug is given up the intense craving and after results leave one in a wretched state physically. This contrast has impressed me deeply when I think of the peace, hope, and encouragement and instantaneous relief which Christian Science brings to one.

MRS. JOSEPHINE A. HEBBARD,
509 Story Building, Los Angeles, Cal.

Mrs. Hebbard is now a strong, vigorous, and healthy woman.

I submit for the consideration of the Senate a further statement from Mrs. Mattie De L. Macready, whom I have also known for a number of years. She, too, is entitled to entire confidence. Her statement of her experience in Christian Science speaks for itself in simple and eloquent language:

When Christian Science was suggested to me as a remedy for my ills, even though I knew nothing of it as a means of healing, I consented to try it, for I was in a thoroughly unhappy and discouraged state.

Many of the best physicians in the East and in this city had been employed by my family in an endeavor to find relief for me, but I was pronounced incurable, having organic heart disease and rheumatic gout, the latter disease causing me much suffering for 29 years previous to my turning to Christian Science for help.

As a child I was very frail, and I can not ever recollect feeling well or not being under treatment of some sort. In fact everything possible seemed to have been tried to lift from me the sentence that I was incurable.

It is now nearly nine years since I was healed of these diseases and other distressing conditions, and since the first treatment I have used no material means whatever, for Christian Science alone has been relied upon at all times.

I am most grateful to the many physicians who were doing their best for me, but because of my experience with Christian Science I conscientiously believe that it heals where every other remedy known to humanity has failed.

MRS. MATTIE DE L. MACREADY.

LOS ANGELES, CAL., *September 1, 1914.*

I furnish you also, for your candid and fair consideration, the statement of another good woman, an acquaintance of mine, Mrs. Edna A. Bauer, which tells its own story of health and peace of mind, the result of the same treatment:

LOS ANGELES, CAL., *September 9, 1914.*

About the year 1897 I was operated on by our family physician for what he called cancerous growth, and after the first operation the doctor said the cancerous condition had eaten the stitches all out, so that he was forced to operate again with practically no favorable results, since my condition became almost unbearable, and until 1901 I suffered on, confined to my bed a great deal of the time. I was fast becoming a chronic invalid, and after exhausting all material means for relief I turned only as a last resort to Christian Science, as it promised me relief. I started the treatment and in a short time I was completely healed of this trouble, so that I became well, strong, and useful.

My healing in Christian Science took place in 1901 and I have never had the slightest return of this trouble since. I am still in perfect health, and I know I owe my all—of health, peace of mind, success, and happiness—to Christian Science absolutely.

I would be glad to furnish any further information regarding my healing. I have two sisters living in Los Angeles who witnessed the operations and heard the doctor's statements. My husband can also verify my statements, as he was there also. We had three doctors and a trained nurse.

Most sincerely yours, EDNA A. BAUER,
437 Savoy Street, Los Angeles, Cal.

I have another statement of healing from F. D. Holman. I do not know him personally but know of him, and he is highly recommended to me as entirely worthy of confidence. He is a dentist now practicing his profession in Los Angeles:

LOS ANGELES, *September 12, 1914.*

It is with pleasure I testify to the efficacy of Christian Science, for I am fully convinced that had it not been for Christian Science treatment I would not be here to-day.

Several prominent physicians of Los Angeles diagnosed my case as chronic ulceration of the stomach, that there was a stoppage in the passage known as the duodenum, and that unless an operation was performed at once there was slight chance of saving my life. Through the work of Christian Science this operation proved unnecessary, and in three months' time I gained 50 pounds in weight and am now in perfect health.

From a materia medica point of view, I had "just one chance in a hundred," to use the doctors' own words, and an operation seemed inevitable.

I am deeply grateful for this wonderful healing, and am always pleased to so express myself, trusting it may help others.

Respectfully,

F. D. HOLMAN.

I present also for your consideration the case of Harry C. Carr. I have known Mr. Carr for a number of years. He is the assistant managing editor of the Los Angeles Times, one of the great newspapers of the country, and a capable and successful newspaper and magazine writer. I saw him when he returned to Los Angeles from Washington, as mentioned in his letter to me. He was in a deplorable condition. I saw him frequently after that time and knew of his tribulations and his gradual improvement under Christian Science treatment. I have no doubt that under medical treatment he would have died long before this. As it is, he is a strong, healthy, useful man, in the full vigor of young manhood. His own account of his experiences will speak for itself:

LOS ANGELES, CAL., *September 10, 1914.*

MY DEAR SENATOR: You can well imagine the pleasure that it gives me to comply with your request for the facts about my healing.

The year that Taft was nominated as President I attended both national conventions, and the following December I was sent to Washington, to remain there until the following March to witness the inauguration. Since the previous August I had been afflicted with a nervous twitching of my head and neck so dreadful that it almost amounted to St. Vitus's dance. While in Washington one of my friends sent me to Dr. Fowler—I don't remember his first name. He told me I had tuberculosis of the left kidney. He said I must have the kidney cut out within 30 days. I left at once for home, losing 15 pounds during the short trip. On the train I thought it all over and decided to try Christian Science instead of an operation. I went to see a practitioner, arriving at his office in a condition bordering on hysteria. He gave me several treatments, which corrected my nervous twitching, and I thought the trouble had passed. Suddenly, the following April or May, I had a severe hemorrhage from the kidneys. Dr. Claire Murphy was called in. He had a chemical examination made of the urine by the city chemist. The verdict was that I had a tubercular kidney. Dr. Murphy's associate, Dr. R. V. Day, told me that I ought to have an immediate operation. I decided to stick to Christian Science. The real battle then began. I had terrible night sweats nearly every night, a fever every afternoon, and became very weak. For months afterwards I passed a little blood every time I went to the toilet. Some time after that—during the summer that followed—I had a rash that broke out all over the upper part of my body. My face and shoulders were covered with a scarlet cape. My right hand and forearm were so covered with blisters you could not have placed the point of a pin upon unaffected skin. This continued for two or three days, then passed away as suddenly as though erased from a blackboard. My symptoms did not immediately cease, and I went on having treatment from two practitioners for some months. The tide had turned, however. Finally, all symptoms absolutely passed away. I am now blessed with perfect health. My weight has increased from 135 pounds to 165.

During the latter part of my treatments Dr. Charles McCleery, an optician, in fitting me with glasses, told me that I had a cataract coming on one of my eyes. I took one treatment (Christian Science) and then visited Dr. H. Burt Ellis. He made a careful examination of the eye and said it was not affected in any way.

I would like to add that before taking my treatments I was almost a neurasthenic, and that my family had anything but a happy existence. Christian Science seemed to take the tensity out of my work and has changed our family conditions. Incidentally, the twitching of my neck has long since gone.

Yours very truly,

HARRY C. CARR.

Dr. Fowler practices his profession in Washington, D. C. I understand he is a man of high character and an able and skillful physician and surgeon. His diagnosis of Mr. Carr's case as one of tuberculosis of the kidneys was confirmed by Dr. Murphy, of Los Angeles, and was no doubt correct. They agreed that the only remedy was an operation, removing one of the kidneys. It was as to the best means of healing that they were mistaken.

Healings from accidents, even in cases of broken bones, have often occurred in Christian Science, although it is customary with Scientists to have the bone set by a surgeon while the Science practitioner protects the patient from pain, infection, and other complications. I give here one case of this kind of healing where the surgeon was called as usual, but failed to accomplish what he desired, and the mother, who was a practitioner, with other help, saved her son from the life of a cripple. I have known the mother for a long time and vouch for her sincerity and reliability:

LOS ANGELES, CAL., *September 16, 1914.*

DEAR SIR: Two years ago last February my son, then 20 years of age, met with a dreadful accident and received a compound fracture of his left leg. The little bone was badly broken, and the large bone was broken in such a way that a piece of it had to be taken out before attempting to set it, and the physician we employed said he would have to put a silver plate on the bone to hold it together, as he could not set it in any other way, and in order to do this he had to notch the bone, which he said would make the limb shorter, even if it healed. He put on the plate, but the bone cracked on both sides where the plate was attached, and the plate had to be taken out, and two pieces of bone, one on each side where the plate had been screwed on, came out of the wound, and when the doctor took out the piece of notched bone he said, "As far as I am concerned that notched bone is the only thing that could save the leg and that is out." He also said the leg was full of infection and gave me very little hope. I am a Christian Science practitioner; I had been for several years; and of course I used all my understanding of Christian Science to save my boy, as I had been healed myself when there as nothing else left to try. When we took an X-ray picture of the bone we found to our great joy new bone formed where the notched bone had been pushed out, and of course this made the leg the proper length, dropping it down in its natural place, so that my boy walks as good as he did before the accident, without a limp. The small bone was not set, but it adjusted itself. He is 22 years old now and he has perfect use of his leg.

One can imagine what a frightful wound he had in his leg from this terrible operation that was almost as serious as the broken bones, but that also was healed. I worked day and night on this case and employed another Christian Science practitioner to help me for something over a week while the boy was in the hospital. He is my only child, and it meant much to me to have him restored to me and not be a cripple.

I am grateful to the physician for all his efforts to help us, even if it did fail. He told me to give him no credit for the healing, but I give him all the credit due him for doing all he could to help us; but it was certainly Christian Science that restored my boy's limb, and I really think the doctor is as grateful for it as I am. I don't see how he could help but be. Many people here know of this healing, and I have the X-ray pictures in my possession and should be glad to show them to anyone who would like to see them. They were taken here in Los Angeles, Cal.

This is one of the greatest proofs of Christian Science healing we have ever seen. I send this testimonial with the one thought of benefiting suffering humanity.

EDNA A. BAUER,
420 Herman W. Hellman Building, Los Angeles.

LOS ANGELES, CAL., *September 16, 1914.*

I have read this testimonial and so, being the one who had the accident, can verify the healing herein mentioned. I am ready to give any information on this healing that may be called for.

Yours truly,

EDWARD M. GRANT.

I submit another testimonial of healing of tuberculosis and of diseases of the spine which is vouched for as reliable and trustworthy:

May 15, 1911, I entered an orthopedic sanitarium in this city. In doing this I was following the advice of our family physician. I had been ill for three years and had had various treatments under different physicians. I was an intense sufferer from spinal trouble and was practically an invalid, being on the bed most of the time and unable to do my work.

The family physician said there was no help unless it was to be found in this sanitarium; that the spine was tubercular, the cushions between the vertebrae diseased and in some instances practically gone, and that the spine had an ankleosed double curvature. This was also the diagnosis given by the physician in charge of the sanitarium.

The treatments in this institution were given by the head nurse because of my serious condition and consisted of massage, light, and traction. A certain part of each day was spent in a jury. I wore a heavy canvas brace, reinforced with eight 1-inch steels across the back, and it was necessary to have a new one made about every six weeks.

I improved slowly under this treatment and at the end of 19 months was dismissed as well. I still wore the brace, but was told that I could take it off when I chose.

About three months before leaving the sanitarium I became interested in Christian Science from a scientific standpoint and did a great deal of studying. I thought that should the days come that I did not feel so well I might be able to lean on Christian Science for help.

I left the sanitarium in January, 1913, and in about six weeks it became necessary to either leave off the brace or get a new one. After a day's trial I found the pain too intense to be without it, but rather than go back and get a new one I decided to apply what little I knew of Christian Science. The greater part of the next four days was spent in bed, but at the end of that time I was able to do without it. I am absolutely sure that I could not have done this without the help of Christian Science.

However, in April of the same year I suffered a decided relapse. I was as ill as when I first entered the sanitarium. It was evident that all the help I had received was temporary. I talked over the matter with the physician and was advised to return to the sanitarium for an indefinite length of time—in fact, I was given to understand that I had better never leave. It was because of this discouraging outlook that I made my stand for Christian Science treatments against the wishes of my family. A practitioner was called, and for two weeks I had treatments every day. At the end of that time I was as well as when I left the sanitarium. Treatments were continued for about three months, then I took up the work for myself. While the healing has been slow, there has never been any relapse, and I feel that the trouble has been fully overcome.

MRS. NELL FLASH,
3904 Theo. Villa Court, Los Angeles.

SEPTEMBER, 18, 1914.

Locomotor ataxia is classed as one of the incurable diseases from the standpoint of the physician or surgeon. It is not so regarded by Christian Scientists. Many cases of this kind have been healed in Science. I submit now an interesting case of that kind:

In July, 1909, after having been treated for six years by medical physicians, five in number, in various parts of the United States for the cure of a disease that developed to be locomotor ataxia and pronounced generally by them, and particularly by two in Milwaukee, to be incurable, I found that I was rapidly advancing to the point of greater evidence of incurability, as predicted by these physicians.

During these years I had visited my physician and taken medicine continuously; visited Hot Springs, Ark., as advised by my physician in St. Paul, who was supposed to be a specialist on this particular disease, and did everything possible to regain health, but to no avail.

At this stage of development the study of Christian Science was recommended to me, and while I looked upon it as next to nothing I began the study and visited a Christian Science practitioner. At this time I had been away from business for many months, my physical condition compelling me to do so; but after one month's treatment and study of Christian Science I began to see good signs of improvement. In five months' time I returned to my business, and since then, which is five years, I have not lost a day from business on account of this

trouble nor visited a physician for treatment. I attribute my healing positively and absolutely to Christian Science.

When I paid a friendly visit to my good old doctor, whom I dearly esteem, he said, "If Christian Science is doing this for you, it is surely commendable, and I recommend your continuing, as we in medicine have no further hope to offer."

HORACE H. MULLIN,
103 South Alexandria Avenue, Los Angeles, Cal.

SEPTEMBER 22, 1914.

I also submit a statement by Hon. Leslie R. Hewitt, judge of the Superior Court of Los Angeles, Cal., of the healing of his little daughter of a malformation of the mouth, which tends strongly to show that no deformity is beyond the healing influence of Christian Science. I have known Judge Hewitt for 20 years or more. He has filled a number of places of trust as a public official, and is justly regarded as one of our best citizens in every sense:

When our young child was 20 months old she was taken to the dentist with the two older children, all of whom were to be looked to by the dentist to determine whether teeth were coming in and out properly.

All was well excepting with this baby, the dentist discovering a fault in the jaws. The lower jaw protruded so that when the teeth were closed together the lower teeth were forward or outside the upper teeth. The mouth was then examined by another dentist, a specialist on this particular trouble, the technical name of which has been forgotten, and the diagnosis of the first dentist confirmed. What could be done for the child's mouth? Nothing until she was 4 or 5 years old, when she would have to submit to the jaw being harnessed with bands to force the lower jaw back into its proper place in the sockets, a tedious, painful operation. The mother studied over the condition, and having been interested in Christian Science since the child was 6 months old, suggested that this trouble could be handled as successfully as others that had been met for different members of the family.

So the case was the next day put before the practitioner. A week or so after the mother and children went over 500 miles from home for a long visit with relatives and the baby's case was left with the practitioner to be handled absently.

At the end of nine months upon the return of the family the dentist asked to see the child again. With glad heart the mother took the child to the office, for she had seen the wonderful work done and the teeth now closing, upper jaw forward or outside the lower as it should.

The dentist placed the child on a seat, bent before her, and asked her to open the mouth, then close it, and when the teeth closed properly, turned to the mother, explaining that the trouble had disappeared, and asked what had been done, as such a thing had never been noted in dentistry before.

Indeed, we were and are still grateful to Christian Science for this wonderful relief to ourselves and to the little daughter.

LESLIE R. HEWITT,
Judge of the Superior Court, Los Angeles County, Cal.

I submit also the testimonial of Hon. W. S. Metz, a prominent lawyer and former judge of Sheridan, Wyo. I first met Judge Metz in Los Angeles, where he was trying to get relief from his sufferings at a sanitarium. He applied to me to know something about Christian Science, saying that he had heard that I had been healed by that means. I had never met him before. He informed me that he knew nothing about Christian Science, and explained to me the nature of his troubles and the extent of his suffering, much as he recounts them in his letter furnished at my request. I told him of my own condition and healing, and advised him to try Christian Science. He at once commenced to take the treatment. I saw him very frequently and witnessed his improvement and final recovery. His letter is as follows:

SHERIDAN, WYO., *October 2, 1914.*

MY DEAR SENATOR: In reply to your inquiry as to the beneficial effect of Christian Science treatment in my personal case, I wish to say that for five or six years I was considered among my friends and neighbors as an invalid. I had been suffering during those years with nervous exhaustion and very severe bowel and liver trouble, also persistent indigestion. During the five or six years mentioned I was treated by a number of physicians and also spent several months in what was known as the best sanitarium in the country. I also, under the advice of physicians, endeavored to secure some relief; visited the warm climates and low altitudes, taking a trip to Cuba; also spent some time on the Gulf coast and in southern California, but secured no relief from my distressing physical ailments until I secured the aid of a Christian Science practitioner. For five years before receiving treatment in Christian Science there was no activity of the bowels without the use of drugs, which were administered almost daily during that length of time. Under a few treatments of Christian Science the bowels resumed their normal activity, and though it has been several years since receiving my first Christian Science treatment there has been no occasion in the meantime for the use of drugs, and the distressing bowel condition has been entirely removed and fully healed. Likewise the indigestion was completely healed by a few treatments in Science. The extreme nervous exhaustion disappeared almost entirely after the first treatment in Science.

My recovery from the long-continued illness was a great surprise to my neighbors and friends. My physical strength was restored within a few weeks after the commencement of treatment by my practitioner, and I have been able to do more continuous hard work in my profession since my recovery than I had ever been able to perform before.

One of the most distressing ailments under which I suffered for years was persistent insomnia. During the five or six years of my illness I was unable to sleep at any time over three or four hours in the night. This continued during the years that I have mentioned, but this condition of sleeplessness was wholly removed by Christian Science treatment and in a very short time.

Yours very truly,

W. S. METZ.

I submit for your further consideration the case of Dorothy S. Chelson, a child two and a half years of age, who was afflicted with diabetes. The following is a statement of her case furnished me by her father:

1436 MALVERN AVENUE,
Los Angeles, Cal., October 15, 1914.

The opportunity of again telling of the restoration of my little daughter is a highly esteemed privilege, and I am herewith giving you a brief résumé of her healing:

In August, 1904, our little girl, aged 2½ years, was pronounced to be dying of diabetes. There was a very great amount of sediment in the urine and her heart action ranged from 140 to 170 beats per minute. This I know to be a fact, as the physician kindly allowed me to use his stethoscope to verify the count. At this time my wife and I were members of the Swedish Lutheran Church of this city, and I was serving as secretary and treasurer, and also as one of the trustees of the church. We knew absolutely nothing of Christian Science and did not want to know, as we were told it was the work of evil.

I knew of two Christian Scientists at this time, and in talking to one of them I was told that Christian Science would cure my little girl. Love for our daughter being stronger than our religious scruples a Christian Science practitioner was called, and with the first treatment all sediment in the urine disappeared, and in a short time her heart action became normal and she was entirely healed. She is to-day as healthy a child as one can wish to see. Needless to state, Christian Science has been our only remedy for the past 10 years, and this means much in the bringing up of three children. Our home has been transformed from one of want, woe, and inharmony to one of peace, happiness, and contentment, and we are indeed deeply grateful to God and to our dear leader, Mary Baker Eddy, for all benefits received.

Yours respectfully,

THEO. A. CHELSON.

I know Mr. Chelson personally. As a result of the rescue from death of his little daughter he has become an earnest Christian Science worker. His reliability can not be questioned. But I have the following confirmation of the condition of the child and the fact that she was healed. Very naturally the doctor does not commit himself as to the cause of her restoration to health, which was entirely proper, as he had no direct evidence of the fact. He intimates, however, that a child unconscious from the effect of her diabetic condition could have recovered without further help after he had given her up to die. This will hardly be accepted as within the possibilities. He says:

I am, and at all times herein mentioned have been, a duly registered practicing physician in the city of Los Angeles, Cal.

In August, 1904, I attended in a professional capacity Miss Dorothy S. Chelson, who at that time was suffering from a diabetic condition, showing a heavy percentage of sugar; who was quite anemic, and whose heart beats were from 140 to 170. Her condition was such that she was practically in a stage of collapse, and was given up. Her age was 2½ years, as I am informed and believe. One will readily appreciate that a patient with diabetes, if the sugar is persistent, is beyond the control of the physician, and death results. Yet sometimes the sugar will disappear as rapidly as it occurs; consequently it is impossible for me to say the exact conditions that existed, although when I last saw the child she was practically in a comatose condition.

She passed out of my hands and has had no medical attention since then, as I am informed and believe.

She was examined by me on February 12, 1910, and I found absolutely no sugar, perfect health, heart beating at 82, and a perfectly bright and normal child.

R. NICHOL SMITH, M. D.

There are Members of this body who know by experience, either in their own person or that of some member or members of their family of the curative effects of Christian Science. The daughter of a distinguished Senator has given her time, unselfishly, to the great work of healing, and that in a State where it is made a criminal offense to take fees or other compensation for such services. The junior Senator from Minnesota [Mr. CLAPP], honored and respected by all who know him, was healed by this means. He has been good enough to furnish me a statement of his healing, as follows:

For many years I was a sufferer from rheumatism. This became complicated with heart trouble, and this became so acute that at times I did not dare to sleep in a reclining position, and often slept in a sitting posture, fearing a fatal attack if I went to sleep lying down. I used various remedies for rheumatism that seemed to temporarily relieve the pain, but all remedies in time seemed to lose their efficacy and the relief was only temporary. Finally, in a spirit more of hope than of any real expectation of getting relief, I took treatment in Christian Science, with the result that I obtained immediate and complete relief from rheumatism, and after a time all symptoms of heart trouble disappeared. This was some years ago, and I have never suffered from either since. Subsequent study, experience, and observation have satisfied me that the only limitation upon the healing in Christian Science is our knowledge of the subject.

MOSES E. CLAPP.

Mr. President, I have selected the above cases, 21 in number, from the experience of people of my own acquaintance upon whom I knew I could place implicit trust. All of the cases I have given except two are the fruits of Christian Science work in one city, and that an infinitesimal part of the work done in the city of Los Angeles alone. I could have given you hundreds of other cases of healing, many of so-called incurable diseases, but I can not in justice to the Senate consume time by including the many cases, convincing in their character, that I could easily furnish. If I had made public request for such statements I would have been overwhelmed with attested cases of healing from thousands of people who are filled with gratitude for their deliverance from the bonds of sin, sickness, sorrow, and disease. I have therefore in my own city asked pri-

vately for a few of the many cases that had come to my own knowledge and for which I could vouch as either within my own personal knowledge or from people known by me to be worthy of implicit confidence.

In addition to this I have asked a good and reliable friend of my own to secure for me a few reliable and trustworthy testimonials of healing from other parts of the country. I have some of them here. They are so convincing of the efficacy of Christian Science healing that I can not see how any fair and candid mind can continue to doubt it. I submit these additional statements of healing without comment. I could not, if I would, make them stronger or more convincing by any word of mine. It should be noticed that all of the cases that I am giving are of so-called incurable diseases. The thousands of healings of minor diseases in this way would fill volumes. At the head of each testimonial I have given the name of the person and the disease of which he was healed.

(1) B. F. SHERROUSE—CANCER.

NEW ORLEANS, *August 20, 1914.*

This is to state that after making an incision for an exploratory examination the eminent surgeons operating pronounced my case absolutely hopeless, as my stomach seemed practically eaten up with a malignant type of cancer, and to cut it out was certain death and to leave it was certain death, and, preferring nature to take its course, they simply closed the incision and turned me over to my family to die, and told them they did not see how I could possibly live over three or four weeks. This was on March 20, 1912, and on May 30, 1912, I discharged my physicians and called in a Christian Science healer. For seven days thereafter my condition remained about as formerly, but during the four days following I was an extremely sick man, and it looked like I would die in spite of all, but on the morning of the eleventh day I rallied, and from that day on I gradually improved, and, so far as I can possibly know, I am entirely cured, having no symptoms whatever of past troubles.

B. F. SHERROUSE, *New Orleans, La.*

(2) GEORGE W. REMBERT—CONFIRMING MR. SHERROUSE'S HEALING AND GIVING HIS OWN OF SIMILAR TROUBLE.

To whom it may concern:

For nearly 10 years I have enjoyed the personal acquaintance and friendship of Mr. B. F. Sherrouse, of this city. Mr. Sherrouse is a man of high integrity and purpose, he is widely known, and his veracity is beyond question with all who know him.

On or about May 30, 1912, I met Mr. Sherrouse in the rooms of the New Orleans Chess, Checkers, and Whist Club, of 1,000 membership. Observing his most extreme condition of health, I sought an interview with him, and he then stated to me that nine of our New Orleans physicians and surgeons had diagnosed his case as being "wholly incurable." His trouble was malignant cancer of the stomach, and these nine medical men were wholly agreed both as to diagnosis and prognosis; they held out to him not one ray of hope, but told him death was inevitable, and in a very short while; he himself was reconciled to this end and was only awaiting the final summons.

It was at this distressing moment of the conversation that I gave him the cup of cold water in the suggestion of Christian Science, of which he knew nothing then and knows but little more now. However, this, he at once dismissed his physicians and immediately sought help in Christian Science. I was in a position to observe him frequently thereafter, and his improvement, which was constant from almost the day he began Christian Science until a few months later, when he became a well man, was a source of much rejoicing to me. I see Mr. Sherrouse now almost daily and he shows no evidence of his former trouble.

Nearly all of the nine medical men who passed on this case are personally known to me, and they are the peer of any medical men in New Orleans, and some of them the peer of any in the United States.

At the time I suggested Christian Science to Mr. Sherrouse I was not a Christian Scientist, but was a member of the Presbyterian church. My reason for offering Christian Science to Mr. Sherrouse was because of the help I had derived through Christian Science. My own case, seen by some 17 medical men in different cities in this country and by certain specialists of experience and ability, had been diagnosed by them as malignant and all of them declaring an operation as imperative, but very likely I had deferred too long to get relief. It has been nearly three years since. I did not have the operation; I am 25 pounds heavier and in the best health of my life, all through Christian Science truth. I am now a member of the Mother Church in Boston, Mass., and a member of First Church of Christ Scientist of New Orleans, La.

GEORGE W. REMBERT.

AUGUST 22, 1914.

(3) LAURA MORRIS—TUBERCULOSIS.

BUFFALO, N. Y., *August 28, 1914.*

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: Three years ago I resigned my position as tuberculosis nurse for Chautauqua County, this State, on account of sickness, which Dr. Floyd Benjamin, of Cherry Creek, N. Y., thought was typhoid fever. Dr. Ellis W. Storms, of Falconer, N. Y., was also of the same opinion.

After six weeks, growing worse all the time, Dr. Thomas E. Soules, of Buffalo, was called in, and he diagnosed the case as tubercular peritonitis, with an affection of the lungs, taking a small quantity of fluid from the pleural cavity and having it examined by a bacteriologist, who confirmed his opinion. Dr. Soules also said I would not live three weeks. At this time I decided to try Christian Science and discontinued all medication. I immediately began to improve, and in a short time was up and about the house. I was entirely healed by Christian Science and have remained well and able to go about my work ever since.

Very truly yours, LAURA MORRIS,
Graduate nurse, 2017 Bailey Avenue.

We, the undersigned, hereby certify that we are familiar with the facts of the illness and healing of Miss Laura Morris by Christian Science, and that the statement above made by her is true and correct.

BESSIE MORRIS.
IDA M. STOWELL.
A. H. STOWELL.

(4) CHARLES RINKER—PEMPHIGUS.

DUBUQUE, IOWA, *August 26, 1914.*

Senator J. D. WORKS,
Washington, D. C.

DEAR SIR: About 10 years ago I was taken sick with a very severe skin disease, which my doctor, F. H. Holland, pronounced pemphigus. After treating with him for about three months he sent me to the clinic of the Rush Medical College in Chicago, under the care of Drs. Hyde and Ormsby, who also said I was suffering from pemphigus. I remained at the clinic for three months, after which I was dismissed, not healed, but was informed to go to my home and continue treatments, which I did for about two years without any good results.

At this time Christian Science was presented to me, and in a few months I was healed, without a return of the disease since.

Yours very truly,

CHARLES RINKER,
2271 Washington Street, Dubuque, Iowa.

(5) ED. C. VOLKERT—LEAD POISONING AND CONSUMPTION.

More than 20 years ago, while following the occupation of printing and while under the care of Dr. Ralph Jackson, a recognized homeopathic physician of Dubuque, Iowa, my condition of health became so serious that he assured me I had only a few months to live. I was at that time a printing pressman in the office of the Dubuque Times. I requested a change to outdoor work, being unable to stand on my feet and often losing a cupful of blood at stool. My employers demanded an examination by some physician of another school, and at their request I was examined by Dr. Greene, also of Dubuque, an allopath, and he frankly informed me I might live a year if I left the business. I was suffering from insomnia, piles, my system was "leaded" with type poisoning, and consumption would soon end my life. I had been in the care of Dr. Jackson for several years continuously, and he then informed me that medicine could do nothing further for me. I gave up my employment and retired to a home in the country to die. Before the expiration of three months a lady handed me a copy of Science and Health, Mary Baker Eddy's textbook, and as the result of the application of her teachings I soon regained perfect health and am alive to-day. I was also enabled to return to and follow the printing business for some years previous to my voluntary retirement from it to follow the occupation of farming.

Since that time I have found Christian science the most reliable and effective curative agent on earth when employed by those who understand it. The facts herein stated can all be easily corroborated.

Respectfully yours,

ED. C. VOLKERT,
R. R. 2, Bagley, Wis.

(6) GLADYS HOPE MILDRANE—VALVULAR HEART DISEASE.

Six years ago, when I was a very young girl, Dr. Herman Vichery and Dr. Jackson, both heart specialists of this city, pronounced my case incurable valvular heart disease, caused by rheumatic fever. I was never to have any exercise that other children had, never to be allowed any freedom along physical lines. Finally, when the physicians told my family I would have one year at the most to live, my mother becoming desperate tried Christian Science. All drugs were thrown aside, and within two weeks I was up and out, playing baseball with the little boys and girls who were my playmates. From that day my heart has been the same as my eyes and ears to me. I have never even thought of it. For all this I am extremely grateful and happy.

GLADYS HOPE MILDRANE,
South Mallen Street, Dorchester, Mass.

FEBRUARY 9, 1914.

I am grateful for the opportunity to attest the truth of my daughter's testimony as stated above, and hope that through it others may be led out of darkness into the light of Christian Science.

MRS. T. H. MILDRANE.

(7) BERTHA H. WOODS—TUBERCULOSIS OF THE GLANDS.

Christian Science treatment cured me of tuberculosis of the glands in the early fall of the year 1895. I was then living in West Newton, Mass. My mother and sister had died of tuberculosis under medical treatment. In both these cases Dr. Frederic Knight, a well-known throat and lung specialist of Boston, had been called in consultation during the last stages of the disease; therefore it was thought best for me to go to him in the early stages of the trouble while there was yet hope of recovery. I did so, and Dr. Knight used the arsenic treatment. If there was any gain it was not noticeable to me.

We moved to West Newton, and there Dr. Frederick Thayer, of West Newton, was called. He continued the arsenic treatment and also treated me for kidney trouble and constipation, both ailments dating back to my childhood. Dr. Thayer told my husband that my kidneys were so badly affected that unless I was watched carefully a cold settling on the kidneys might end my life very suddenly, consequently he made examination of conditions at regular intervals of a few weeks apart. When my boy was born I had four convulsions, and after that all the bad symptoms were greatly aggravated. I can not give this testimony without a just acknowledgment of Dr. Thayer's wonderful surgery, which saved my baby's life, and the loving devotion he gave us during all those hard months. In Dr. Thayer's absence Dr. Henry Perkins, of West Newton, was called, and he suggested removing, by surgery, the most diseased glands, which were those in the neck, the right breast, and under the right arm. It was then that I turned to Christian Science.

After five days' treatment in Christian Science natural action of the bowels was permanently restored. The feverish sensation and pain in the back from kidney trouble ceased, and in six weeks' time the swollen glands had so diminished in size as not to be noticeable. With the exception of slight ailments, which Christian Science treatment has always cured, I have been a perfectly well woman for the past 18 years. This blessing I owe to Christian Science.

BERTHA H. WOODS.

I hereby testify to the truth of the foregoing statements.

AGNES C. YOUNG.

BROOKLINE, MASS.

(8) A. W. NICHOLAS—TUBERCULOSIS.

AUGUST 15, 1914.

I am 64 years of age. On August 28, 1913, I was afflicted with an abscess on my right wrist, which developed into bone tuberculosis, rotting the bone from the wrist nearly to the elbow.

On the 18th of November it was found necessary to amputate the arm. Two weeks after the amputation inflammation spread over my

right side, causing intense agony. I wasted away to a mere skeleton. Dr. W. S. Turner, of this city, who was my physician, said he could do nothing more for me, and he told the neighbors that I had but a few weeks to live.

As a last resort, a Christian Science practitioner was called, and I was entirely healed in a few weeks. At the same time I was healed of chronic rheumatism and stomach trouble that had been the bane of my life for many years.

I have perfect health and weigh 10 pounds more than I ever did.

A. W. NICHOLAS,
17 Vine Street, Newark, Ohio.

(9) ADELE M. FOURNIER—CANCER.

In June, 1911, I had been operated on for a growth in my back. The doctors pronounced it a cancer, and incurable. They went on to say that it would return in six months or a year, and that being so near my spine it would be impossible to remove it. In June, 1912, the condition having returned and causing me much trouble, I decided to turn to Christian Science. For a year I struggled on not seeming to get any better. The summer of 1913 found me in what my friends and relatives called a dying condition. The growth was enormous, causing me much suffering. I had grown very weak. I now weighed less than 90 pounds, my usual weight being about 120 pounds.

I had had treatment from two different practitioners, but another was called. In a few weeks I began to improve and grow stronger. The pain left me entirely, but the manifestation was the same.

One morning in August I awakened with a clear sense of being healed. It was so vivid that I placed my hand to my back to see if the growth had disappeared. Although it was still there, I had a feeling of relief; it seemed as if a burden had been lifted from me. A few days later, when my mother was helping me to dress, she noticed that the growth was smaller. Every day it softened and diminished. About three weeks from that time it had entirely disappeared. I am now in perfect health.

ADELE M. FOUNIER,
Littleton, N. H.

Witnesses:
A. J. BARRETT,
J. ANNIE WHITING.

(10) ALICE C. BAIRD—FIBROID TUMOR.

Nine years previous to my healing I had been operated upon for the removal of a fibroid tumor at St. Joseph's Hospital, Chicago, Ill. Dr. Nicholas Senn, one of the world's most famous surgeons, performed the operation. At that time it seemed best not to disturb the smaller tumor, hoping it might cause no further trouble. Its removal meant the taking out of all the female organs and would include a slight operation on the spine, to which the tumor was attached.

Immediately this tumor became extremely painful, and after weeks of suffering I was allowed to go home. I could sleep only on one side with a pillow under one knee; I could walk but a few blocks after a year's time, and could perform no household duties.

I was persuaded that I must submit to another operation, and had all arrangements made when I was healed in Christian Science.

I have since resorted to no material means and am a perfectly normal woman. I have gained in weight 27 pounds in the nine years since I was healed, and through the understanding of the law of life I am learning how to live in health and happiness.

Sincerely yours,

ALICE C. (Mrs. SELDEN N.) BAIRD,
1116 Locust Street, Dubuque, Iowa.

P. S.—Drs. Sarah Kendall, Seattle, Wash., and Charles B. Reed, of Chicago, agreed upon the necessity of an operation.

I hereby certify that the within statement of my wife, Alice C. Baird, is correct in every detail.

S. N. BAIRD.

(11) MRS. LILLIAN L. VARRELL—TUMOR.

Over 27 years ago my attention was called to Christian Science by the wonderful healing of a friend. Later, when in great need of physical help, after different methods of treatment failed, I turned to Christian Science and received the help sought.

Several years later I had a tumor form in my left breast, which grew in size very rapidly. It was examined by two physicians, and both recommended its removal by a surgical operation. I entered a hospital, and after its removal I was assured I would have no further trouble. In a little more than a year I had five growths—three in one breast and two in the other—and the physician who had treated and removed the first one again treated these, and failed as before to check the growth or help them, and he finally recommended the removal of both breasts. I had treatment from a Christian Science practitioner, however, and these growths were entirely wiped out.

Not understanding Christian Science sufficient to apply it to my needs, and living where there was no one at all interested, I turned to material remedies for the little needs. But when four years later a polypus growth of the womb appeared, and the same physician recommended its removal, and said the womb, because of its badly congested condition, must be drawn down and scraped, I turned in my extremity as before to Christian Science and was healed. The positive proofs of these healings was the birth of two sons, one now in his nineteenth year and the other seventeenth, who have had no material remedies. Christian Science has met their every need.

A daughter of 12 years had appendicitis and requested a physician. One was called, and the next day in consultation with another physician decided she had only a few hours to live. She was instantaneously healed when she seemed near passing away, through her own declaration of the Truth, as she had been taught in Christian Science.

Mrs. LILLIAN L. VARRELL,
54 Bridge Street, Portsmouth, N. H.

(12) MISS FAITH R. EMERY—TUBERCULOSIS OF THE BOWELS.

In the year 1900, in my second year of training as a nurse in the Homeopathic Hospital, in Boston, I was taken ill. After a serious operation, the trouble was diagnosed as tuberculosis of the bowels.

After four months' treatment there I was taken to a private sanitarium in Rutland, Mass. But the treatment there was considered too harsh for me in my condition, and I was taken back to the hospital for a few weeks and then was sent away to die, as I afterwards learned.

From the hospital I was taken to Hebron, Me., where I seemed to get some better, so that I began to walk a little. For the four months that I was in the hospital I was not even bolstered up in bed, and for nine months I did not step my feet on the floor. In June of the next year I was so much better that I was taken to my home at the seashore. In the fall, however, the serious condition returned, and application was made for me to enter the hospital again, but they would not take me back. They did not want an incurable on their hands. I seemed to be in the depths of despair, suffering mentally and physically.

"Man's extremity is God's opportunity." I turned to Christian Science for help. Now after 13 years I can testify that I have spent only one day in bed from illness, and that every illness that has come to me has been healed by Christian Science. To-day I am a well, strong woman, doing my work—hard work—and carrying on a business, free and happy.

Miss FAITH R. EMERY,
2 Court Street, Exeter, N. H.

Witnesses:
ANNIE M. BLISS, *Redding, Mass.*
ANNIE L. EMERY, *Exeter, N. H.*
JNO. SCAMMON,
Justice of the Peace.

(13) ELIZABETH J. GRIFFIN—CANCER.

2040 SEVENTH AVENUE,
New York City, August 24, 1914.

In 1901 I visited Dr. William J. Kingsley, of the Cancer Hospital, Rome, N. Y., for advice about growths in both my right and left breasts. Dr. Kingsley pronounced the growth to be scirrhus or hard cancer. I was operated upon in 1901 and again in 1902 by Dr. Will Kingsley, son of Dr. William J. Kingsley. In all there were seven developments in the right and nine in the left breast. It was in 1904, when the condition made its appearance for the third time under the wounds of the previous operations, that I called for Christian Science treatment. After five weeks treatment by Christian Science all trace of cancer disappeared, and I am now entirely free.

Sincerely yours,

ELIZABETH J. GRIFFIN.

AUGUST 26, 1914.

This is to verify the statement made by my sister Elizabeth J. Griffin, in a letter dated August 24, 1914, addressed to the Hon. JOHN D. WORKS, Senate Chamber, Washington, D. C. I was with my sister at Dr. Kingsley's hospital in Rome, N. Y., during the time of the first operation, and remained with her until the doctor felt that the operation had been successful. I also accompanied her to the train when she went to Rome for the second operation. I know that the condition had made its appearance for the third time, and that it disappeared under Christian Science treatment.

Yours very truly,

CHAS. E. GRIFFIN.

(14) JOHN H. CUSHING—DIABETES.

VINTON, IOWA, *August 26, 1914.*

I was examined several times and my case diagnosed by Drs. J. P. Whitney and L. Chadburn, practicing physicians of Vinton, Iowa, and my condition was pronounced by them to be "sugar diabetes," and they said it was incurable and medicine could not cure it, and that I might prolong existence by a strict diet, but that I would never be well.

I spent the most of one winter at Mineral Wells, Tex., drinking the water in hope of relief. Before this condition came upon me I weighed 210 pounds, and on returning from the "Wells" I was in a worse condition, only weighing 165 pounds. A few weeks after my return a friend who had been healed of the same trouble by Christian Science advised me to try it, which I did, and in one treatment in Christian Science I was healed, and within an hour ate a hearty meal, and have not missed a meal since. This healing took place in March, 1912, and I have continued well ever since and now weigh 187 pounds, and I am able to do all kinds of heavy work, which I could not do for three years previous to my healing in Christian Science.

Respectfully yours,

JOHN H. CUSHING.

(15) FRANK HALE—DRINK HABIT.

CEDAR RAPIDS, IOWA, *August 30, 1914.*

My affliction was the whisky and cigarette habits, having constantly used whisky and cigarettes to excess from 15 to 20 years. Previous to my complete breakdown I was consuming fully a quart of whisky each day and night and smoking 40 to 50 cigarettes daily until July, 1913, when I was awakened to the fact that I was a physical and mental wreck, when I decided to take the whisky cure at the Keeley Institute, at Des Moines, Iowa. I remained there five weeks under the care of this institution, at the end of which time Dr. Culver, the physician in charge, pronounced my case incurable under their treatment, and indicated to my sister, who was a Christian Scientist, that I might possibly be helped through this means of healing. I was sent away from this institute with an attendant, as I was demented and almost blind, not able to in any way care for myself. My first stop was at Marshalltown, where my sister lived, and when I arrived there I took my first treatment in Christian Science, commencing to improve immediately. After three weeks I was able to return to my home in Cedar Rapids, Iowa, in a much improved condition and continued the treatments for some little time, and through the healing power of Christian Science I am now in my right mind and physically well and morally strong, and never felt better in my life. I am convinced that if it had not been for Christian Science I would not be here to tell the story. I am not only restored to health, but to my wife and family and to my former work, as traveling salesman, and my gratitude to God and Christian Science is unbounded.

Very respectfully,

FRANK HALE,
818 South Second Street W.

(16) FLORENCE A. LOPEZ—TUBERCULOSIS OF KNEE JOINT.

I had been in poor health for a number of years and was constantly under the doctor's care, until finally, about the spring of 1901, I think it was, I was obliged to give up my work altogether. I suffered continually with my head and back and had gradually lost the use of my right leg. The pain seemed to center in my knee and was intense. I went from doctor to doctor, but grew constantly worse. Finally I was taken to Dr. Lillienthal, a prominent surgeon connected with Mount Sinai Hospital; he diagnosed the condition as tuberculosis of the knee joint, and ordered me to wear on orthopedic brace. This I did for several months, but it only seemed to make matters worse. By this time the leg had shriveled considerably and I was constantly in great pain.

In December, 1902, I was removed to St. John's Hospital, of Brooklyn, N. Y., and was operated on by Dr. Beekman H. Delatour, who removed several pieces of cartilage which had broken loose from the knee joint. I had been promised by the doctors that if I would consent to this operation I would experience immediate relief, and, though my knee would be permanently stiff, I would otherwise be well and able to walk without difficulty. This, however, did not happen. I continued to suffer intensely, and shortly after this operation I developed a mastoid abscess and six weeks later was operated on for that

trouble. I remained in St. John's Hospital for three months, until the spring of 1903. As the result of these operations my knee was entirely stiff and the leg had shortened over an inch. I continued to suffer almost as much as previously, and was unable to walk without crutches.

During the next year I had treatment from an osteopath, who tried in vain to restore motion to the knee and who finally gave up the case as hopeless. In March of 1904 I was again taken to the hospital and operated on for appendicitis, returning home at the end of a month weaker and more miserable than ever. The following winter, at the advice of the doctors, I went south and remained for six months, returning much better and even able to walk a little without crutches, but in a few months I was much worse again and had to return to the doctors. In October, 1905, I went a third time to the hospital and was again operated on, further pieces of the cartilage being removed. This resulted in a still further shortening of the leg, but was otherwise without result.

In February, 1906, after a winter of great suffering and hopelessness, I was persuaded to try Christian Science. I knew nothing of it and had no faith in it, but simply tried it as a last resort, as I was almost in despair. Six weeks after I started treatment I was walking on the street without crutches, and in another six weeks the leg had grown back to its natural length. On the 17th of June, 1906, I went to work, and have been constantly employed ever since. A month or two later I was examined by Dr. W. L. Duffield, who had been my attending physician for years, and, to quote his own words, he said, "Your knee is in absolutely perfect condition." I have continued to grow stronger during the last eight years, until I can say gratefully that I am absolutely well.

The truth of the foregoing statement can be vouched for by the following: Mrs. Fred Riley, 5 Kenmore Place, Brooklyn, N. Y.; Mrs. Clarence Steere (formerly of Brooklyn), Wickford, R. I.

FLORENCE A. LOPEZ,
820 Nostrand Avenue, Brooklyn, N. Y.

(17) MISS JULIA C. MEEK—CHRONIC MYELITIS.

About eight years ago, at the age of 13, I was taken with what physicians called chronic myelitis, which gradually developed in intensity until it extended over the entire length of the spinal column, in consequence of which my entire body except the right arm became absolutely useless. My head and knees were drawn so closely together that the only way I could take food was by having my knees forced apart and being fed by means of a tube. Every physician who was employed pronounced my case incurable, and in consultation they agreed that it was impossible for me to live, and positively would never be well. After failing to receive any help or get any encouragement from the several physicians, I turned to Christian Science, and through its efficacy was completely healed. The following doctors were employed: Dr. C. O. Bernhardt, sr., No. 506 Eighteenth Street, Rock Island, Ill.; Dr. George Eyster, No. 1109 Second Avenue, Rock Island, Ill.; Dr. J. F. Meyers, No. 2926 Fifth Avenue, Moline, Ill.; Dr. V. A. Berland, No. 1721½ Second Avenue, Rock Island, Ill.

Respectfully yours,

Miss JULIA C. MEEK,
No. 912 Seventeenth Street, Rock Island, Ill.

(18) MISS NELLIE B. TINKHAM—CANCER.

Nine years ago I first began to notice a disease manifesting itself in my left breast. This increased gradually until it began to give me considerable pain and swelling. I consulted Dr. C. E. Longiaux, Dubuque, Iowa, who stated, upon examination, that an immediate operation was absolutely necessary; that it was a tumorous cancer; that it was so far developed as to make an immediate operation a positive necessity in order to save my life, as well as threatening paralysis of the left arm. At this stage of my disease the pains became very severe and lasting. The mental condition following such a diagnosis and the physical evidence to support it made human existence to me most unendurable. This first doctor said that the left breast had to be entirely removed, part of the right one also; that the operation had to be performed within 10 days; that the growth of this cancer had extended to this positive necessity.

I then consulted Dr. Reuter, of Waterloo, Iowa. He corroborated what the first doctor said. This last-named doctor was an allopathic doctor. At this time my left arm could not be raised to my head. It was at this extreme period, in March, 1913, that I tried Christian Science upon the advice of a friend. The first treatment brought relief, although severe pains followed three days later during the night, but the following morning I realized that I was greatly improved, and in the first week's Christian Science work the growth became smaller, pains disappeared, fear destroyed, my general condition greatly improved. At the end of three months the cancerous growth had entirely disappeared, my breasts were in perfect normal condition, my left arm well, my general condition of health most excellent. I relied absolutely upon Christian Science during this time. My condition as to health and happiness has been normal and permanent to this date, September 7, 1914.

I am willing to verify under oath the correctness of this testimony.

Miss NELLIE B. TINKHAM,
Dubuque, Iowa.

(19) MRS. REBA G. PECK—FIBROID TUMOR.

Sixteen years ago I suffered greatly from nervous headaches and great depression. This continued for a number of years, with attacks of acute pain so great that at times I thought I would die in them. My husband, being a physician, treated me without any permanent relief, frequently calling in other physicians to suggest treatment, without any permanent results. After several years' suffering the trouble was diagnosed fibroid tumor of the uterus. An eminent surgeon and a specialist of women's diseases suggested the knife as the only remedy, but I would not submit to a surgical operation and continued to suffer almost unendurable pain and depression, with impaired digestion and inability to properly attend my household duties. The tumor gradually grew until it was the size of one's head. Finding no relief from medicine, electricity, osteopathy, or psychology, I turned to Christian Science and found in this treatment great relief. First the headaches were relieved, digestion improved, and the tumor reduced and disappeared. Since then I have turned to Science for different diseases in my family and have seen some wonderful healings. My gratitude is unbounded.

Respectfully,

Mrs. REBA G. PECK,
235 West Peachtree Street, Atlanta, Ga.

SEPTEMBER 6, 1914.

The very brief statement of the suffering of my wife, Mrs. R. G. Peck, only partly states her condition and suffering. I certify that the statement is correct and only details a very small part of her suffering. She was perfectly relieved by Christian Science treatment, as stated, after failure of all known medical treatment.

F. H. PECK, M. D.,
Atlanta, Ga.

SEPTEMBER 6, 1914.

(20) FRED J. STEVENS—LOCOMOTOR ATAXIA.

501 SOUTH LA SALLE STREET.
Chicago, September 16, 1914.

For a period of 12 years I was in very poor health, almost constantly under the care of a physician. I was then taken with a disease diagnosed by the doctor as locomotor ataxia and pronounced incurable. He also advised very strongly against the employment of specialists or any system of medical treatment, saying there was absolutely nothing known in medical science that would heal this disease. As he was also an old friend of the family, he knew that we had no money to waste, and he was very willing to do all the doctoring we needed.

This ailment, owing to my very weakened physical condition, made very rapid headway, and at the end of three years I was helpless, bedridden, unable to walk or to stand upright on my feet. A specialist was then called, and after three months' treatment I was so much worse that he told my wife that he could do nothing more, that my end was near—a matter of six weeks at most. I decided then and there that I would discontinue all medicine and medical treatment and live the balance of my days in peace. A copy of the Christian Science textbook, Science and Health, with Key to the Scriptures, by Mary Baker Eddy, was brought to me at this time by a Christian Science friend, and after a few weeks of thorough study and an honest desire for understanding I was once more enabled to use my limbs, which had been useless for so long. After reaching the point where I could walk out on the street without assistance a Christian Science practitioner was consulted for the purpose of obtaining a better understanding of the truth. One month from the day that I called on the practitioner I returned to my place of employment thoroughly and completely healed. It is now more than 11 years since this healing was effected, and there has never been the least symptom of the old complaint returning. To-day I can walk as good as any man and am enjoying perfect health.

The physician who diagnosed this case is Dr. Wells Andrews, whose last address that I have been able to get was at 2259 West Madison Street, Chicago. The specialist who treated this case was a Dr. Gilbert White, who at that time was the head of a goat lymph sanitarium, located in the Auditorium Building, Chicago, but whose present whereabouts are unknown to me.

Very sincerely, yours,

FRED J. STEVENS.

The events narrated in the foregoing testimony of my husband are true and exact in every particular.

Mrs. NELLIE E. STEVENS.

(21) C. DUDLEY GEDDES—CRIPPLED FROM BIRTH.

1415 SECOND AVENUE,
Detroit, Mich., September 2, 1914.

I wish to testify to the efficacy of Christian Science as a healing agency.

My son, now 17 years of age, from his birth to his twelfth year was a cripple, delicate, and puny.

Christian Science has changed him to a rugged, healthy, normal boy. It has both straightened and lengthened the curved and shortened limb, restored the carious bone to soundness and the stiffened joints to their normal action.

This condition was prenatal, consequently looked upon by the medical profession as incurable. Manipulation, massage, electricity were each given a trial, without result. Nothing remained to be done from a material standpoint but an operation. Friends and doctors advised it as the only remedy, but even this held no assurance of a complete healing. The only committal given was that it would help the condition.

No less a distinguished physician than Dr. Royal Copeland, of New York City, dean of New York Homeopathic Medical College and Flower Hospital, 58 Central Park West, formerly the head of the homeopathic department of the University of Michigan, and a man of great breadth and generosity of mind, willing to give justice where justice is due, made the statement that it was beyond the realm of reason to expect Christian Science to heal this particular case; that the only thing to be done was an operation.

An operation did heal the boy, but it was the operation of Divine mind, not of matter. It was the operation of the Divine law of harmony replacing that of inharmony—suffering; the law of freedom replacing that of bondage. Furthermore, the healing was painless, thorough, and complete.

That this testimony may give hope to others who are in need and that Christian Science may be given the credit of the healing is the reason for giving it.

Very sincerely yours,

LULU Y. GEDDES.

I hereby certify that the above testimony as given by my mother in regard to my healing is true in every particular.

C. DUDLEY GEDDES.

I personally know C. Dudley Geddes and the mother, Mrs. Lulu Y. Geddes, hence I can vouch for the verity of the above statement.

Sincerely yours,

CHAS. V. WINN.

In a personal note accompanying the above testimonial Mrs. Geddes says:

"I am sending you a testimony of my son's healing through Christian Science. It has been slow in going forward to you for the reason that I had first to find the address of Dr. Copeland, to whom reference is made, and then wait for a reply—wishing to make sure that the use of his name would not be objectionable to him. In writing him I inclosed a copy of the testimonial I am sending you, and this is what he said in answer to it:

"'Your letter is certainly truthful, and I have no desire to have it changed in the least. I have always said that as a system of ethics, as a way of everyday living, Christian Science has in it all the good in the world. You know I have never been quite willing to admit that organic disease could respond to the methods of Christian Science, but I would be a poor Christian, indeed, if I doubted God's ability to do anything.'

"Dr. Copeland is dean of the New York Homeopathic Medical College and Flower Hospital, New York City.

"Very sincerely yours,

"LULU Y. GEDDES."

(22) R. H. PENTECOST—BRIGHT'S DISEASE.

MEMPHIS, TENN., *September 12, 1914.*

In the year 1905 my health failed to such an extent that I was practically incapacitated for work. Dr. W. T. Watson, of Lexington, Tenn., where I was living at that time, diagnosed my case, and, being a friend of my family, evidently feared to acquaint me with his finding. However, subsequent events proved that his diagnosis confirmed my opinion of the case.

Failing to receive any benefit from materia medica, as a last resort I turned to Christian Science and was shortly healed. Some two years after my healing I was again in Lexington, and seeing Dr. Watson I urged him to tell me what his diagnosis had revealed, whereupon he stated that it was undoubtedly Bright's disease, and that he feared to tell me the real condition at the time of his diagnosis. My healing was permanent, and I am now in excellent health.

Yours truly,

R. H. PENTECOST.

I am familiar with this case and know it to be absolutely true.

Truthfully,

MARY BEATRICE GARRISON.

(23) MRS. MAME LUND—TUMOR.

GRAND RAPIDS, MICH., *September 11, 1914.*

I was healed of an ovarian cyst tumor through Christian Science treatment 16 years ago. My family physician, Dr. O. L. Dales, of Grand Rapids, took me to the U. B. A. Hospital, of this city, where Dr. Herrick performed the operation. I had become very thin and emaciated, and then filled up with water until, from the waist line down to my feet, I was very large. The tumor and what water they caught filled a large pail and weighed 40 pounds. Another tumor grew in its place, which at the end of a year had become very large. The same family physican, Dr. Dales, urged me to have it removed again, and with it the organ from which it grew.

While dreading the operation I heard of Christian Science. I asked for Christian Science treatment and at the end of a week I was free from all pain and discomfort. I continued taking treatment in Christian Science for about three weeks. Not long after Dr. Dales made an examination and found no trace of the tumor. About six months after my healing I passed examination for life insurance.

During all these years there has never been any return of the trouble.

Very truly yours,

MRS. MAME LUND.

We gladly indorse Mrs. Lund's testimony of healing.

MRS. CHAS. ALDEN,
901 Scribner Avenue, Grand Rapids, Mich.
M. LUND,
923 Scribner Avenue, Grand Rapids, Mich.
MRS. H. A. LARAWAY,
506 Union Avenue SE., Grand Rapids, Mich.

(24) FRIEND WEST—CANCER.

CEDAR SPRINGS, MICH., *September 11, 1914.*

In September, 1908, my physician, Dr. A. C. Auren, then of Cedar Springs, took me to a hospital in Grand Rapids to be operated on for appendicitis. Dr. Graves started to perform an operation, and instead of appendicitis he found a cancer of the bowels of so serious a nature as to make an operation useless. The incision was sewed up without performing any operation, and I was informed by Dr. Graves that I might possibly live six weeks.

My cousin, who is a Christian Scientist, asked me to try Christian Science. The incision for an operation took place Tuesday. On the following day—Wednesday—I had my first Christian Science treatment. Saturday of the same week I walked down town, a distance of several blocks. Sunday I took a ride of about 12 miles in a carriage and in 10 days I was working on the farm picking up potatoes.

I am pleased to say that I have remained in good health ever since, having had no return of the cancer.

Very truly yours, FRIEND WEST.

We indorse the above testimony of the healing of Friend West through Christian Science treatment.

CHAS. R. ALLMAND.
MRS. FRIEND WEST.

(25) HARRY FISHER—MULTIPLE NEURITIS, KIDNEY TROUBLE, AND TOBACCO HEART.

BUFFALO, N. Y., *September 25, 1914.*

While attending a convention of the National Association of Merchant Tailors of America, held in Washington, D. C., in February, 1911, I was seized with a severe attack of tonsilitis. Upon my return home I sought my physician, Dr. George M. Lewis, 2567 Main Street, Buffalo, N. Y. He did what he could to relieve me, but without success. A few days later I was stricken down with what the doctors term multiple neuritis, kidney trouble, and tobacco heart, and for a period of several weeks I suffered untold agony, and half of that time was in a semi-conscious condition. During the earlier part of my sickness my wife called in Dr. George Mosley, of Delaware Avenue, Buffalo, in consultation with Dr. Lewis, and they agreed that the diagnosis was a correct one and the remedies satisfactory. I was given hot-air baths up to a temperature of three and four hundred degrees, together with various medicines, but I gradually became weaker, until the doctor informed my family that I would not live longer than 48 hours at the longest. My family then asked me to try Christian Science, and I gave my consent to call a practitioner. When he came to my room I was in such a condition that I was unable to sit up or stand, unable to feed myself, and my nurse carried me in his arms just like a baby. After he had given me a treatment he told me that I would be able to leave my bed on the next day, and could do so at once if I wished to. I looked at the practitioner and felt very sorry for him, but to my surprise I did get up about three-quarters of an hour after he had left, for I was completely healed of all my complaints. A desire for tobacco was taken away and a few days later I discovered that my eyesight was healed, for I had worn glasses for about 12 years.

From the day of my healing to the present time I have had splendid health and have not take any medicine internally or externally.

I remain, yours, very truly,

HARRY FISHER.

I have personally known Mr. Harry Fisher for the period of 20 years and known the awful sickness through which he passed in February, 1911, and can testify to the wonderful healing which he had under Christian Science treatment.

Yours very truly,

LOUIS SAPERSTON,
146 East Utica Street, Buffalo, N. Y.

SEPTEMBER 25, 1914.

One of the most wonderful cases of healing that has come to my notice occurred here in Washington. It is the casé of a child born crippled and deformed and declared by the doctors to be idiotic. It was practically made over by Christian Science treatment. And yet people in their ignorance say that this remedy can not heal organic disease, but is good only for nervous or imaginary ailments. I submit the account of the father and mother of this healing:

(26) CHILD OF MR. AND MRS. A. K. WINE—CRIPPLED AND DEFORMED FROM BIRTH.

WASHINGTON, D. C., *September 19, 1914.*

Our youngest daughter, born July 15, 1912, was misshapen at birth, having curvature of the spine and both arms and legs constantly remained in an unnatural position, one arm being drawn down to the side and back in a twisted position, the other arm being drawn up back of the head; both legs were drawn up in an unnatural position. The child had convulsions from the day of her birth, sometimes as many as 18 in a day and night. Every particle of food she attempted to eat would bring on convulsions. She never had a natural movement of the bowels. We tried every means that we could, but her condition never improved.

On August 1, 1913, we took her to Johns Hopkins Hospital, in Baltimore. The surgeons told us that the child had been injured at birth and had a clot of blood on the brain; that she was an idiot and could not live; that if it were possible for her to live she would never be able to walk, because her legs were drawn out of shape. They also said that one shoulder was dislocated. She was in such a misshapen condition that this had never been discovered. We brought the child home and the end seemed to be at hand. The local physician, Dr. William P. Wood, said that she was nearly gone, and we began to make arrangements for the funeral. She revived, however, and continued to live. Some friends then called our attention to Christian Science and advised us to give it a trial. We did so, and as soon as the treatment in Christian Science commenced the convulsions stopped and the bowels began to act normally, and have done so ever since. One day when bathing her and moving as carefully as possible the dislocated arm it suddenly snapped into place with considerable noise. It has remained in place ever since. She is now able to stand on her feet, her legs are straight, and she is learning to walk and talk, and is not an idiot.

Before being healed in Christian Science she had cut several teeth. They were all without enamel, so soft and chalky that they could be flaked off with the finger nail. Since her healing the teeth that she has cut have been covered with enamel, and enamel is forming at the roots of the teeth that came before she was healed.

The surgeons at the Johns Hopkins Hospital stated, among other things, that a rib had been broken and grown together. There was a disagreeable-looking lump where the break had occurred. The lump has entirely disappeared. Her back is also perfectly straight.

MRS. MAUDE A. WINE,
A. K. WINE,
116 Third Street NE.

This is to certify that I have this day seen the daughter of Mr. and Mrs. A. K. Wine, referred to in the accompanying statement. The appearance of the child bears out the statement of the parents. The child appears bright, active, and happy.

WM. S. CAMPBELL,
The Burlington.

WASHINGTON, D. C., *September 19, 1914.*

(27) MRS. G. H. HAMILTON—DISEASE OF KIDNEYS.

COLUMBUS, OHIO, *September 23, 1914.*

DEAR SIR: In February of 1902 I was confined to my bed for two weeks with abscess and hemorrhage of the kidneys. At that time I was chief night nurse at the Grant Hospital, Columbus, Ohio. Dr. J. F. Baldwin suggested operating. Dr. E. J. Wilson was called in consultation, and they decided not to operate.

For six years after that time, and after leaving the hospital, I had frequent attacks, having employed different physicians—Dr. C. D. McCoy, now of Kenton, Ohio; Dr. E. J. Emerick, of Columbus; and Dr. J. F. Baldwin being in consultation with each one.

The attacks growing more severe and my general health in a more weakened condition until February, 1908, which was the last and most severe, I in a short time after that had an X-ray examination by Dr. C. J. Bowen, which showed the left kidney to be about three times its normal size, with light spots, which, he said, they thought might be tubercular. The right kidney showed the light spots, but could not get distinct outline.

Next, Dr. Starling Wilcox catheterized the ureters, by request of Dr. Baldwin, to determine whether the right one could stand the removal of the left one. But after none of them would tell me what was the trouble, but said the right one was as bad as the left, and they could not operate, but said I must give up all my work. They prescribed a treatment which I tried to carry out, but grew worse and could not stand the medicine, as it injured the stomach.

In May I was advised to try Christian Science. After sarcastically refusing for some time, I finally consulted a practitioner and in four weeks was healed, the poison passing off in the form of a diarrhea, lasting four days.

I have had no return of the trouble and am able to do anything I have to do, for which I am very grateful, indeed.

MRS. G. H. HAMILTON,
9132 Summit Street.

(28) MRS. MARY S. STEWART—CANCER.

MCCONNELSVILLE, OHIO, *September 22, 1910.*

It gives me pleasure to give my testimony as to what Christian Science has done for me.

After being operated upon twice for the removal of a cancerous growth in the breast, and after the growth had appeared again for the third time and in two places, I was induced to try Christian Science.

I was healed. I have had perfect health and there has been no return of the disease since. That was seven years ago.

Very respectfully,

Mrs. MARY S. STEWART.

P. S.—The physician who diagnosed the case and who performed the operation were one and the same, Dr. Henry McLaughlin, of Marietta, Ohio.

M. S. S.

(29) MRS. ADELAIDE M. GILMAN—DISEASE OF KIDNEYS.

CLEVELAND, OHIO, *September 22, 1914.*

After suffering for three years with sinking and fainting spells, as well as having considerable pain, I went to Dr. C. F. Hoover, 700 Rose Building, Cleveland, Ohio, for an examination. As a result of this examination he stated that there was a large growth on the right kidney and that the left kidney was so badly affected that there were continuous hemorrhages from it. He said that it would not be advisable to operate, as both kidneys were seriously affected, and advised that I remain as quiet as possible, explaining that any sudden jar might cause a hemorrhage which might result fatally. He even advised me not to go home in my machine, fearing the jolting of the car would produce a serious hemorrhage.

At the request of Dr. Hoover, Dr. William Lower, Osborn Building, Cleveland, also made an examination, as well as a test of the urine, which test corroborated the diagnosis of Dr. Hoover. He also advised against riding in an automobile or street car and recommended perfect quiet.

After consulting with these specialists I was advised by friends to try Christian Science treatment, which I did. The change was apparent from the first treatment. In three months I took an automobile trip of over 1,000 miles, and while on that trip my complete healing was manifested. After the healing a sample of the urine was analyzed by Dr. Tanner, of Willoughby, Ohio, who pronounced it free from any foreign matter.

During the past seven years I have been absolutely free from any discordant condition of this kind and have annually taken trips ranging from 1,000 to 3,000 miles by automobile without experiencing any inconvenience.

Mrs. ADELAIDE M. GILMAN,
Beauwood, Euclid, Ohio.

(30) MAJ. LORENZO P. DAVISON—PARALYSIS, RHEUMATISM, AND OTHER DISEASES.

The STATE OF TEXAS, *County of Tarrant:*

Before me, the undersigned authority, on this day personally appeared Maj. Lorenzo P. Davison, United States Army, retired, known to me to be a credible person, who, being first duly sworn, deposes and says:

That he is at present detailed by the War Department as instructor of military science and tactics at a military school near Fort Worth, Tex.; that he is an alumnus of Colgate University, Hamilton, N. Y.; a graduate of the United States Military Academy, West Point, N. Y., class 1885; that he took the post graduate course at the United States Engineer School of Application, Willets Point, N. Y., 1888–1890; and that at the outbreak of the Spanish-American War he was pursuing special work in the Ryerson Physical Laboratory at the University of Chicago under the direction of Prof. Michallson, the celebrated physicist; that he is now sound, mentally and physically, and able to do more work and better work than ever before in his life; that his present physical condition is due to the healing power of Christian Science; that he was healed by reading Science and Health, With Key to the Scriptures, by Mary Baker Eddy, of the following diseases: Rheumatism of 12 years' standing, diagnosed as chronic; malaria of about 8 years' standing, developed into its most pernicious form, due to continued tropic service; and of the after effects of a violent attack of tropical—Shanghai—dysentery; constipation in its most stubborn form, said to be due to a stricture of the sigmoid flexure which the surgeons claimed could only be completely remedied by an operation.

At the close of the Spanish-American War he found himself completely prostrated physically and mentally, suffering from the above-mentioned complications combined with what the doctors diagnosed as chronic neurasthenia, and that he was invalided home from the Tropics, with little or no expectation of ever being able to do active service again. That in July, 1900, his command was ordered abroad as part of an expedition for the relief of the legations at Peking, China, and while but little improved in health, he went with his company in a vain attempt to flee from what seemed a worse state of affairs at home—desperately sick in soul and in body, a soldier's grave in a far-off land seemed to be the highest hope both for himself and his family; that his service in the Philippines was practically a repetition of that in the American Tropics, resulting in frequent collapses and a final complete breakdown, culminating with malignant ear trouble and mastoiditis; that his mental and physical condition was such as to render it unsafe to operate for the latter trouble, which apparently developed into what was finally clearly diagnosed by expert physicians and surgeons as pachymeningitis, affecting the part of the brain supposed to be the center of sight, speech, and hearing; that he was sent from one military hospital to another for observation and treatment, until between Christmas and New Year's, 1902, at the Army and Navy General Hospital in Hot Springs, Ark., he was stricken with paralysis affecting the right side; 11 days later a second stroke included the entire right side and affected the left; some 14 days later a third stroke of paralysis completed the work and left him apparently helpless, sightless, and speechless. That these strokes were well defined, and on account of his age, 44, the surgeons held out no possible hope of recovery. While in this state, much of the time in a state of coma, given up by the kind, competent, and sympathetic surgeons as hopeless, waiting as patiently as possible for death which seemed inevitable, some words of the Christian Science textbook, Science and Health, with Key to the Scriptures, by Mary Baker Eddy, came to him with new meaning, a meaning not understood when read years before in mere technical investigation; that he began to realize their healing effect, and turned to God for the first time with an honest desire to live, to be good, and to do good; that more and more of this truth came to him as he continued to ponder it, and to the amazement and confusion of the surgeons in charge he began to recover the use of faculties and limbs; that from that time on, especially after being able to again procure a copy of Science and Health, depending entirely on Christian Science for healing and reformation, he was freed from those various diseases slowly but surely, and is to-day a well, strong, active, and happy and contented man; that for many years preceding his final breakdown he was what is called a steady drinker—never actually drunk, but requiring more and more frequent indulgence in stimulants to do his work, and fond of gaming, often carrying it to excess; profane and otherwise not over choice in the use of words or ideas; a confirmed tobacco user in all its worst forms, and without fear of God or respect to man, and without a hope of a hereafter; that these habits fell away from him one by one while reading and studying the Bible in connection with and as interpreted by Science and Health until now he rejoices in freedom from all the above degrading conditions; that in 1904, when he came up regularly for examination for promotion to his present rank, the examining board, in performance of their sworn duty, called in expert medical testimony and found that, although rapidly improving, he was entirely unfit for active service, and that there was no reasonable hope that he would be able to do duty again, and thereupon he was retired from the active list of the Army; that in 1906 he was examined for a policy of $5,000 in a well-known life insurance company and passed the medical examination successfully and highly satisfactorily, and that with a full and detailed knowledge of the medical history of the applicant the proper authority (the vice president of the company in this case) waived the facts of said medical history and officially considered him and recommended him as an "excellent risk"; that said policy was thereupon issued, and that a year and a half later, when deponent allowed said policy to lapse because he considered it an unnecessary expense, the said insurance company urged him strongly to maintain said policy; that he at this time hardly knew what a "healer" or "practitioner" meant in Christian Science, and had no treatment or other ouside help until later; that the medical history of the deponent is a matter of record in the War Department, Washington, D. C., and at the various hospitals and posts where he was afflicted—records made on the spot by unbiased and competent surgeons; that in the interest of truth the deponent will facilitate the examination of such records and will gladly answer in detail any questions as to his previous or present condition; and deponent further states that he knows by indubitable evidence which is too sacred to be made public that his healing and reformation are due to the complete change of thought concerning God and concerning man in His image and likeness, brought about by reading and studying and attempting to apply the discovery by Mary Baker Eddy known as Christian Science.

L. P. DAVISON.

Subscribed and sworn to before me this 22d day of April, 1910.

W. W. HAZZARD,
Notary Public, Tarrant County, Tex.

(31) MRS. NINA ECKSTEIN—BLINDNESS.

When about 4 years old I fell into a pond of water which was covered with scum, my eyes becoming infected with same. For some weeks I could not see at all, and when the doctor did not help me my mother took me to an old man who healed by prayer. After my third visit I was able to see. When the trouble returned and I was taken there again we found that the man had died, and I was obliged to resort to material means again. When I reached my sixteenth year I went to Prague, Austria, and entered a hospital, where I remained about four weeks and was discharged as healed. Two years later I went to New York, and after being there one week my eyes again became very much inflamed and I was taken to an eye specialist, whose name I have forgotten. He said that my trouble was incurable, and his fee being more than I could pay, I was obliged to go to Dr. Knapp's free clinic; and I continued to go there for 12 years, sometimes three and four times a week. Dr. Born attended me most of the time, and although everything was done for me, I grew worse. Hearing then of a new clinic that had been opened on One hundred and twenty-sixth Street and Fifth Avenue, known as the Sherwood Memorial Eye Infirmary, Dr. A. Scott being the head physician, I went there. I can honestly say that everything known to the medical profession was tried by Dr. Scott. After one year and a half of faithful service he came to the conclusion that he could do no more, and said that unless God performed a miracle I would become blind.

Shortly after this I heard of Christian Science, and remembering Dr. Scott's statement, I investigated it to see if there was any help for me. I was also told by the above-named physician that the sight of one eye was gone and it was only a question of time with the other. Indeed, my whole head was so affected that for eight months previous to my coming into Christian Science I was attended by two physicians daily, Dr. Scott for my eyes and Dr. A. Kuntz for my head. Fearing that I might lose my mind, the latter often put leeches on my temples to draw off the blood. I was warned by Dr. Scott never to neglect my eyes even for one day, as it might prove fatal. With this thought I took up Christian Science, and three weeks later, not having sufficient understanding of the Truth, as taught in Science and Health, with Key to the Scriptures, by Mary Baker Eddy, to overcome the fear produced by the doctor's verdict, I became totally blind. I remained in this condition for three months, when the light began to dawn upon me and gradually I was able to go alone. About a year later I called on Dr. Scott and told him what I had done. I shall never forget the tears of joy he shed when I explained to him that I was no longer discouraged nor despondent and that I wanted to live. Although he was sure, according to the condition of the eyes while under his care, that if the vision were ever destroyed nothing could possibly restore it, when he was told that after being blind for three months I was able to see he was honest and good enough to acknowledge the power of God as taught in Christian Science.

In conclusion, will say that for over 16 years I have relied wholly on Christian Science for every discordant condition that has presented itself, and can honestly say that I am younger, healthier, and happier than I had ever hoped to be.

Sincerely yours,

Mrs. NINA ECKSTEIN,
70 Lenox Street, Hartford, Conn.

Although I am not a Christian Scientist, I know the above statement of my sister-in-law's healing to be absolutely true.

H. W. SEIDE.

(32) MRS. LILLIE D. ATKINSON—DEAFNESS.

When about 18 years of age my parents discovered that I was becoming deaf, and at once placed me in the hands of a specialist. For a period of about nine years I was treated by almost as many physicians, but without relief; in fact, I became almost totally deaf. Eight years ago last May I went to Dr. Frank Crouch, one of the most noted specialists of Baltimore, Md. After a thorough examination he told me that the deafness was caused by a gradual weakening of the auditory nerves, and that in a very short time I would be totally deaf.

I immediately took up the study of Christian Science, and my hearing has been restored so that I can hear ordinary conversation without the least difficulty. Along with this healing came healing of my eyes, and I was able to dispense with glasses, which I had worn for 10 years,

besides being healed of an affection of the kidneys, for which an operation had been advised, and a supposedly incurable skin disease of lifelong standing.

Very truly yours, Mrs. LILLIE D. ATKINSON,
1205 N Street, Washington, D. C.

OCTOBER 9, 1914.

(33) WILLIAM H. SEYFRIED—NECROSIS OF BONES OF THE CHEST.

NEW LONDON, CONN., *October 15, 1914.*

By this letter I desire to testify to my personal experience and to the efficacy of Christian Science as a healing agency when at death's door.

In June, 1903, I was taken down with typhoid fever while playing an engagement at the Atlantic Highlands Casino as musical director. During my illness that season the board of governors did everything possible to make me comfortable and furnished me with the best medical aid obtainable. My local physician being Dr. Van Mater, of Atlantic Highlands. When my condition permitted, I was removed to my home in New York City with the hope of being able to take my usual winter engagement, but my convalescence was very slow. In November of the same year I had severe pains in my chest, and finally after our family physician's examination (Dr. Gilday, of the Polyclinic Hospital staff, East Thirty-fourth Street, New York City), it was said that there was a growth on my chest which must be removed by an operation. When this was over, I was informed that the operation, which took place in Dr. Gilday's office, had disclosed a serious affection of the bone.

I kept putting off the question, however, until after another examination in April, 1904, when I went to the Polyclinic Hospital for my second operation. This time the surgeons removed not only part of the center sternum, or breastbone, but also one rib. The wound not healing, I became very much disheartened, and in November of the same year I went to a specialist, Dr. William Tillinghast Bull, who said after an examination that another operation was the only thing.

A few days before Thanksgiving Day found me in Dr. Bull's sanitarium for my third operation, and this time a second and third rib were removed, leaving me weaker than ever. This operation was performed by Drs. Bull, Walker, and Denton. Now came the time for me to go about with a cane, with one of my family as an escort, and I often prayed to be taken out of such misery.

January, 1905, found me back in the same sanitarium for the fourth operation within less than a year. In this last experience two more ribs were removed, and left me in a dreadful condition; and about the 1st of March my dear friend Dr. Bull gave me up, saying twice to me while dressing my wounds: "Can't you think of something else you might try, or some other doctor?" When I returned home I pondered over this question, but concluded I had had about all the cruel steel I could endure; in fact, my surgeon told me once I had better arrange my personal affairs, as bone necrosis was incurable when in such an advanced stage as mine.

Shortly after this a friend called and asked my good wife to have me try Christian Science. I was approached on the subject, and, thinking it over, it came to me that if Christian Science did me no good it certainly could do me no harm, and the more I thought of it the more I felt like trying it. Very rarely was I permitted to go from home to the surgeon's office, unless one of my family accompanied me; but one day something happened that I went alone, and when I came out of the surgeon's office I stood at Herald Square with tears streaming down my cheeks, confronted with the prospect before me of trying surgery again, and this time still another rib was to be removed. But remembering my firm resolution not to have any more operations, my heart filled to the brim with discouragement, these thoughts presented themselves to me: Will you try Christian Science, or will you submit to another operation? As I could not take any chances in a crowded Broadway car, I walked with great difficulty to a Christian Science practitioner's office in Forty-second Street.

It was on a Saturday that I had my first Christian Science treatment, and every day I went to my practitioner's office, and on the following Thursday I had left off the corset-fashioned bandage which I had worn over six months. It was cold weather in March, and I questioned whether I should leave it off or undress and put it on; however, I did not put it on. On Friday of that same week I had no cane to carry, and the week following the exposed rib which was to have been next operated upon was entirely covered.

The next thing that happened came as a surprise to my friends. It was well known that I had worn glasses for 12 years. It is now over 9 years since my healing in Christian Science, in which time I have felt no need of glasses, nor has my health ever failed me once in that time. I know no fatigue or weakness, which I attribute to the healing preventive as taught me in the Science of Christ.

Here it is but just to say that all the physicians and surgeons who attended me through many years of sickness were working diligently to make me a well man—for some were very dear, personal friends—and I wish to express my love for and appreciation of these gentlemen. I know that they and the nurses did the best they knew; but, notwithstanding, they could give me no assurance of restored health.

It is in gratitude for my splendid recovery and with the hope that this testimony may help others to understand the healing efficacy of prayer as taught in Christian Science that I submit these statements to you.

Very sincerely, WM. H. SEYFRIED.

I hereby wish to indorse all the statements made by my husband in the accompanying testimony. From my own personal knowledge and observation I realize "the half has not been told" of this wonderful recovery from what seemed to be certain death.

ANNA M. SEYFRIED.

(34) CHILD OF MR. AND MRS. WALTER T. TRITTIPOE—EPILEPSY.

September 15, 1912, our little girl came home from a three months' visit to Virginia very nervous, and grew much worse daily. We called a physician (Dr. Chadwick, the Burlington), and he in turn ordered us to get our family physician, who was sick himself when we first sought medical treatment for the little one, namely, Dr. E. L. Mason, the Portner, and the two of them consulted a third physician. After several weeks' treatment, the medicine being changed three to four times a week, they agreed that it was a very pronounced case of epilepsy and assured us that there was no hope for the child, who, by the 15th of December, was having from 20 to 30 spasms in 24 hours, in some of which we could scarcely detect any signs of life whatever, the doctor remarking that the only relief for us or the child would be in its death. About December 20, 1912, on the advice of some friends and acquaintances who were not Christian Scientists, we sought a Christian Science practitioner. Within the space of two weeks the little girl was sleeping fine of nights and before the 15th of January, 1913, she was absolutely well. Nearly two years have passed, the little one is well, is enrolled in the Christian Science Sunday School, and attending the public school every school day.

Mr. and Mrs. WALTER T. TRITTIPOE,
1105 N Street NW., Washington, D. C.

NOVEMBER 3, 1914.

(35) MARY S. COOK—LOCOMOTOR ATAXIA.

In October, 1907, I was taken very seriously ill with peritonitis, and while still laboring under this claim I was attacked with a severe nervous affliction, one of the manifestations of which was very severe pains in my lower limbs. The diagnosis of my trouble by the physicians of the health resort at which I was staying was rheumatism. The pain was so intense that it became necessary to keep me under the influence of morphine most of the time. Upon my return to my home my family physician pronounced my trouble to be neuralgia, and still continued the morphine treatment. Later our local physicians determined that I was suffering from neuritis, which they thought was superinduced by eye strain, and they recommended that I consult a noted eye specialist in Philadelphia, which was done without any relief, although glasses were prescribed and I was assured that they would give the desired relief.

While in the East another physician was consulted, who diagnosed my trouble to be multiple-neuritis, and upon my return home our local physicians agreed with this diagnosis. I was confined to my bed and conditions grew constantly worse, and specialists were called in from many different parts of the country. This was the condition for about four or five months, during all of which time I was almost constantly under the influence of morphine. Finally at a consultation of physicians it was announced that I had locomotor ataxia and that my chances of getting well were very slight indeed, and that if I should get well I would never be able to walk again. About this time morphine ceased to affect me, and it became necessary to chloroform me several times a day. Things went on like this for several months until I became insane and almost totally paralyzed, and was given up to die by a consultation of physicians.

After the physicians gave up and it was thought to be only a question of hours before I would pass on, it was decided to try Christian Science. A practitioner was called on the 15th day of April, 1908, and about three days later my mind was entirely clear, and in less than a month I was out riding. Being unable to walk, I was carried every place for about six weeks; then I learned to walk, like a child taking his first steps. I finally walked and enjoyed perfect health, and have done so ever since that time.

MARY S. COOK,
129 West Rayen Avenue, Youngstown, Ohio.

(36) MARY E. BOHRER—DEAFNESS.

As a result of brain fever when a small child, abscesses formed in both ears, perforating the drums and in a few years causing deafness. This condition existed about 20 years, and at the time that I first heard of Christian Science I had never used a telephone, conversation at my own dining table was almost an impossibility, and for nine years I sat before a Presbyterian minister and never heard a single sermon he preached. The first time I attended a Christian Science service the only sound I was able to hear was that of the congregational singing.

I began treatment in Christian Science about eight years ago, and now through Christian Science I am able to hear not only all of the Sunday service, but also most of the testimonials given at our Wednesday evening meetings. About two years ago some wax hardened in the interior of the ears, which I could not remove, and I was advised to go to a physician and have it removed. I did so, and when the physician looked into my ears he said that the scars on the ear drums showed where the perforations had been, but that the drums were perfectly healed and there was no reason from a medical standpoint why I should not hear perfectly. He expressed himself as regarding the healing as a most remarkable one.

MARY E. BOHRER,
326 Virginia Avenue SE., Washington, D. C.

DECEMBER 18, 1914.

Mr. President, to summarize the cases of healing I have presented to the Senate and the number of each of the mentioned diseases, they include 57 cases, covering 36 distinct diseases, and the number of each kind shown to have been healed are almost, if not all of them, regarded as incurable by medicine or surgery, and diagnosed as such by competent physicians. They are as follows:

Tuberculosis	7	Insomnia	1
Drink habit	3	Diabetes	2
Drug habit	2	Pemphigus	1
Kidney disease	6	Lead poisoning	1
Cancer	10	Valvular heart disease	1
Tumor	7	Paralysis	1
Double curvature of spine	2	Chronic myelitis	1
Asthma	1	Gallstones	1
Nervous prostration	1	Lung trouble	1
Neuralgia	1	Bright's disease	1
Organic heart disease	1	Multiple neuritis	1
Rheumatic gout	1	Tobacco heart	1
Ulceration of stomach	1	Rheumatism	3
Accidental injuries	1	Blindness	1
Locomotor ataxia	3	Deafness	2
Malformation of children	3	Necrosis of chest bones	1
Chronic constipation	2	Epilepsy	1
Indigestion	1	Appendicitis	1

Many good people who do not believe in Christian Science concede willingly that it is doing great good in bringing consolation and good cheer to the bereaved and disconsolate, allaying fear, and healing functional or imaginary diseases, but deny its power to heal organic diseases. For these they still believe resort to the medical practitioner is necessary. In the cases I have given not one is of the kind to which it is thus conceded Christian Science may successfully minister. Of such as these cases by the thousands might be cited. But they can be healed by the medical doctor with his drugs or his bread pills. The great work of Christian Science, as I have shown, is in the healing of organic diseases given up by the doctors as incurable.

Mr. President, it is this kind of beneficent and humane work that the doctors and others are trying by every means within their power to suppress by law and by regulations of the Public Health Service. And incomprehensible as it may seem, the Government in its various departments is aiding and abetting this unjust persecution of people who are endeavoring to ameliorate the suffering and sorrows of their fellow men, redeem them from their sins, and heal them of their diseases. The work of Christian Science is too well known now for any intelligent man to say that he does not know of its good work. If anyone does not, it is his own fault. Its beneficial ministrations have extended all over the civilized world. Its workers can be found everywhere. Through bias and prejudice men may go blindly on and deny its efficacy. But if they do, it is either through willful prejudice and intolerance or ignorance, for which there is no valid excuse. Men continue to denounce and ridicule not what Christian Science is but what they think or have been told it is. But the opposition to it no longer comes from broad-minded, tolerant, and intelligent people who are informed of its methods and its fruits, but from those who are not informed or those who are wilfully blind to its beneficent work or those who are interested in preventing the continuance of its activities for selfish reasons of their own.

There can be no better place to discuss its merits and expose the sources from which this opposition comes than in the Senate of the United States, where broad-minded, tolerant men sit in judgment on the rights and privileges of American citizens and make laws to protect and preserve those rights inviolate. It is this fact and the fact that proposed laws restrictive of the rights of Christian Science are now pending before this body that have emboldened me to speak freely and candidly in defense of those rights and the rights of common humanity.

HEALINGS RECORDED IN THE BIBLE.

Mr. President, such healings as I have been relating and by the means indicated are not new. Christian Scientists have no monopoly on divine healing. It is a remedy open to all men who in the right spirit seek or give relief. It may be administered by anyone possessed of sufficient understanding, consecration to the work, and faith in the healing power. Jesus of Nazareth practiced it centuries ago. He commanded his twelve disciples:

> Heal the sick, cleanse the leper, raise the dead, cast out devils; freely ye have received, freely give.

After appointing the additional 70, He imposed upon them the same duty to mankind and his commands were faithfully observed. He said:

> He that believeth on me the works that I do shall he do also, and greater works than these shall he do because I go unto my Father.

I am not going to detain the Senate by any extended comments on the healings performed by the Nazarene. I assume that every Member of this body is familiar enough with the Bible to know of His healing work. I refer briefly to the fact that it is recorded that He healed the following diseases specifically mentioned: Leprosy, palsy, fever, insanity, issue of blood for 12 years, blindness, dumbness, withered hand, paralysis, both blindness and dumbness in the same person, great multitudes of the lame, blind, dumb, maimed, and many others, impediment of speech, epilepsy, and dropsy; and that He healed all manner of diseases and raised some from the dead.

In His great work of healing He resorted to neither drugs nor the surgeon's knife, neither did He recommend or recognize any such remedies.

Before and after His crucifixion this same work of healing was done not only by His disciples but by others. At the gate of the temple beautiful, Peter healed the man lame from his mother's womb, and the people "brought forth the sick into the streets and laid them on beds and couches that at least the shadow of Peter, passing by, might overshadow some of them. There came also a multitude out of the cities round about Jerusalem bringing sick folk, and them which were vexed with unclean spirits, and they were healed everyone."

And for this the high priests were filled with indignation and laid hands on him and his companion, John, and put them in the common jail. But they continued their work, saying: "We ought to obey God rather than men," and "they beat them and let them go." For like work Stephen was stoned to death. Philip, in the city of Samaria, "cast out unclean spirits and healed many, and there was great joy in that city." At Lydda Peter healed the man Æneas, who had kept his bed for eight years and was sick of the palsy, and raised Dorcas from the dead.

For this and his teachings Peter was thrown into jail, but escaped, and James for like reason was slain by the sword. In Lys-tra Paul healed the man, impotent in his feet, from his mother's womb. For his work Paul was stoned and left for dead, and later he and Barnabas were imprisoned and put in the stocks.

Mr. President, these devout and consecrated men were persecuted, imprisoned, and some of them put to death because of their teachings and their beneficent work for mankind. Jesus, who taught and practiced this method of healing, was persecuted, imprisoned, and finally crucified. His followers, following in His footsteps and endeavoring to fulfill His commands, met a like fate. This was centuries ago. But the spirit of intolerance and persecution survives the years. The men and women of to-day, who are conscientiously trying to carry out His injunction, laid upon all men, to heal the sick, are persecuted and imprisoned as He and His disciples were persecuted and imprisoned. If they were here to-day doing the work of healing that they did then, they would be subject to fine and imprisonment under the laws of some of the States. They would have been held criminals under the laws of still other States if they had healed the sick without first procuring a license from an examining board of doctors. How absurd this appears when applied to the original Teacher of this mode of healing and His disciples. But, sir, it would have been no more absurd, no more cruel, no more unjust than it is to-day as applied to those who are conscientiously endeavoring to do this same work of healing and with such results as I have been presenting to the Senate.

I have given but few of the cases of healing recorded in the Bible, as I have of those of this later time. There were multitudes healed then, and of all manner of diseases, just as at the present time. I might follow up this work of healing for at least 300 years after the crucifixion. In Gibbon's History of Rome it is recorded that such healings occurred long after the crucifixion and long after all of the disciples of Jesus had passed away. The work of healing that is now going on is only a renewal of the methods then practiced. It is not new. It is as old as the Christian religion.

WHAT THE DOCTORS ARE DOING TO MAINTAIN THEIR MONOPOLY.

Mr. President, on a previous occasion I called the attention of the Senate to the extent to which doctors are going to secure monopolistic control of all medical and healing activities. But the efforts of certain doctors have increased of late rather than diminished. They are not content to follow their profession, to which no one would object. The most of the people of this country still desire the services of the medical practitioner, though the number is steadily growing less as people learn how little help they can get from that source in time of sickness and disease. But so long as anyone believes in medicine or surgery as a means of healing disease he is entitled to have it, and neither the Government nor anyone else has any right to deny him what he wants. And no one will deny, not even those who have no faith in drug healing, that the medical doctors are doing great good and alleviating much human suffering.

Therefore the right of the doctor to practice his profession, and of those who desire his services to go to him for help, should be jealously preserved and protected. Not only that, but the efforts of the American Medical Association to educate the members of their profession, elevate the standard of medical practice, and render the work of its members more intelligent and effective are to be highly commended. I presume nobody would complain of that. Certainly I do not. It is the constant and often unwarranted efforts made by some, not all, of the members of that association who control its policies and methods, to secure legislation beneficial to themselves at the expense of others, in violation of the constitutional rights of other people, and detrimental to their interests that has aroused deep-seated and determined opposition to their methods. By such methods they have materially injured the reputation of the whole medical profession of their school, and the association has been falling off in its membership. In the report made by the president of the association at its meeting at Atlantic City June 15, 1912, it was said on this subject of membership, among other things:

> The number of members May 1, 1911, was 33,960; 299 members have died, 1,301 members have resigned, 500 members have been dropped as noneligible, and 1,987 have been dropped for nonpayment of dues, and 64 reported not found, making a total of 3,151 names to be deducted from the membership list. There have been added 3,474 to the membership roll, of which 2,253 were transferred from the subscription list. The membership of the American Medical Association May 1, 1912, is 34,283. There have resigned from the association in the past four years 4,899; there have been dropped for the nonpayment of dues 2,726, making a total of 7,635 members taken out of the association. Why? This means an annual loss to the association in dues alone of $38,175, and a still greater loss in prestige and education. No business house would permit such a loss of patronage without the closest scrutiny and the most careful analysis.

Mr. President, much of the opposition to legislation favoring and extending the power of the regular school of medicine has been aroused by the proposal in the Owen bill to establish a department of health, with its head a member of the President's Cabinet, and some of the matter I shall submit will relate specifically to that bill. But it is only a part of a general scheme on the part of the American Medical Association to intrench its school of medicine in power in both State and National affairs. It has worked through various channels to manufacture sentiment in favor of its legislation. The teachers in the various schools, public and private, and the woman's clubs throughout the country have been the victims of its selfish efforts in this direction. In some instances they have had the good sense to refuse to be made parties to the scheme, as I shall presently show. But a good many others, including the National Bureau of Education, have succumbed to its influence and become the advocates of unjust and undesirable legislation.

As an evidence of the activity of the doctors in their efforts to secure the passage of the Owen bill, let me quote an account furnished me of a meeting of the Chicago Woman's Club, at which the bill was considered:

For the third time within a year the Chicago Woman's Club discussed the Owen bill Wednesday, January 22. The advocates of the measure brought all of their influence and their strong forces to obtain an indorsement. Dr. Charles A. L. Reed was brought from Cincinnati to speak. Dr. John B. Murphy, ex-president of the American Medical Association, who has been the leader of the campaign to obtain a national department of health, with Dr. C. A. L. Reed as his principal lieutenant, was there. Dr. W. A. Evans, of the Chicago Tribune, was on hand. All spoke.

Dr. Mary McEwen, chairman of the legislative committee of the General Federation of Women's Clubs and also of the Illinois Federation of Women's Clubs, was present and told the Chicago Woman's Club that as the two great central organizations had investigated and indorsed a national health department there was nothing for the Chicago Woman's Club to do but to pass resolutions favoring a national department of health. Dr. Anna Blount, chairman of the legislative committee of the Chicago Woman's Club, approved what Dr. McEwen had said, and pointed to the indorsement of the Owen bill by her committee by a vote of 4 to 3. Dr. Rachel Yarros also spoke as a member of the Chicago Woman's Club for the bill.

The opposition was participated in by Mrs. Grace Wilber Trout, Mrs. Linda Prussing Azemar, Mrs. Sarah P. Cane, Mrs. Florence Potter Seaton, Dr. Frances D. Bloomington, Dr. Mary Elizabeth Manks, Mrs. Bernadotte K. Sodon, and Mrs. Katherine Knowles Robbins. Dr. A. C. Tenney was the only outside speaker, and as a guest he was allotted five minutes. Mrs. Charles W. Wright, member of the legislative committee, presented the minority report against the indorsement of the Owen bill.

Mrs. Trout made the hit of the day by declaring that "we have been fighting to rid ourselves of the political boss and the commercial boss, but now you propose to saddle upon us a medical boss."

After the conclusion of the discussion the guests were requested to withdraw and the voting began. The motion to adopt the report of the legislative committee indorsing the Owen bill was defeated by a vote of 2 to 1. The motion to adopt resolutions similar to those passed by the General Federation of Women's Clubs and the Illinois Federation was then made by Dr. Yarros, but the club adjourned before they were acted upon.

In view of the great pressure brought to bear upon the members of the club by the speakers of the day, the women who opposed the steam roller of the American Medical Association certainly are to be congratulated upon the success they achieved. The Illinois branch of the National League for Medical Freedom contributed toward that success by advice and literature, which were supplied to various members of the Chicago Woman's Club upon request.

Mr. President, the efforts being made to control all health activities extend to the management of the schools as well as the homes of the people. Sex hygiene, compulsory physical examination of school children, vaccination, the use of various serums, eugenic marriages, and many other fads and fancies intended to increase the power and the emoluments of the medical doctors, are being forced upon unwilling victims by the enactment of unjust and unnecessary laws and by rules and regulations of the National Public Health Service and State and county boards of health. It is an intolerable condition that is meeting with earnest and determined opposition on the part of people who believe in personal liberty.

The strictures upon the so-called political doctors are fully justified by some of their methods and the means to which they have resorted to satisfy their selfish desire to maintain and strengthen their hold on deluded people who depend on medical doctors for the healing of sickness and disease. They have sought to obtain laws and make health regulations that would place the school and the home, as well as private practice, completely under their control and domination. They make the false cry that others are seeking vicious legislation, and maintain that all physicians of their school should unite to prevent the making of such laws, when they are the only people who are seeking such laws as will give them a monopoly of healing and at the same time make it unlawful for anyone else to engage in any such practice. Their object is not to serve the public good but to preserve their hold on the people and maintain their profits. They have seen other means of healing extending to a degree that is destined to ruin their practice and destroy the influence and power of the "regular doctors." They are striving by every possible means to hold their people together, and thus destroy all others who seek, by other means than their own, to heal disease. Above all things they want the help of the lawmaking departments of State and Nation. To obtain it they bring to bear wherever possible the influence of teachers and educational bodies, civic organizations, women's clubs, and any others they can reach. In this they have sometimes failed, but too often they have succeeded. Legislative bodies have been subservient to their schemes altogether too often. The National Government with all its power and influence is supporting their efforts and supplying over $20,000,000 a year to these same "regular doctors" to spend as they see fit. In some of the States the practice of other methods of healing is made a criminal offense through the machinations of these same doctors. In others it is made a criminal offense for a Christian Scientist to charge a fee for healing disease in his way. Of course, the doctors, who alone have secured the enactment of these prohibitory laws, care nothing about whether these practitioners charge or accept a fee or not. The sole object of such laws is to prevent them from practicing at all.

The two great States of New York and Ohio, where hundreds of healings by this means—many of them of diseases pronounced incurable by these same doctors—have been effected, are to-day disgraced by laws of this kind. Just lately, in New York, a Christian Science practitioner, regularly engaged in Christian Science healing, has been convicted of accepting fees from his patients who were glad to pay for his services, and sentenced to be punished as a criminal. Such laws are so manifestly unjust that juries have almost universally refused to convict for violation of them. This was so subversive of liberty and justice that the legislature of the State passed a law in effect repealing it, but at the instance of the doctors the governor vetoed the bill.

Now, Mr. President, let us consider for a moment how such pernicious and unjust laws are obtained. The situation is pretty clearly shown by the following letter bearing date of June 28, 1912, sent out presumably to all "regular" doctors in the State of Illinois. It is prefaced by the appeal, "Please read every word":

DEAR DOCTOR: Do you realize that the great number of the benefit societies in England, together with the new Lloyd-George benefit bill, have so cheapened medical services that there are now only half a million of the population of England who need pay more than $1.50 each per year for such services? This means ruin to a large number of physicians.

Do you realize that in Austria, Germany, and France, as well as in England, pauperization of the medical profession has become a veritable curse; that it has become necessary for the doctors to organize into medical protective leagues in sheer defense of their means of existence?

Do you realize that all over Europe the rising tide of State socialism, the blighting hand of fraternalism, the innumerable hospitals and clinics for free care of the sick, the multiplication of friendly societies all help serve to keep down the natural increase of the profession and keep those in it poor?

Do you realize that the spread and popularity of quackish medical fads is more prevalent than ever; that in America 50 new cults have arisen in the last 10 years, many of them practicing the healing art in some form, and many of them having grown at tremendous speed at the expense of the regular schools of medicine?

Do you realize the importance of the above? In Germany laws against quackery were stringent and effective in the early part of the nineteenth century. In 1869, at the instance of the Medical Society of Berlin, the laws were very much relaxed. The result was a tremendous development of quackery in Germany. In Berlin the number of quacks increased from 28 in 1869 to over 1,000 in 1893. The whole number practicing in Prussia was over 5,000. In 1896 it was estimated the number of quacks in Prussia was 10,000, and the scope of their practice had become unlimited. In certain districts the number of quacks outnumbered the qualified practitioners two to one. The unqualified practitioners are regularly organized and have schools and institutions providing for a four months' course for quacks: there are over 800 societies for study of "natural healing," with a total membership of 112,000; there are over 50 periodicals with millions of circulation.

Do you realize that the average income of the doctor in America has been placed by many competent authorities at about $700 per year, or $2 per day; that economic conditions here are not as favorable to-day as they were 20, 10, and even 5 years ago; that the earnings of a large proportion of the profession are less than that of organized labor; that the abuse of medical charity, as practiced in our hospitals and dispensaries, is a powerful factor operating to reduce the physician's income; that competition is becoming rife; that sanitation and preventive medicine is reducing disease materially; that hygiene, not medicine, is the slogan of the day; last, but not least, the work of the doctor is to be finally eliminated by being absorbed as a function of the State, as evidenced by the fact that the State is continually encroaching upon the work of the profession? It no longer confines itself to its legitimate and original sphere of enforcing the laws of sanitation and hygiene or of assisting physicians in the diagnosis by laboratory tests, etc. It has become in more than one way a privileged competitor of the physician in private practice. It has practically, if not legally, taken from him nearly all cases of vaccination. It not only opens up dispensaries, but even sends out physicians and nurses to the bedside of patients without taking any more trouble to eliminate (sic) the bestowal of such public charity on the really poor than do hospitals or dispensaries.

We realize, of course, after digesting the above that medicine as a livelihood has arrived at the most critical period of its existence. The economical status and outlook of the profession is nothing if not pitiful. The very existence of the doctor is at stake; survival of the fittest is the issue of the day.

Do you not realize that it is time for physicians to be up and doing; that by cooperation and cohesion the profession should enter an earnest and vigorous protest against all unwarrantable encroachments affecting economic conditions and circumstances under which physicians have to make a livelihood?

The needs and advantages of cooperation are obvious. The abuses herein enumerated will grow in importance and the profession will continue to be underpaid unless we organize and cooperate our efforts for mutual protection. In correcting abuses which confront the profession we must learn a lesson from the captains of industry, as well as from laborers and other fields of endeavor, who have learned that it is necessary to combine and cooperate.

Only physicians, it seems, are foolish enough to expect that they can fight the battle as individuals. The sooner the better for the profession when all are brought to a realization that the day of purely individual self-help against the many unfavorable conditions under which they are compelled to practice their profession is over.

(I may say in parentheses that these worthy doctors seem to have overlooked the American Medical Association, one of the strongest organizations in the country, and the hundreds of State, county, and city organizations of doctors.)

This point is well illustrated in England, where the national insurance bill has done one thing which seemed previously impossible—that is, completely united the medical profession, the union being to resist the obnoxious portions of the national insurance act. When the bill was first promulgated nothing was done. Now that it is seen that the system of contract practice is not only an evil but a weak point in the profession's organized resistance against the act, the British Medical Association has made a bold move and attacked the whole contract system. A defense fund is being established for the purpose of compensating physicians who may lose by resigning from their society appointments. Contributions of $50 are being solicited from each member of the profession.

By way of illustrating the difficulties encountered in trying to prevent the passage of vicious medical legislation, the lawmakers tell us that the medical profession is unorganized; that as a voting unit it is of little or any value, for the reason that the average doctor takes no interest in public affairs; that he will not go to the primaries; that the majority don't even take the trouble to vote on election day.

At every session of the legislature an attempt is made to pass special medical legislation sectarian in nature, the object of which is to secure the right for certain cults to break into the medical profession by a cheap and short-cut route, and at a standard of medical education lower than those already in the field. Powerful and financial influences are always operating to enact these measures into law.

In order to overcome the impression that the profession is unorganized, and in order to overcome the disrespect in which we are held by the lawmakers, it becomes at once apparent that in order to do effective work in preventing vicious legislation there should be an organization representing the whole profession, and that this organization should have the earnest cooperation and support of every licensed physician.

Such an organization would quickly bring every physician to a thorough realization of his rights, privileges, and power for safeguarding his own vital interests as well as the interests of the community. The medical profession in Illinois, comprising 11,000 members, could, if organized, put any just law it wanted on the statute books, as well as defeat any attempt to pass vicious medical legislation.

The public relations committee of the Chicago Medical Society is trying to familiarize the profession with the true status of affairs and help correct the apathy of individuals toward their own interests. This can best be brought about by reputable physicians like you joining the organization and working in harmony for one common end. The enormity of the task of safeguarding the interests of the individual member necessitates the heartiest cooperation of every physician in Chicago with the public relations committee, and we ask you to join us in our effort.

We are inclosing you a blank, which you will please fill out with the indorsement of two members of the Chicago Medical Society; or if you do not know who are members of the society, send a blank to the public relations committee, and we will get indorsers for you from your branch.

Make the check payable to the Chicago Medical Society. We will immediately forward it to the committee on membership and have your name passed upon at the next meeting of the council.

Now is the day and the hour. Fill out the application blank and return it by next mail. Otherwise you may mislay the blank or forget to attend to it.

Very truly,

J. V. FOWLER, M. D.,
E. M. WEBSTER, M. D.,
CHAS. J. WHALEN, *Chairman*,
Public Relations Committee, Chicago Medical Society.

P. S.—Fee for membership $5 the year; 50 cents per month after July 1 to January 1; or, if you prefer, $6.50 will give you a membership to January 1, 1914, together with the advantages given in the inclosed circular. Remember the legislature convenes in a few months. Your assistance will help prevent the enactment of vicious legislation which will be introduced when the forty-eighth general assembly opens.

Appended to the above letter is a lengthy statement setting forth the advantages to be derived from membership in the Chicago Medical Society. From this I extract one of the nine reasons given for joining:

MEDICAL DEFENSE.

Out of each $5 of annual dues paid the trustees of the Chicago Medical Society are requested to turn $1 over to the "medical defense committee" for the protection and defense of members of the society against whom suits for malpractice or damages may be brought. Any member of the Chicago Medical Society against whom suits for damages may be instituted is entitled to the services and assistance of the Chicago medical attorneys up to the time of actual appearance in court without any cost whatever to him. This practically means that every member of the Chicago Medical Society is protected against suits for malpractice and damages in the most effective manner. The history of the work of this committee is that up to the present time, under this standtogether arrangement, very few of the many threatened suits have actually been brought. This one feature alone is worth to the practicing physician many times the entire cost of membership. Private defensive companies are charging many times the above fee for this feature alone.

Mr. President, it will be seen that the appeal made in the letter is not for the protection of the public or the sick and afflicted against vicious laws. It is directed wholly to the object of protecting the doctors. The claim that their object is to prevent the passage of vicious laws is a false pretense. It is they who have brought about all medical laws, many of them of the most vicious kind. The only effort made by other schools of medicine and modes of healing has been to prevent the enactment of such vicious laws, intended only for the benefit of the doctors themselves, and to bring about their repeal when these gentlemen have once procured their passage. As I have shown on a previous occasion, their passage has sometimes been prevented by the veto of wise, broad-minded, and liberty-loving governors of States.

A word should be said about the assault made in the letter on quacks. By "quacks" these gentlemen mean all people who do not practice as the so-called "regulars" practice. They do not discriminate. It sounds impressive and creates sympathy for them to denounce the quacks and place their reason for combined effort upon the ground of exterminating the quacks and protecting the regular old-school allopathic practice in all its purity. It sounds good to people who do not know and makes their effort appear laudable and praiseworthy.

The efforts that are directed toward Congress by the American Medical Association to bring about the enactment of the Owen bill to establish a department of health are clearly shown by the following extract from a report made to the house of delegates of that body at its annual convention at Atlantic City June 3, 1912:

The progress of the campaign for a national department of health is doubtless familiar to all the members of the house of delegates. As the efforts of the association for the passage of the Owen bill have been placed in the hands of an independent committee, which will report to you direct, it is not necessary to discuss the details of this campaign in this report.

Beginning the last week in February, a letter was sent to a selected correspondent in the home town of each Member of Congress, asking for the name of the family physician of the Congressman. A second letter was then sent to the family physician of each Congressman, so far as obtainable, asking him to write or call personally on the Congressman in question, explaining the purpose of the Owen bill and asking for his support.

On April 29 a circular letter was sent to each member of the national auxiliary legislative committee, numbering about 2,000, asking them to support the Owen bill for the sake of public health; to have as many physicians as possible in each county to do the same thing; to have a resolution indorsing the bill and asking the Senators to support it passed at once by the county society and a certified copy sent to both of the Senators; to secure the indorsement of as many prominent citizens in the county as possible; to secure indorsements of women's clubs, local health organizations, civic and commercial organizations, and other bodies; and to get the indorsement of any newspapers in the county, with favorable editorial comments, if possible. With this letter was sent a copy of the report of the Senate committee and a reprint from the Journal, giving an extract from the CONGRESSIONAL RECORD, showing the debate on the floor of the Senate.

In addition to these two series of letters, a large amount of printed matter has been distributed. The Bulletin for November 15, containing the text of the Owen bill, editorials, and extracts from the Journal and many newspapers, biographical reports regarding the promoters of the National League for Medical Freedom, cartoons, and other material, has been widely distributed. Four editions of this Bulletin were printed, amounting to about 20,000 copies. A large number of copies of Senator OWEN'S speech, of the report of the Senate committee on the Owen bill, and of various reprints from the Journal have also been distributed, being sent to medical societies, women's clubs, and individuals asking for literature.

The Bulletin for November 15, 1911, was devoted entirely to the campaign for a national department of health. It consisted of cartoons, editorials, extracts from the Journal, a summary of the Owen bill, as well as the full text of the bill, numerous editorial extracts from newspapers, and biographical and other matter regarding the officers of the National League for Medical Freedom. This Bulletin has proved of the utmost value in educating the public and the profession on this subject, between twenty and twenty-five thousand copies of it having been distributed in January, February, and March.

I commend this account of the activities of the American Medical Association to the attention of the committee on insidious lobbying.

But the doctors were not satisfied with their strenuous efforts to influence legislative action from the outside. They conceived the idea of sending members of their own profession to legislative bodies to protect their interests. Of course such a man, when selected, was there for just one purpose, and that a selfish one affecting his own personal interests and that of his profession. The way this was worked in Kansas is shown by the following article, taken from the Journal of the American Medical Association of February 15, 1913:

GETTING TOGETHER IN KANSAS—AN EXAMPLE TO EMULATE.

To the EDITOR: At the spring meeting of the medical society of a certain county in southwest Kansas suggestion was made that one of the members of the society should be candidate for the legislature in order that the interests of physicians might be safeguarded by representatives from among the profession. This was determined because

the interests of physicians were menaced by the last legislature and were also seriously threatened through the activities of the chiropractors and the League for Medical Freedom in the legislature which was to be chosen and is now in session.

After considerable discussion it was decided that Dr. R. T. Nichols, of Liberal (the county seat), should be the person to make the race. Dr. Nichols's popularity among the people had been attested by the fact of his election as mayor, and he had shown marked executive ability as well as much forcefulness of character in the conduct of the city's business.

Notwithstanding that the physician-candidate was a Democrat, while most of the members of the society were Republicans (Seward County is strongly Republican), they stood together "as one man" and succeeded in electing him. But the story does not end here. The doctors agreed not only that they would work for his election, which they did most heartily, but also that they would turn back all of his patients on his return from the legislature and pay him a per diem bonus as well while he was in attendance at the capital.

Dr. Nichols made his maiden speech the other day in the house, defeating the schemes of the enemies of the Kansas food and drugs law by causing the untimely death of house bill 76. This bill called for the reorganization of the State board of health, replacing the majority of the physicians on the board with laymen who are interested in the manufacture and sale of food and drugs. Incidentally it might be remarked that the present Democratic governor—who won his election by a majority of 26 votes—was elected by the physicians of Kansas, 85 per cent of whom voted for him as against the Republican candidate, the publisher of the Topeka Capital and a large number of other publications which carry nostrum advertisements. Dr. Nichols is ably assisted by two other physicians, one of whom ran on a platform of public-health education, disregarding the platform of his own political party. Is it not about time that the physicians of the country should emulate the example set by the Seward County Medical Society and "get together"?

S. J. CRUMBINE, M. D., *Topeka, Kans.*

This step was taken not in the public interest. The reason for it is clearly stated in the article written by one of the doctors. It was "*in order that the interests of physicians might be safeguarded by representatives from among the profession,*" and "*this was determined because the interests of physicians were menaced by the last legislature, and were also seriously threatened*" at the one coming on.

So they, the doctors, generously agreed to take care of the patients of the member of the profession who was chosen to sacrifice himself in their interest and pay him a per diem for his services, not to his State but to the doctors. They seemed filled with pride that they elected their fellow member, whose interests and theirs were in jeopardy, and also elected a governor with whom they were well pleased, and they were rejoiced that through the influence of their doctor friend, whom they were supporting financially, certain legislation was defeated. I do not know how meritorious the defeated legislation was or to what extent the interests of the doctors were protected by its defeat. I am only concerned to show the methods resorted to by these worthy representatives of the regular school of medicine to protect their own material interests. In my native State of Indiana the doctors seem to have gone the limit in this direction. The following extracts from Medical Freedom for December, 1912, show what they are seeking to accomplish:

Burke on one occasion said, "The people never give up their liberties but under some delusion," and a few years ago one of the most distinguished members of the American Medical Association, when denouncing the reorganized association after the political doctors had gained control of it, as "a medico-political and commercial trust," said: "The more speciously fair the mask self-interest wears, the more dangerous it becomes."

These thoughts were brought vividly to our mind recently on reading an extended article which appeared in the Indianapolis Star under the heading "State doctors to combat vice. Bill drafted for legislature making all Indiana physicians health officers." The article describes at length the latest and most amazing proposal on the part of the political doctors, which is nothing less than the establishment of a State-wide medical inquisition, with every licensed physician acting as a spy or inquisitor of state for the board of health. In this article Dr. J. H. Hurty, secretary of the Indiana State Board of Health and probably the most active political doctor in the State, and also Dr. Harvey Adams Moore, another militant worker for increased power for the medical hierarchy, express at length their views in regard to the proposed measure.

The pretexts advanced by the leaders of the proposed new inquisition are very similar to those which have been advanced in past ages in defense of despotic arrogation of power on the part of religious hierarchies. In both instances the good of the people is advanced as a warrant for the arbitrary power demanded—power which ruthlessly tramples upon the just rights and would disregard the intelligent and conscientious convictions of a large proportion of the people.

In the present instance the doctors are seeking this special legislation, which would deliver the people into their hands, under the pretext of lessening vice and physical disease. Should the proposed legislation be enacted, every licensed physician would be forced to become an inquisitor for the State medical authorities, under penalty of losing his license to practice, while the rights of the citizens would be entirely subordinated to the autocratic power of a body of men whose fallibility is only equaled by their dogmatism—a body of men whose eminent diagnosticians are constantly making the most amazing blunders, and of whose practice one of their most distinguished medical educators declared: "The whole face of medicine changes unexpectedly from one generation to another."

In his sympathetic presentation of this latest move on the part of the political doctors, the writer in the Indianapolis Star said:

The present move aims to solidify the medical profession into a single purpose, to place the responsibility for the effectiveness of the plan upon Dr. Hurty, and to call every physician in the State into service as an officer of the board of health, to serve without compensation and upon penalty of forfeiture of the license to practice.

* * * * * * *

"Publicity is not essential to the work which we propose to do," said Dr. Moore. "We must lay our foundations securely before we endeavor to do the great work which we hope to accomplish. To do this we must proceed quietly and overcome any legal difficulties which may stand in the way."

To accomplish this end the medical men have employed attorneys, and an act has been drawn up, for presentation to the legislature, by J. Walter Pritchard, of the legal firm of Pritchard & Pritchard, embodying the power to carry out the plans of the physicians.

"We have already pledged a number of candidates to the legislature to support our measure," said Dr. Moore, "and before election day we expect to have every candidate pledged."

Something of the nature and scope of the proposed measure may be gleaned from the following extract from the Star article:

The primary duty of the physician in his district is the inspection of all that it contains at intervals specified in the statute. Individuals, especially children, are to be inspected regularly as to the state of health when their condition warrants it and proper provision is made for the care of any that may be afflicted with any disease or abnormality, the treatment to be at the public expense in all cases where the individuals afflicted are not able to pay for it.

This would, of course, furnish fat positions for an army of State doctors, whose meager practice leads them to seek State aid, and it would enormously increase the burden of taxation, force upon many people physicians representing a school of practice in which they had no faith, and have a distinctly pauperizing effect upon the people.

The sweeping character of the proposed legislation may be inferred from the following:

The inspection extends into the private homes, into all public places, all places of abode, and all places where labor of any sort is performed. * * *

A complete and detailed report will be made by each physician after each inspection.

Diseases of all sorts must be reported and classified, and the district physician will be held responsible and compelled to see that proper treatment is administered.

In closing the article the writer in the Star states that—

The Indianapolis Medical Society, as an organization, had indicated its acceptance of the measure, and the approval of the State medical organization is assured. The American Medical Association will be asked to sanction the work and give it prominence in other States, the eventual purpose being to make the movement world-wide in its scope.

But for a full disclosure of this conspiracy against the liberties of the people of Indiana, we must look to an article by Dr. Harvey Adams Moore, published in the Indianapolis Medical Journal of December, 1912. I can not use all of this remarkable article. It is too long. Its title is "The real solution of the social problems and the way to accomplish it." The doctor says, in the beginning:

The dreams of Edward Seguin, fantastic and ignored in his day, are near to realization under the line of work proposed for the medical profession in Indiana with the cooperation of the public along educational lines.

"But, alas," he says: "Seguin was not appreciated. He was scoffed at in Europe and found little better success in America. His last effort, the publication of his works in New York in 1866, was a failure. Seguin died forgotten."

But since then, according to the doctor, one Maria Montessori, an Italian woman, has made practical application of his theories and proved their efficacy. But the doctor asserts, with becoming modesty, that "*Success depends wholly upon the cooperation of the medical profession.*"

Now, let us see by the following extracts from the article just how the medical profession is going to make Seguin's theories successful. He says:

And in order that the educational system shall forever have a fair opportunity to work its results, the medical profession must watch every child that is permitted to be born unto the day of its death, determining the causes of its every act, remedying its deficiencies, and developing its possibilities.

This is the principle underlying the bill which the physicians of this State are asked to urge the Indiana Legislature to pass at its next session.

That is taking a pretty big contract for the medical profession. *Watch every child from its birth to its death!* The parents of some children, and some people after they arrive at maturity, might object.

But let us see, by quoting a few more extracts, what they are going to do with everybody while watching over them from the cradle to the grave. I quote a few choice bits:

The clauses relating to education are intended to cooperate perfectly with the advanced systems of teaching and to take the normal child at the earliest practicable age, developing and utilizing its entire energy. The plan comprehends the abnormal child and offers it the opportunity for the fullest development of its powers, *but it also emphatically specifies that the abnormal child shall in every case be sterilized in order that it shall not become simply an instrument for the propagation and maintenance of abnormality.*

* * * * * * *

The new movement is intended to place all contagious diseases upon the same plane, thus eliminating the terrible secrecy of the venereal evil. *It also proposes to make the existence of disease in any form an automatic warrant for the making of the diseased individual a legal ward of the State during the term of the disease.*

* * * * * * *

The bill makes every physician an officer of the State board of health. It is provided that the State shall be divided into districts of equal population, *with a physician assigned to each of these districts and giving him the authority of personal inspection of all that the district contains.*

* * * * * * *

Marriage, as the legal basis of population, *is made a public institution under the supervision of the medical officers.*

* * * * * * *

No doubt there will be considerable protest among members of the profession at the apparent volume of work entailed. That is an element yet to be settled. *It is true that the proposed method places the responsibility for the entire social welfare upon the medical profession,* or rather, since that responsibility has actually rested there anyway in the past, the new method simply puts the responsibility on a legal footing, extending authority with obligation.

* * * * * * *

The section of the tentative draft of the bill relating to the licensing of physicians provides:

"That any person who holds a license from the State of Indiana, or who shall procure such a license in the future, to practice medicine, surgery, or obstetrics in the State of Indiana, is hereby made a health officer in the State of Indiana, to serve and faithfully perform the duties hereinafter defined."

* * * * * * *

The division of districts is provided in the following terms:

"That the board of health of each county of the State shall, under the direction and subject to the orders of the State board of health, divide the county into districts and assign a health officer or health officers to each district; it shall be the duty of such health officers in each district to promulgate and enforce all rules and regulations of the State board of health in their respective districts; to report any infractions thereof to the county board of health, the number of physicians assigned to each district to be proportionate to the work of the district and the number of physicians in the county."

* * * * * * *

The educational feature, as tentatively provided, says:

"That each public school or institution for education of children shall supply to children from the age of *10 years until the age of 16 years a course of instruction in anatomy and hygiene, including the organs of procreation, and dealing specifically with the common diseases or afflictions of these organs of procreation,* such course of instruction to be designed and superintended by the State board of health through the county board of health."

Mr. President, the bill as described by the doctor, besides granting the powers above set out, gives the doctors complete control of the physically or mentally defective whose offspring may prove to be undesirable, and a health officer is required to examine everybody in his district suspected by him to be so defective and report the facts to the State board of health, and the board is authorized to remove all such from the place where they are to places where the board thinks they should be. So the incompetents, or people believed to be incompetent, are pretty effectually disposed of. This is about the most comprehensive effort to place the whole country, old and young, rich and poor, competent and incompetent, in the hands of the medical practitioners that I have run across. I have always regarded Indiana as a progressive State, but this goes beyond anything yet conceived of. The constitutional rights of the people of the State, who were about to be put under the control of the doctors, seem not to have been considered at the time this article was written. One would naturally infer from the scope of this proposed legislation that they were not regarded as having any constitutional rights or any rights at all not granted to them by the health officers. I do not know what the legislature did about it, but I can hardly believe that this beautiful scheme to make Seguin's theories effective ever became a law. But, while the claims here made seem absurd and extravagant, they are in direct line with efforts persistently made by organized bodies of the medical profession, and the Government, by upholding their pretensions to being the "regular" and only method of healing, is encouraging them in their efforts.

Mr. President, the doctors in North Carolina have not been behind in this effort to dominate and control the management and healing of everybody in the State to the exclusion of all other methods of healing. The people of that State seem to have given themselves over body and soul to the medical profession, if one may judge by the claims made by their boards of health. My information is that the North Carolina State Board of Medical Examiners consists of seven members, *appointed by the State medical society,* to hold office for six years. Therefore the activities and proceedings of the public health of the State is safely placed in the hands of the medical profession, which, of course, is "regular." The county boards are likewise brought under the same control by a provision that any appointment by the board of commissioners must be approved by the county medical society. When we consider that the county medical society is a branch of the State medical association, which is a branch of the American Medical Association, we have a combination quite satisfactory to the old or regular or allopathic school of medicine.

Dr. W. S. Rankin was, and may be yet, the secretary of the State board of health. In the bulletin of the State board of health for October, 1910, he defined the physician's duty to boards of health. Among other things, he says:

Since boards of health represent the Government in all matters pertaining to health, the relation of physicians to boards of health are identical with their professional relations to the Government.

To boards of health, as representatives of Government, the physician is bound by reciprocity and by common purpose.

To boards of health the physician becomes bound by reciprocal ties when he is licensed, for by this act the Government imposes in him great confidence and confers upon him important rights and privileges. For example, consider the confidence bestowed and the privilege granted in confiding the medical license law to the administration of our profession. By this trust we become to a large extent the guardians of the most precious possession of our Government—the county, State, and national health.

The State has a drastic law compelling teaching in the public schools of the "modes by which each of the dangerous communicable diseases are spread and the best methods for the restriction and prevention of each such disease." Listen to a reading of two of the sections of this law:

SECTION 1. There shall be taught in every year in every public school in North Carolina the principal modes by which each of the dangerous communicable diseases are spread and the best methods for the restriction and prevention of each such disease. Such instruction shall be given by the aid of textbooks on physiology, supplemented by oral and blackboard instruction. From and after July 1, 1910, no textbook on physiology shall be adopted for use in the public schools of the State, unless it shall give at least one-eighth of its space to the causes and prevention of dangerous communicable diseases. Textbooks used in giving the foregoing instruction shall, before being adopted for use in the public schools, have that portion given to the instruction in communicable diseases approved by the State board of health to the State board of education.

SEC. 2. Neglect or refusal on the part of any superintendent or teacher to comply with the provision of this law shall be considered a sufficient cause for dismissal from the school by the school board. Any school board willfully neglecting or refusing to comply with any of the provisions of this act shall be subject to fine, the same as for neglect of any other duty pertaining to their office. This act shall apply to all schools in this State, including schools in cities or villages whether incorporated under special charter or under the general laws.

The doctors have made themselves safe by having this law provide that the textbook used in the schools shall be approved by the State board of health. Think of giving the doctors of one school of medicine, for that is what it means, absolute control over the education of the children of the State in the important matter of preventing and healing disease, a matter of life and death. And think of the poison daily instilled into the innocent minds of the children by such teaching. No; do not think about it. It is too horrible. By this law the children of thousands of parents who do not believe in but abhor such teachings must be submitted to its evil and dangerous influences or be denied the benefits of the schools. Could there be any worse tyranny than this in a civilized country? Such laws come about by combinations, and sometimes conspiracies, of members of the medical profession. They appreciate the power of combination in their work. Thus Dr. Richard H. Lewis, member of the North Carolina Board of Health, through the bulletin issued by that board, says:

"In union there is strength," "In the multitude of counselors there is wisdom," are recognized as axiomatic truths. The advantage of organization, therefore, is such a self-evident proposition that discussion of the general subject would be a work of supererogation. I will consequently confine myself to a consideration of the special need for and the advantages to be derived from an organization of the health officers of our State.

* * * * * * *

Finally, it will promote an esprit de corps, a spirit of cooperation not only among local health officers themselves, but between them and the State board of health. In union there is strength, and if we all get together something will have to give and we will advance the cause of the public health, which means the greatest good to all the people.

The enterprising health officials of the State point out how the county medical societies can educate the school children and their parents by disseminating disease-breeding informaton that children should be protected from as from deadly poisons. The secretary of the health board, in an article in the June, 1914, bulletin before mentioned, entitled "Public Health Opportunities of County Medical Societies," has this to say:

An acetylene stereopticon lantern that can be used in almost any building, and that anyone can operate, can be purchased for $60; an abundance of lantern slides illustrating tuberculosis, typhoid fever, malaria, hookworm disease, flies, etc., can be obtained for about $40. The entire outfit will cost about $100. With this outfit the county society could appoint a committee to prepare a standard lecture or lectures to be used with the lantern illustrations; and, at a subsequent meeting of the society, to submit the lecture or lectures for the approval of the society as a body, and at the same meeting demonstrate the use of the lantern. This committee should then be authorized to assign the different public schools to various members of the society and to request such members to use the lantern and slides on two successive Friday nights in an illustrated lecture to the children and parents interested in that particular school. Handbills announcing the lecture, supplied the teacher by the county superintendent of health, could be distributed a week in advance to the people of the community. After the lectures the outfit would be sent to the next school on the schedule arranged by the committee of the county society. Nothing would go so far in arousing popular interest in the most important and fundamental problem that concerns the people of any county.

The construction of the law by the doctors as giving legislative and practically unlimited power in the health officers is shown by the following letter by this same Dr. Rankin:

RALEIGH, N. C., *September 23, 1911.*

MY DEAR SIR: As a member of your county board of health you are by this time doubtless familiar with the health machinery of your county. You realize the wide margin of power legislative enactment has provided—and very wisely provided, too—for the safeguarding of the public health of counties against unforeseen conditions and emergencies that may arise from time to time. The section of the law clothing the county board of health with this power is to be found in section 9, chapter 62, Public Health Laws, 1911. Among other things it says: "They shall make such rules and regulations * * * and impose such penalties as, in their judgment, may be necessary to protect and advance the public health." You observe, therefore, that you are clothed with a legislative authority in health matters in your county almost as great as that which the general assembly is clothed in passing health laws for the State. And it is hardly necessary for me to remind you that, with such power, opportunities are extensive and responsibility heavy.

You should also be aware of the fact that your executive officer, your county superintendent of health, bears to your board the same relation that the secretary of the State board of health bears to the State board of health and to the general assembly. His duty is to see that health laws are properly executed, but the right kind of an officer will not be content simply to do what he is specifically commanded to do but will suggest new laws or health regulations. By this constructive work will be measured, to a considerable extent, the wisdom of your choice of a county superintendent of health.

How many propositions has your county superintendent of health asked your board to consider?

How many rules and regulations initiated by your county superintendent of health have you passed?

What work has been done by your board in your county in addition to the specific requirements, the minimum amount of health work required of you by the General Assembly of North Carolina?

These are questions that bear upon the efficiency of your work.

This good doctor, who, I have no doubt, believes he is saving lives and preserving the public health of his State, is a most alarming individual and spreads disease thoughts and fears, and breeds disease, I have no doubt, to an alarming extent in his honest efforts to serve humanity.

Mr. President, I have selected North Carolina and its health officers more because of the fearless way Dr. Rankin has seized upon the poor people of that State, especially the innocent and defenseless school children, and made them the victims of the dangerous propaganda of medical practitioners that has caused so much misery and suffering and cost so many lives, than for any other reason. Other States are equally culpable in this respect. This is intended only as a sample. When will the people of this country awaken to the fact that such methods and such publications are creating instead of preventing or curing disease! Many people know it, but remain silent. Lawmakers know it, but the pressure for laws that only perpetuate and give greater strength to the deadly evil, on the part of a powerful body of professional men, is strong, and lawmakers are indifferent. They leave the responsibility with the doctors, content to say that "They are specialists in the healing of disease, I am willing to trust them." Consequently this profession dictates and administers all so-called health laws.

Mr. President, is it fair, is it wise, is it just to the people who must suffer from bad laws to leave it to the doctors who are interested parties and far from infallible?

OBJECTIONS TO THE EFFORTS OF THE DOCTORS.

Congress has by a law lately passed authorized the Public Health Service to publish and send out information about diseases and their cures. No doubt this is intended to prevent disease. At the same time the fears engendered in others by these same doctors, by their own fears of microbes, germs, and other alleged causes of disease that exist only in their wrong way of thinking, cause more diseases and destroy more lives than all their medicines and the faith in their ability to heal can save. Mostly through the fears they have created people are afraid of what they eat, what they drink, what they breathe, and the pure air that blows upon them.

It is the refinement of cruelty that has added immensely to the weight of human sorrow, suffering, and misery. Information that is sent broadcast all over the country through publications printed and sent out at public expense by the Public Health Service would be amusing if it were not so frightfully serious in its consequences. The one saving feature of it is that very few, besides the doctors, read the deadly stuff, and they are so full of it that they can not well be made worse. But to instill it into a free and innocent mind is no less than a crime. I have examined a number of the reports sent out by the Public Health Service, and I wonder how an intelligent Government, if it is intelligent on this subject, can tolerate this systematic slow poisoning of the minds of the people, much less pay for its printing and publication. It is appalling to think of the indifference that exists in the face of this deadly practice of filling the public mind with the belief in and fear of disease. This mass of hurtful and disease-breeding information is supplemented by various State and county boards of health throughout the country. I have had occasion heretofore to call attention to certain health almanacs issued by the State Board of Health of Kansas, by which its readers were made to expect and fear certain diseases at given periods of the year. This bad example has been followed by other State boards. The original Health Almanac of Virginia is a fair sample of this death-dealing literature. It has for its motto "Good health for every day of every month." It then proceeds to enumerate the diseases that we may look forward to each month of the year, as follows:

January for smallpox.
February for pneumonia.
March for measles.
April for good wells and good water.
May for infants' complaints.
June for flies and mosquitoes.
July for typhoid fever.
August for hookworm disease.
September for diphtheria.
October for scarlet fever.
November for colds and influenza.
December for consumption.

This is a cheering prospect for the readers of such stuff. One may look forward with pleasing anticipation to the danger of at least 12 separate diseases each year, with a multitude of others not enumerated. And ignorant people who rely upon the supposed superior wisdom of the doctors meet each month with the dread and fear of at least one disease alleged to be prevalent that month, and the man who is strong enough to meet and overcome this false suggestion of disease and the common fear that it engenders should feel himself fortunate indeed.

But, sir, this so-called health almanac is only a sample of hundreds of fearful disease-breeding, death-dealing publications that are being distributed throughout the country, publications that teach the people to think and believe in disease when their minds should be filled with the hope and belief in life and good health, publications that are constantly suggesting sickness and death and inspiring the fear that all competent medical men, as well as others, know to be one of the most prolific and powerful causes of disease and death. And the good, innocent, and deluded people, forced thereto by acts of Congress and State legislatures, support this unhealthy propaganda with their money and at the same time suffer the consequences. And now it is proposed to use the great Panama Exposition at San Francisco as a means of spreading this infection of the public mind with just such deleterious and disease-breeding information, and the National Government is to be made its sponsor and advocate.

On this subject I can not refrain from quoting from a letter written by Rev. James Mulligan, priest of St. Mary's Catholic Church, of Waverly, Iowa, to the senior Senator from that State [Mr. CUMMINS]. This letter was written as a protest against the so-called Owen bill, now pending in the Senate, providing for a department of health. I may quote it in full later on, but a part of the letter is so pertinent to the evil influence of the kind of publications I am now considering that I quote it here. He says:

It is deplorable, if true, that 600,000 of our people come to an untimely end each year through disease, but in the distribution of these fatalities it is found that the States maintaining the most elaborate health departments quite uniformly bear a larger share of the number than do the States that maintain small and inconsequential ones. In the light of such an anomaly, therefore, it requires more credulity than I possess to concede that the establishment provided for by the Owen bill would be capable of reducing the ravages of disease in the smallest degree. Quite the contrary, I should fear that the adoption of this measure would have the effect of increasing illness, *especially if it is contemplated, as I believe it is, that the bureau of publications provided for therein shall engage in the popular distribution of health (disease) bulletins.* I am firmly of the belief that thoughts freighted with the fear of illness are more potent of evil as disease carriers than the types of God's humble creatures that we are persistently urged to "swat." Science has long recognized the value of suggestion as a curative agency, and our most advanced thinkers recognize that the same agency can produce, if not disease itself, at least the morbid condition of mind and body that invites it.

I am not a scientific man in any sense, but in the course of a busy life I have had under my observation a number of cases of illness produced by suggestion, and at the risk of wearying you I will refer to one of them. One morning, a few years ago, I boarded a train at West Union, Iowa, where I was then established, en route for Turkey River. It was a route I frequently traveled, and I was acquainted with the trainmen. When the conductor approached he told me confidentially that they were having some sport with Jimmy, the new brakeman, by persuading him that he looked very ill, and he asked me to aid in carrying the joke along. I declined to do so, but other passengers were more accommodating, and Jimmy was not only persuaded that he looked ill, but he actually became ill, and at Turkey River I saw him carried from the train on a stretcher, as sick a lad as I ever looked upon that made a subsequent recovery.

Authentic cases such as I have cited here could, I believe, be multiplied almost without number; but if we recognize that influences on

the mind are even small factors in the causation of disease, should we not hesitate ere we sanction the popular distribution of bulletins under the seal of the Government that deal with the subject of disease?

As a sample of the feeling of opposition that has been aroused by these proposed innovations, I quote from some remarks of Rev. Bernard C. Ruggles, of the First Universalist Church of Denver, on the subject of medical inspection of school children, as quoted in the Denver Republican. He says:

Not only economically, but also educationally, we must conserve the welfare of the child. Therefore there is both a danger and a menace in the present move for the compulsory medical inspection of school children. On first thought we would not credit this statement. On its surface it appears as a most beneficial and health-conserving movement. but when seen in the light of its intentions it proves to be political in character, tyrannical in its nature, and baneful and harmful rather than beneficial in its effects.

When this movement was inaugurated it appeared simply as a preventive measure in time of contagion to protect healthy children. Next came the demand from the doctors for compulsory vaccination. To this has now been added a program which contemplates the creation of a regular staff of salaried doctors to be connected with the schools of the country for the purpose of examining the school children for physical defects. It adds that nurses be attached, to go into the homes and see that the political doctor's instructions be carried out.

This is a political move, which is being backed and promoted by the political doctors of the American Medical Association. It has its final expression in the Owen bill, now pending in Congress, and its intent is to establish a medical control, through a department of health, which shall not be amenable even to the President, but can enter homes and supersede the authority or wisdom of parents in caring for their children. This is nothing short of a medical tyranny, letting the Government say what kind of doctor or school of medicine or system of healing shall be employed.

It is tyrannical to bring about compulsory medical inspection. There is an increasing number of children whose parents are adherents of drugless forms of healing, mostly religious in character. With such the forms of medical diagnosis contemplated are highly distasteful. They comply with all sanitary measures which look to checking contagions. But the compulsory submitting of their children to examinations for physical defects of which these little ones are ignorant is an outrage on their rights. It means that their right to believe that their right-thinking can correct their physical defect is denied them. Our forefathers periled all to establish man's religious rights, and it is tyranny for political doctors who have rejected their systems of healing to force on a people that which their hearts and souls cry out against.

The whole matter works finally the greatest injustice and harm to the children from the most approved psychological standpoint. Modern psychology has demonstrated beyond a doubt that fear is one of the greatest promoters of disease. It creates a depleted vitality and a negative condition. The Medical Journal of January 6 cautions doctors against suggesting symptoms. If this is true, think of the lasting effects of the fears which compulsory examinations will produce on the plastic and imaginative minds of children. Let us not be guilty of a step which will make children the victims of a political and mercenary procedure.

Hon. Edgar M. Cullen, former chief judge of the Court of Appeals of New York, in the annual address before the New York State Bar Association, entitled "The Decline of Personal Liberty in America," had this to say on the subject I am now considering:

Nor are the professions free from the same spirit. Surely there is no nobler, none so charitable and unselfish a profession as that of the physician. Yet the persecution which some of the physicians seek to inflict on the Christian Scientists is discreditable. Personally, when ill, if compelled to make a choice, I prefer the attendance of the physician to that of the minister, but others may entertain a different view. It took centuries of time and untold human suffering to establish the right of a man to be saved or damned in the next world in his own way. And the right of an adult sane person to be cured or killed in this world in his own way seems to me to be equally as great unless his disease, being contagious, endangers others, and even in that case it is difficult to see how the attendance of the Christian Scientists can increase the danger. Doubtless, the requirements of technical education and skill prescribed as conditions for a license to practice as a physician are proper. In default of such requirements we would be subject to be imposed upon by imposters and charlatans. But no one, however, can be deceived by the Christian Science reader except as to the extent of the special intervention of the Deity in human affairs. As to that, a man has a right to believe what he chooses, and the further right to act on his belief. In all Christian churches prayers are offered for the recovery of the sick, and all decent Christians, Friends possibly excepted, believe in supporting their clergymen. The Christian Scientist has exactly the same right to be paid for his service.

There are many other protests from various sources that have been made public. I can cite only a few of them. The demand of the doctors for compulsory physical examination of school children has aroused the most indignant protest and opposition. I have on previous occasions called the attention of the Senate to this condition. The efforts of the doctors to bring about such objectionable examinations have not abated, but, if any thing, have become more persistent and determined, and the demand has been extended to examinations of all citizens. In an editorial in the New York Evening Post of May 11, 1914, entitled, "The Price of Health Worship," after praising Dr. Goldwater for his services as commissioner of health, it is said among other things:

Whether Dr. Goldwater, or Dr. Biggs before him, or the estimable and distinguished gentlemen who are the backers of the life extension institute movement look upon compulsory medical examination of all persons as their goal, we can not positively state. It looks very much as though they did. Dr. Biggs has been quoted as advocating medical examination of all "citizens," which points very strongly that way. No unmistakable statement of such an object has yet been made, so far as we have observed; but we are as yet only in the first beginnings of the movement. Dr. Goldwater's article closes as follows:

"The next great task of preventive medicine is, therefore, the inauguration of universal periodic medical examinations as an indispensable means for the control of all diseases, whether arising from injurious habits, from congenital or constitutional weakness, or from social and vocational conditions."

If we see this in the green tree, what may we expect to find in the dry? Will it be much of a step from "universal" examination to compulsory examination? Will it be much of a step from that to compulsory heeding of the results of that examination? Is there any limit that can safely be set to the extension not of life but of the meddling with life, which this whole movement promises?

But it is by no means on the score of legal compulsion alone that the proposal of "universal periodic medical examination" is open to objection. Whether brought about by legal requirement or by the pressure of general opinion, the benefits to health and the prolongation of life which it might bring about would be purchased at a tremendous price. What that price would be requires some power of imagination, perhaps, to realize, but some idea of it may be obtained from the very facts which Dr. Goldwater adduces. Take but a single one of them. "In a recent examination of the employees of a New York City bank," he says, "100 per cent of the employees were found to be abnormal and on the sure road to diseases of heart, lungs, kidneys, or blood vessels." Very likely this examination will have been the means of stopping the progress of disease in the case of some of these men; but if the fact is as stated, the whole body of them were suddenly converted from a group of normal men, nearly all of whom were doubtless going about their work and their play with no thought of sickness, into a solid body of semi-invalids. Who shall say that the addition of two or three years to the average duration of their existence will outweigh, in the scales which measure real human values, the freedom, the elasticity, the unconsciousness of the trammels of the body, which have been impaired or destroyed by this intrusion?

And even from the standpoint of medical results in the narrowest sense there is room for grave misgivings. Not all diagnoses are correct; not all alarms given by medical men are well founded. * * * "The task before us," says Dr. Goldwater, "is to discover the first sign of departure from the normal physiological path, and promptly and effectually to apply the brake." With this as the ideal before them, will not the false alarms of the physicians outnumber those of to-day 10 to 1 or 50 to 1? Will not thousands of persons who might have lived happily and comfortably to threescore and ten before that "first sign of departure" had developed into anything serious be called upon to exercise care, to be solicitous about their bodies instead of ignoring them, and in no one knows how many cases have their lives not only dulled, but actually shortened by hypochondria?

"Those to whom the care of delicate mechanical apparatus is intrusted," says Dr. Goldwater, "do not wait until a breakdown occurs, but inspect and examine the apparatus minutely at regular intervals, and thus detect the first sign of damage." This is the favorite simile of the health enthusiasts. But in it are embedded two fatal fallacies. In the first place, the working of a machine is not affected by our concern over it, while our body may be; and, secondly, the only interest we have in the machine is that it shall function well as a mechanism, while in the case of our bodies we may deliberately choose to sacrifice perfection of the mechanism to other objects which we prize more highly; indeed, we must do so at some point or other if we wish to keep out of bedlam.

The demand for forced examination and inspection is not confined to school children. It is proposed to extend it to the industrial workers in the country. In an article in the November, 1914, Public Health Report by Dr. Schereschewsky, surgeon, Public Health Service, entitled "Physical Examination of Workers," such examinations are strongly insisted upon. As to the extent to which this interference with personal rights and individual liberty should go the doctor says:

Whatever is worth doing is worth doing well. The importance of making physical examinations thorough can not be overemphasized. A reliable record of the physical condition can not be obtained by a hasty and superficial examination; the data so collected are of no especial value, nor can incipient disease be detected by such methods. What is especially needed is a standard form of physical examination, so that the data obtained in this manner for various industries may be comparable.

Workers found suffering from physical defects and diseases should be held under observation and requested to report back for reexamination, so that advice as to their condition may be given, as well as a watch kept upon their progress to recovery. It is also earnestly recommended that periodic reexaminations be made of all workers, as this is the best way of insuring a continuous state of health on their part.

This continuous examination and reexamination would open a wide and lucrative field of labor for the medical practitioner which would do infinitely more harm than good.

From an article by the League for Medical Freedom, entitled "The struggle for freedom," I take this short extract:

WILL PERSONAL RIGHTS BE INVADED?

But back of all the debate as to whether the plan results in good or evil it is the question of how far the Government can safely go in forcing legislation of limitations, prohibitions, and penalties upon the citizen respecting health matters. The argument is made that there will be no attempt to invade the rights of the citizen. Can we rely on this? Are not our school children already stripped, examined, treated, inoculated, and otherwise controlled without our consent and mainly without even statutory authority?

We do not ask that measure of freedom that disregards the rights of others, and needful rules and regulations concerning spread of disease among helpless persons will be received and readily obeyed. But we can not give up our right to house, home, treat, love, protect, shelter, and save our children and ourselves and consign ourselves and our children to the doctrine of a school of healing with which we have no sympathy. Sanitation, cleanliness, quarantine, and similar regulations may be administered when administered properly, to the end that those who do not obey and those who do not know how to live may be shown the proper way. But we know when power is left to discretion of a class it is usually administered with autocratic and despotic hand.

Early in 1913 the President was reported to have said to a gathering of social workers in Hoboken, N. J.:

Most of the things you have spoken of are without political embarrassment. One that does have political embarrassment is the health-department project. There is a fear in many minds that we are about to set up what has been called a "medical trust." It is very desirable to remove that idea.

It is not my intention to embarrass the President or to do him any injustice. Therefore, I may say to the Senate that the President disclaims the language attributed to him, and I have no doubt that he was misquoted. Therefore, the editorials I am about to submit are not produced to reflect upon or criticize the President, but to show the prevalent feeling against any effort to interfere with the liberty of the citizen in the matter of medicine or of resorting to the remedy of his choice in case of sickness.

The supposed statement of the President was very generally commented on by the press. I submit a few editorials bearing on the question:

[From the Chicago Inter Ocean of January 28, 1913.]

NO "MEDICAL TRUST" WANTED.

President-elect Wilson, in the course of an address to a gathering of social workers at the private house in Hoboken, where he was a week-end guest, is reported to have said of the proposal for national supervision of health and sanitation:

"Most of the things you have spoken of are without political embarrassment. One that does have political embarrassment is the health department project. There is a fear in many minds that we are about to set up what has been called a 'medical trust.' It is very desirable to remove that idea."

It is very desirable. There is nothing, except his religious convictions, with which the average citizen so deeply resents governmental interference as in matters affecting his health and the health of his family. Any sort of dictation about what measures he shall take to preserve or restore health the average man regards as an unbearable outrage.

Although Mr. Wilson went on to say that he had "never seen any serious proposal to put any particular school of medicine in charge of the national health," precisely such an intention was widely imputed to the measure most earnestly urged in the last Congress. Whether justified or not, these imputations were confirmed in the minds of thousands by the apparent unanimity with which medical societies of a particular school urged the passage of the Owen bill.

It is probably true that desirable measures of sanitation and disease prevention could be more effectively administered under national authority. But so long as doctors disagree so widely and violently among themselves it is impossible to expect the laity to accept any method of treatment of disease as right to the exclusion of all other methods.

Anything that even looked like a "medical trust" would be widely and deeply resented by all sorts and conditions of citizens. The political party that makes itself responsible for any legislation which can be so construed will have only its own folly to blame for its subsequent troubles. And it will have plenty of troubles.

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[From the Boston Post of January 28, 1913.]

NO MEDICAL TRUST.

President elect Wilson is reported to have told a private meeting of social workers in Hoboken the other day that, in so far as he could have anything to say about the matter, there would be no placing of any possible bureau of health in control of a particular school of medicine. It is to be hoped that the report is true.

While allopathy is still the dominant medical practice in this country, there are millions of people who are adherents of homeopathy and are convinced of the good it has done them. So of other lesser schools. To give the so-called "regulars" sole power over a Federal health bureau would be an outrageous injustice to a large class of American citizens.

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[From the Christian Science Monitor of January 29, 1913.]

PRESIDENT ELECT AND MEDICAL TRUST.

A private gathering of persons described as "prominent social workers," held at the home of Mrs. Caroline B. Alexander, Hoboken, N. J., on Sunday, was addressed by President elect Wilson. Representatives of the press were not admitted, but at the conclusion of the meeting the hostess gave out a statement attributed to Mr. Wilson, from which the following excerpts are taken:

"Every subject treated here to-day engaged my deep interest and enthusiasm. My enthusiasm is in proportion generally to the practicability of a scheme. * * * Most of the things that you have spoken are without political embarrassment. One that does have political embarrassment is the health-department project. * * * There is a fear in many minds that we are about to set up what has been called a medical trust, and it is very desirable to remove that idea. I have never seen any serious proposal to put any particular school of medicine in charge of the national health."

Mr. Wilson exhibits keen discernment in discovering that "there is a fear in many minds that we are about to set up what has been called a medical trust," and in recognizing the desirability of removing this idea. The possibility of its removal in existing circumstances is, however, another matter. If the President elect has not "seen any serious proposal to put any particular school of medicine in charge of the national health," it is because no such proposal is necessary. A particular school of medicine is now, and has been for years, in charge of the "national health," so far as it is and has been within the power of the Government to confer such authority. The allopathic school dominates the Federal medical service. It exercises, and has exercised for years, a close monopoly in this respect. No other school of medicine has recognition or opportunity worth mentioning in any of the departments of the National Government, civil or military. It is all but stamped as the state school of medicine; it is all but empowered to drive out all other schools of medicine. What is necessary to impose allopathy upon the Nation to the exclusion of every other method of healing, so far as law can regulate the popular conscience and direct and control the popular will, is not to "put any particular school of medicine in charge of the national health," but simply to create a department of health, of which the allopathic school, already dominant in every other respect, may take possession.

Mr. Wilson is right in the view that there is political embarrassment in any proposal of this kind. His party at Baltimore saw this, and in an effort to be noncommittal became vague by reaffirming "previous declarations advocating the union and strengthening of the various governmental agencies relating to pure foods, quarantine, vital statistics, and human health * * * without partiality to or discrimination against any school of medicine or system of healing." But the issue, we think, is one that will have to be frankly put and squarely met, no matter how embarrassing it may be to political parties or to statesmen. The proposition involved is so simple that those who run may grasp it in all its fulness and seriousness. It is whether the allopathic school of medicine—the school of political doctors—shall be granted absolute power in all matters relating to sanitation and health in the United States of America, this power carrying with it the right to say how every man, woman, and child shall be treated, regardless of the personal and religious freedom guaranteed by the Constitution.

We can not now believe that as President Woodrow Wilson's exceptionally clear perception of the inherent rights of the individual citizen will be dulled by any degree of enthusiasm for any misdirected efforts of social workers or others.

The following extracts from some remarks of Dr. John M. Hodge, published in Health Culture for January, 1913, are interesting:

In many of our American cities and villages the medico-political schemer has already succeeded through false promises in having the pupils in the public schools placed under the care of political drug doctors, whose privilege it is to experiment upon the children at the taxpayers' expense.

To a logical and unbiased mind it is incomprehensible why healthy school pupils should be placed at the mercy of political doctors. * * * The truth of the matter is that compulsory medical inspection of school children is not needed, is not desired, and has never been asked for by the parents of school children nor by the public.

The demand for compulsory medical inspection of pupils comes from political doctors, who desire to create places and revenue for themselves and their confederates. Compulsory medical inspection of school children is a lucrative branch of State medicine, in which political doctors alone are the beneficiaries.

The present demand for medical inspection of school children, which is so prevalent, is due chiefly to a systematic campaign diligently pushed by the American Medical Association. The placing of school children in the hands of monopoly-seeking doctors without the consent of the parent or guardian will result in burdening the taxpayers with an ever-increasing army of State-paid political doctors.

The majority of doctors appointed as medical inspectors are incompetents who are unable to establish a practice for themselves. They receive the appointment through political influence without inquiry as to fitness for the place. The main qualification required of them is that they have political "pull." This is the class of doctors who go into our public schools and experiment upon children at the taxpayers' expense and without the consent of the children's parents.

Compulsory medical inspection of school children is intended by its self-seeking promotors to secure places for an ever-increasing army of State-supported doctors, who are seeking to establish by legislative enactment a monopoly of medical practice. Compulsory medical inspection of schools, if attained, will be toward the establishment of State medicine, which would be a greater evil than State religion.

The American Medical Association aims to establish a medical hierarchy which shall control the people from birth to death.

The bureaucratic rule which it hopes to secure in the National Government is un-American in principle and despotic in spirit. It is monopolistic and tyrannical in the most offensive sense of those terms.

The conscience-guided American citizen is resolutely opposed to the encroachment of the privilege-seeking advocate of State medicine. The American people are opposed to both State medicine and State religion; also to the policy of extending special privilege to any sect in religion, medicine, or philosophy.

Mr. President, the strenuous efforts that are being made to establish a monopoly in the healing of disease are attributed almost entirely to a certain class of doctors belonging to the American Medical Association, often referred to as "political doctors." It is understood by everybody that there is no public demand for any of the legislation having for its purpose the exaltation and continuance in power of one school of medicine and the exclusion of all other modes of healing, and that it is a selfish effort on the part of some, not nearly all, of that school to benefit themselves without regard to the needs of the general public.

Objection to the monopolistic methods of the association has not been confined to outsiders. Some of its members have protested loudly against the unjust and suicidal course it has taken. One of the most persistent of these is Dr. G. Frank Lydston, of Chicago. I am convinced from the information I have obtained that Dr. Lydston is a physician of ability and standing and a man of high character and strict integrity. I understand that he is personally known to more than one Member of this body, who will vouch for his standing as a man and a physician. I am about to quote from a pamphlet of which Dr. Lydston is the author. It was published in February, 1913. It is entitled, "*A Privileged Medical Class—The Latest Move of Medical Trust Monopoly—A Warning to the Profession, the Public, and Especially to State Legislatures and Medical Examining Boards.*"

As this pamphlet relates mainly to the manipulations of the American Medical Association to obtain control of the Medical Reserve Corps, the doctor's warning should have been extended to Congress. I now call the contents of this pamphlet to the particular attention of the Committee on Military Affairs of

the Senate. It should move that committee to investigate conditions in the War Department relating to the Medical Reserve Corps.

He says:

The attempt by certain medical monopolists to "corner" everything pertaining to medicine and surgery in the United States is so flagrant that it is marvelous that the rank and file of the profession does not wake up. Medical schools, health boards, medical journalism, medical publishing, medical advertising, medical appointments of all kinds—the medical octopus is after them all, and is likely to get them all while the profession sleeps.

One might suppose that the Medical Department, United States Army, could not be made the playground of the medical octopus. Not so, however. In the near future I shall prove to the citizens of this country that the Medical Department of the Army is dominated by and subverted to the base uses of the dominant American ring of medical politicians. I ask the profession to read and carefully weigh the proof which I shall later submit.

I shall herein limit myself to the presentation of as pretty a little scheme of professional graft as ever has been sprung upon an unsuspecting public and long-suffering profession. I refer to the establishment of a privileged class from the Army, Navy, and Marine Hospital medical services and the proposed attempt to add to this class the Medical Reserve Corps, United States Army, and to further extend the privileges of all of these branches of the Government medical services.

The Medical Reserve Corps, United States Army, was a scheme of the medical octopus, by which it proposed—

1. To get its tentacles onto the Army, and thereby creep close to the throne in Washington.

2. To get more political influence through the large numbers and wide ramifications of the corps and more power by having more bribes to dispense wherewith to win satellites and prestige. As I will prove in a paper now in preparation, it has done these things most effectually.

The first batch of appointees to the Medical Reserve Corps of Chicago comprised the editor-manager-boss of the American Medical Association and 12 of his official family, only 1 of whom had ever worn any uniform save the "collar" of the American Medical Association. Every local official of the American Medical Association is now in the Medical Reserve Corps Association of Chicago, which numbers 112 members, to say nothing of members at large who have not joined the association. The first president of the Illinois division of the reserve corps was an ex-president and ex-treasurer of the American Medical Association. Its present vice president is a paid employee of the American Medical Association. What prevails here is duplicated in every State in the Union.

As to the personnel of the Illinois Reserve Corps Association, its roster contains the names of the following: The editor-manager-boss of the American Medical Association, two ex-presidents of the American Medical Association (one a former treasurer of the American Medical Association), the assistant secretary of the American Medical Association, the local trustee of the American Medical Association, two associate editors of the American Medical Association, a former trustee of the American Medical Association, two editors of subsidiary journals of the American Medical Association, the chairman of the committee of public health of the American Medical Association, the chairman of the committee on education of the American Medical Association, and ex-chairmen galore, a member of the council of chemistry and pharmacy, American Medical Association, three secretaries of sections, American Medical Association. In brief, every Chicago member of the oligarchic ring, and practically every one of its satellites is in the Illinois Reserve Corps Association.

Commissions in the reserve corps are supposed to be issued after a rigid examination. The majority of the Chicago contingent were not examined at all—not even physically. Any examination which may have been given in most cases was a farce. So far as I can ascertain, only two were examined as is pretended to be prescribed by law, and these gentlemen were not examined in Chicago. The "examining board" in most cases was a single Army medical officer, and the examination essentially consisted of "How do you do? What is your name? Good day."

N. B.—Part 14, Manual for the Medical Department, United States Army, provides for an examination for the Medical Reserve Corps, as follows:

"MEDICAL RESERVE CORPS.

"(b) The statement and certificate having been given and the diploma submitted, the board will then make a thorough physical examination of the applicant, which must conform in all respects to that required of candidates for commission in the Medical Corps. (Par. 5a.)

"If any physical disqualification for the service is found the examination will be discontinued. The findings and action of the board will be reported on Form 145a, modified to suit the case.

"(c) The applicant having been found physically qualified the board will next proceed with his professional examination in the following subjects:

"Practice of medicine, surgery, obstetrics and gynecology, and hygiene This examination will be oral and sufficiently comprehensive to determine whether, in the opinion of the board, the applicant is qualified to practice his profession under the usual conditions of the military service. Should the oral examination in any subject be unsatisfactory, the applicant may be required to take a written examination therein."

The profession will kindly notice the "jokers" in sections (b) and (c). Most astounding. A report "modified to suit the case." An examination for an Army commission which, it is claimed, should give a man the right to obtain without examination a license to practice in any State in the Union.

What has all this to do with the establishment of a privileged class? Read the following letter from Dr. Lewis and the official reply to an inquiry which he made of the Surgeon General, United States Army:

CHICAGO, ILL., *January 10, 1913.*

DEAR DR. LYDSTON: In answer to your letter of December 15, asking me for information relative to the "license" status of the members of the Medical Reserve Corps, I beg leave to submit the answer of the Surgeon General to my query. Relative to your questions as to the examinations for the Medical Reserve Corps I will state that I, and many others within my knowledge, were not required to pass an examination of any kind

Very truly,

HENRY F. LEWIS, M. D.,
First Lieutenant Medical Reserve Corps,
United States Army.

Upon what meat do our military medical Cæsars feed that they have grown so great that they should be exempt from medical-practice laws to which even gray-haired professors must submit?

The American Medical Association medical reserve corps can not "put anything over" in Illinois under the present State board of health, for a very peculiar reason—the president of the board, Dr. George W. Webster, understands the situation, as the following correspondence shows:

CHICAGO, ILL., *December 14, 1912.*

DR. GEORGE W. WEBSTER,
32 North State Street, Chicago.

MY DEAR DR. WEBSTER: I am interested in the method of formation of the Medical Reserve Corps, United States Army. As you are a member of said corps, I take the liberty of asking you the following questions, which I trust you may do me the courtesy of answering:

1. Who constituted the board which examined you for the Reserve Corps?
2. Were you submitted to a physical examination; and if so, what was the nature of said examination?
3. If a physical examination was made, was same made a matter of record?
4. Were you examined in medicine and surgery? If so, what was the nature of said examination and in what subjects were you examined?
5. Was the examination oral or written?
6. Was a record made of your examination and markings?

Trusting that you may see fit to give me an early reply to the foregoing query, I am,

Very fraternally,

G. FRANK LYDSTON.

Answer:

DEAR DR. LYDSTON: I was not required to take either a medical or a physical examination.

Very sincerely,

GEO. W. WEBSTER.

My associate, Dr. B. S. Rogers, major and surgeon, Second Infantry Illinois National Guard, informs me that he also was not submitted to examination. I wrote to a number of others who had informed me that they were not submitted to any examination, but received no reply. One gentleman who had already told me the facts called me up by phone and said that he did not care to go on record, as he was "afraid the bunch would get him" if he did. Two others, who had already told me the facts, also begged off on the ground that if they went on record it "might hurt their business." Is it not about time that the evil system which is sapping the manhood of the American doctor was overthrown?

The following rule bears upon the method of applying for admission to the Reserve Corps, United States Army:

"Permission to appear before the board is obtained by letter to The Adjutant General of the Army, which must be in the handwriting of the applicant, giving the date and place of his birth and the place and State of which he is a permanent resident. He must also furnish certificates based on personal acquaintanceship, character, and habit."

This is a huge joke. The method followed in Chicago was the selection by the A. M. A. ring of names "acceptable" to themselves. No one who was persona non grata to the oligarchy ever had an opportunity to submit an application in writing. Applications were made and acted on where the alleged "applicant" was ignorant of both the application and the action taken upon it.

One of the requirements for admission to the Medical Reserve Corps of the Army pertains to the applicant's age, as follows: "An applicant for appointment in the Medical Reserve Corps must be between 22 and 45 years of age."

N. B.—Nearly 70 of the 112 members of the Chicago association are above the age limit.

The Medical Reserve Corps, United States Army, as at present constituted is a farce and merely a kitchen for the medicopolitical trust monopoly—a kitchen in which to prepare its scheme of graft, power, revenge, and politics. Graft is the acquirement of money, honors, property, or any emolument without giving the quid pro quo. That the Medical Reserve Corps, United States Army, is used for political purposes I will prove later. When the Medical Department of the Army is used by medical politicians for their own private ends it is time for the great American citizen and the apathetic American doctor to "sit up and take notice." That this has been done, and that the Medical Department of the Army is at present under the control of the octopus, I will shortly demonstrate beyond peradventure of doubt. I am curious to see whether the rank and file of the profession believe in the methods of the men who are trying to dominate and monopolize American medicine. I am still more curious to learn whether or not the rank and file really like to have their rights as American citizens trampled on.

If there are to be any special privileges, why not have a competitive examination and give everybody a chance? Is the Medical Reserve Corps, United States Army, to be the only department of the medical service to which only the politically chosen few can be appointed, and after a fake examination or without any examination? And why not give the preference to men of military experience rather than to obstetricians, neurologists, pedistricians, ophthalmologists, and gynecologists? Military experience and a knowledge of military surgery are not mentioned in the examination requirements.

It remains to be seen whether the new administration will approve of the Medical Department of the Army being made a kitchen for medical politics.

What about the woman doctor? What provisions has the medicopolitical gang that is running the Medical Department of the Army made for her? What special privilege is to be provided for her? She can not join the Army, Navy, or Marine Hospital Service, nor even the Medical Reserve Corps. Possibly the medical Cabinet officer whom we are to have when the gang acquires complete control of medical matters in the United States is to be a woman. Let us hope so. The situation will require some features of redemption. I would suggest that the female suffragists give this matter due consideration.

Then there is the homeopath—he and his clientele vote, own property, and pay taxes. His school is recognized as legal. What special privileges is the homeopath to have? How many homeopaths are there in the medical service of the Government, particularly in the Medical Reserve Corps? If the homeopath is not eligible to the Government medical service or to the Medical Reserve Corps, he can not become one of the specially privileged licensed to practice without examination class; but something should be done for him. Possibly positions on the proposed Federal bureau of health will be reserved for him. The all-hog A. M. A. ring is noted for its fair play.

N. B.—There are about 1,200 Medical Reserve Corps men already appointed. The number is not limited by law. There are some 150 in Chicago and 250 in New York alone. As these men are all bound to the

A. M. A. ring by political hooks of steel, the gang has an organization in each State which gives the A. M. A. a powerful grip in Washington.

Do the privileged medical class and medical monopoly accord with the principles of democracy and the spirit of true American citizenship?

In conclusion, I would ask the medical officers of the Army how they like the placing of the farcical Medical Reserve Corps on the same plane with themselves? Do they approve of the Surgeon General's A. M. A. political scheme? Do they really believe that even they themselves should enjoy special privileges—privileges denied to other medical men? If so, why?

Of this much Washington may be assured, viz: Behind the protest which I have made herewith will stand several million fair-minded American citizens and every physician in this country, in or outside the A. M. A., who is not a beneficiary of medical trust politics. The new administration would do well to count these men before passing on what I have herewith submitted.

Let the profession remember what I have said over and over again, viz, the octopus is trying to monopolize health boards, including a Federal bureau of health, medical schools, medical journals, and medical publishing and advertising, hospitals, all public offices, the medical department of the Army—and now comes the proposed monopoly of operative surgery. Who are at the head of the trust? Read Munsey's Magazine for February, 1913.

Mr. President, the view taken by some of the leading women of the country of the efforts of the American Medical Association to secure the kind of legislation I am considering will be shown by the following extracts from the clear, logical, and forceful letter written by Mrs. Lydia Avery Coonley-Ward to the first division of the Federation of Women's Clubs of Illinois:

In saying what I think of this bill I shall make assertions that only duty could compel, but I shall say nothing that can not be substantiated.

The movement for new medical legislation was instigated and is maintained by the American Medical Association, a powerful trust. Many excellent people have interested themselves in it, but its motive was political. So dangerous were the plans, so specious the claims, so insidious the action that the National League for Medical Freedom was formed in opposition to this and kindred efforts, and its rapidly growing ranks have been recruited from every State until it has over 300,000 members, 21,000 of those being in Illinois. This league has been bitterly opposed and grossly maligned, but its members are devoted to public welfare and untrammeled by commercial interests. They do not in the least oppose laws for public health and sanitation, but they do oppose the efforts to force class legislation and the subjection of the people to a medical system.

I do not question the honesty of many who favor the Owen bill, but I do assert that its instigation and maintenance by a powerful trust are not to its credit, and should prevent acceptance of its statements without careful examination.

When Senator OWEN disclaims the intention of fortifying one school of medicine, we submit that evidence of close relations with the American Medical Association invalidates the claim. From the first Marine Hospital report issued 40 years ago, only the allopathic school has been recognized. Nor has the charge been denied, made on the floor of the Senate more than a year ago, that of the 7,000 doctors in Government employ every one is an allopath. The Government has no more right to be sectarian in medicine than in religion.

But for interested support this propaganda would never have gained prominence. The demand for a national bureau of health has been artificially created. Women's clubs have been besieged by humanitarian arguments and pleas for home and child conservation—interests dear to every woman's heart—and many have been won by specious arguments that will not bear the light of truth.

The bill was so obnoxious in the beginning that its friends amended it, and even then it failed. As it now stands it has no real use, but is designed as an entering wedge. "It will be followed up until we get what we want" has been frankly said. Let us try to find what "we" want. The bill contemplates the absorption of many bureaus, but excludes the medical departments of Army and Navy. The first bill would have included them, but they absolutely refused to be merged and were too strong politically to be antagonized. When asked why bureaus that would naturally be first to join the national bureau are not molested, Senator OWEN said that it would probably be impossible to pass the bill with the hostility of the medical service of the Army and Navy. But why should there be hostility to a bill essential to the well-being of the Nation? Their opposition is suggestive, to say the least.

I ask if we as women dare to further these unworthy ambitions? Our definite aim is to promote purity of motive as well as of action. Let us beware of the disguises in which the Owen bill is wrapped.

Great weight is laid on the impression that the medical profession at large considers this bill in the interest of the public health, whereas it is only one school that so considers it. The national associations of every other prominent school are on record against it. Are all other schools without concern in public welfare, excepting only the one that is to benefit by this legislation? Those who believe that under this bill power would not be concentrated in the old school should consider the experience of President Taft. An order for the Canal Zone, drawn by the interests that push the Owen bill, was presented for his signature. Believing it as harmless as it seemed, he signed it, thereby prohibiting the practice of medicine in the zone without a license from the allopathic board of health on pain of fine or imprisonment. The President was forced to the mortifying necessity of modifying the bill, but even now all other schools are at the mercy of "the regulars."

We are all glad to admit that excellent work has been done in the Canal Zone, but we believe that its value is of a purely practical and sanitary kind—good housekeeping rather than the use of serums and drugs, regarding which there is fundamental difference of opinion among the several schools of medicine. There is no difference of opinion regarding the efficacy of the laws of sanitation. What they have done in the zone they can do in the United States just as well, and no further legislation is needed to this end.

In the beginning Prof. Fisher wrote to a physician asking for a generous contribution to push the new bureau, saying that it is a project that "will surely expand within a decade so that millions upon millions of Government money" will be at its service. This alone should make women pause before risking their reputation for economical management. With vast expenditures this bill would bring politics into medicine and medicine into politics. Only last year an unwary member of a western legislature presented a bill proposing a tax of 50 cents a month on every family in the State for the services of a government-appointed doctor, and it came very near passing. Perhaps if it had had the indorsement of the women's clubs of the State it might have passed. Yet it was simply a bolder effort in the direction of the Owen bill. Why should women advocate centralization at Washington when an effort at this moment is being made to prevent the exploitation of taxpayers by keeping things in local hands?

Shall we not hesitate before trying to add to burdens already oppressive the "millions upon millions" the passage of the Owen bill predicts? We should make sure that the present comparatively economical management is ineffective before putting enormous financial power into unknown hands at Washington.

In a matter as tremendously important as this each woman should inform herself personally before voting, and if each makes examination of the facts I am sure indorsement will never follow.

I know of a committee appointed by a club to examine and report upon this bill. The acceptance of a place on an investigating committee presupposes impartiality—an open mind—without opinions formed in advance. By request three eminent health authorities appeared before this committee, and yet, although two of them opposed the bill, the committee advised the club to indorse it. There should be assurance in advance that a case like this is not prejudged. Its members ought to be as impartial as jurors are required to be.

Because I believe from my heart these things that I have written I beg that our clubs will not indorse the Owen bill or any similar measure creating a national department of health or extending the present health powers of the Federal Government.

Mr. President, this is only one of the many cases where the doctors have endeavored to secure the powerful influence of women's clubs to bring about the passage of laws in their own interests. In many cases indorsements have been obtained from such clubs by unwarranted statements and appeals to women's natural sympathies for any effort that is understood to be for the public good, especially where they are made to believe that the health of the children is to be preserved by that means.

But an inquiry into the motives that impel action on the part of the doctors and the objects they have in view will prevent all good women from supporting such proposed legislation. Most of the effort is to procure legislation that will put the "regular" doctors in control of all medical and other healing activities.

SERUM REMEDIES.

The doctors have conceived the idea that every disease is caused by some disease germ or microbe, and that there is some remedial health germ that will destroy it and thereby restore the patient to health. So they have been hunting about, first, to find the particular disease germ that produces each ailment. They have vivisected animals and prospected the bodies of dead human and animal beings for enlightenment along these microbe lines. They have not stopped there. Live children who are unfortunate enough to be without protection from their inhuman explorations have been made the victims of their search for information about disease germs and the means of their destruction. Their endeavors have led to the most fantastic theories and the most loathsome remedies for disease germs. The vile concoctions that have been and are being injected and poured into human bodies, often causing disease and suffering even unto death, is appalling. No one knows whether any of the serums and other like remedies devised by the doctors as a result of their theories about disease germs have ever healed a single disease or prevented it. But it is known beyond the possibility of doubt that thousands of people, many of them innocent and helpless children, have been killed and thousands of others inoculated with loathsome diseases by their use. Whether they heal or prevent disease or not is a matter of sheer speculation, not knowledge. A serum is administered and a patient gets well. Whether it was because of the serum or in spite of it no one can tell. But if the patient dies suddenly after the administration of the drug, with all the symptoms of poisoning, the cause and the result is too apparent to be doubted. Then, all kinds of excuses are made for the fearful consequences of a doctor's fatal blunder. Serums are forced on whole armies and navies and on school children, from which fearful deaths occur. The epidemic of disease that is feared does not occur. But who knows whether its failure to occur was the result of the administration of the drug?

Sometimes the serum is administered, and the much-feared epidemic of disease does come, and the people who were inoculated sicken and die like all the rest. And, then, what? Oh, there was something wrong with the virus or serum. But who knows? We go on experimenting and risking our lives and our health at the dictation of the doctors, the command of the military and naval officers, and in obedience to cruel and inhuman laws upon the mere theories and speculations of the doctors. We surrender the lives of our children to the experimentations of these men who have utterly failed to heal disease by the methods they have resorted to for centuries and are trying out other remedies equally futile and none the less destructive to health and life. And the people are compelled by law and health regulations to submit to be slaughtered by these loathsome alleged remedies, whether they will or not. The most ruthless enforcement of these remedies will be found in the Army and

Navy. Officers of these departments have been made to believe that such remedies are necessary to prevent the spread of diseases supposed to be infectious. To prevent this they require every soldier and sailor to submit to be inoculated with the various serums that are supposed to prevent certain diseases. Their bodies are made receptacles of these foul and unhealthy concoctions. A conspicuous case of the kind came to my knowledge a short time ago that will serve to lay before the Senate the practice which prevails in the Army and Navy in the enforced administration of such remedies:

Joseph Kapsa was a gunner's mate on one of our war ships. He was a Christian Scientist, and conscientiously opposed to taking drugs. The Navy Department promulgated an order that all men in the naval service must be inoculated with a serum supposed to prevent typhoid fever. Kapsa explained what his beliefs and convictions were, and asked to be relieved from complying with the order. His request was refused. He then refused to submit to the treatment. He was tried and convicted of disobedience to orders and sentenced to two years' imprisonment and a dishonorable discharge. He was sent to prison, and there, again, the rules of the prison required him to take the treatment. His attorney at his trial appealed to me to intercede for him when he was first convicted. His punishment was reduced by order of the then Secretary of the Navy to one year's imprisonment and a dishonorable discharge. There is no better way to lay the Kapsa case before the Senate than to submit the naval order and the correspondence that took place between the Secretary of the Navy and me, and others, on the subject. It is as follows:

[General Order No. 133.]

NAVY DEPARTMENT,
Washington, D. C., December 1, 1911.

First. As soon as practicable after the receipt of this order typhoid prophylactic will be administered to all officers and enlisted men of the Navy and Marine Corps under the age of 45 years who have not already received it or who have not already had a well-defined case of typhoid fever. Officers and enlisted men on leave or on duty where no medical officer is available will receive the typhoid prophylactic upon their arrival at the first station where this measure is practicable.

Second. Typhoid prophylactic will be administered to all recruits under 45 years of age immediately upon their arrival at a training station, receiving ship, or marine recruit depot. This applies to all men reenlisting who have not received the prophylactic treatment within two years previously or had a well-defined case of typhoid fever; in case of doubt the prophylactic will be administered. Every applicant for enlistment in the Navy or Marine Corps will be informed that he must submit to typhoid prophylaxis and unless he agrees to acquiesce in this procedure he will not be considered eligible for enlistment.

Third. Typhoid prophylaxis must be regarded as a supplemental safeguard and under no circumstances will the usual sanitary precautions be modified or set aside.

Fourth. The antityphoid serum should be obtained from the Bureau of Medicine and Surgery by telegraphic or written request.

G. v. L. MEYER,
Secretary of the Navy.

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MAY 28, 1912.

MY DEAR MR. SECRETARY: I am inclosing you a letter from Mr. Ralph K. Jacobs, relating to the court-martial of John Joseph Kapsa, gunner's mate, first class, United States Navy, May 20, 1912.

The letter explains clearly the conditions under which this young man was convicted. I can not refrain from expressing my utter astonishment that a court-martial composed of American naval officers should have imposed such a punishment under the circumstances. The question may soon have to be tested whether the Navy Department can violate the conscientious religious convictions of its enlisted men by such order as was made in this instance.

But I am not writing to you now to raise any question of that kind, although I may be impelled to do so later. The judge advocate has magnanimously reduced the imprisonment of this young man one year, which leaves standing the order depriving him of pay and discharging him dishonorably from the service at the end of his imprisonment. That is to say, he is to be dishonorably discharged a year earlier than under the original sentence.

I think this man acted unwisely. If he were an officer, having the right to resign, he could have satisfied his conscience by resigning his position; but in his case this could not be done. He must either submit or take the punishment. In one case that has come to my knowledge and about which I wrote you earlier an enlisted seaman, under exactly the same conditions, was not imprisoned but was given an undesirable discharge. Such a sentence might be justified, but the one rendered against this man is utterly unjustifiable from any point of view. If his conscientious scruples prevented him from accepting the treatment, he should have expected that he would be discharged from the service. I have so advised a number of Christian Scientists who were likely to be placed in the same situation. The result of it will be that Christian Scientists, who, I imagine, make as good seamen as you have in the Navy, will be deprived of their right to enlist because of the orders requiring the kind of treatment that was proposed in this case and which is obnoxious, not only to Christian Scientists but to thousands of other good people in this country, and all of those now in the service will be compelled to waive their conscientious religious scruples and accept the treatment or undergo such punishment as was inflicted in this case or some greater or less punishment, according to the views of the particular officials composing the court-martial in a given case.

I submit to you, with all due respect, whether some conclusion should not be arrived at by which cases of this kind could be disposed of and Christian Scientists who prefer that course should be allowed to accept an undesirable discharge, which is certainly bad enough and unjust enough, rather than undergo imprisonment where the refusal is not willful, but grounded upon their conscientious convictions? In this instance I understand Kapsa prefers to receive an undesirable discharge or a dishonorable one rather than waive his convictions, although he has made a good seaman and is anxious to remain in the service.

Under these circumstances I appeal to you for such degree of clemency in his case as you may feel to be just in the interest of the public service. I think it must be seen by any just-minded man that the service can not be benefited by the infliction of such punishment as has been imposed in this case. Religious persecution has never yet aided in accomplishing results. It will simply bring about the feeling of resentment which will do much more harm than good. For myself I do not desire to see this condition of mind brought about. I should prefer to see Christian Scientists denied the right to participate in the public service because of their religious convictions—the injustice of which must be apparent to anyone—rather than have them punished as this man was punished, which must arouse the strongest indignation and protest not only from Christian Scientists but from all just-minded people.

Sincerely yours,

JOHN D. WORKS,
United States Senator.

Hon. G. VON L. MEYER,
Secretary of the Navy, Washington, D. C.

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DEPARTMENT OF THE NAVY,
Washington, June 24, 1912.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, together with the letter from Mr. Ralph K. Jacobs, relating to the general court-martial of Joseph J. Kapsa, seaman, United States Navy.

Mr. Jacobs acted as counsel for Kapsa at his trial and there urged as a defense that the department's General Order No. 133 of December 1, 1911, is illegal in that it violated the constitutional rights of the accused, and that the direct order of Kapsa's commanding officer was also illegal. Mr. Jacobs, however, quoted no authorities or precedents in support of his contention. In his letter to you Mr. Jacobs does not insist upon his previous contention, but requests that you intervene for the purpose of securing clemency, stating in his letter: "My own belief is that since the department asks him to submit his body to treatment the case should stand on a par with those cases in which an enlisted man refused to undergo an operation which the naval surgeons say is necessary, in which case the man is discharged as undesirable." This statement of Mr. Jacobs is erroneous in that it fails to take notice of the distinction that is made between major and minor operations. The policy of the department is not to insist upon a major operation against the man's wishes, but the case is different in minor operations. The following is quoted from circular No. 11, Adjutant General's office, War Department, of December 10, 1885, and shows that the policy of that department with respect to surgical operations is the same as that of the Navy Department:

"Except in the case of a capital operation involving risk of life, a soldier can not refuse to submit to medical treatment or surgical operation without subjecting himself to trial by court-martial for willfully avoiding treatment the purpose of which is to enable him to perform the duties for which he enlisted."

With regard to the severity of Kapsa's punishment I beg to invite your attention to the fact that the department has reduced Kapsa's sentence of imprisonment to one year's detention at the United States Naval Disciplinary Barracks, Port Royal, S. C. Detentioners are not considered as prisoners in the ordinary sense of the word, are not required to wear prison garb, and are not required to perform hard labor, being given such drills and instructions as will fit them for return to the service should they show a proper disposition to submit to discipline and so conduct themselves as to warrant special clemency being exercised in their behalf. Moreover, the department exercises clemency toward all detentioners by remitting one-third of the term of detention, provided their conduct while under detention is excellent. This in Kapsa's case would reduce his period of detention to eight months. It will therefore be seen that the punishment in his case is not a severe one, considering the very serious nature of his offense.

Referring to those matters which you urge in justification of Kapsa's offense, it may be remarked that a man's religious convictions can not legally justify his refusal to obey the law, or the regulations or orders, which are just as binding upon any person in the service. As stated by the Supreme Court of the United States in Allgeyer *v.* Louisiana (165 U. S., 578), a citizen "may be compelled, by force if need be, against his will and without regard to his personal wishes or his pecuniary interests, or even his religious convictions, to take his place in the ranks of the Army of his country and risk the chance of being shot down in its defense." It certainly would appear that when a man has voluntarily enlisted and bound himself by oath to obey the lawful orders of his superior officers he would have less justification in violating his oath and refusing to obey orders than would a man who is compelled by force to join the ranks of his country's forces, yet the Supreme Court, as above noted, states that religious convictions would not justify a man in disobedience in the latter case.

The question in this case, as in all others, which the department must bear in mind is the question of discipline. In considering the punishment this man is to receive, the department was not influenced by any desire to conduct a religious persecution, as you suggest, but solely to maintain discipline in the Navy. The department can not permit any officer or enlisted man of the Navy to repudiate his oath of office or enlistment on the grounds that he can not conscientiously comply with it in some one or more particular. Were the department to accept such a doctrine, there would be no more discipline in the Navy, for every man could then disobey orders with impunity, relying upon his alleged religious convictions as a justification for the violation of his oath of enlistment, and demanding a discharge whenever it might suit his convenience, on the grounds that his conscientious scruples would not permit of his submission to discipline. It would simply amount to an attempt to force upon the naval authorities the rules and regulations of other organizations, and to govern the Naval Establishment thereby. It might as well be said that a person in the naval service could justify his refusal to fire on the enemy when ordered so to do because to obey such an order would be contrary to the religious beliefs of the person so ordered.

In this connection, the following extract is quoted from Winthrop's Military Law and Precedents, 1896, page 890:

"Unjust or objectionable commands.—That the order was merely unjust or unreasonable would, it need hardly be added, constitute no defense to a charge of disobedience of orders under this article. *The plea that the order was opposed to the religious scruples of the accused and that he was therefore warranted in disregarding it is one which has been considerably discussed in England, where it was held wholly insufficient as a defense. It would of course be held equally untenable in our practice.*"

The department can not subscribe to the statement that any officer can refuse to obey a lawful order and resign, and have his resignation accepted. The department has the right, and has frequently exercised it, of refusing to accept an officer's resignation.

Referring to paragraph 2 of your letter, the order for court-martial was issued by the department itself after careful consideration of the best interests of the service. It was an order which it was the duty of the commanding officer of the *Delaware* to see carried out. The department itself preferred the charge against Kapsa of refusing to obey the lawful order of his superior officer, and it was the duty of the naval officer who sat upon the court to make a finding in accord with the evidence adduced at the trial. Having arrived at a finding of "guilty," which was the only finding possible under the circumstances, it became the duty of the court to award a sentence adequate to the offense. The President of the United States established the limitations of punishments that a general court-martial may adjudge in time of peace, and the limitation so established by the President for the offense of refusing to obey the lawful order of a superior officer, as shown in the Navy Regulations for the past 12 years, has been imprisonment at hard labor for two years, corresponding forfeiture of pay, and dishonorable discharge.

If there are matters which appear to the court to warrant clemency, they can only be considered in connection with a recommendation to the reviewing authority that clemency be exercised in the particular case; but the court, as above stated, is required to adjudge an adequate punishment. Clemency was recommended by the court in this case to the reviewing authority—the department—and has been exercised, as previously explained.

The fact that Kapsa was a petty officer of experience is one reason why he should not escape punishment, as petty officers are expected to set a good example in the matter of discipline and obedience to men of inferior rating. The commanding officer of the *Delaware* gave Kapsa exceptional opportunities to reconsider his refusal to obey orders, but he deliberately and willfully continued in his disobedience, the fact was well known on board to all the crew of the ship, and discipline would have been at an end or seriously impaired on board that ship had he been permitted to escape with no punishment.

The department does not consider medical treatment administered to protect the health of the naval service as religious persecution; nor can it concede that any officer, even of the lowest rating, can claim the right to personally decide whether or not he will obey a lawful order. If the order is unlawful or illegal, of course no one can be compelled to obey it; but if it is a lawful order, it must be obeyed by all persons to whom it applies. General Order No. 133 was an order issued by the Navy Department itself and is considered a lawful order, and anyone in the naval service refusing to obey it renders himself liable to the penalties prescribed for the offense of refusing to obey the lawful order of his superior officer.

In order to demonstrate the efficacy of inoculation against typhoid fever and the necessity of prevention and precaution for the safety of the lives of the military forces, I inclose a copy of a statement of the Surgeon General of the Navy.

I should be very glad indeed if the circumstances of the case warranted further clemency than that previously mentioned, but regret, for the reasons stated, that the department would not be justified in permitting Kapsa to be simply discharged as undesirable and thereby escape punishment for the offense of which he was convicted.

Faithfully yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

(Inclosure.)

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JUNE 29, 1912.

MY DEAR MR. SECRETARY: Referring again to the case of Joseph J. Kapsa, seaman, United States Navy, who was court-martialed for refusing to submit to serum treatment for typhoid fever and sentenced to a punishment that should shock the sense of justice of all men, and in response to the letter of the Acting Secretary of the Navy, in which he justifies the sentence in this case, I have this further to say:

The most of the Acting Secretary's letter is devoted to an effort to refute a claim that I did not make, namely, that Kapsa might disobey an order of the Secretary of the Navy because it conflicted with his religious convictions. Not only did I not make any such claim, but expressly waived it in my letter. I said further:

"If his conscientious scruples prevented him from accepting the treatment he should have expected that he would be discharged from the service. I have so advised a number of Christian Scientists who were likely to be placed in this same situation. The result of it will be that Christian Scientists, who, I imagine, make as good seamen as you have in the Navy, will be deprived of their right to enlist because of the orders requiring the kind of treatment that was proposed in this case, and which is obnoxious not only to Christian Scientists but to thousands of other good people in this country and all of those now in the service will be compelled to waive their conscientious religious scruples and accept the treatment or undergo such punishment as was inflicted in this case or some greater or less punishment, according to the views of the particular officials composing the court-martial in a given case."

My letter, as the Acting Secretary must have understood, was not intended to justify Kapsa but to have the punishment reduced, at least sufficiently to commend it to a reasonable man as just. So my letter seems to have failed of its purpose. I said in the very beginning of my letter that I thought the man acted unwisely in refusing to submit to the treatment, however loathsome and objectionable it might be, notwithstanding his conscientious religious scruples. But I am not the keeper of his conscience. You are, and may force him to violate his conscientious religious convictions—quite as well founded as your own—or suffer punishment that from a religious point of view is persecution. Of course, this can not continue very long in a free and enlightened country.

Of course, as the Acting Secretary very justly contends, a subordinate in the service could not be allowed to question the order of his superiors unless the order was unconstitutional or void for some other reason. He could not say, as I do unhesitatingly, that the order was unreasonable, unjust, and unnecessary, and the enforcement of it a violation of his religious rights. To allow him to say what I am saying, conceding the legality of the order, however unreasonable and unjust it might be, would be insubordination. It would put an end to all discipline. But this, under the circumstances, could hardly justify or excuse a sentence as severe as the one enforced in this case.

If I believed that this treatment is either necessary or efficacious I should feel quite differently about it. Or if the doctors and others claiming to have some knowledge of the supposed effects of serum therapy were agreed about it I should say that the Navy Department was justified in forcing men who are in its power to submit to it. But alleged experts do not agree about it. Many of them maintain that it is not only very uncertain as to its beneficial effects but extremely dangerous in its use.

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Sincerely yours,

JOHN D. WORKS,
United States Senator.

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[Telegram.]

BROOKLYN, N. Y., *July 3, 1912.*

Hon. JOHN D. WORKS,
Washington, D. C.:

Kapsa is about to be court-martialed again for refusing a second time to submit to vaccine treatment. At this rate he will be in jail all his life.

RALPH K. JACOBS,
215 Montague Street, Brooklyn, N. Y.

—

UNITED STATES NAVAL DISCIPLINARY BARRACKS,
Port Royal, S. C., July 7, 1912.

Mr. JOHN WORKS,
United States Senate, Washington, D. C.

SIR: I take pleasure in writing you a few lines to ask you for advice in my case, of which you were informed by Mr. Ralph K. Jacobs, of Brooklyn, N. Y.

I was court-martialed for refusing to submit to antitoxin treatment and received one year at hard labor, and was sent to Port Royal, S. C., to do my sentence.

Your letter to Mr. Meyer, it seems to me, did little good, and I would like to have you look into the matter and advise me.

I was sent for the other day and was asked to submit to the treatment by the doctor here at the disciplinary barracks, and informed him that I was doing a year at hard labor for refusing the treatment aboard the U. S. S. *Delaware;* but he informed me that it was orders to give the treatment to everyone that arrived here, and I was given to understand that I would have to take the treatment or I would be court-martialed again on another charge.

Am I to be made a criminal, Mr. WORKS, because I do not believe in this treatment?

I am a citizen of the United States, and still I haven't the right of a citizen, and if I am tried again I will receive two more years to my sentence and be sent to another prison, where I will either have to submit to the treatment or receive another court-martial.

Mr. WORKS, I am writing to you because I know you to be just, and if it were known that I had written and appealed to you, I would be punished for it, as it is not permitted. Our mail is read when we receive any, and it is also read before we are permitted to send any, but I will try to get these few lines to you somehow and trust you will receive them.

I may not be able to write to you again, but hope you will do me justice and look into my matter and help me, if you possibly can, as I certainly do not care to spend my life in prison.

I will close now, thanking you in advance. I beg to remain,

Respectfully yours,

JOSEPH JULIUS KAPSA.

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JULY 8, 1912.

Hon. GEORGE VON L. MEYER,
Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: I have received a telegram from Mr. Ralph K. Jacobs, of which the inclosed is a copy.

Will you kindly let me know if it is true that the Government proposes to court-martial this man continuously while he is in prison for refusing to accept the serum treatment, as indicated by this telegram, and particularly whether a court-martial has now been ordered?

Sincerely yours,

JOHN D. WORKS,
United States Senator.

—

JULY 13, 1912.

Mr. JOSEPH J. KAPSA,
United States Naval Disciplinary Barracks, Port Royal, S. C.

MY DEAR MR. KAPSA: You write me for advice in your case. You first refused to submit to the treatment required by the order of the Secretary of the Navy for the prevention of typhoid fever. This was a clear case of disobedience. You did so for conscientious reasons, but a soldier or sailor can not set up his own convictions, religious or otherwise, against the orders of his superiors. I have been trying to secure clemency in your case for this offense on the ground that you acted in good faith and from religious convictions, but I was bound to admit that you could not escape the punishment for a violation of orders on any such ground. Now you are confronted with another order of the same kind, or perhaps the same one, requiring you to submit to the same treatment in your present position. My advice to you is to submit to this treatment without further objection. If you had asked me in advance I should have told you to submit to the first treatment. I believe thoroughly and conscientiously, just as you do, that this order is unreasonable and unjust, but neither the Army nor the Navy could exist for any length of time if the soldiers or sailors could refuse to obey orders on any such ground as that.

I understand that you are a Christian Scientist, as I am, and that you refused to submit to the treatment because we conscientiously believe that no such treatment should be imposed on anyone, and particularly people like ourselves, who are conscientiously opposed to such treatment. But Christian Scientists are law-abiding people. They believe thoroughly in not only obeying but in maintaining law and order under all circumstances. They may use their best endeavors to change the law, as I think every reasonable and proper effort should be made to change the order of the Navy Department inflicting this sort of treatment upon their unwilling men. But so long as the law exists it should be obeyed by Christian Scientists as well as by others, and in your case orders of the Secretary of the Navy, or any other superior officer authorized to promulgate such orders, is the law so far as you are concerned, and should be and must be obeyed if order is to be maintained.

I will do everything I can to secure clemency in your case, but I can accomplish nothing for you if you continue to violate the orders of

the Navy Department. I could not justify you in that course myself, and for that reason could not ask the Secretary of the Navy to reduce the punishment that has already been imposed on you so long as you continue in disobedience. So you will understand that your future punishment depends wholly upon your own conduct. If you obey the order now sought to be enforced and express your willingness to obey the future ones, I may be able to succeed in securing pardon for you and your restoration to your former place in the Navy. But if you continue to disobey, of course I can do nothing for you. I sympathize thoroughly with your unwillingness to allow yourself to be subjected to this treatment. I am as much opposed to it as you are. But so long as you are in the Navy you must necessarily obey the orders of your superiors. My advice to you is to do so without further delay.

I note what you say about the probability of your being punished for sending me this communication. Of course I could not give you the advice you need without the knowledge of the prison authorities. I do not think that, under the circumstances, you will be punished for asking advice, in good faith, as to your rights and duties. If so, I should think less of the naval authorities than I do now. I think they are exercising what they believe to be their duty, and, as you are seeking to find out what is yours, they can hardly find reason to complain of you.

Sincerely yours,

JOHN D. WORKS,
United States Senator.

—

JULY 13, 1912.

MY DEAR MR. SECRETARY: I have had no answer from you to my last letter relating to the case of Joseph J. Kapsa. Since writing that letter I have received a letter from Mr. Kapsa himself, with whom I have had no previous correspondence or communication of any kind, informing me that he has again been required to accept treatment for the prevention of typhoid fever and is threatened with further punishment. He asks for my advice as to what he should do. The whole thing is exceedingly revolting to me. Looking at it as I do, the punishment and repeated punishment of this man is wholly unnecessary and unjust. It is a violation of the sacred rights of an American citizen. Notwithstanding this, I have written him that he must necessarily obey orders or subject himself to punishment. I am sending you a copy of his letter to me and my answer, so that you may be fully informed of the situation and my views on the subject.

Sincerely yours,

JOHN D. WORKS,
United States Senator.

Hon. GEORGE VON L. MEYER,
Secretary of the Navy, Washington, D. C.

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DEPARTMENT OF THE NAVY,
Washington, August 2, 1912.

MY DEAR SENATOR: The receipt is acknowledged of your letter of the 29th ultimo relative to the case of Joseph J. Kapsa, seaman, United States Navy.

In reply thereto you are informed that on July 31, 1912, the department directed, in view of Kapsa's excellent conduct while at the disciplinary barracks, that the unexpired portion of his sentence be remitted after he has taken the typhoid vaccination, and that he then be restored to duty.

Faithfully yours,

BEEKMAN WINTHROP,
Acting Secretary of the Navy.

Hon. JOHN D. WORKS,
United States Senate.

—

NAVY YARD, NORFOLK, VA., *August 11, 1912.*

The Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

MY DEAR MR. WORKS: I take the pleasure in writing and informing you of my release from Port Royal, and that I have been restored to duty.

I have been restored as a seaman, and am waiting for transfer to a ship.

I submitted to the antitoxin treatment, as you advised me in your letter, and received the last of the treatment on August 7; so was restored to duty on the same day.

I am a Christian Scientist, Mr. WORKS, and that is the reason I refused to submit to the treatment, and not because I wished to violate orders of the Navy Department.

I only asked for my rights as a Christian and citizen, but could not obtain them because I was in the naval service.

Just because I was in the naval service I was compelled to obey the commandments of men in direct violation of the plain teachings of Christ, and if I possibly can obtain my discharge I would like to do so before a new order is issued by the Navy Department which would violate my religious scruples; so if you possibly can give me any information as to whether this is possible or not, it will be greatly appreciated.

Thanking you for your kindness, and God bless you, I wish to remain,

Yours, in truth,

JOSEPH J. KAPSA,
U. S. S. "Franklin," Navy Yard, Norfolk, Va.

—

AUGUST 13, 1912.

Mr. JOSEPH J. KAPSA,
U. S. S. "Franklin," Navy Yard, Norfolk, Va.

MY DEAR MR. KAPSA: I shall be very glad, indeed, to do anything I can to secure your discharge from service in the Navy. I think, however, you are taking too seriously the obligations of a Christian Scientist as opposed to vaccination and other similar treatment. Of course, we do not believe in these treatments and do believe that there is a higher mode of healing, but there is nothing in the teachings of Christian Science that would obligate you or me to violate the law or any order of our superiors in the service because we are Christian Scientists. The right thing for a Christian Scientist to do is to obey the law so long as the law exists and to know that the treatment can not do you harm. A good Christian Scientist, if compelled by law to submit to vaccination, ought to be able to prevent its having any effect upon him, and that is the course taken by Christian Scientists in cases where the law of the States requires their children to be vaccinated in order to entitle them to enter the schools. If I were you and desired to remain in the service I certainly would not ask for a discharge on that ground. You can be just as good a Christian Scientist and your conscience should be just as clear if you continue in the service and submit to such orders for vaccination and other treatment as the Navy regulations may require. If I had supposed that to accept the treatment was to violate the religion that we profess, I should not have advised you to submit to it. There are thousands of Christian Scientists in the country to-day who are compelled to submit to vaccination and to other material means for the prevention of disease, and the fact that they submit to the treatment or remedies is in no sense a violation of their obligations as Christian Scientists. I hope you will realize this fully and not be misled into leaving the service on that ground alone if you otherwise desire to remain.

I will not take up the matter of your discharge with the Secretary of the Navy until I hear from you further after you receive this letter. If you still think you desire to leave the service, I will, of course, do anything I can for you.

I sincerely sympathize with you and admire the stand you took in refusing to accept the treatment; but, notwithstanding, I must say that I think it was a mistake which could not do you or your religion any good, however conscientious you were in taking that course.

With kind regards, I am,

Sincerely yours,

JOHN D. WORKS.

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U. S. S. "FRANKLIN,"
August 16, 1912.

The Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

MY DEAR MR. WORKS: Your letter received yesterday, and so answer it to-day, this being my first opportunity.

You will agree with me, Mr. WORKS, that it is for the good of the service that I leave it when you consider my position and the conditions under which I am and will be placed.

I will be looked upon as a man who refused to obey an order of the Navy Department, and that will prevent me from advancement, as it has in other men's cases.

If you will just imagine yourself in my place, you will see that I am right.

I am discontented and disgusted and make men I come in contact with feel the same unintentionally, so it is far better for me to leave and start over again somewhere else.

So if you will take the matter up and have me discharged, you will be doing the Navy as well as myself and my people a great favor, who have become worried since I have been in this trouble.

Hoping to hear from you in the near future, I beg to remain,

Truly yours,

JOS. J. KAPSA,
U. S. S. "Franklin," Norfolk, Va.

—

AUGUST 17, 1912.

Mr. JOSEPH J. KAPSA,
U. S. S. "Franklin," Norfolk, Va.

MY DEAR MR. KAPSA: I will at once apply to the Secretary of the Navy for your discharge. I am not familiar with the rules on the subject and do not know what may be necessary for that purpose, or whether or not the discharge can be obtained at all, but I will do the best I can for you, as you desire to take that course.

Sincerely yours,

JOHN D. WORKS.

—

AUGUST 17, 1912.

Hon. GEORGE VON L. MEYER,
Secretary of the Navy, Washington, D. C.

MY DEAR MR. SECRETARY: A few days ago I received a letter from Joseph J. Kapsa, the gunners' mate who was recently court-martialed for refusing to accept the serum treatment required by the rules of your department, asking me to try and secure his discharge from the Navy. I wrote him that if he had no other reason than that he was conscientiously opposed to accepting these enforced preventive remedies because of his religious scruples, I thought he had better consider seriously whether it was a wise thing for him to leave the Navy, where, as I understand, he has made an excellent record. This morning I received the inclosed reply from him, which will fully explain his views and his feelings on the subject. I am satisfied that under the circumstances, if his discharge can be arranged it will be, as he says, best both for him and the service. I am therefore asking you whether under the rules and regulations of your department he can be discharged from the service; and if so, upon what terms? An early reply will be appreciated.

Sincerely yours,

JOHN D. WORKS,
United States Senator.

—

DEPARTMENT OF THE NAVY,
Washington, August 22, 1912.

MY DEAR SENATOR: I have received your letter of August 17, 1912, inclosing a communication herewith returned from Joseph J. Kapsa with regard to his discharge.

As Kapsa is now in his third enlistment he could only be discharged by special order of the department, and I would suggest he be advised to make an official application to his commanding officer for discharge, and, in view of the circumstances in the case, the department will be glad to give it favorable consideration.

As Kapsa is now in the third year of his present enlistment, he would be required to refund one-half of the honorable discharge gratuity paid to him at the time of his enlistment April 28, 1910.

Faithfully yours,

G. VON L. MEYER.

Hon. JOHN D. WORKS,
Senate Chamber, Washington, D. C.

—

AUGUST 23, 1912.

Mr. JOSEPH J. KAPSA,
U. S. S. "Franklin," Norfolk, Va.

MY DEAR MR. KAPSA: I have just received the inclosed letter from the Secretary of the Navy, which will explain itself. You will see that it is necessary for you to make application for your discharge to your commanding officer and also that you will have to refund one-half of the honorable discharge gratuity paid to you at the time of your enlistment April 28, 1910.

If these conditions are complied with I feel quite sure, from the Secretary's letter, that you can procure the discharge.

Sincerely yours,

JOHN D. WORKS,
United States Senator.

Mr. President, I heard no more from Kapsa on the subject, and do not know whether he was discharged from the service or not. I have had a number of complaints just like his, but this one will sufficiently disclose the conditions that prevail in the Navy. They are the same in the Army. This same coercive system exists in the case of school children. They must be vaccinated and be inoculated with such vile serums as the doctors prescribe, and the school authorities may order or lose their school privileges. They are not sent to prison as the soldiers and sailors are, but they are penalized. In the same way the rules of the Public Health Service are enforced by criminal prosecutions or in other objectionable ways.

When the people living along the Ohio and Mississippi Rivers were driven from their homes by floods last year, and were being furnished with rations by the Government, they were forced to submit to vaccination as a condition upon which they would be furnished with food. They must comply with the order of the health department that they be vaccinated or starve. To compel compliance with the order placards were posted on the relief boats, announcing in big letters, "No vaccinations, no rations." It was a brutal proceeding, that was denounced in many newspapers.

Many cases of disastrous consequences resulting from serum treatments have been brought to my attention. I can not refer to all or to any considerable number of them. They can be found in almost every community. The trail of the serum treatment is the trail of disease and death wherever it is practiced. In Los Angeles eight deaths occurred in the county hospital at one time from the use of what is called neosalvarsan, supposed to be a cure for syphilis. This case excited public attention because of the number slain at one time. In East New York the family of Robert E. Mercer, wife, and three children were given typhoid serum, and all died. The antitoxin used was procured from the health board. The following account of the case, given in the Los Angeles Tribune after the death of Mrs. Mercer and while the children were still living, sufficiently discloses the facts:

NEW YORK, *June 16.*

Friends of Robert E. Mercer, who died of typhoid fever at his home in New York on May 16, are determined that an investigation shall be made of the death of Mrs. Mercer and the pitiful plight of their two children, Herbert, 10, and Ruth, 5 years old, who have been dangerously ill since they were inoculated with serum at the same time as their mother.

Mrs. Mercer died Monday morning. The two children have steadily wasted away, and their condition is so serious that they have not been told of the death of their mother. Friends of the father, who was an employee of the Mergenthaler Linotype Co., will see that the children are well taken care of, and meantime they are instituting an investigation, which may result in a suit against the city.

Dr. Sydney E. Smith injected the antityphoid serum into the mother and two children after the father had been stricken with typhoid. He obtained the antitoxin from the board of health.

The Mercer children are now under the constant care of a nurse. They were perfectly normal children before they were inoculated. Now their bodies are wasted and so sensitive that they can hardly endure to be touched by those caring for them. Neither child is expected to live.

The death of Mrs. Mercer makes interesting the assertion of Charles H. Higgins, treasurer of the Antivaccination League of America, who claims it can readily be proven from death certificates and other statistics that there are more deaths caused every year in city and State from lockjaw and septicemia in vaccination wounds than by smallpox. He declares that among children the proportion is 3 to 1 in some years; in a published statement he challenges the board of health to disprove this assertion, and also challenges the board to permit a representative company of citizens to examine their death records.

About the same time Private Bellinger, of Troop A, First Regiment of Cavalry, died from the same cause, from serum procured at the same place.

At Rockford, Ill., a young child of Mrs. Frank Lagona died from diphtheria antitoxin a few minutes after it was administered. Indignation ran so high that the doctor who administered the drug was threatened by a mob and escaped from his office. In Greensburg, Ind., on October 25, 1911, the 9-year-old child of Mr. and Mrs. Woodhill died from the diphtheria antitoxin 15 minutes after it was administered. On January 29 last Norman Fusselman, aged 20 years, died suddenly from diphtheria antitoxin. This was in Philadelphia. Here is another case, taken from Medical Freedom, reproduced from the Lancet-Clinic:

In the Lancet-Clinic for April 25 Dr. S. P. Kramer told of a 5-year-old girl who was in good health March 29, became ill that night, and the following evening died when about 3 cubic centimeters of the second tube of antimeningitis serum were being injected. Dr. Kramer commented upon the child's death as follows:

"It is now a year since I called attention to the danger of injecting serum containing ticresol into the subarachnoid space. This report has certainly gained enough publicity, and one might be justified in inquiring how long these accidents are to continue. As you are doubtless aware, all the manufacturers and distributors of serum are licensed by the Secretary of the Treasury. I brought this matter to the attention of the United States Public Health Department a year ago, but have been unable as yet to obtain any definite answer as to whether or not I am right in my contention. The distribution of the serum has gone on as before.

"I therefore shall take the liberty to appeal to my colleagues to aid in this matter and submit the following resolution, the adoption of which I hereby move: '*Resolved*, That the Academy of Medicine of Cincinnati respectfully requests the Secretary of the Treasury of the United States to institute an immediate investigation on the toxity of the antimeningitis serum.' Seconded and carried."

I do not know what action, if any, was taken by the Secretary of the Treasury.

Cases of death from the use of serums and antitoxins of various kinds might be cited by the hundreds, but I need not pursue the subject here, because it is a fact well known to all intelligent people.

Mr. President, is this great sacrifice of the lives of innocent, unsuspecting, and unprotected people by such means necessary or justifiable? If we had any assurance that the lives of the comparatively few were sacrificed for the benefit of the many, and that the remedy that destroyed their lives saved many others, the use of these serums might be justified, or at least excused. But we have no such assurance. The use of them has met with the most strenuous opposition from doctors and others as not only useless, but dangerous. A serum for tuberculosis was one much boasted about as a remedy for that dread disease, but it has proved a failure and great disappointment. As showing how complete the failure has been, I quote from Medical Freedom of October, 1912, commenting upon the report made on the subject published in the Journal of the American Medical Association:

An extended report published in the Journal of the American Medical Association for August 3, 1912, of 150 cases of pulmonary tuberculosis treated with tuberculin affords typical illustration. This report is prepared by Dr. H. L. Barnes, M. D., superintendent of the State sanatorium, Wallum Lake, R. I. In opening his paper, this physician, enjoying such exceptional advantages for testing the treatment, states that the material for the report was derived from 150 cases of tuberculosis treated at the Rhode Island sanatorium extending over a period of five years from 1907 to 1912, inclusive. The report is very full and is plainly the work of a painstaking scientist earnestly striving to test the virtue of a treatment from which so much was expected. The concluding lines of his paper give the result of his experiment in the following words: "This analysis furnishes no evidence that these 150 patients, taken as a whole, were influenced by the tuberculin treatment."

Even the Federal health authorities have at last come to realize the worthlessness of this treatment that was formerly heralded as one of the great medical discoveries of our time, for in the Public Health Reports for August, 1912 (issued by the National Government), in the official utterance of the Public Health Service tuberculosis sanatorium at Fort Stanton, Surg. F. C. Smith says:

"The use of tuberculin was discontinued at this station after the last series of cases reported in the 'Transactions of the Seventh Annual Meeting of the National Association for the Study and Prevention of Tuberculosis.' * * * I believe, moreover, that there is a growing skepticism among sanatorium physicians as to the therapeutic efficacy of tuberculin and a general limitation of its use to private practice and those sanatoria where some special effort is needed on the part of the practitioner to keep in intimate touch with his patients; and, in short, that the benefit of tuberculin is limited chiefly to the effect of its administration on the mental condition of the patient."

It will be noted that there are no regrets expressed for the injuries resulting in many cases from the use of tuberculin.

Now, if we turn to the medical literature shortly after Dr. Koch made his hope-inspiring statements regarding his discovery of a lymph alleged to be a specific in the cure of this dread disease we will see how this supposed wonderful discovery, considered at that time as one of the greatest scientific achievements of the age, was merely an ignis fatuus. And yet so late as the autumn of 1908 we find the eminent Dr. J. Hammer, of Heidelberg, in an address delivered before the Sixth International Congress of Tuberculosis, held in Washington, D. C., speaking of the great importance of "bringing about a general use of tuberculin," which he describes as a "precious and successful remedy," whose use "will always prove a strong weapon in the combat against tuberculosis."

Serum therapy is as much the fetish of the old-school profession to-day, as was the inoculation with smallpox virus the death-dealing fetish of the same school in Great Britain during the eighteenth century. For though from the above recent citations it would appear that this treatment, as it relates to tuberculosis, is ready for the scrap heap the profession to-day is as much dominated by the supposed virtue of typhoid antitoxin as were the enthusiasts of earlier years with tuberculin.

Dr. W. H. Smith, formerly a member of the American Medical Association, writing in Medical Freedom, has this to say on the subject:

Official statistics published by Bertillon give a greater mortality rate under serum treatment than has ever been known during any preceding year before the discovery of this celebrated specific. Drs. Sevestra, Gaucher, and Legendre have been courageous enough to make known to the Société Medicale des Hopitaux the serious and frequent accidents to which the antidiphtheria serum gives rise, even when applied to the very simple cases of sore throat.

Rosenbach, the eminent German pathologist, says:

The bacteriologists, by means of fallacious conclusions, have established the dogma that all infectious diseases are caused by bacteria, and that all diseases in which so-called specific bacteria are found are infectious diseases. Since this unsubstantiated teaching has become so popular, and is matter of such common comment in the daily press that all the world is driven to really dangerous bacteriophobia, I fully appreciate the value of bacteriology as a biological science, but I raise my voice against the unjustified, the unwarranted claims of bacteriologists, especially of those whom one calls "nothing-but-bacteriologists"—the diagnosticians in absentia—with their disinfectants and measures based on unsupported theory.

The pictures and statements are fallacious and misleading, because they relate to an unproved theory and not to fact, as the vitiated evidence offered as statistical proof in favor of medical theories. Here are some wise words from the Medical Brief:

"The Pasteur Institute at Paris records 26,165 persons bitten by dogs and treated by Pasteur's treatment. Of this number 107 died. The institution thereupon assumes, and claims, that all the rest were saved by the Pasteur process. There is absolutely no evidence to show that any of the other patients would have developed hydrophobia—an exceptionally rare disease, the existence of which is doubted by some of our ablest men.

"There is no proof to show that the dogs which inflicted the wounds were mad; neither is it shown that infection always follows contamination. Susceptibility and immunity are things not yet fully understood. The same method has been used to support other theories. Large numbers of children suffering from a variety of throat troubles, from the most insignificant sore throat to genuine diphtheria, have been treated with antitoxin in conjunction with the usual supporting remedies. All those who recovered were indiscriminately classed as antitoxin cures. The deaths were ascribed to the unavoidable fatality attending a grave disease. Where the cause of death points so plainly at antitoxin as not to be misread by anyone the death is explained away by argument, which forever condemns its use to an unprejudiced mind.

"Upon analysis of statistics, and comparison with previous death rates ruling at different periods, it is clearly shown that serum therapy has not lowered the death rate one particle. The much-quoted 10 per cent mortality has been the prevailing rate, except in isolated epidemics, for years. Flint, one of our best authorities in diseases of children, warns us that nothing is more misleading than statistical evidence as to the fatality of diphtheria, varying so widely at different times and in various epidemics. Also in this disease the diagnosis is very apt to be erroneous."

It is very well understood that these numerous serum remedies have been ineffectual. They have not been beneficial to the many, as statistics show. It is said by those who have investigated the question that the use of such remedies has not reduced the death rate in the least. I quote the following on the subject from the Pawtucket (R. I.) Chronicle:

NO DECREASE IN DISEASE.

Speaking of disease, here is another deplorable confession from no less an authority than the Medical Record. In spite of the army of physicians, their discoveries, and their hecatombs of vivisected guinea pigs, we may doubt, says the Medical Record, whether the sum total of diseases is any less than it was before the medical profession reached its present high standing. Preventive medicine has made "little headway," and "in the opinion of some medical men diseases are on the increase." In the deeper recesses of our consciousness we had suspected something of the kind ourselves, but such heterodoxy on the part of a layman would have exposed him to excommunication with bell, book, and candle, or at least with bacteria, serums, and antitoxins. But with the Medical Record behind us, we can afford to creep out into the open.

In Brain and Brawn, published in Los Angeles, this is said in its issue of October, 1913, on the subject of diphtheria antitoxin:

DIPHTHERIA ANTITOXIN.

Antitoxin does not cure diphtheria. Like the manufacture of other serums, it is a commercial enterprise that pours millions and millions into the coffers of the National Drug Co. Its use is encouraged by garbled statistics, every case of suspected diphtheria or of diphtheretic sore throat now being reported as diphtheria. With a few old horses the manufacturers of this stuff can get enough serums to infect all the boys and girls in the United States. It is more profitable than a gold mine.

Perhaps you doubt what I say, or may even disbelieve what I say, about diphtheria antitoxin. Well, then, let me refer you to the highest medical authority in the United States—to the Journal of the American Medical Association, the bible of the serum-injecting school. That publication recently said:

"Our present methods of prevention of diphtheria are admittedly far from satisfactory. * * * *The use of diphtheria antitoxin for preventive purposes is not a practical success, because the antitoxin is eliminated too rapidly.*"

And this after we have been told for years that diphtheria has been entirely conquered by medical "science."

And the same publication has this to say on microbes and fear:

THE GERM SUPERSTITION.

Of all the negative conditions the race is subject to fear is the greatest. We are born cowards. Our mothers feared for us before we were born. We came into earth life with a wail of fear. All who had anything to do with us feared something evil would happen to us. They were afraid we would "catch" cold or the measles or whooping cough or diphtheria or die of "summer complaint." Somebody feared all the time that we would get scalded or frozen or fall out of bed or downstairs or into the well.

When we were old enough to be afraid we feared our parents, our teachers, the minister, the dark, the devil, and even feared God, whom St. John says is Love. Later we were afraid of failure in business, of fire; afraid the election would start some one to tinkering with the tariff or our blessed money system. We were afraid on land or sea, or of fire and water, cold and heat, wind and hail, lightning and cyclone, earthquake and tidal wave, and yet we wonder why there are so many sick people.

The silliest of all fears is the fear of microbes. We laugh at the elephant because it fears a mouse, but the ignorance of the elephant in that respect is pure wisdom when compared with man's fear of contagious diseases and his senseless efforts to "stamp them out" by quarantine, disinfectants, germicides, lymphs, and serums. We constantly hear parents commanding children to wrap up in warm clothing during cold or stormy weather in order that they may not "catch" grippe or diphtheria, as though a microbe cares a flip how you are clothed. Some noted person goes for a month with his colon clogged with half-digested food all around from the cæcum valve to the sigmoid flexure. The doctors dose him with 17 varieties of drugs and mixed drinks, any one of which would make a healthy person sick unto death, and the patient dies "in spite of the very best medical attendance." The relatives, the press, the people, demand a name for the disease. A name! A name! My kingdom for a name! So the doctors say grippe or influenza or typhoid or appendicitis, and everyone is satisfied that the patient died in a perfectly regular, orderly, and proper manner.

But the following publication in the New York Times of January 21, 1911, with quotations, is one of the most severe arraignments of the medical profession and practice that has come to my attention:

It is now some four or five years since physicians in the Eastern States, and more particularly in the city of New York, began to complain that it was becoming more difficult for them to make a living. These complaints at first were sporadic, and found voice at comparatively infrequent intervals in the medical publications, appearing in the form of letters to the editor, reprints of addresses delivered before medical societies, and editorial comments upon the views expressed therein.

Various reasons were assigned for this shrinkage of incomes. The consensus of opinion, however, attributed the trouble to a combination of circumstances, which included overcrowding of the profession, the abuse of medical charity, lodge and contract practice for ridiculously small fees, and the increase of specialization with its attendant ridiculously large fees.

The outlook for the general practitioner's pocketbook grew rapidly worse. The complaints—based on fact, it must be admitted—became more insistent and remedies were demanded. Conditions to-day are so intolerable that it is well-nigh impossible to find an issue of a publication devoted to general medical topics which does not contain a disquieting reference to them. One such journal contained the statement in one of its issues of last summer that the incomes of physicians in this city had been reduced one-half in the two preceding years.

It is a fact that the profession is overcrowded. France has a population of some 37,000,000, and yet there are nearly as many doctors in the State of New York as there are in that country. The United States and Canada, with fewer than 100,000,000 inhabitants, support 120,000 physicians; but Great Britain, with 40,000,000 inhabitants, has only 32,000.

Dr. Norman Barnesby, of this city, has recently written a book bearing the title "Medical Chaos and Crime," which one might quite properly expect to have either of these effects if it should be widely read. It may result in reducing the incomes of the majority of medical and surgical practitioners to the vanishing point, or it may create such an upheavel that the profession, stimulated thereto by an outraged and indignant public, will purify itself by eliminating the grafter, the incompetent, and the quack, and put medical education and hospital administration on a sounder basis.

This book of Dr. Barnesby's scatters tradition to the winds in that it is the most terrible arraignment of a profession by one of its members that could be conceived. It stands alone in the history of muckraking. Stockyard revelations and shameful civic exposures are tame and trivial incidents in comparison with the unspeakable horrors contained in its pages. Surgeons, both great and small, are charged with crimes ranging from minor mutilations to murders. The book reeks with stories of the coarsest brutality and the most refined cruelty, while the details of countless hideous blunders are of a character to make the honest and capable doctor blush with shame for the incompetence of certain of his fellows.

The author states that his book "is a criticism of the present standards and practices of the medical profession." In the prefatory chapter he states that the work "is mainly an exposure of the abuses that exist in the medical profession in this country—abuses that not only degrade the practice of medicine but contribute not a little to the physical and moral deterioration of the American people." Dr. Barnesby inveighs against what he declares to be the false standard of ethics which fetters the profession, and he has broken the shackles, so far as they may have bound him, in the publication of this work.

This is not the place to catalogue his monstrous disclosures. It is sufficient to explain that the reader does not have to take the author's word alone for them; he quotes liberally from the published adverse criticisms of scores of honest physicians.

Mr. President, the physicians need not look far to find reasons for the falling off of their practice and their fees. They have largely lost the confidence of the people. Their attacks upon their own profession, its practices, and its motives have done much to destroy public confidence in their work and their remedies. It is not to be wondered at that in their distress they are appealing to Congress and other legislative bodies for laws that will hold them up and destroy all other methods of healing. And Congress has responded to this appeal. The regular or allopathic school of medicine is in a very great degree living off the blind and unthinking support of the National Government. A large percentage of them are in the Government employ to the exclusion of everyone else. Other modes of healing have come into existence, because most people have come to know that the so-called regular doctor with his drug remedies is a failure. Whether they are better or worse than he they divide practice and fees with him, and do as much or more good than he and most of them much less harm. If they do not heal more people than the "regular" doctor, they take fewer lives, make fewer invalids, and burden less victims with deadly drug habits.

And this brings me to a brief consideration of this subject of habit-forming drugs administered by the regular doctors. I have said that I believed the doctors were responsible for more of the unfortunate drug fiends than any other cause. I am by no means alone in this opinion. I call attention to a few opinions by the doctors themselves bearing out this assertion.

I quote the following from the Milwaukee Free Press of October 18, 1912, quoting, in part, from Dr. A. H. Levings:

"I believe thoroughly with the convention of the National Druggists' Association that doctors are largely responsible for the drug habit, only I would put it more strongly and say that nine out of every ten cases are due to doctors," said Dr. A. H. Levings yesterday.

"The one class of patients to whom morphine should never be administered are those who get it most and where it does the most ultimate damage—nervous, hysterical, and, in some cases, undisciplined women. This kind of woman has a pain and the doctor gives her morphine, and the trouble is started.

"Of course it is an easy way for the doctor, and saves him a great deal of trouble to pull out his hypodermic syringe and quiet his patient, but it is this that makes morphine fiends.

"Doctors can avoid this and should avoid it by never using morphine except in most urgent cases, and in these cases not repeating the dose and never telling the patient what it is," said Dr. Levings.

"The exceptions to this general rule are found in those cases where the patient is afflicted with an incurable disease and tormented by terrific pain. Then it is the part of mercy to quiet the suffering, for the formation of the habit is not of great importance when a patient can live but a few weeks in any event.

"The great fault of doctors is that of giving morphine for inconsequential ailments."

Also, on the same subject, I take from the Chicago Post of its issue of December 11, 1912:

WASHINGTON, *December 11.*

The medical profession is doing more to spread the drug habit among the American people than all other agencies combined, was the indictment made by Dr. L. F. Kobler, Chief of the Drug Division of the Department of Agriculture, in an address before the forty-second annual meeting of the American Society for the Study of Alcohol and Other Narcotics.

Dr. Kobler declared that the hypodermic needle, which had been regarded as a great boon to mankind, has proved to be one of its greatest curses. He said the amount of opium used in the United States had increased about 100 per cent in the last 40 years, and charged that many physicians were drug users themselves.

And the Chicago Tribune of February 6, 1914, carries this dispatch from the city of New York:

NEW YORK, *February 5.*

Habit-forming drugs are sold here in "appalling quantities," Carl E. Whitney said to-day, speaking before the county medical society. Mr. Whitney, as assistant United States district attorney, had charge of enforcing the laws regulating the sale and use of these drugs. He asserted that upward of 100 doctors and druggists in New York are engaged in a drug traffic which threatens health and morals. One physician in a single month purchased on prescription $2,500 worth.

"The drug habit," he said, "can be cured by legislation. It does not need segregation and societies for social uplift."

He recommended that the manufacture and importation of "dope" drugs be limited and the traffic regulated by a system of registration, which would make it possible to trace a container from the manufacturer to the dispenser.

Mr. President, these are tragic stories for which the doctors are responsible. Why should they wonder that intelligent people are afraid of them and that their practice is falling off. I have shown that while they are making drunkards and drug fiends Christian Scientists are healing them. Why, then, should they wonder that thousands of their former patients have left them and now go to Christian Science practitioners for their healing. And why, in the name of common sense and justice, should Congress, or any other legislative body, enact laws making it a criminal offense for a Christian Scientist to save the unfortunates whom the "regular" doctors have started on the downward road to ruin. I submit the following statement of conditions by Dr. Charles V. Chapin, superintendent of health at Providence, R. I., as reported in the Boston Journal of March 24, 1914:

"There is no evidence that quinine cures malaria; that pollution of a water supply is a cause of typhoid; that the typhoid germ is the cause of typhoid; that vaccination prevents smallpox; that antitoxin has decreased diphtheria to a great extent." These were the assertions of Dr. Charles V. Chapin, superintendent of health at Providence, R. I., in a lecture on preventive hygiene and medicine at the Harvard Medical School yesterday.

"There is no real reason for saying that bad air is bad," he continued. "We have no reason to assert that district nursing causes the decrease of infant mortality. We have advocated the school inspection, though it proves to have no appreciable effect on the severity of infectious diseases in a community.

"Public health officers are likely to follow any plausible-sounding measure for sanitation like sheep. The way we have been removing adenoids and tonsils wherever we find them is an example of that. We need less faith and more careful, scientific study in our methods of municipal sanitation.

"All established forms of preventive medicine should be questioned. The more established and older they are the more they should be questioned. In fact, when consensus of public opinion is strong in support of any one method of treatment that method should be immediately investigated."

Dr. John B. Murphy, one of the leading physicians and surgeons of the country, has declared that vaccines are very "dangerous and wicked weapons to play with." He is quoted in the following forceful editorial in the Jersey Journal of September 5, 1911:

COMPULSORY VACCINATION.

"At the present time," said Dr. John B. Murphy, the retiring president of the American Medical Association, in an address at the recent medical convention at Atlantic City, "our knowledge of vaccines is extremely limited, and they are very dangerous and wicked weapons to play with."

Other scientists of the highest authority, among them Metchnikoff, have taken a similar position. Is it not extraordinary, then, that the Navy Department should adopt a policy of punishing seamen who refuse to be inoculated with the antityphoid vaccine? Recently a seaman named J. M. Holloman was ordered to the prison ship *Manila* for one year because he refused to be inoculated.

This was not only an instance of cruelty and oppression, but a demonstration of rank stupidity.

The New York Medical Journal takes the view that the claims put forth with so much confidence by the advocates of a compulsory use of the antityphoid vaccine in the Army and Navy may in reality rest upon improved conditions in sanitation. It says: "The exclusion of typhoid from the Texas maneuver camps last year may be credited to the same wonderful sanitation as in India and as in other camps freed from typhoid in seriously infected territory years before inoculations were tried."

Clearly there should be no compulsion about the adoption of alleged medical remedies which are only in an experimental state and in regard to whose virtue our best authorities differ.

And now the doctors are quarreling among themselves as to the virtue of quarantine in case of infectious diseases. Dr. L. M. Holn, State bacteriologist of Michigan, scouts all the old ideas, and declares quarantine causes more deaths than it prevents. On the other hand, Prof. Clyde Ross Newell, bacteriologist of the University of Illinois, takes just the opposite view. And a special committee of the Massachusetts Association of Boards of Health condemns the methods and extent of quarantines by the boards of health of the State and recommends radical changes in this respect.

So, Mr. President, wherever we look into the work of the medical practitioner we find incompetency, negligence, uncertainty, confusion, and differing views among themselves. Most of them are honest and sincere. Many of them are competent and skillful. Many of them are doing their best to elevate their profession and make it worthy and an instrument for good. But the great fundamental trouble is that their principle of healing is wrong. Their remedies are not only inadequate and ineffectual, they are dangerous to life and health. Doctors help by their presence and the confidence their patients have in them, but their drugs and the surgeon's knife kill and maim. There is a higher law of life and health than this, and they, in common with all mankind, must find it. There is a principle of health and harmony that they have not found, nor have their unfortunate patients, who suffer and sorrow and die under a system of healing that ignores this principle and leans on material means. It is a broken reed. It has cost many precious lives that might have been saved. It has brought into the world and perpetuated many sorrows and much suffering. And yet, strange as it may seem, in an enlightened and Christian country this material and deadly system is being blindly imposed upon a protesting and suffering people by harsh and unjust laws and by placing over them with autocratic powers the men who have mistakenly devised and are practicing this ineffectual and dangerous system. Thousands, yea, millions of people, are crying out against these unjust and coercive laws, but Congress heeds them not. The hands of their oppressors are being strengthened day after day by new laws. Their rules and regulations, by which men's lives are guided and forced into wrong and dangerous ways, grow more and more unreasonable and harsh. Men, women, and children are being sacrificed by a false system, that violates the divine laws of health and harmony.

Mr. President, this is a matter about which there should be no coercion. It is as sacred as religion. And any law or regulation that forces action contrary to the honest convictions of a citizen is a violation of his most sacred rights and of the Constitution of the United States. I protest earnestly against such laws. I appeal to Congress to awaken and inform itself on this great question affecting life, health, and liberty, and afford relief to the people who are suffering under these unjust and oppressive laws. I am not asking for laws in favor of any class or mode of healing. I am asking only for freedom to follow their convictions of what is best for them. There should be no class legislation on the subject. I am only asking that they shall not be deprived of their rights and their liberties by adverse and restrictive laws in favor of and at the dictation of some other class.

RADIUM.

Mr. President, I come now to consider, briefly, the question of radium as a cure for cancer. A few months ago it was heralded by some doctors as a sure remedy for that fearful disease. It was hailed with joy as the deliverer of those who suffer a thousand deaths from its dreadful ravages. A sympathizing world was ready to accept it. Congress was appealed to to enact such laws as would preserve the precious metal produced in this country in the Government, to be applied to healing purposes. If Congress could be assured that radium is indeed a cure for cancer, it could do no less than comply with this request and pass the bill for that purpose, now pending in the

Senate. But the claim that radium is a cure for cancer has been effectually exploded by actual experience and declared by numerous competent authorities on the subject to be ineffectual for that purpose. I have already shown that there is a remedy for this disease that has healed many cases, but the doctors and the surgeons still maintain their position that there is no cure for cancer but the surgeon's knife, and when the knife can not be used the disease is incurable. If radium is not a specific for cancer, the passage of the radium bill would be an act of inhuman cruelty. It would be taken as an indorsement by the Government of that remedy and would bring additional suffering, disappointment, and sorrow to sufferers from the disease, their relatives and friends, and bring no compensating results.

Briefly, I want to call the attention of the Senate to some of the announced opinions of doctors and others to the effect that the belief that radium will cure cancer is a delusion and that the claim for it is being made for speculative and commercial purposes. The following from the Los Angeles Times of date April 12, 1914, contains, in a brief way, the opinions of some of the most eminent members of the medical profession on the subject:

NEW YORK, *April 11.*

All hope of curing cancer by radium has been abandoned by some of the foremost surgeons and research workers of the country, who declared at last night's meeting of the American Society for the Control of Cancer that the failures of radium outnumber cures 100 to 1.

That nothing is of avail against the most dreaded disease but use of the knife was the opinion advanced by Dr. William H. Mayo, of Rochester, Minn.

Operation is the only cure, but radium or ray treatment is in order as a temporary palliative, where operations are impossible, according to Dr. Francis G. Wood, director of cancer research at Columbia University. "Failures from radium outnumber the cures 100 to 1," he said. "Another generation will be required," he said, "to furnish knowledge on the real cause and actual nature of cancer. Experiments for 35 centuries show that heredity plays small part if any at all in its appearance."

That a change in the habits and customs may reduce the disease to some extent was a ray of hope held out by Dr. Mayo, who also said any cancer could be cured if operated upon in its early stages.

"If we could only tell how to avoid it I would be glad, because I am frank to admit that we do not know," he asserted. He said that the statement that the use of meat was one of the habits to be avoided in connection with cancer prevention had been wrongly attributed to him.

The only optimistic note at the meeting was struck by Dr. J. Collins Warren, chairman of the Harvard Cancer Commission, who, after reviewing its work, stated that the prospect for progress in combating cancer had never seemed so bright as now. "Immediate discovery of the causes of cancer could scarcely be expected, but the scientific commission in research work had entered upon a field where progress was sure though slow," he declared.

The same paper, of date January 18, 1914, carries the following dispatch from London, England:

LONDON, *January 17.*

Apropos of Dr. Lazarus Barlow's report on radium treatment for cancer at the Middlesex Hospital this week, the Lancet protests against the publication in the lay press of optimistic statements which are not only inaccurate but also raise false hopes among the sufferers from this disease, and expresses regret that medical men should encourage such publication.

"In many instances," says the Lancet, "grievous disappointment and serious financial embarrassment have been needlessly added to the sufferings of the victims of the malignant disease by the publication of ill-understood medical evidence.

"The critical question is, How many cases of undoubted and inoperable malignant diseases have been completely relieved by radium treatment and remained apparently cured sufficiently long to give reasonable hopes of permanent relief?

"The number must be small, we think, and permanent relief probably only occurs where circumstances are unusually favorable. Up to the present radium has brought us little, if any, nearer to the discovery of a definite cure for the malignant disease, and we feel that science is not benefited by allowing enthusiasm to outrun discretion."

The Lancet adds that no stress should be laid on Dr. Barlow's recent statement.

"It is of a pathologist having no responsibility for the treatment of any patients. The figures given are incorrect, and the statement has been repudiated by the surgical staff of Middlesex Hospital.

"The time has not come for any public announcement, however guarded, pointing to radium as a cure for cancer. Meanwhile any statement of the results obtained at the hospitals should clearly come from the medical staff who carry out the treatment and watch the results."

The following from the Journal of the American Medical Association, of date March 21, 1914, shows how the claim that radium carries remedial medicinal qualities is being commercialized as well as the unproved fact that it is effective as a cure for cancer:

STATUS OF RADIUM.

To the editor:

I have recently received several circulars from the Radium Chemical Co., Forbes and Meyran Avenues, Pittsburgh, Pa., which seems to be introducing radium drinking water, radium bath water, radioactive earth for external applications, radium compresses, and radium in ampules for intravenous injection.

The company and its methods are new to me, and I should be glad if you have any information on the subject to give to the profession, especially in regard to the efficacy of radioactive water and radium baths, of which the newspapers are saying so much of late and which I find are being adopted by some members of the profession.

WILLIAM H. VAN DER BURG, M. D.,
New York.

Answer. Radium is still on trial in all its forms. Water containing radium emanations is presumably radioactive and may produce the milder effects of radium on the animal organism, but it must still be held as undemonstrated that these effects are of value in the treatment of constitutional diseases. While some clinical evidence has been introduced to show a favorable effect from these preparations, the interpretation of such evidence is always beset with difficulties; it is hard to separate the improvement which arises from psychic influences from that which rests on an objective basis.

It is notable that the conditions in which radium emanations are used, such as rheumatism, are liable to psychic impressions and are readily influenced by new forms of treatment which later lose their beneficial influence.

Like many other applied remedies, or supposed remedies, the use of radium has been an experiment that has hastened the death of many patients thus experimented upon. It has not only hastened, it has caused such deaths, that, as I have shown, could have been prevented by other means. The following brief extract from the Chicago Record-Herald, in its issue January 27, 1914, tells how it works in actual practice:

WASHINGTON, *January 26.*

Radium as a cure for cancer is still in an experimental stage, and its use in the treatment of internal cancer results fatally in a large percentage of cases, according to testimony given before the House Mines Committee to-day by William H. Campbell, director of the radium clinic of Pennsylvania.

Dr. Campbell told the committee that, so far as the deeper cancers were concerned, "we can not tell to-day what the outcome of the radium treatment will be."

"We can tell," he said, "that there is a disappearance of the tumor; that the radium causes the disintegration of the tissue of the cancer; but something is created in that disappearance which is absorbed by the blood and which kills my patients. Nobody can tell for four or five years what the ultimate result will be."

"How many of your patients have died as a result of your treatment?" asked Representative BYRNES of South Carolina.

Dr. Campbell said that two out of five of the cases treated ended fatally. He added that all were cases which would have resulted in death in a few months without treatment.

"I simply feel," he said, "that I've shoved those patients over a little bit sooner."

Here also comes the voice of Germany, through one of its medical experts, as reported in the Chicago Tribune of date January 3, 1914:

BERLIN, *January 2.*

"A gigantic swindle" is the vigorous description applied by Prof. Ernst Schweninger, of Munich, to the theory, prevalent throughout the world, that radium and mesothorium are the long-sought cure for cancer.

Prof. Schweninger, who is famous as the private physician of Prince Bismarck, airs his views in the January number of the Neu Runschau. He says he can not and will not believe that the much-vaunted radioactive substances are the panacea medical men have been hunting for generations.

All the means hitherto used in treating cancer, he says, produce temporary amelioration but no cure.

"Radium and mesothorium," he says, "are simply new auxiliary means of treating cancer; they are certainly not a cure. In the last analysis they are no better than other inadequate means at our disposal."

Prof. Schweninger goes further and asserts that radium and mesothorium even have positively dangerous properties. They are often "too aggressive" and involve the risk of "entirely destroying adjacent tissues or neighboring organs."

Prof. Schweninger's article concludes:

"The whole business can only be described as madness."

Not only have the most capable experts declared that radium does not cure cancer, but at least one competent authority is reported to have declared that it actually causes cancer.

The following from the Denver Post of October 4, 1914, gives the views of Dr. Rovsing on the subject that should challenge attention:

RADIUM MAKES SOME CANCERS WORSE.

That radium may promote cancer, instead of checking it, is the conclusion forced on Dr. Rovsing, a well-known surgeon, by his tragic experiences in a number of cases. He found that exposure to radium apparently fanned into rapid malignant growth many small superficial growths which had hitherto been not at all serious.

Dr. Rovsing says he was unable to find any authentic case of an actual cure of a cancer under radium, but the chorus of encouraging reports overcame his first misgivings, and he began to apply radium himself in 1912. His extremely unfavorable experiences made him fear that his technic was at fault, so he took a trip to Heidelberg to study the technic in vogue there, and found that he had been applying it strictly according to rule in every respect.

Yet in many instances the exposure was followed by the transformation of an indolent growth into a rapidly gnawing cancer, becoming too serious for an operation in the course of a few days. He gives the details of 10 such cases. They were selected for radium treatment on account of the apparently peculiarly favorable conditions for this.

In one case a small tumor in the cheek, the recurrence of one which had been removed with the knife less than three months before, could easily have been removed, but as it seemed to invite radium treatment, this was applied for 20 hours. The tumor became in a few days much worse, and all who saw it were convinced that this was the direct result of the radium exposure, especially as case after case showed this same course.

The growth often became intensely painful shortly after the radium exposure. This was particularly evident in the case of a man of 29, who had been given the radium treatment at Omaha for a suspicious lump on his lower lip, which had been noticed for two years.

After the radium exposure the lump began to grow rapidly, and when cut out it quickly returned.

This occurred again after a second operation.

The small ulceration in the scar and two slightly enlarged glands under the jaw were then treated with radium. The glands had been thus enlarged for two years without change, but after the last radium exposure the whole region at once became a rapidly fatal cancer.

Mr. President, I could go on indefinitely quoting opinions from competent experts declaring against the efficacy of radium as a remedy for cancer. But I desist. The Senator from Colorado [Mr. SHAFROTH], when the radium bill was up for discussion at the last session, cited a number of these adverse opinions. I am not so much concerned about the restriction of the sale by the Government of radium-bearing lands. But I am greatly concerned about the avowed purpose for which such lands are to be reserved, for the reasons I have stated.

Mr. President, I have done. My appeal has been made to the sense of justice of the Senate and the American people. I would not abolish or overthrow the Public Health Service if I could. I would make it broader, more tolerant, more humane. I would have it presided over by a man of broad, tolerant, and humanitarian views, who could look beyond the dead line of the so-called regular school of medicine and seek for, find, and apply for the common welfare all that is good in every school of medicine, old and new, and all other methods of healing, saving none, favoring none. I would not allow any medical or any other professional practitioner of any other school of medicine or other mode of healing to preside over the Public Health Service. I would allow no preference to rule or control the service. As it is now governed, it is an auxiliary of the American Medical Association, and of course is biased, narrow, and unjust. The by-laws of the American Medical Association provide:

* * * Commissioned medical officers of the United States Army, United States Navy, and the United States Public Health and Marine-Hospital Service shall be members of this association so long as they are engaged actively in their respective service and thereafter, if they have been retired on account of age or physical disability. These members shall not be required to pay dues, and shall not receive the Journal of the American Medical Association, except by personal subscription.

Thus are all of the medical officers of the Government made members of the association, and I am informed that none of them have declined to accept such membership. I do not question their motives or their good faith, but I do seriously question their judgment and the propriety of the health officers of the Government belonging to an association operated for the benefit of its own members. For every annual meeting of the association the following certificate is sent to such medical officers:

This is to certify that Dr. ——— ——— is a fellow in good standing of the American Medical Association for 1914, and he is entitled to register at the Atlantic City session on presentation of this card. (United States Health Service.)

———, *Secretary.*

The Government should see to it that the service is removed from any such influence and made the unbiased and honest searcher for the best that can be found as a means of preventing disease and preserving the public health. I ask no more than this, and I ask it for and in the name of the American people. The Government should grant them no less. I appeal to Congress for a fair, unbiased, and patriotic consideration of this great question that involves the health and happiness, the lives of our people.

URGENT DEFICIENCY APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20241) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1915 and prior years, and for other purposes.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Utah [Mr. SMOOT] to strike out the language which appears in the bill on page 3, beginning with line 22, and going down to and including line 26.

Mr. SMOOT. Mr. President, I will state that I gave notice yesterday that I intended to withdraw the amendment rather than have it voted upon. I offered it only for the purpose of having something before the Senate to speak to. If there is no one else to speak upon the question, I will gladly withdraw the amendment.

The PRESIDENT pro tempore. The Senator from Utah withdraws the amendment heretofore offered by him. The bill is in Committee of the Whole and open to amendment.

Mr. OVERMAN. Mr. President, on behalf of the committee, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment, which will be stated.

The SECRETARY. On page 2, after line 10, it is proposed to insert:

Raleigh, N. C. Rent of buildings: For rent of temporary quarters for the accommodation of Government officials and moving expenses incident thereto, $1,200.

The amendment was agreed to.

Mr. OVERMAN. I offer another committee amendment, which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Carolina offers a further amendment, which will be stated by the Secretary.

The SECRETARY. On page 7, after line 16, it is proposed to insert:

Panama Canal: The balances of the appropriations heretofore made under the headings "Fortifications, Panama Canal," are hereby consolidated so as to constitute one fund in the Treasury, to be disbursed and accounted for under the appropriation title of "Panama fortifications," for the objects specified in the several appropriation acts and in accordance with such allotments as may be authorized by the Secretary of War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. STONE. Mr. President, at the close of the remarkable address of the Senator from Massachusetts [Mr. LODGE] I felt in humor to make some observations, somewhat extended, by way of response, but on reflection I think I will take but a few minutes of the Senate's time to-day.

There are one or two things discussed by the Senator that I shall desire later on to have something to say about, but not now. I refer first to his broad assertion that it is impossible to expect the organization of an orderly government on popular lines in Mexico, and that anything looking to that end is but a dream impossible of realization. Mr. President, that is an old, old story that has been told by many men in different ages of the world. The pages of the world's history are replete with efforts made by different peoples to throw off the chains of oppression, to strike for greater liberty, to struggle out of the darkness into the light of better things, and to form a government in which the individual man would have a more potent and effective voice. Never has a struggle of that kind been undertaken that other men, inspired with a different spirit, have not arisen to speak in denunciatory terms against the effort of the great masses to progress upward. All such struggles have been denounced as absurd and impossible of success by men actuated by the spirit which seems to control the Senator from Massachusetts. But despite all such disparagement, whether originating at home or abroad, men have continued to fight their way through hardships, suffering, and bloodshed to the point where success was not only possible but certain, and the things they risked their lives for were established. No free government has ever been organized and maintained where the men who took the hazard, as well as the cause they struggled for, were not denounced very much in the same way in which the Senator from Massachusetts has to-day spoken of the people of Mexico. The world is too full of those who in their hearts are out of sympathy with efforts made by men who are oppressed for a larger measure of individual liberty and opportunity.

I intend, Mr. President, at another time in the near future, to take up this subject and go into it more at length and to discuss it not only with reference to its general application to the mighty struggles that have been waged at different periods throughout the world, but with special reference to the Republic and people of Mexico. But to undertake that task at this moment and perform it intelligently would, I feel, take more time than I would be authorized to devote to it in view of the immediate pressure of other important measures upon the attention of the Senate.

One other thing about which I shall take occasion to express myself later on has reference to what the Senator from Massachusetts had to say about the religious aspects of the conflict so long raging in Mexico. The remarks of the Senator in this behalf may be regarded and treated as a supplement to the remarkable, and I think most execrable, screed recently promulgated by ex-President Roosevelt, in which he sought, almost without attempting to disguise his purpose, to inject the passion and prejudice of religious partisanship into our international affairs. The Senator has not only indorsed the utterances of the former President and made himself a party to them, but he has had this entire Rooseveltian fulmination inserted in the RECORD so that it may be scattered broadcast under the frank-

ing privilege. I can not characterize such action as it deserves without violating the proprieties of this forum. It is detestable and unpardonable that any man, in or out of the Senate, and especially that any Senator or ex-President of the United States, should use his commanding influence to arouse religious passions and to excite men who may be swayed by intolerant influences to make of themselves an organized force to be exerted in the conduct of grave and delicate international relations. Mr. President, I intend in a short while, when I take up this subject again, to express without fear or favor my opinion of and to enter my protest against the introduction of religious questions, opinions, or influences as a factor in the political and civil affairs of the American people. I regret to say that too much of that kind of thing is being done at this time, alike by Catholics and Protestants. In my view everything of this kind merits the condemnation of thoughtful and patriotic men of all parties and of all religious sects. I can not think of anything more dangerous to our peace and progress, or more hurtful to our public and civic life, or more to be regretted and condemned than this; and it amazes me that gentlemen of the high standing, importance, and influence of Col. Roosevelt and his coadjutor, the senior Senator from Massachusetts, should become the voluntary instrumentalities through whom a propaganda of this nature is to be given impetus in this country. I think the time has come when right-thinking, liberal-minded, patriotic American Senators should begin to express themselves with great deliberation and with the utmost freedom upon this subject and to do whatever they can to arouse a just public opinion throughout the country that will check the onward movement toward a political-religious conflict in this land of ours. The Senator from Oklahoma [Mr. GORE] says, sotto voce, that anything like that tends to revive the conditions which prevailed in the Dark Ages, upon which we have hitherto looked with horror. This is not the age nor this the country where a propaganda of that kind should be permitted to go unscathed, much less to be encouraged.

I shall say nothing more on that subject at this time, but will deal with it extensively at a later date. But aside from the two matters to which I have adverted, I would have been astonished anyhow that a Senator of the distinction and influence of the Senator from Massachusetts should have made on this floor such a deliverance as fell from his lips this morning. I think that most all who heard him were astonished that this Senator, especially, should have done that thing; and yet there were Senators on the Republican side who seemed to be in sympathy with his performance, if we are to judge by the haste with which they clustered around him with handclasps and congratulations upon what he had done, foremost among them being the senior Senator from New York [Mr. ROOT]. That was, indeed, a most amazing spectacle. This is the first time in my experience as a Senator that I have known of any Senator making a partisan speech on international questions, and especially at a time when the relations between Governments and peoples are acute and when the administration in charge of our diplomatic and executive affairs is making every effort to bring about more peaceable and better conditions.

The Senator says the President was animated by animosity in his opposition to the Huerta régime; that animosity was the underlying basis of his policy. Why should the President have entertained a feeling of personal animosity or hatred or hostility against Victoriano Huerta? The question answers itself far enough to say that the assumption of the Senator is a bald absurdity.

The Senator complains that the President did not refer to Mexican conditions in his last annual message, and from that he draws some sinister conclusion. It was only a short time before that the President had delivered a special communication of considerable length before the two Houses of Congress assembled, in which he reviewed the whole situation as to our relations with Mexico and as to his ideas with respect to them. It is to be presumed that every Member of Congress has kept himself reasonably familiar with the events occurring in Mexico during the last few weeks, and therefore the President very properly concluded that as he could not discuss every question of public moment in a single message he might for the time being pass by the one which he had so exhaustedly discussed so short a time before. Still, if the Senator felt aggrieved by this course of the President and felt called upon to supplement the message by a discussion of his own, no doubt he is within his right. I shall not complain of that; but it is the character of the discussion indulged in by the Senator that amazes me, and it is of that that I make complaint. Evidently the Senator from Massachusetts has had an overdose of partisan animosity toward this administration, long stored away and pent up in the bowels of his wrath, and it may be that he felt obliged to do something with it; and now that he has relieved himself of the overcharge, I hope he will be able to sleep more soundly and to enjoy more refreshing dreams hereafter than I imagine have visited him as he tossed upon his downy pillow last night and for many nights before.

The Senator says that he would, if necessary, take armed forces into Mexico, compel peace and restore order.

Mr. LODGE. Mr. President——

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

Mr. STONE. I do.

Mr. LODGE. I have no objection to the Senator saying anything about me he likes, but he must not misquote me. I stated explicitly that I was against putting armed forces into Mexico.

Mr. STONE. Mr. President, of course I have no wish to misquote the Senator, but I was listening with wide open and astonished ears to what he was saying, and I understood him to say that it was better at least to resort to armed intervention——

Mr. LODGE. I never said anything of the kind.

Mr. STONE. Or words to that effect.

Mr. LODGE. I never said anything of the kind.

Mr. STONE. Then I now understand the Senator to be opposed to the use of force.

Mr. LODGE. So I stated in my speech. I said there were only two policies; that one was to refrain absolutely from intervening and that the other was to intervene effectively—which the United States had no desire to do and I did not desire to do—and that neither course was followed by this administration.

Mr. STONE. Yes; I know the Senator said that neither course had been followed by this administration; but I understood the Senator also to insist—it may be I am wrong about that—that it was the duty of this Government to protect the life, liberty, and property of American citizens in Mexico, and——

Mr. LODGE. I certainly said I thought that was its duty, and I thought that we ought to have exhausted every resource of international law, every resource given us by our treaties, to bring about that protection.

Mr. STONE. And if it failed to bring about the desired protection, what then?

Mr. LODGE. I said unfortunately there was nothing to do then but to avoid as far as possible going into war.

Mr. STONE. But following what the Senator advises would lead us inevitably to the employment of armed forces. He says that there are but two policies that can be followed—one to keep your hands off and do nothing and the other to take your Army across the border. For the last four or five years, under both President Taft and President Wilson, we have been following the policy of keeping our hands off, but it has not resulted in the saving of American lives or the protection of American citizens from imprisonment or the despoilation of their property. Therefore, according to the logic of the Senator, that policy has proved to be a failure. If that be true, then the Senator has led us up to stand before a wall blindly. Would the Senator have us, and did he to-day advise us, that we continue to stand against that wall, impotent and helpless, or did he mean to say that we should go over the wall? We can not scale the wall without carrying men with guns in their hands. If the Senator did not mean that, then his speech is without meaning and must be treated merely as a partisan outburst of idle criticism and denunciation.

Mr. President, I recall another occasion not wholly dissimilar to the one presented here to-day. During the Sixty-second Congress, while the Republicans were in control of the Presidency and the Senate, the same turbulent unrest, disorder, crime, and anarchy prevailed in Mexico as prevails to-day and has prevailed since Mr. Wilson became President. The Mexican situation came down as an inheritance from President Taft to President Wilson. At that time there was shooting across the border by Mexicans into Douglas, Ariz.; El Paso, Tex., and other points. American men, women, and children were killed or seriously injured by Mexican bullets. I then thought it was bad that such a condition should be permitted without any action upon our part to prevent it. I introduced a resolution in the Senate relating to the subject which I desire to repeat, as follows:

Whereas in conflicts between the military forces of the Mexican Government and revolutionists near the border line between the United States and Mexico several American citizens on the American side of the boundary line have been slain as the result of Mexicans firing across the line and other American citizens while peaceably pursuing their avocations or while in their homes have been wounded; and

Whereas a great and important public work on the Colorado River in Lower California is being constructed by Americans, for which work Congress has made a large appropriation, and which work is being constructed on the Mexican side by American engineers and contractors under an agreement made with the Mexican Government, and is being obstructed and endangered by repeated interferences of lawless bands of Mexican revolutionists who have at different times appropriated property of the contractors engaged in the work, and have so seriously delayed the work as to greatly endanger it by threatening the lives of workmen and thus disorganizing the working force: Therefore be it

Resolved, That the Committee on Foreign Relations be, and hereby is, directed to make speedy inquiry into the facts recited in the preamble hereto and into such other facts as said committee may deem necessary to a complete explanation and exposition of the actual conditions prevailing in Mexico; and said committee is directed to make report of its findings, with such recommendations as the committee may deem advisable respecting the duty of the United States in the premises, and which report may be made to the Senate in open or executive session as the said committee may deem most expedient in the public interests.

That resolution was intended to have the Committee on Foreign Relations, through its own processes, ascertain the facts and bring them before the Senate for such consideration as this body might see proper to give them. The resolution was mild in terms and conservative in its requirements, but it was strongly opposed on the floor of the Senate.

Mr. FLETCHER. Will the Senator from Missouri state on what date the resolution was introduced?

Mr. STONE. It was introduced on April 17, 1911. In the course of the debate on the resolution the Senator from Massachusetts delivered a highly conservative and patriotic address, as did the distinguished senior Senator from New York [Mr. ROOT], who was the first this morning to congratulate the Senator from Massachusetts on his volcanic, if not magnificent, outburst. I will read those speeches in the order in which they were delivered. I shall read from page 442, volume 47, part 1, of the CONGRESSIONAL RECORD, Sixty-second Congress, first session:

Mr. ROOT. Mr. President, before the subject is passed over and the resolution laid upon the table, I wish to express my entire dissent from the assumption which seemed to me to be carried by the expression of opinion on the part of the Senator from Missouri. Granting that injuries have been done to American citizens which ought to be redressed, that wounds have been inflicted, that lives have been taken, that property has been destroyed, it does not follow, sir, that we should begin the process of securing redress for those injuries by a threat of force on the part of a great and powerful nation against a smaller and weaker nation. That, sir, is to reverse the policy of the United States and to take a step backward in the pathway of civilization.

There is no reason whatever, sir, to assume, if injuries have been done of the kind described, that the Government of Mexico is unwilling to make due redress upon having those injuries and claims for redress presented to her in the ordinary course of peaceful negotiation; and the passage of such a resolution as has been described, equivalent to a declaration of war, would be to preface the ordinary demand—the demand which it is the duty of every civilized power to make upon a friendly nation—with a threat that if the demand is not complied with force will be used.

Sympathy with the people of Mexico in their distress, a just sense of the duties that we owe to that friendly people, and the duties that we owe to the peace of the world must forbid our assenting to or yielding to any such course.

Then came the Senator from Massachusetts, supporting the Senator from New York as usual. I say "as usual," for it generally happens that these two able and distinguished Senators play as Jonathan and David in every political game.

Mr. LODGE. Mr. President, I do not rise with any purpose of discussing the question which has been before the Senate, for I deprecate all such discussion, and I regret that there should have been any discussion about it. I think it most desirable that the condition of affairs in Mexico and our relations with those affairs should not be discussed in Congress at present. It seems to me to be in the interest of peace and of harmonizing the difficulties that now exist in Mexico that there should not be discussion in either branch of Congress about it.

What a wonderful change has come over the spirit of the dream of the Senator from Massachusetts. He not only now discusses Mexican affairs, but he does it in an extremely violent partisan spirit and manner. He continued:

I desire to call attention to one important point that has been somewhat overlooked. When the President remits to Congress a question of difference with another country, the last step but one has been taken before a declaration of war. The Congress can carry on no negotiations; it can do nothing of a diplomatic character. Congress has but one power in dealing with another nation, and that is the war power. And when a President remits to Congress a question of that character and Congress gives him the power to intervene, it is a practical assertion of the war power.

That is the exact course which was pursued in relation to Cuba when the war with Spain began. President McKinley remitted the question to Congress, saying substantially that diplomatic methods had failed, and we conferred upon him the right to intervene, and that amounted to war.

Mr. President, we have nothing but the kindest of feelings toward the Republic of Mexico. We all, I think, universally regret the disturbances that now exist there. We have no outstanding grievances against Mexico. We have no questions between the two countries. The unfortunate incidents at Douglas and on the border are the results of the disturbed conditions in our neighbor to the south, and it seems to me that in every possible way we should use our best efforts to help Mexico to settle those differences; that we should show the greatest consideration, and that we should avoid in every possible way anything that looks like a threat or a resort to force.

I sincerely hope that the question will not be discussed in Congress, because when the time comes that it must be discussed in Congress we shall have reached a very serious point, indeed, and therefore I trust that the matter may end here, for the present, at least.

What has so changed the attitude of the Senator from Massachusetts?

Mr. LODGE. Perhaps the same events that have changed the attitude of the Senator from Missouri.

Mr. STONE. Mr. President, I have not changed my attitude. I thought at that time, as I do now, that if I controlled the situation I would employ the forces of the United States to whatever extent might be necessary to prevent firing across the international boundary to the great danger of our people; that I would not permit our people to be slaughtered in that way in their own homes in their own country. I have not changed my position as to that, but I wish to say that some time after the resolution I have read had been debated and laid on the table I went at his request to see the President, Mr. Taft, for whom I have always entertained and now entertain not only a great respect but a genuine affection. The whole subject was discussed between us with the utmost freedom on his part as well as on mine. Mr. President, when I learned that utterances unfavorable to the course of the administration made in Congress were telegraphed to the City of Mexico or to the leaders of revolutionary forces and that they tended to embarrass the administration in the effort it was making to bring about better and more peaceable conditions, not only along the border but throughout Mexico, I determined then to refrain, as far as possible, from saying anything or doing anything that could be construed as being antagonistic to the policy of the President. I believed in his sincerity and patriotism, and I had no doubt as to his earnest desire to promote international peace, which every right-thinking man desires, and hence thereafter I uttered no word nor took any step that was not designed to support the laudable desire and purpose of the Chief Executive. I felt that I ought to take that course as one upon whose shoulders rested in some part the great responsibility cast upon the membership of this body. But now the administratiion has changed, and I am sorry to see that the Senator from Massachusetts, with the apparent hope of securing some partisan advantage, would stir up bad blood among our people; aye, that he would even arouse religious as well as political hostility toward the President and his policies with respect to this international situation, apparently forgetting that they are the same policies followed by President Taft and then so earnestly supported by the Senator from Massachusetts. There can be but one purpose in all this, and that purpose is far from commendable. I hope now that the Senator has relieved himself from his surcharge of partisan bile, and after he has had time to reflect he will regret his utterances of to-day. I can not expect him to come here before us in sackcloth and ashes and make public profession of his repentance, but I have such a good opinion of the Senator's intelligence and of his regard for the proprieties that I feel confident he will not very long be proud of his performance, although he may be a little elated for the time being by the warm congratulations he received at the hands of his fellow partisans. Mr. President, for the present that is all I care to say.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. BORAH. Mr. President, the Senator from Missouri has informed us that it was not his purpose to discuss the Mexican question at length to-day, but that he would do so in a few days and present the matter fully to the Senate and to the country from his viewpoint. I had expected to discuss the matter this afternoon, but I think I shall follow the course outlined by the Senator from Missouri and defer my remarks until I shall have before me all the facts, and especially the views of the chairman of the Committee on Foreign Relations. I shall not, therefore, at this time discuss the subject as I had intended to do, although I am very much of the opinion that the time has come when it is not only proper but a duty upon our part to discuss it.

Before dismissing the subject to another day, however, I desire to call attention to an error into which the Senator from Missouri has, in my judgment, fallen in regard to the views entertained by the Senator from Massachusetts on one particular subject, namely, intervention, and the views which the Senator from Missouri entertains, for, as I understand, he has not changed his opinion upon that same subject. It seems to me that the Senator from Missouri in discussing the question mistook his views for the views of the Senator from Massachusetts upon that subject. I find that in discussing the resolution which he introduced in the Senate on April 17, 1911, he gave expression to this view:

Nevertheless, we can not close our eyes to the unfortunate conditions now existing in Mexico; and, moreover, we not only can not close

our eyes, but we can not remain passive and inactive and permit disorder to run riot to the peril of the lives, liberty, and property of American citizens lawfully resident in that Republic. There is unquestionably a solemn duty resting upon us in this regard which we can not ignore, however delicate it may be or however great the responsibility it may impose.

Further on, on the same occasion, he said:

A few weeks ago the governor of the State of Jalisco made a most inflammatory public speech at Guadalajara, accusing Americans of inciting and participating in the revolution, thus accentuating the strong anti-American feeling already existing there, and tending to foment riotous outbreaks. As a consequence, Americans in Guadalajara were in a state of fear amounting almost to panic, and naturally they sought the protection of their own Government. There are thousands of Americans scattered over the Mexican Republic, engaged in numerous employments and without means of self-defense. Numerous instances have been reported of the forcible confiscation and appropriation of the property of Americans by revolutionists or by bands of men supposed to be of the revolutionary party—

And so forth.

Having stated the facts upon which he had formed his conclusion, he proceeded to advise the Senate as to what, in his opinion, should be the course of action upon the part of the Government, not only with reference to and because of the unfortunate disturbance at Douglas and at other points along the border, but by reason of the treatment which had been received at the hands of the Mexicans upon the part of our people residing in Mexico, and he said:

Nevertheless, I am going to say, whether I do right or wrong in saying it, that the Congress should at once and without delay authorize the President to employ whatever force may be necessary to prevent a repetition of the bloody outrage committed at Douglas, Ariz., and a repetition of which is threatened at El Paso, Tex. The President should be authorized by formal action, and the Congress should express its opinion in positive terms that it is his duty to use whatever force the circumstances may require to protect our people on their own territory and in their own homes from danger. His authority in this behalf should be extended far enough and have sufficient latitude to fully warrant him in using our military forces in whatever way he may deem expedient and necessary to accomplish the desired end, even though it should lead to an intrusion upon Mexican territory. Moreover, if any act done under this authority by the President for the proper protection of our own people on our own soil should lead to hostile demonstrations against American citizens resident in the interior of Mexico, the President should be authorized, not now perhaps, but later on, to use the military forces of the United States, if that is found to be necessary, to protect the lives and liberty of peaceable American citizens, wherever domiciled in any quarter of Mexico.

Mr. President, I have no doubt, just as the Senator from Missouri now states, that he uttered at that time his views as a citizen and gave voice to his patriotism; that in all probability he yet entertains that view as a citizen.

I desire, next, to call attention to the views of the Senator expressed after, I assume, he had the interview with President Taft to which he has referred. This is on May 9, 1911. The speech from which I have quoted was delivered by him on April 20, 1911. In discussing affairs in Mexico he said, on May 9, 1911:

I say all we can do is to wait for news, for, judging to-day by yesterday and the future by the past, our Government does not intend to lift a hand for the protection of its own people in their own homes. It is the misfortune of these good people that they live in Texas on the American shore of the Rio Grande. It may be that, in addition to Mauser bullets, this fair city of the Lone Star State may be swept by shrapnel and canister, by Gatling guns, and cannon balls. For mercy's sake, I hope not, but as our Government does not intend to lift a hand for the protection of our people, the Mexican soldiery can work their bloody havoc apparently without fear of responsibility to us.

Mr. President, this is a repetition of the frightful tragedy enacted at Douglas, Ariz., a few weeks ago. At that time I raised my voice in denunciation of that crime and in vehement protest against permitting its repetition. I was surprised and mortified that in that denunciation and protest I not only stood alone, but I brought down upon my head a shower of criticism and reproach from distinguished Senators on this floor. I proposed a resolution at that time authorizing the President to use force, if necessary, to prevent injury to our people as the result of battles on the border. My proposition was that the President should notify the responsible authorities of both the federal and insurrectionary forces that outrages like that at Douglas would not be permitted, and that if the same thing should be again attempted and persisted in, the President should instantly employ such military force as might be necessary to stop it. I did not propose to invade Mexico with the object of remaining and occupying the territory of that country, but to carry across the line only so much of our Army as might be required to accomplish the immediate end in view, and after it had been accomplished to withdraw our forces from the Mexican side. I insisted then, as I insist now, that we have the right to do that much in the interest of humanity, for our own protection, and for the preservation of public order on the border line, where disorder concerns the lives and property of our people, as well as the lives and property of Mexicans.

We were told that to send a military force across the border for any purpose or on any provocation is war, and that a step of that kind would precipitate a conflict between the two countries. I was called to sharp account for what I said and for the resolution I offered, and I was gravely advised by the senior Senator from New York [Mr. ROOT] that any such act on our part as that I suggested would be a step backward in the march of civilization. Other Senators indulged in observations of the same general nature. I asked what should be done and what we could do for the safety of our own people, and was told there was nothing we could do. In other words, it seemed that these distinguished Senators looked upon the United States as helpless, bound hand and foot by some refined and altruistic considerations that are beyond the comprehension of ordinary men.

My speech of protest and appeal is buried in the CONGRESSIONAL RECORD, and my resolution directing the Committee on Foreign Relations to investigate the facts and report what action should be taken by Congress is buried in the archives of the committee room. The newspapers report the President as saying that he will take no affirmative action until he is authorized to do so by the Congress, and Senators say that Congress can not, without violating some red-tape precedent, take any action until the President first calls upon the Congress for its advice and direction. And so, between the upper and nether millstones of this disgraceful governmental inaction, peaceable American citizens residing on the border are being ground to ashes.

Mr. President, in the address I made to the Senate some weeks ago I took occasion most heartily to approve the action of the President in mobilizing a military force along the Mexican border. I then gave what I considered, and still consider, ample and sufficient reasons to justify what the President did. But I supposed, when the President went to the trouble and expense of calling these troops from their barracks throughout the country and hurriedly transported them to the border, that he meant to make that force effective for the protection of American citizens, if unhappily an occasion arose for using them in that behalf. I did not dream that the Government of the United States was merely engaged upon a game of bluff.

* * * * * * *

I wish again, although I may still stand alone, to record my earnest and solemn protest against this inaction of our Government—a degree of inaction so pronounced that it smacks too much of something I do not like to name. Speaking for myself, I am more sensitive about the lives of American men, women, and children, peaceably pursuing the even tenor of their way on their own soil and about their own homes, than I am about the pride and sensibilities of other men who have on their hands the innocent blood of our people. I am more concerned about the American flag being in fact an emblem of protection to American citizens than I am about offending those who themselves display but little respect for our rights and our sovereignty. I would at all hazards defend and protect our people against such monstrous outrages as those at Douglas and El Paso, let the consequences be what they might, and hence I appeal to the Committee on Foreign Relations to at once consider the resolution I offered and make some recommendation as to the duty of this Government.

On the 2d of August, 1912, nearly a year afterwards, the Senator from Missouri said:

We seem to be very much concerned all of a sudden about a danger that is not, in fact, a danger; something up in the air; some remote possibility. At the same time Senators have not been so careful of the rights of American citizens themselves in South America or in Mexico. Here we have before us an example. I have to-day received a telegraphic request or invitation, as other Senators have, to visit the city of El Paso to see and interview 2,500 or 3,000 American citizens who have been driven from Mexico in destitution. They have been compelled to abandon their homes and possessions, and we are now about to pass a joint resolution to take money out of the Public Treasury—and that joint resolution I shall vote for—to send these wretched people to some place. I do not know whether they have homes to go to, but to send them to some place of refuge at the public expense.

I can not forbear at this juncture from drawing a contrast between that anxiety in a particular case upon the part of Senators to protect American people against a danger that is at least exceedingly remote in its possibilities while we remain silent when our own people, under our treaties domiciled in Mexico, are being ruthlessly mistreated, in many instances losing their lives, and are being driven from their homes in that country. We remain silent, except to authorize the use of the public money to transport them to the interior of the country.

Mr. President, I read this, not for the purpose of seeking to involve the Senator from Missouri in a contradiction; that is the least of my concern. As I said before, I have no doubt that he was expressing then the views of a citizen. It may be he is now in a large measure expressing the views of a partisan. But my principal object in reading these paragraphs is that the Senator from Missouri may not with consistency, when we come in a few days to the discussion of this matter in all its fullness, seek to charge the Senator from Massachusetts or other Senators who desire to speak upon this question with simply desiring to raise a partisan question. It has passed beyond that. It can not be said to be a partisan question, and a fair discussion ought not to be charged to partisanship. It has reached the time when it involves the protection to the lives of hundreds of our people. It involves the question whether we shall remain inactive while these conditions which the Senator from Missouri has heretofore portrayed are continued, not merely from month to month but from year to year.

To show that the precise conditions which the Senator described three years ago continue, I call his attention to a statement made only a few days ago by one who will not be charged at least with partisanship, although no doubt he will be charged with having some radical views. This is a statement from Gov. Colquitt. Speaking about the entrance to Vera Cruz, it says:

It set all Mexico aflame against the Americans, not only in Mexico but in Texas, where along the north bank of the Rio Grande there are 10 Mexicans for 1 American. It brought on a reign of terror all along the Texas border, so that when the Federal Government refused to afford protection for our people in their own State I was forced to send 1,200 Texas troops down there to give it.

Mexican bandit gangs were crossing the border into Texas, raiding and terrorizing our scattered people. Women and children were huddled together in brick houses, menaced with murder and worse. My desk was flooded with telegrams from chambers of commerce, bankers, stock men, and other responsible citizens praying for protection all along our 1,200-mile frontier.

STATE TROOPS TO BORDER.

The Federal Government had only 60 troopers at Brownsville to cover more than two-thirds of that long border. When I rushed the Texas State troops down there, stationing a company at each of the principal border towns, I instructed them not to cross the river nor in any way to violate the neutrality law, but at all costs to protect the lives and property of Texas people.

Mr. President, with inserting that in the RECORD, I shall not go further with the discussion. I insert all these quotations to silence the charge made by the Senator that it is appealing to partisan prejudice in the discussion of a matter of this kind, for I shall not discuss it in that light. I shall discuss it in the light of the obligation of this Government to protect American citizenship wherever that citizenship is found, whether in Mexico or in any other foreign country.

Mr. LODGE. Mr. President, any question of personal inconsistency or consistency of the Senator from Missouri or of myself is not of any great consequence so far as the merits of the question are concerned. The Senator has read what I said and what he said. The Senator from Idaho has added to the reading what the Senator from Missouri said four years ago. Many things have happened in four years, and the situation in Mexico is very much altered. At that time, just at the opening of hostilities, I thought it unwise to do anything which would inflame feeling down there and in any way impair our influence in bringing about a conclusion of hostilities. I think I was right in taking that view at the time, and I have not changed my view. I am still anxious to avoid armed intervention in Mexico. The Senator has not changed his view.

Mr. President, as to not wishing the matter debated at that time, as I say, that was four years ago. For two years, since this administration has been in power, I have refrained from discussing it. This side has refrained, with the single exception of the Senator from New Mexico [Mr. FALL], who, owing to the position of his State, had the question very sharply brought home to him. Nothing was done here to thwart or to hamper the President. The President's policy, which consisted in the removal of Gen. Huerta, so far as it is possible to learn, has come to an end. If he has any further policy, he did not take us into his confidence in his annual message. As he is silent I think a subject of that sort may be properly discussed, not for the sake of partisan advantage or disadvantage, but because it is a subject of great moment to the United States; and if anything can be done it ought to be done.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

THE MERCHANT MARINE.

Mr. FLETCHER rose.

The PRESIDENT pro tempore. The Senator from Missouri gave notice on yesterday that he intended to ask the Senate to-day to proceed to the consideration of executive business.

Mr. FLETCHER. I ask that the unfinished business, Senate bill 6856, may be laid before the Senate.

Mr. GALLINGER. Mr. President, is it the purpose of the Senator to ask the Senate to proceed to the further consideration of that bill to-day?

Mr. FLETCHER. I should like to proceed with it.

Mr. GALLINGER. Then, Mr. President, there are absent Senators who have requested me to make the point of no quorum, so that they may be present.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

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

Ashurst	Gore	Nelson	Smith, S. C.
Bankhead	Gronna	Norris	Smoot
Borah	Hardwick	O'Gorman	Stephenson
Brandegee	Hollis	Overman	Sterling
Bristow	Hughes	Page	Stone
Burton	James	Perkins	Sutherland
Camden	Jones	Pittman	Swanson
Chamberlain	Kenyon	Ransdell	Thomas
Clapp	Kern	Reed	Thompson
Clark, Wyo.	La Follette	Robinson	Thornton
Clarke, Ark.	Lee, Md.	Saulsbury	Tillman
Culberson	Lodge	Shafroth	Vardaman
Cummins	McCumber	Sheppard	Weeks
Fletcher	Martine, N. J.	Smith, Ga.	White
Gallinger	Myers	Smith, Md.	Williams

Mr. ASHURST. I wish to announce the unavoidable absence of my colleague [Mr. SMITH], and further to announce that he is paired with the senior Senator from Connecticut [Mr. BRANDEGEE].

Mr. JONES. I wish to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of indisposition.

Mr. SWANSON. My colleague [Mr. MARTIN] is detained from the Senate on account of sickness in his family. He has a pair with the junior Senator from Illinois [Mr. SHERMAN]. I will let this announcement stand for the day.

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. He is paired with the senior Senator from Florida [Mr. FLETCHER]. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I have been requested to state that the senior Senator from West Virginia [Mr. CHILTON] is unavoidably absent. He is paired with the junior Senator from New Mexico [Mr. FALL].

The PRESIDENT pro tempore. Fifty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. FLETCHER. I ask that Senate bill 6856 may be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Florida moves that the Senate proceed to consider Senate bill 6856, the so-called shipping bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6856) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States, or of a State thereof, or of the District of Columbia, to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes.

The PRESIDENT pro tempore. Under the order heretofore taken the committee amendments will be first considered.

Mr. LODGE. Mr. President, I ask that the report may be read. I do not know whether the bill has been read or not.

The PRESIDENT pro tempore. The bill has been read.

Mr. LODGE. Then I ask for the reading of the report.

The PRESIDENT pro tempore. The Chair will say to the Senator, however, that it was not read to-day.

Mr. FLETCHER. I take it that that is immaterial, Mr. President. Perhaps it would be better at this point to suggest that the committee has agreed upon certain amendments to the bill, not changing it in any vital respect but making plainer and more clear certain of its provisions.

I move, on behalf of the Committee on Commerce, as a substitute for the bill, to strike out all after the enacting clause, and to insert what I send to the desk.

Mr. LODGE. I asked for the reading of the report.

The PRESIDENT pro tempore. The Secretary will read the report. It is in order and is a proper request.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. There is a rule that when the reading of a paper is called for and objection is made, the matter is submitted to the Senate. If the Senator from Florida does not desire to have the report read at this time, an objection will necessitate submitting the matter to the Senate.

Mr. LODGE. Does that apply to reading a committee report accompanying a bill under consideration?

The PRESIDENT pro tempore. The Chair thinks that is a doubtful matter.

Mr. SMOOT. That applies only to a request——

The PRESIDENT pro tempore. The Chair has not been able to find an instance where objection was made when a Senator asked for the reading of a report.

Mr. LODGE. It has been our practice, I think, to read, when called for, reports accompanying bills.

Mr. FLETCHER. Mr. President, if the Chair will permit me to be heard for one minute——

The PRESIDENT pro tempore. The Chair will be glad to hear the Senator from Florida.

Mr. FLETCHER. It will save all this trouble and all this confusion. I am not attempting to discuss the bill. What I rose to say was that the Senate Committee on Commerce have agreed upon a number of rather small amendments to the bill, as far as their vital effects are concerned, but which tend to clarify the bill, and they have added one or two items which are of consequence. Those amendments are so numerous that it would be confusing to offer them, perhaps, as we went on in the discussion of the bill; and I now offer all those amendments in the form of a substitute for the bill, and have the substitute printed. I offer it now, from the committee.

The PRESIDENT pro tempore. That may be done by unanimous consent. The regular order, however, is the reading of the report. Does the Senator ask unanimous consent to take that action?

Mr. FLETCHER. I ask unanimous consent to take that action.

The PRESIDENT pro tempore. Is there objection?

Mr. LODGE. The Senator asks to have the amendments printed?

Mr. FLETCHER. Yes.

Mr. LODGE. Why, certainly.

Mr. FLETCHER. The request is to offer now an amendment to the bill from the committee, in the form of a substitute, which will have the effect of striking out all after the enacting clause and inserting what can be read now and printed. If that is done I shall not insist upon proceeding further with the bill to-night, if that is agreeable to the Senator.

The PRESIDENT pro tempore. Unless there is objection, the request of the Senator will be granted.

Mr. SMOOT. Mr. President——

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

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The Chair called for objections, and did not hear any objection.

Mr. SMOOT. Then, Mr. President, I object.

The PRESIDENT pro tempore. The Senator from Utah objects. The question is, then, Shall the report be read? The Chair is doubtful as to whether it is not the right of an individual Senator to have the report read, and the Chair is going to rule that a report must be read on the request of any Senator. It seems that that will be the way to present the matter definitely and fairly to the Senate. Let the Secretary read the report.

The Secretary proceeded to read the report.

Mr. BURTON and Mr. STONE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. STONE. I interrupt simply to ask the Senator from Florida to lay the bill aside for the day.

The PRESIDENT pro tempore. The Senator from Ohio was recognized.

Mr. BURTON. It seems to me we are causing unnecessary confusion and delay here.

The PRESIDENT pro tempore. There is not the slightest confusion.

Mr. BURTON. The reading of the report at this time will hardly be apposite. A bill modified in vital particulars is to be considered——

The PRESIDENT pro tempore. That results from the rules of the Senate.

Mr. BURTON. And the reading of the report would more naturally follow the presentation and printing of the substitute bill, as I understand the Senator.

Mr. GALLINGER. Regular order!

Mr. BURTON. I understand it is not intended to proceed with the discussion of the bill to-night. I trust the request for the reading of the report will be withdrawn, and that the objection will be withdrawn.

The PRESIDENT pro tempore. Unless the request of the Senator from Massachusetts is withdrawn, the regular order is the reading of the report.

Mr. LODGE. I will withdraw my request for the reading of the report.

Mr. FLETCHER. Then, Mr. President, on behalf of the committee I renew the motion to amend the bill by striking out all after the enacting clause and inserting the matter I send to the desk.

Mr. LODGE. I understood the Senator to ask that those amendments be printed, but he is now taking substantive action.

Mr. FLETCHER. I ask to have them printed, of course.

Mr. LODGE. To that I have no objection at all. I do not want to have them adopted until I have seen them.

Mr. FLETCHER. I have the right to offer them.

Mr. SMOOT. Mr. President——

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

Mr. FLETCHER. No; I prefer not to yield just at present.

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

Mr. SMOOT. I simply want to ask a question of the Senator from Florida.

Mr. FLETCHER. I will yield for that purpose.

The PRESIDENT pro tempore. The Senator yields for that purpose.

Mr. SMOOT. I find on my desk here a committee print, Order of Business No. 737, Senate bill 6856. Is that the print the Senator desires to have printed again?

Mr. FLETCHER. I desire to have it printed, so as to have a clean print showing precisely what the substitute will mean. This indicates what it is, but there are some lines stricken out and others inserted. The original bill is set out, with the proposed amendments in connection with it, and in order to make it one proposition I offer this from the Committee on Commerce as a substitute for the bill, to strike out all after the enacting clause and insert. I offer it, including the amendments attached to the bill, as one substitute for the bill under consideration.

Mr. VARDAMAN. Mr. President——

Mr. LODGE. Mr. President, may I ask the Senator a question? The Senator does not intend to substitute it now, but only to have it printed?

Mr. FLETCHER. No; I am offering it now in order to have it printed.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. The Senate will come to order. The Senator from Florida may introduce his substitute as an amendment to the bill as a matter of right, without anybody's consent except his own.

Mr. FLETCHER. That is what I supposed.

The PRESIDENT pro tempore. The Senator will send it to the desk, and the Secretary will read it.

Mr. FLETCHER. I move to strike out all after the enacting clause and insert what appears there.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from Florida.

Mr. SMOOT. Do I understand that the Senator from Florida now offers this as a substitute?

The PRESIDENT pro tempore. He offers it as a substitute bill.

Mr. SMOOT. It will be printed, I understand; but the Senator does not offer it to be acted upon at this time?

Mr. FLETCHER. Oh, no.

Mr. SMOOT. I do not see why we should take the time of the Senate in reading it.

The PRESIDENT pro tempore. That is a question for the Senate to determine.

Mr. FLETCHER. I do not insist on having it read.

Mr. WILLIAMS. I ask unanimous consent to dispense with the reading.

The PRESIDENT pro tempore. The reading is the regular order when an amendment is offered.

Mr. WILLIAMS. I ask unanimous consent to dispense with the reading and that it merely be printed.

The PRESIDENT pro tempore. The Senator from Mississippi asks that the amendment be printed without reading. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

The amendment moved by Mr. FLETCHER on behalf of the Committee on Commerce is to strike out all after the enacting clause of the bill and to insert the following:

That the United States, acting through the shipping board hereinafter created, may subscribe to the capital stock of any corporation now or hereafter organized under the laws of the United States or of any State thereof or of the District of Columbia to meet the requirements of the foreign commerce of the United States, or to charter vessels for such purposes, and to make charters or leases of any vessel or vessels owned by such corporation to any other corporation, firm, or individual to be used for such purposes: *Provided*, That the terms and conditions of such charter parties shall first be approved by the shipping board, the initial capital stock of which corporation shall not be over $10,000,000, of the par value of $100 per share.

SEC. 2. That the United States shall subscribe to 51 per cent of the initial capital stock of such corporation at par and the remainder thereof shall be offered for public subscription at not less than par; and the United States may then further subscribe at par for any amount of such stock not taken by public subscription, but such corporation may begin business as soon as 51 per cent of said stock has been subscribed and paid for by the United States. The shipping board, with the approval of the President, may consent to or may cause an increase of the capital stock from time to time as the interests of the corporation may require, but the United States shall subscribe for 51 per cent of each and every such increase.

SEC. 3. That the United States, through the shipping board and with the approval of the President, is authorized to purchase or construct vessels suitable, in the judgment of the shipping board, for the purposes of such corporation, with a view to transferring them to such corporation, and for this purpose the Secretary of the Treasury, upon the request of the shipping board and the approval of the President, may issue and sell or use for such purchases or construction any of the bonds of the United States now available in the Treasury of the United States under the act of August 5, 1909, the act of February 4, 1910, and the act of March 2, 1911, relating to the issue of bonds for the construction of the Panama Canal, to a total amount not to exceed $30,000,000 for the purpose of purchasing or constructing such vessels: *Provided*, That the bonds issued and sold or used under the provisions of this section may be made payable at such time after issue as the Secretary of the Treasury, in his discretion, may deem advisable, and fix, instead of 50 years after date of issue, as in said act of August 5, 1909, not exceeding 50 years: *Provided further*, That payments for such purchases or construction from proceeds of sales of bonds, or delivery of bonds in payment thereof, shall be made only as ordered and directed by the shipping board.

SEC. 4. That the shipping board is authorized to transfer the vessels purchased or constructed as herein provided to any such corporation in which the United States has become a stockholder as hereinbefore provided, and such corporation shall issue to the United States in payment thereof its gold bonds bearing interest at not less than 4 per cent per annum, and upon such further terms and conditions as may be prescribed by the shipping board, such bonds to constitute a first and

paramount lien upon such vessels thus transferred and upon all the property of such corporation: *Provided*, That the amount of bonds received by the United States in payment for such vessels shall not be less, at the then par value, than the total amount expended by the United States in the purchase or construction of such vessels; and the same may be sold by the Secretary of the Treasury, in his discretion and with the approval of the President, to reimburse the Treasury for expenditures made in the purchase or construction of vessels. Such corporation shall make suitable provision for sinking fund and for the depreciation charges under the rules and regulations to be prescribed by such shipping board; and all vessels acquired under this act, or in which the United States shall otherwise be interested as owner in whole or in part, or upon which the United States shall have or hold any mortgage, pledge, lien, or other security, shall, when and while employed solely as merchant vessels, be in all respects subject to the rules, regulations, and liabilities governing merchant vessels under the principles of international law, in like manner and to the same extent as merchant vessels in private ownership when duly registered under the laws of the United States.

SEC. 5. That vessels purchased or constructed by such shipping board and conveyed to such corporation as herein provided shall be entitled to registry under the laws of the United States, and shall be deemed vessels of the United States and entitled to the benefits and privileges appertaining to such vessels, except such vessels shall engage only in trade with foreign countries or with the Philippine Islands, the Hawaiian Islands, and the islands of Guam and Tutuila. Such vessels shall be subject to the navigation laws of the United States except as herein provided.

SEC. 6. That the Secretary of the Treasury, the Postmaster General, and the Secretary of Commerce are hereby constituted a board to be known as the shipping board, with full power, subject to the approval of the President, to vote the stock of the United States in said corporation, either as a body or by one or more of its members duly authorized by a majority, and to do all things necessary, whether specifically enumerated or not, to carry out the purposes of this act and protect the interests of the United States.

SEC. 7. That, with the approval of the Congress, such shipping board may at any time sell the stock of such corporation owned by the United States.

SEC. 8. That the President of the United States is hereby authorized to charter, lease, or transfer such naval auxiliaries now belonging to the Naval Establishment of the United States as are suitable for commercial use and which are not required for use in the Navy in time of peace, and vessels belonging to the War Department suitable for commercial uses and not required for military transports in time of peace, and to direct or cause to be chartered, leased, or transferred vessels now owned and operated by the Panama Railroad Co. to any corporation now or hereafter organized as in this act provided under such terms and conditions as the shipping board, with the approval of the President of the United States, shall prescribe. The vessels purchased or constructed by the United States through the shipping board, with the approval of the President of the United States, shall be of a type, as far as the commercial requirements of the foreign trade of the United States may permit, suitable for use as naval auxiliaries in the Naval Establishment of the United States.

SEC. 9. That the President of the United States, upon giving to any such corporation in which the United States shall be a stockholder, through its president, vice president, secretary, or manager, notice in writing for such reasonable length of time as in his judgment the circumstances require and will permit of his intention so to do, may take possession, absolutely or temporarily, for use as naval auxiliaries, of any vessel or vessels owned or leased by or otherwise in the possession of said corporation, and said corporation shall be entitled to a reasonable price or rental therefor, to be fixed by the shipping board with the approval of the President: *Provided*, That if in the judgment of the President an emergency exists requiring such action he may take possession of any such vessel or vessels without notice.

SEC 10. That the shipping board shall make to Congress, at the beginning of each regular session, a report of expenditures and receipts under this act and of the operations of any corporation in which the United States may have become a stockholder hereunder.

SEC. 11. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $10,000,000; but the corporation in which the United States shall become a stockholder as herein provided shall pay all necessary expenses of the shipping board in this behalf.

SEC. 12. That the President is hereby authorized and empowered to designate from time to time such ports of the United States as he may for the purposes of this section deem advisable at which the several collectors of the ports so designated shall for such periods of time as the President may prescribe inspect all goods, wares, and merchandise of whatever description offered for shipment from any such port to any foreign port upon any vessel directly or indirectly owned in whole or in part by the United States or in which the United States may have a proprietary interest when employed solely as a merchant vessel, or upon any vessel whatsoever when duly registered under the laws of the United States. It shall be, and is hereby made, the duty of the collector of the port at each of the ports so designated, and authority is hereby granted to such collector for that purpose, to make such inspection and examination before the same shall be loaded and stored aboard ship of all goods, wares, and merchandise of whatever description offered for shipment from such port to any foreign port upon any vessel defined by this section as may be necessary to inform him as to the exact character and description of the goods, wares, and merchandise so offered for shipment. It shall be unlawful for any person, whether as principal or agent, to load and store aboard ship, or attempt to load and store aboard ship, any goods, wares, or merchandise subject to inspection under this section before the same have been duly inspected and examined as herein required; and it shall be unlawful for the master or other chief officer of any vessel defined in this section to receive and store aboard ship any goods, wares, or merchandise subject to inspection under this section before the same have been duly inspected and examined as herein required. Any person who shall knowingly violate the provisions of this section shall be guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be sentenced to pay a fine of not more than $5,000, and shall be committed to prison until such fine and the costs of the prosecution shall be paid; and clearance shall not be granted to any vessel whose owners or chief officers shall knowingly violate the provisions of this section: *Provided*, That the Secretary of Commerce may upon hearing and for satisfactory reasons permit and direct the clearance of any such vessel, stating his reasons therefor in a written opinion to be filed as a public document in the Department of Commerce.

It shall be, and is hereby made, the duty of the collector of the port from which any such vessel clears to inspect the manifest or cargo invoice of each vessel subject to the provisions of this section to ascertain whether the manifest or cargo invoice sets forth a true exhibit of all goods, wares, and merchandise aboard ship at the time of sailing; and if the collector of the port shall be satisfied that the manifest or cargo invoice does set forth a true exhibit of all goods, wares, and merchandise received aboard ship at the time of sailing, he shall in every such case attach to the manifest or cargo invoice his official certificate under seal, setting forth that he has inspected and examined the goods, wares, and merchandise aboard such ship, and that the manifest or cargo invoice sets forth a true exhibit of the same. No such vessel shall be granted a clearance at any such port until after the certificate, herein required to be issued under his official seal by the collector of the port, has been issued and delivered by him to the chief officer or other proper officer of such vessel.

It shall be the duty of the Commissioner of Navigation, with the approval of the Secretary of Commerce, to make and promulgate all needful and proper rules and regulations for administering the provisions of this section; and for the purpose of carrying out the provisions of this section the sum of $500,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 13. That this act shall take effect from its passage.

EXECUTIVE SESSION.

Mr. STONE. 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 1 hour and 25 minutes spent in executive session the doors were reopened.

RECESS.

Mr. FLETCHER. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 22 minutes p. m., Wednesday, January 6, 1915) the Senate took a recess until to-morrow, Thursday, January 7, 1915, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate January 6, 1915.

ASSISTANT TREASURER.

George Fort, of Georgia, now Deputy Assistant Treasurer of the United States, to be Assistant Treasurer of the United States, to fill an existing vacancy.

MEMBER OF THE COMMISSION ON INDUSTRIAL RELATIONS.

Richard H. Aishton, of Chicago, Ill., to be a member of the Commission on Industrial Relations, vice Frederic A. Delano, resigned.

SURVEYOR OF CUSTOMS.

Guy W. Steele, of Westminster, Md., to be surveyor of customs in customs collection district No. 13, in place of Robert A. Ravenscroft, whose term of office has expired by limitation.

COLLECTOR OF CUSTOMS.

William P. Ryan, of Baltimore, Md., to be collector of customs for customs collection district No. 13, in place of William F. Stone, whose term of office has expired by limitation.

APPRAISERS OF MERCHANDISE.

Walter B. Warner, of Baltimore, Md., to be appraiser of merchandise in customs collection district No. 13, in place of J. Carlyle Wilmer, resigned.

James A. McQuade, of Baltimore, Md., to be appraiser of merchandise in customs collection district No. 13, to fill the vacancy caused by the death of James H. Butler.

UNITED STATES ATTORNEY.

Samuel K. Dennis, of Maryland, to be United States attorney for the district of Maryland, vice John P. Hill, whose term has expired.

UNITED STATES MARSHAL.

William W. Stockham, of Maryland, to be United States marshal for the district of Maryland, vice George W. Padgett, whose term has expired.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Rev. Thomas L. Kelley, of Nebraska, to be chaplain with the rank of first lieutenant from December 29, 1914, vice Chaplain Henry L. Durrant, Seventeenth Infantry, who resigned April 17, 1914.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from January 5, 1915.

Edward Jenner Barrett, of Wisconsin.
George Sherman Haswell, of New York.
John Marvin Ingersoll, of Ohio.
Otto Juettner, of Ohio.
Cyril Ettrick Lewis, of California.
Arthur Thomas McCormack, of Kentucky.
John Rogers, of New York.

Robert Lewis Irvine Smith, of Illinois.
John Gurney Stowe, of New York.
Charles William Thompson, of Colorado.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

Maj. Herbert M. Lord, Quartermaster Corps, to be lieutenant colonel from March 4, 1913, vice Lieut. Col. Beecher B. Ray, whose recess appointment expired by constitutional limitation March 3, 1913.

Maj. Robert S. Smith, Quartermaster Corps, to be lieutenant colonel from March 27, 1914, vice Lieut. Col. George F. Downey, promoted.

PROMOTIONS IN THE NAVY.

Capt. De Witt Coffman to be a rear admiral in the Navy from the 12th day of December, 1914.

Capt. William F. Fullam to be a rear admiral in the Navy from the 15th day of December, 1914.

Commander Edward L. Beach to be a captain in the Navy from the 12th day of December, 1914.

Lieut. Commander Gatewood S. Lincoln to be a commander in the Navy from the 12th day of December, 1914.

Lieut. (Junior Grade) Ralph C. Needham to be a lieutenant in the Navy from the 1st day of July, 1914.

Lieut. (Junior Grade) Richard T. Keiran to be a lieutenant in the Navy from the 1st day of July, 1914.

Asst. Paymaster Smith Hempstone to be a passed assistant paymaster in the Navy from the 7th day of December, 1913.

Second Lieut. Charles L. Austin, United States Army, to be an assistant paymaster in the Navy from the 2d day of January, 1915.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1915.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):
Marion C. Robertson,
Ernest L. Gunther, and
Henry T. Settle.

William V. Fox to be an assistant paymaster.

Maj. Thomas C. Treadwell to be a lieutenant colonel in the Marine Corps.

Maj. Dion Williams to be a lieutenant colonel in the Marine Corps.

Capt. Reynold T. Hall to be a rear admiral.

Ensign Edmund S. R. Brandt, to be a lieutenant (junior grade).

The following-named warrant officers of the Navy to be ensigns:
Machinist Morris J. Lenney, and
Machinist John D. Edwards.

Capt. John F. McGill to be a major in the Marine Corps.

First Lieut. Harold F. Wirgman to be a captain in the Marine Corps.

Second Lieut. Frederick R. Hoyt to be a first lieutenant in the Marine Corps.

WITHDRAWAL.

Executive nomination withdrawn January 6, 1915.

William Goodyear, of Pullman, Wash., to be receiver of public moneys at Walla Walla, Wash.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 6, 1915.*

The House met at 12 o'clock noon.

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

Eternal God, our heavenly Father, open Thou our understanding, that we may have a broader, clearer conception of Thine almightiness and know the eternal values and be lifted into the higher realms of thought and action in the daily duties of life, that we may leave behind us a trail which others may follow with impunity and so fulfill the law of Christ: "All things whatsoever ye would that men should do to you, do ye even so to them." In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

SAFETY ON RAILROAD TRAINS.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent for a reprint of the bill and the report of H. R. 16875, to promote the safety of employees and passengers on railroads engaged in interstate or foreign commerce. That bill with the report has been printed without all of the amendments reported by the committee. I therefore ask for a corrected print of the bill and the report.

The SPEAKER. The gentleman from Georgia asks unanimous consent for a correct reprint of the bill H. R. 16875. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of denatured alcohol and also upon the subject of franchise for women.

The SPEAKER. Is there objection?

Mr. FALCONER. Mr. Speaker, I would say that of course these are two separate subjects.

The SPEAKER. The Chair understands that. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address on Inland Waterways and Coast Defenses, delivered by one of my constituents, Mr. Justice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the subject of inland waterways and coast defenses by inserting an address delivered by one of his constituents. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, is the maker of the speech an ex-Member of Congress?

Mr. MOORE. No.

Mr. BARNHART. Who is the gentleman?

Mr. MOORE. He is a gentleman who made an address before the Rivers and Harbors Congress, which met in Washington a short time ago. The address was not published. It is one of considerable interest to the people along the coast. The address is not very long.

Mr. BARNHART. How long is it?

Mr. MOORE. I suppose it will take about a column and a half of the RECORD.

Mr. BARNHART. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects.

Mr. GARDNER. Mr. Speaker, before the gentleman from Indiana takes his seat, will he allow me, with the permission of the House, to ask him a question?

Mr. BARNHART. Certainly.

Mr. GARDNER. Mr. Speaker, I have here a letter from a correspondent whom I do not happen to know, but I am getting every day a number of requests for material upon the question of the preparedness of this country for war. I am sending circular answers, and sending them also other matter, and telling them to get the reports of the Secretary of War, the Chief of Staff, and the Secretary of the Navy. This correspondent notifies me that he is unable to get them because of exhaustion of supply. What step ought to be taken to replenish those supplies?

Mr. BARNHART. Mr. Speaker, the regular procedure would be for the gentleman to introduce a bill and have it referred to the Committee on Printing.

Mr. GARDNER. Would the gentleman think this the most practical way of doing it? I am asking for information.

Mr. BARNHART. That would be the only way that the chairman of the Printing Committee could advise. That is the legal way, except by unanimous consent.

Mr. GARDNER. That means getting a bill through Congress.

Mr. MADDEN. As a matter of fact, the department is supposed to print its own report out of its own appropriation, is it not?

Mr. BARNHART. Yes. I would say that in numerous efforts to get bills through providing additional prints of reports of departments I have found that the Appropriation Committee insists that it makes most liberal provision for printing for the departments. That committee gives them all of the appropriations for that purpose that they ask, and yet they keep coming to Members of Congress from time to time asking that we print more. They get these reports out largely for their own use, of course.

Mr. GARDNER. These are mostly joint debaters who are writing to me for them.

Mr. BARNHART. The departments seem to utilize all of these prints for their own use. I do not know for what purpose. I am not prepared to say, for I have never investigated; but they ask liberal appropriations, and the Committee on Appropriations and the Congress allows it to them. Yet they keep coming to the House from time to time asking for more

and more, and frequently when a Member of Congress asks for some of these documents to supply demands that he has he is notified by the department that the supply is exhausted and that he must go to Congress to get what he wants.

Mr. GARDNER. The gentleman from Indiana knows that it is not a practical thing to get through a bill and have it signed by the President for additional printing, or a concurrent resolution.

Mr. BARNHART. Oh, yes; that can be readily done.

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

The SPEAKER. The regular order is the consideration of the bill H. R. 6143. The Chair understands the gentleman from Indiana to object to the request of the gentleman from Pennsylvania?

Mr. BARNHART. Yes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FERGUSSON, for the remainder of this week, on account of personal illness.

To Mr. IGOE, indefinitely, on account of a death in his family.

Mr. CRAMTON. Mr. Speaker, I ask leave of absence for this week on behalf of the gentleman from Michigan [Mr. KELLEY], on account of illness.

The SPEAKER. Without objection, the request is granted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7107. An act to authorize the construction of a bridge across the Ohio River at Metropolis, Ill.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2651) providing for the purchase and disposal of certain lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and china ball clay within portions of Indian reservations heretofore opened to settlement and entry.

ACTION FOR DEATH ON THE HIGH SEAS.

Mr. WEBB. Mr. Speaker, taking up the bill H. R. 6143, relating to the maintenance of actions for death on the high seas and other navigable waters, I desire to say, as chairman of the Committee on the Judiciary, that when the bill was reported by the committee to the House it was agreed among the members of the committee that we should have a provision in the bill reserving to the various States whatever rights they may now have with reference to suits for death on the high seas. The committee has now prepared such an amendment, and I desire to offer it on behalf of the committee.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 4, by striking out the word "to" and inserting the word "by"; strike out all of page 3 after line 7 and all on page 4 and insert the following:

"SEC. 6. That the right under this act to recover damages for the death of a person caused by wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any of the navigable waters of the United States, wherever such death may occur, shall be deemed to be a right of recovery within the admiralty and maritime jurisdiction of the United States, but nothing in this act shall be construed to abridge the right of suitors in the courts of any State or Territory to a remedy given by the laws of any State or Territory in such cases."

Mr. WEBB. Now, Mr. Speaker, the committee amendment strikes out of the pending bill section 6, which is as follows:

That this act shall not affect the rights of shipowners and others to avail themselves of the provisions of the laws of the United States relating to limitation of liability.

We strike that out because it is useless language. The proposed bill does not repeal or change the present limiting liability laws, and this section has no practical force, so we strike it out of the bill entirely. We strike out sections 7 and 8 and substitute the matter which I have just had read at the Clerk's desk.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. I will.

Mr. STAFFORD. Will the gentleman explain the effect of the substitution of his amendment? I assume the amendment has not been printed for the use of Members. It is an important amendment as it affects three sections of the bill.

Mr. WEBB. I am going to explain it in a moment. I had just begun to explain that we had stricken out section 6 of the bill because it adds nothing to the bill and takes nothing from it. We therefore strike that out entirely because it is needless. Section 7, as originally drawn, made this right of action for death on the high seas exclusive in admiralty. This section, the committee agreed among themselves when the bill was originally reported, should be so amended as to preserve all remedies which the States now give suitors for death from negligence on the high seas, and also gives a remedy to the suitor in a court of admiralty for such death. Section 8 is covered by the amendment which I have just had read, because that is in reference to reserving to citizens of the States the right to bring suit for personal injuries. The right under the laws of a State to sue for damages, resulting from negligence causing death, has heretofore been recognized, and all such suits for personal injuries are left as they are now and are not affected by this bill at all.

In other words, gentlemen, the only thing this bill will do, if passed with the amendment suggested, is to give the suitor the right to go into a United States court of admiralty and sue for death caused by negligence on the Great Lakes, navigable waters, and the high seas. It is rather an anomalous thing that the United States Government has existed since 1787 and yet during all that time no citizen of the United States had a right to go into an admiralty court and sue for death caused by negligence on the high seas. He has been able to sue for breaking a finger or for breaking a leg, but he has never been able to bring a suit in an admiralty court for the highest injury that can occur to a human being, and that is death.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. TOWNER. I do not see the proposition to amend, to which the gentleman refers, referred to in the report.

Mr. WEBB. I have just had it read, and I will read it again if the gentleman wishes.

Mr. TOWNER. I will be glad to have the gentleman do so.

Mr. WEBB. Section 6 takes the place of sections 7 and 8, and is as follows. This is the new section 6:

SEC. 6. That the right under this act to recover damages for the death of a person caused by wrongful act, neglect, or default, occurring on the high seas, the Great Lakes, or any of the navigable waters of the United States, wherever such death may occur, shall be deemed to be a right of recovery within the admiralty and maritime jurisdictions of the United States; but nothing in this act shall be construed to abridge the right of suitors in the courts of any State or Territory to a remedy given by the laws of any State or Territory in such cases.

Mr. TOWNER. What I am getting at is this: Is it the gentleman's understanding now that the jurisdiction of all cases be transferred to the admiralty court?

Mr. WEBB. Not at all.

Mr. TOWNER. Will not this proposition do that? Merely because a remedy or because, for instance, a right is declared in the statute of a State does not necessarily mean that the jurisdiction shall be within the State by any means, and this declaration here by the gentleman's amendment may—I will say to the gentleman I have not time to consider it carefully—still transfer the jurisdiction of all cases to the United States court. Let me say this to the gentleman, if he will pardon me for the interruption: As we all understand, I think, just as soon as the United States assumes this jurisdiction the States will lose it. It is only theirs now by sufferance, and, as I understand the gentleman, it is not the intention to transfer the jurisdiction of these cases or the trial of these cases exclusively to the admiralty court. It is only the intention to add the jurisdiction of the admiralty court to the State courts. Am I correct in that assumption?

Mr. WEBB. Yes; in a sense that is correct.

Mr. TOWNER. I will say to the gentleman I very much doubt whether his amendment will be sufficient to accomplish it.

Mr. WEBB. I will say to my friend that Congress has undoubtedly the power to prescribe the jurisdictional limits of courts that it creates. We reserve to the States the remedy which they now have in such cases and only give an additional remedy in admiralty, and if the plaintiff brings his suit under this act it simply adds a new forum. He can go to the State court and bring his action for death on the high seas, or if he prefers he can go into the admiralty court under this bill and pursue his remedy there. It is simply giving an additional remedy in the national courts, a remedy that has been delayed for a hundred years. I can not understand why it has not been done long ago.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. PARKER of New Jersey. The gentleman's amendment says something about rights given in the State courts. Does that apply to rights hereafter to be given by the State courts?

Mr. WEBB. I think so, undoubtedly.

Mr. PARKER of New Jersey. Would it not be better to add the words "given or to be hereafter given"?

Mr. WEBB. The subcommittee that went over that question discussed that matter, and they were of the opinion that any remedy given hereafter would be included by this provision.

Mr. PARKER of New Jersey. It does not seem so to me. It seems to me very doubtful. The words "given or to be given" would cover it.

Mr. WEBB. If the remedy is added next year, it is "given" and comes under this provision.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. STAFFORD. I notice in reading the proposed amendment that it only extends to cases where death results, whereas the bill under consideration also provides for jurisdiction in cases not resulting in death. Your amendment merely provides that, so far as those cases resulting in death are concerned, it shall not supersede the authority of the State court.

Mr. WEBB. That is correct.

Mr. STAFFORD. But you do not provide for cases where injury is suffered that do not result in death.

Mr. WEBB. Certainly not; because this bill does not affect anything but death on the high seas, and so forth. It refers strictly and solely to deaths and has nothing to do with personal injuries. Injuries are already taken care of under present laws, both in State and admiralty courts.

Mr. STAFFORD. I would like to ask whether under section 4 suit can not be brought merely for injuries resulting from wrongful act, neglect, or default?

Mr. WEBB. I did not quite catch my friend's remark.

Mr. STAFFORD. I was under the impression from the reading of the bill that in cases pending in courts by the injured person for the wrongful act, neglect, or default of the shipowner in case of death the action would survive.

Mr. WEBB. That is true. You can sue now, I will say to my friend. Under the present laws you can sue for personal injury, for breaking your finger, your leg, or for any other negligence which causes personal injury. You can sue either in admiralty or in State courts if the State laws give you that remedy. Now, in order to preserve the right of a man who should go into admiralty and sue for damage for personal injuries, who afterwards dies from those injuries before the suit is terminated, we have added section 4.

Mr. LEWIS of Maryland. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. LEWIS of Maryland. I would like to ask the gentleman whether in the studies of the committee they went into the subject as to the forum in which the suit might be brought in case the accident, say, happened to a foreigner on the high seas or happened to a citizen of our own country on a foreign bottom on the high seas? I understand that actions for death are not transitory as between our respective States. If a citizen of the United States happens to drown while on a foreign vessel, in what forum would the suit have to be brought, negligence being assumed?

Mr. WEBB. If he were drowned, I should think in order to have a wider jurisdiction the plaintiff, or the representative of the decedent, would bring his action under this act in admiralty. However, he can bring action in the State court if he can get jurisdiction. But that might give him little advantage, because he might not be able to get hold of the foreign res or any personal representative of it.

Mr. LEWIS of Maryland. I have not made myself clear. Would he be able to sue in American courts at all? Would he not in that case go to foreign courts, too?

Mr. WEBB. He could sue in American courts, if he chooses, with the hope of getting jurisdiction of the vessel itself. If he thought he never could get jurisdiction or possession of the vessel so as to enforce an action in res, he would probably go to a foreign country where he might get that possession or jurisdiction.

Mr. LEWIS of Maryland. Another question. Of course the treatment given the subject by this bill would apply only to cases where negligence could be proved and burden of proof would be on the plaintiff. Suppose an accident at sea, where the shipowners have actually been negligent, let us say, but the corpus delicti is entirely lost, the vessel has gone down and all on board with it, only the common-law standard will be applicable there, and no proof would be made of negligence? Is that correct?

Mr. WEBB. Of course if no proof could be had, there would be nothing to support an action for negligence.

Mr. LEWIS of Maryland. That leads me to the principal question I have in mind. Would it not be better in our day, when nearly all our States and all the foreign countries have taken up this subject of accidents, to organize a system for indemnification of all of them, where the victim has suffered, and would it not be better if they had reported a compensation for accidents at sea without reference to the proof of a fact of negligence in the case?

Mr. WEBB. That would be, I think, an entirely different subject from the one we are legislating about now. We are trying to give suitors or claimants in the United States a right to bring a suit for negligent death on the seas in a United States court—something they have never before had the right to do—and we are confining it exclusively to death on the high seas, Great Lakes, and navigable waters. The rule of damages as expressed in section 5 says damages shall be apportioned according to negligence of one or the other. In other words, contributory negligence on the part of the deceased shall not bar recovery, which is a very liberal rule for recovery of damages—more liberal than a number of the States have.

Mr. BORLAND. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. BORLAND. The reply of the gentleman to the question of the gentleman from Maryland brought out the difficulty of obtaining service or jurisdiction upon a foreign steamship company. I want to ask the gentleman whether any suggestion had been made to the committee that foreign steamship companies operating to and from American ports be required to file some sort of appointment of agency, or something of that nature, in order that service might be had on them in these cases?

Mr. WEBB. No; we have not considered that.

Mr. BORLAND. The gentleman knows that is customary between the different States of the Government; that they require a foreign corporation, frequently a foreign insurance company or railroad company, to provide some person in the State where they do business upon whom service may be had, in order that the local citizen injured may have some rights within the States where injuries really occur. Has any suggestion been made in regard to that feature to this bill?

Mr. WEBB. I will say to my friend that we have had only one thing in mind in this bill, and that is to create the right on behalf of the citizens of the United States that they have never had heretofore, and that is to go into a United States admiralty court and sue for damages for death caused by negligence on the high seas.

And in that suit I will say you have this remedy, which in a degree does away with the necessity of having the agency you desire, and that is, that if a vessel ever touches a port of the United States it can be seized, because in admiralty you bring your action in rem and take the vessel. Whether you have the persons to serve the process on or not, you can seize the vessel and with the proceeds pay the damages.

Mr. BORLAND. I understand that is true—that you can bring your suit in admiralty directly against the vessel in rem. But suppose the vessel for some reason does not touch a port of the United States from that time on, or suppose the vessel is lost wholly; and suppose it does touch a port of the United States, and it is found that the accumulated claims are greater than the value of the vessel and cargo, then what?

Mr. WEBB. Well, under the limiting liability laws they would bring it into court and sell the vessel and pay all the claims they could out of it.

Mr. BORLAND. Suppose the vessel has gone down. Would not the American claimant be without remedy?

Mr. WEBB. Yes; unless something is left over from the vessel and its freight.

Mr. BORLAND. I realize that this is a step in advance of the present law. I was just making the inquiry for information.

Mr. WEBB. We are not undertaking to revise the maritime laws of the United States. That is the most difficult maze of legislation that a man can walk into. We men who live in the hills know very little about maritime law. It is a most difficult, scientific, expert part of our law, and this committee did not want to undertake to revise that which some people call the antiquated maritime law, but we did want to cleave to one idea, and that is to give this additional right to the families of men killed on the high seas.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. DICKINSON. I would like to know why you provide that suits shall be instituted by the personal representative? Why not provide that it shall be instituted by the wife, husband, or other real party in interest?

Mr. WEBB. Well, has your State a law like the one you suggest?

Mr. DICKINSON. Yes.

Mr. WEBB. In most jurisdictions you have to have a personal representative appointed by the court to represent all the parties, instead of having all parties sue as individuals.

Mr. BRYAN. Mr. Speaker, will the gentleman yield there?

Mr. WEBB. Yes.

Mr. BRYAN. May I suggest that the United States Government has a law like that? The Federal law provides for the wife first, and then for others. It does not bunch them as this shipowners' bill would do. This bunches them all together, so as to make it everybody's money and practically nobody's money, and thereby the ship will get out of it.

Mr. DICKINSON. In our State the law requires that the suit shall be instituted in the name of the real party in interest. Now, if I interpret this correctly, if a personal representative is entitled or required to bring this suit, then a personal representative other than the real party in interest would have to be appointed, and thereby the wife or the husband or the children might be at the mercy of a personal representative.

Mr. WEBB. I think the gentleman is wholly mistaken. Practically, every State in this Union has its law with reference to the appointment of executors and administrators, and in the case of a husband most of the State laws provide that the wife shall have the first right to administer the estate. If she disclaims the right, then the oldest son, and if he disclaims, then the next one, and so on. That is usually covered by State laws. You do not want to change those.

Mr. DICKINSON. But do you appoint executors or administrators except for the purpose of paying debts? Here the money recovered goes absolutely to the wife or husband free of any other duty.

Mr. WEBB. The court appoints a representative in my State and other States usually both to pay and to collect debts and to look after everybody in interest.

Mr. DICKINSON. Here you make it the duty of the wife or the husband.

Mr. WEBB. Suppose there was a family with a lot of children, and the older boy should sue for himself and not as the personal representative, and he should "gobble up" all the recovery and allow the others to shift for themselves? We provide here that the personal legal representatives have the right to sue for all the parties entitled to share in the recovery.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. WEBB. Yes.

Mr. TOWNER. I would like the gentleman to consider this proposition: Suppose that under the State law suit is brought for $25,000, but the defendant is a citizen of another State, and on the ground of diverse citizenship the action is removed. What becomes of it then?

Mr. WEBB. It goes as any other case of diverse citizenship would go. In other words, State laws would govern the trial, because we expressly provide that the remedies under the present State laws shall not be touched.

Mr. TOWNER. In your judgment the laws of the State would follow into the admiralty court?

Mr. WEBB. Not at all. The suit would not go into admiralty at all. It would go into the United States court, on account of diverse citizenship, and would be tried by a jury just as any other case of diverse citizenship is tried now.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. WEBB. Yes; I yield to the gentleman.

Mr. LENROOT. If that is the gentleman's intention, is he not willing to change his amendment so that it will not abridge any remedy that your suitors may now have? It limits it to the remedies they may have in the courts of a State.

Mr. WEBB. Well, I will say to my friend that the whole committee and the subcommittee and everybody connected with the bill went over that provision very carefully. The gentleman from Minnesota [Mr. VOLSTEAD], and the gentleman from New York [Mr. DANFORTH], and the gentleman from Illinois [Mr. FITZHENRY], and the gentleman from Indiana [Mr. PETERSON], and, in fact, the whole committee went into it, and we concluded that this language would preserve to every suitor his present rights under the State laws or his rights that would be given hereafter, and this is the language:

Nothing in this act shall be construed to abridge—

That is, lessen or minimize—

the rights of suitors in the courts of any State or Territory, or in the courts of the United States other than in admiralty, to a remedy given by the laws of any State or Territory—

In such cases.

Mr. LENROOT. Mr. Speaker, I would like to pursue that a moment. Did the gentleman or his committee consider the question where the rights of diverse suitors were involved?

Mr. WEBB. Yes; certainly. We considered it and discussed it.

Mr. LENROOT. Does the gentleman as a lawyer make the statement that where it is limited to the rights of a court in a State it goes as far as the gentleman now states—that it preserves every remedy that a suitor now has?

Mr. WEBB. I undoubtedly do. We do not propose to take away the right of diverse citizenship from a man. If a suit is removed from the State court into the Federal court because of diversity of citizenship, the gentleman knows that it is tried according to the laws of the States, and that is the case in this instance.

Mr. TALCOTT of New York. The bill by its terms refers to actions in rem, I think.

Mr. LENROOT. Will the gentleman from North Carolina yield for one more question?

Mr. WEBB. I should like to yield first to my friend from New York [Mr. TALCOTT], because I told him I would.

Mr. TALCOTT of New York. The bill by its terms relates to actions in rem?

Mr. WEBB. Yes; and in personam.

Mr. TALCOTT of New York. Why would it not be better to give the jurisdiction to the district courts of the United States which the State courts now have, so that the action would not be confined to a proceeding in rem?

Mr. WEBB. You can not do that. For one reason the United States has no common law, and we have no power to give to the Federal courts common-law jurisdiction unless it is based on some provision in the Constitution of the United States. The Constitution of the United States gives to the Federal courts admiralty jurisdiction, and also jurisdiction over interstate and foreign commerce.

Mr. TALCOTT of New York. This is enlarging the admiralty jurisdiction; that is all.

Mr. MONTAGUE. By giving it to the State courts?

Mr. TALCOTT of New York. No; by giving it to the district courts of the United States.

Mr. WEBB. The State courts have no right of action in rem, and that is why this bill ought to be passed. If a man is killed on a vessel by wrongful act, neglect, or default occurring on the high seas, if you pass this bill you can go into the admiralty court and seize the vessel; that is, begin an action in rem.

Mr. TALCOTT of New York. Why not give the State jurisdiction over the vessel?

Mr. WEBB. I do not understand that we want to undertake to harmonize the various laws of 48 States. We expressly preserve to each individual suitor the right that he now has under his State laws, and only superadd a new remedy which gives him the right to go into admiralty for death on the high seas.

Mr. TALCOTT of New York. But this bill is incomplete, because you can only proceed against the ship or the property itself. Take a case like the *Titanic*——

Mr. FITZHENRY. This gives a remedy against the vessel, person, or corporation.

Mr. WEBB. You can bring a personal suit in the Federal court if diverse citizenship is shown; but the main reason for going into admiralty is to give jurisdiction over the res, the vessel itself, because that is usually all the property that a shipping corporation has. When the vessel goes down everything goes down. If a man is injured or killed, all that his dependents usually have to proceed against is the ship itself. That is why you want the action in rem. You seize all the property they have, namely, the vessel.

Mr. BRYAN. This helps some, because it wipes out half the statute, and if we could wipe out the other half that would be what we ought to do. Now, the bill refers to the Federal court those cases that arise in the State courts under State law. The gentleman says that the jury will follow it, and that it will have the same procedure. We had here a short time ago in the *Titanic* case practically the same proposition that was raised by the gentleman from Iowa [Mr. TOWNER].

Mr. WEBB. Will not the gentleman ask his question? The gentleman has spoken an hour on the bill.

Mr. BRYAN. There is no need to hurry. There are a great many proctors in admiralty who want to hurry this along. All the attorneys for the big ship companies want to hurry it along.

Mr. WEBB. I do not yield to my friend to make that sort of a statement, because that is a reflection on the committee.

Mr. BRYAN. I do not mean to reflect on the committee.

Mr. WEBB. And it is a reflection on the honorable gentlemen who have appeared here on behalf of this bill.

Mr. BRYAN. The committee had another meeting to reconsider the bill yesterday, after it had been pending a long time, and the committee were misled honestly in the matter.

Mr. WEBB. I beg the gentleman's pardon. The committee were not misled. When the bill was originally reported it had been agreed with Mr. McCoy, who is now a justice on the bench of the Supreme Court of the District of Columbia, that we would preserve the remedies of the States that they now have. Yesterday we got together and invited the gentleman from Washington by courtesy to appear before the committee, and we, as previously agreed, framed this amendment.

Mr. BRYAN. That is all right, but in the case of the *Titanic*, which was referred to a moment ago, the Supreme Court held that they would apply the remedy and the procedure of this country, and would not apply the remedy and procedure of England at all. I think the point that the gentleman from Iowa [Mr. TOWNER] makes is absolutely correct, that when you get into the Federal court the procedure of that court will be regarded. I have here the *Titanic* case, from which I quote just these lines:

It clearly limits the remedy, as we have shown, in cases where it has nothing to say about the rights.

Now, if you do create this jurisdiction, you are creating a jurisdiction that does not exist in England or in Canada. The admiralty court has no jurisdiction of these death claims. They are like ordinary cases. They are tried before juries in England and tried before juries in Canada, and they are not admiralty cases at all, notwithstanding the fact that the cause of action occurs on the ocean.

Mr. MONTAGUE. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MONTAGUE. Did not the gentleman take the distinct position the other day that they were admiralty cases, and that the admiralty laws applied to the procedure in the form of a jury trial?

Mr. BRYAN. No; I did not; I took the position that they were tried in England——

Mr. WEBB. The gentleman from Washington stated the other day that they had jury trials in admiralty in England.

Mr. BRYAN. If I did, I ought not to have said it. I do not think I did say it.

Mr. MONTAGUE. I ask the gentleman if he did not say the other day that the admiralty courts in England had under their procedure jury trials?

Mr. BRYAN. If I did, I was wrong. Mr. Putnam, in this report, when he was the head attorney for the Old Dominion Steamship Co., appeared before the United States Supreme Court and made the argument that there was no admiralty jurisdiction. He was trying to avoid liability for death. He said in England it was under law jurisdiction there and cited the Vera Cruz case. He said there was no law jurisdiction in Canada and cited a case from a case in the Canadian Supreme Court. He said there was no admiralty jurisdiction in the United States and that you could not allow a death claim. The court said that they could because there was a State statute, and turned Mr. Putnam and his company down.

Then, the shipowners have come with one accord from the Great Lakes and the coast, and are trying to get admiralty jurisdiction where they can get away from the State statute and get their claims tried by the admiralty court without a jury. It is a new jurisdiction you are creating, and it has no precedent among the English-speaking countries. Mr. Putnam says we ought not to lag behind England, but England has no such jurisdiction. The *Titanic* cases were brought in the law courts before juries, as the report shows. The gentleman is not offering anything new to the claimants, but is taking away from them what they now have.

Mr. WEBB. Well, the House will decide whether the gentleman from Washington is right or whether the Judiciary Committee is right. We say they have no right to bring a suit now in admiralty for death on the high seas, and so forth, and we are giving them that right in this bill.

Now, Mr. Speaker, in relation to the *Titanic*, that was a case where they surrendered the vessel under the limited-liability law. The gentleman from Washington is complaining because we have not put something into the bill, but does not seem to complain at what the bill actually contains.

Mr. BRYAN. I am complaining about the contents of the bill. If you are going to confer admiralty jurisdiction, give the claimants as much right as they have in the Federal courts with the right of jury. The idea of going into admiralty and applying the assumption of risk doctrine and the old provisions as to negligence that are antiquated is absurd.

Now, the very first section of my bill provides—

That every person, firm, or corporation engaged in transporting of passengers or freight by water, or who shall own or operate any vessel or sailing craft on the high seas, Great Lakes, or any navigable water of the United States within the admiralty jurisdiction of the United States and out of the jurisdiction of any particular State, shall be liable in damages to any person suffering injury while such person is employed on any such vessel, or is a passenger thereon, or is on or upon any such vessel under any other conditions, or in case of death of any such employee, passenger, or person, to his or her personal representative, for the legal benefit of the surviving widow or husband or children of such person; and if none, then of such employee's parents——

Mr. WEBB. That is as far as I can yield to the gentleman.

Mr. BRYAN. Let me read the rest of the section—

and if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such person, firm, or corporation, or by reason of any defect or insufficiency due to its negligence in its engines, appliances, machinery, works, boats, wharves, or equipment.

Mr. WEBB. The amendment of my friend would include vessels of all foreign nations and countries. The admiralty law can do it because we can seize the vessel itself, but the gentleman's remedy would seem to be incomplete.

As far as jury trials are concerned in admiralty in England, they do allow a jury to fix the amount of damages, but they do not allow a jury to fix the responsibility. If you put a provision for jury trials in this bill, you would have Filipino juries. What do they know about the course and direction and speed and the conduct of a great modern steamship? I do not believe that you want Filipino juries. This bill applies to the Philippines, Panama, and to continental United States, and you could not well put a provision for a jury trial into it. It has never been provided for in an admiralty court in the world's history.

Mr. BRYAN. And that is why I want to keep these cases out of admiralty courts, the same as England has.

Mr. SUMNERS. Will the gentleman yield?

Mr. WEBB. In a moment. We do give them the right. If they want to keep out of admiralty, they do not have to go in. If they want to bring a suit in the admiralty court, they can do so. Now, I will yield to the gentleman from Texas.

Mr. SUMNERS. I was going to ask the reason why you exclude the right of the suitor to submit to the jury the quantum of damages since you have the power of shaping this bill?

Mr. WEBB. I will say to my friend that admiralty law is just as abstruse to the average juror as it is to the average lawyer. The average juror knows very little about the course, the direction, about the mechanism of these great steamships, and in addition to that these suits usually require a great deal of time; they take the testimony by deposition of witnesses that go from one foreign country to another, and sometimes the suits are in court from two to three years. It would be almost impossible to have a jury trial in these cases.

I want to say this to my friend. If the plaintiff does not want to go into the admiralty court under this bill, he need not. He can choose the remedies given him by his own State, and he can not complain if the United States does not give him any better remedy than his own State gives him.

Mr. SUMNERS. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. SUMNERS. I understand the difficulty of a jury determining liability. My question was not that, but was this, that in framing this law you do not submit to a jury the question of the quantum of damages.

Mr. WEBB. I will tell my friend that there are two reasons. One is that we did not want to inject a new principle into this bill. We had only one idea in mind, and that is to give that right to a suitor to bring action for death on the high seas. The other was that the admiralty judge can now call in a jury, if he desires to, to pass on both liability and damages.

Mr. SUMNERS. Why do you not make it as a matter of right?

Mr. WEBB. Why do you not have jury trials in equity cases? This is equity on the high seas, just as we have equity on the dry land. I am willing to have a jury trial, but we are trying to hew to one idea and not try to amend the entire admiralty law in this one simple bill.

Mr. LEWIS of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. LEWIS of Maryland. I notice that the rule on contributory negligence has been substantially modified.

Mr. WEBB. That is correct.

Mr. LEWIS of Maryland. May I ask the gentleman whether the fellow-servant rule, as we know it by decisions, so far as inland courts are concerned, applies to cases at sea?

Mr. WEBB. I think it does.

Mr. LEWIS of Maryland. The bill contains no provision eliminating or modifying that.

Mr. WEBB. No.

Mr. LEWIS of Maryland. It seems to me that it would be in line with the gentleman's purpose to have a provision eliminating the fellow-servant rule in this bill.

Mr. WEBB. Mr. Speaker, I will say to my friend that there are a great many inequalities and injustices, in my opinion, in the shipping laws of the country. We are gradually picking them off and changing them one by one, but we can not do it all in this one bill. I think a great many gentlemen would be glad to abolish peonage on steamships. I believe that slavery on steamships is the only class of slavery that the Supreme Court of the United States held was not intended to be abolished by the adoption of the thirteenth and fourteenth amendments to the Constitution. We would like to abolish that.

Mr. Speaker, I yield five minutes to my friend from Pennsylvania [Mr. GRAHAM], a member of the committee, to offer an amendment.

Mr. MANN. There is an amendment pending that ought to be first disposed of.

Mr. WEBB. I move the previous question on the amendment.

Mr. LENROOT. Is the gentleman going to shut off any discussion?

Mr. WEBB. Oh, no. I did not know that the gentleman from Wisconsin desired to discuss the matter.

Mr. LENROOT. I would like to have five minutes.

Mr. WEBB. I would be glad to grant the gentleman five minutes.

Mr. MANN. Can we not agree on time for debate on the gentleman's amendment?

Mr. WEBB. Yes.

Mr. LENROOT. I would like to offer an amendment to the gentleman's amendment.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that debate on this amendment be closed in 15 minutes, 5 minutes of the time to be used by the gentleman from Pennsylvania [Mr. GRAHAM], a member of the committee, 5 minutes by the gentleman from Wisconsin [Mr. LENROOT], and 5 minutes by the gentleman from Washington [Mr. BRYAN].

The SPEAKER. The gentleman from North Carolina asks unanimous consent that debate on the amendment that he offered be limited to 15 minutes, the gentleman from Pennsylvania [Mr. GRAHAM] to have 5 minutes, the gentleman from Wisconsin [Mr. LENROOT] to have 5 minutes, and the gentleman from Washington [Mr. BRYAN] to have 5 minutes. Is there objection?

Mr. VAUGHAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from North Carolina a question.

Mr. WEBB. I yield to the gentleman.

Mr. VAUGHAN. The general purpose of the bill, as I understand it, is to give a remedy in rem, in addition to the remedy in personam that is now allowed by the States.

Mr. WEBB. It is to give a remedy in rem, and in addition thereto a remedy in personam in the admiralty courts.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I rise for the purpose of making a suggestion, and I ask the attention of the chairman of the committee to what I am about to suggest. It will probably remove, especially from the minds of those near me here on this side of the House, the criticisms that have been made with reference to the pending amendment. The last clause of the proposed amendment reads:

> But nothing in this act shall be construed to abridge the rights of suitors in the courts of any State or Territory to a remedy given by the laws of any State or Territory in such cases.

If the gentleman is following the text, he will readily perceive the suggestion that I am about to make. Could not the committee accept these words in lieu of those that are in the amendment?—

> But nothing in this act shall be construed to abridge the right to sue and pursue any remedy given by the laws of any State or Territory in such cases.

Mr. WEBB. Mr. Speaker, I will be frank with my friend and say that that is just saying the same thing in different language, it seems to me.

Mr. GRAHAM of Pennsylvania. No. The objection here is to the use of the words "in the courts of any State or Territory," that that might not include the transfer of cases to the United States courts, and other incidental things; but the language which I suggest by striking out a few words from the sentence the gentleman has in his amendment would make it so broad that there could be no question or objection made to it, and I think would answer the criticisms that have been made here.

Mr. WEBB. We do not undertake to prevent suits of diverse citizenship, and we do not intend to.

Mr. MANN. This clearly accomplishes what the gentleman had in mind. There is no question about the amendment he offered.

Mr. GRAHAM of Pennsylvania. This would remove all criticism from the amendment which I have heard thus far.

Mr. WEBB. I would have to object to accepting the amendment, Mr. Speaker, because I think the amendment the subcommittee worked on all day yesterday—and I wish my friend from Pennsylvania had been there and perhaps we could have got his consent to this amendment—covers the ground agreed upon and preserves all the rights of suitors.

Mr. MANN. If the gentleman from North Carolina or the gentleman from Pennsylvania will permit, the amendment that the gentleman offers uses the term "any suitor," while the question is whether he is going to be a suitor or not. You do not abridge the rights of any suitor. But can he become a suitor? That is the question.

Mr. WEBB. The moment he institutes a suit he is a suitor, and that is the language the Judicial Code uses in all expressions, and that is why we embody it here.

Mr. MANN. No; the gentleman from Pennsylvania proposes now to give the right to sue or pursue any remedy authorized by State law.

Mr. WEBB. That is exactly what we do.

Mr. MANN. That is what the gentleman is aiming to do, but there is a question about it. There is no question about this.

Mr. WEBB. I think I understand the English language very well. We preserve to the suitor, any individual in any State, the rights he now has under existing or future laws. I hope the gentleman from Pennsylvania will not offer his amendment, because I think it is already covered.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I would say I do not desire to stand in opposition to my own committee upon this question, and in making this suggestion I am striving to remove certain differences that seem to exist to my mind and in the minds of the critics of this amendment. If they exist here, they will exist elsewhere, and if by the elimination of a portion of a sentence we can remove this doubt, we may hope that we will accomplish the same result in other places, and I would therefore offer this amendment. I move to strike out, in section 6 of the proposed amendment, the following words: "but nothing in this act shall be construed to abridge the right of suitors in the courts of any State or Territory to a remedy given by the laws of any State or Territory in such cases," and in lieu thereof to insert the following: "but nothing in this act shall be construed to abridge the right to sue and pursue any remedy given by the laws of any State or Territory in such cases."

The SPEAKER pro tempore (Mr. CRISP). The time of the gentleman from Pennsylvania has expired. The Clerk will report the amendment to the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

> Strike out of the proposed amendment the language, "but nothing in this act shall be construed to abridge the right of suitors in the court of any State or Territory to a remedy given by the laws of any State or Territory in such cases," and insert the following: "but nothing in this act shall be construed to abridge the right to sue and pursue any remedy given by the laws of any State or Territory in such cases."

Mr. LENROOT. Mr. Speaker, I rise to favor the amendment proposed by the gentleman from Pennsylvania, and I would like to have the attention of the chairman of the committee, as he feels so certain that this amendment does not change the effect of his amendment. Now, the gentleman, as every other lawyer, knows that the courts, in construing any law, give effect and meaning, if possible, to every word that is written into the law. Now, the construction of the gentleman from North Carolina of his amendment results in the conclusion that the words "in the courts of any State or Territory" mean nothing. Now, the courts, when they come to construe this law and give effect, if they can find a purpose in it, to the words "in the courts of any State or Territory," they can only give it effect and give it meaning by construing it as limiting the rights of suitors to a remedy, so long as they are confined within the courts of the State or Territory. That in the case of diverse citizenship a citizen has a right in certain cases to removal to the Federal court, and the moment he gets into the Federal court the remedy given by the State court is gone. Now, the gentleman, good lawyer as he is, must concede that the courts will strive to find purpose and meaning in the words

"in the courts of any State or Territory," but the gentleman says they mean nothing. If they mean nothing, they ought not to be there.

Mr. WEBB. Will the gentleman permit an interruption?

Mr. LENROOT. I will.

Mr. WEBB. I do not understand what the gentleman means by saying that "they mean nothing." What means nothing?

Mr. LENROOT. What does the gentleman think it means?

Mr. WEBB. It means exactly what it says and exactly what the amendment the gentleman is advocating says. It is only the difference between tweedledum and tweedledee. The amendment preserves to the suitor and individuals in any State such rights as those States give them now to sue for death on the high seas.

Mr. LENROOT. Does the gentleman think if the words "in the courts of any State or Territory" were stricken out the amendment would have the same construction it has now?

Mr. WEBB. Why, of course it would not. Listen to the language.

Mr. LENROOT. Then what is the purpose of putting in the words "in the courts of any State or Territory"?

Mr. WEBB. Because it confines your rights and remedies to the laws within the State in which the suit may arise.

Mr. LENROOT. No; it does not; it is the rights of suitors within the courts of any State.

Mr. WEBB. It is the right of every suitor asserted in the State courts.

Mr. LENROOT. That is the point exactly; and if they are asserted anywhere else than in the courts of a State, then the remedy is gone. Now, if that is the gentleman's construction, which he has just placed upon it, the amendment ought not to be defeated. His amendment does not do that which the gentleman has been telling the House for an hour it does do.

Mr. TOWNER. Will the gentleman yield to me for a question?

Mr. LENROOT. Yes.

Mr. TOWNER. If the statement of the chairman of the committee is correct, it would be tried in the United States court according to the State laws upon transference, and the language here, as the gentleman states, is that these remedies shall be preserved to a man only, in fact, within the State where the suit is brought.

Mr. LENROOT. Absolutely.

Mr. WEBB. If my friend will permit an interruption, I wish to say that if a suit were brought in a State court and transferred to the United States court the State law would apply.

Mr. LENROOT. If it is not in there; certainly.

Mr. WEBB. If it is not in there.

Mr. LENROOT. What is the purpose of the language "in the courts of the State" unless it is intended to limit the right of the suitor to a remedy only so long as he remains in the courts of the State?

Mr. WEBB. If the suit is transferred to the Federal courts, his remedies under the State law are applied just as they are now on account of transference because of diverse citizenship.

Mr. LENROOT. The gentleman takes two positions. The words "in a State or Territory" mean something or they do not. If they mean something, they do abridge the right of a suitor the moment he goes outside of a State court.

Mr. TOWNER. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. TOWNER. Is that only where directly or inferentially that says the remedies given here shall be carried from the State courts into the United States courts?

Mr. LENROOT. Absolutely not.

Mr. WEBB. My friend from Iowa knows that there is a general United States statute which covers that and provides that State law shall apply in the Federal courts.

Mr. LENROOT. If this word "abridge" means anything, it only means saving the remedy so far as it states it in the amendment itself, and so far as any other statute may give a suitor a remedy that statute is amended to just that extent in this amendment.

Mr. WEBB. The Federal statute itself makes that application. We need not reenact it here.

The SPEAKER. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. BRYAN. Mr. Speaker, it seems to be admitted by the chairman of the committee that this involves only the difference between tweedledee and tweedledum; that the gentlemen over here are right so far as their amendment goes, but they are wrong in their contention that it would interfere with what the chairman of the committee wants. The chairman of the committee says if the contention of the gentleman from Wisconsin and the contention of the gentleman from Pennsylvania are right as to their amendment he would be for it, and so he would yield nothing, for he supports the purpose of the amendment, but believes it is already in the act. Then, what is the difference whether we accept tweedledee or tweedledum, since a great many of the Members here are anxious for one or the other, and all are anxious to accomplish what the gentleman from Pennsylvania wants to accomplish.

Mr. WEBB. If it is tweedledee and tweedledum, I do not care to have the action of Mr. VOLSTEAD and Mr. DANFORTH and a half dozen other members of the subcommittee set aside.

Mr. BRYAN. If it be assumed it is only a matter of pride of authorship——

Mr. VOLSTEAD. Will the gentleman yield?

Mr. BRYAN. I yield.

Mr. VOLSTEAD. In connection with that statement I will say that I called attention to this very thing and tried to have an amendment along this line.

Mr. BRYAN. The gentleman from Minnesota says he called attention to this very thing and tried to get the committee to allow an amendment of this very kind, but that the committee did not allow it. Then, so far as Mr. VOLSTEAD is concerned, the pride of authorship is gone.

Mr. FITZHENRY. I would like to say that the gentleman from Minnesota did not discuss this phase of the proposed amendment. He asked to have stricken out the words "of death" and insert "such" before "cases" in the last line of the proposed amendment, and that was finally agreed upon.

Mr. BRYAN. Now, we are establishing a new jurisdiction. As already stated, there is no admiralty jurisdiction in England in death-claim cases. Unless the shipowner gives up the ship and goes into a kind of bankruptcy, there is no admiralty jurisdiction. There is none in Canada and none in this country. Of course, if they do as they did out here with the recent wreck off the coast of Virginia, and come in and give up the ship, they may go into the admiralty court, because the proceedings in admiralty alone provide procedure for giving up the ship and escaping personal liability. And when you go into admiralty, that court is very jealous of its jurisdiction and procedure. There is a sort of Freemasonry among admiralty proctors. They love to get cases there with which ordinary lawyers do not have anything to do, and where ordinary suitors are more or less afraid to go. And so I think that since it is plain on both sides that this amendment will certainly not interfere with the plans or purposes of the committee, it ought to be adopted; and then we ought to defeat the bill, because we do not want to create any such jurisdiction. This country does not want death claims tried in admiralty without a jury. We want them tried as law cases, like they are tried in England, before juries.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 1, line 4, after the word "compensation," insert "for the pecuniary loss sustained."

The amendment was agreed to.

Also, the following committee amendment was read:

Page 2, line 4, strike out the word "two" and insert "five."

The amendment was agreed to.

Also, the following committee amendment was read:

In line 7, strike out the word "pecuniary."

The amendment was agreed to.

Also, the following committee amendment was read:

In line 10, strike out the words "one year" and insert the words "two years."

The amendment was agreed to.

Also, the following committee amendment was read:

In line 15 strike out the words "one year" and insert the words "two years."

Mr. BRYAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BRYAN. I rise to be recognized.

The SPEAKER. For what?

Mr. BRYAN. To make some remarks.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. BRYAN. A parliamentary inquiry, Mr. Speaker. Are we under the five-minute rule?

The SPEAKER. The Chair understands that the previous question has not been agreed to as yet.

Mr. WEBB. Mr. Speaker, I asked a while ago unanimous consent that all debate on this committee amendment——

The SPEAKER. This is not your amendment at all. This is a committee amendment.

Mr. BRYAN. I shall not take the whole hour. I will see that it is parceled out. [Laughter.] How long am I recognized for, Mr. Speaker?

The SPEAKER. The gentleman is recognized for an hour.

Mr. MANN. Mr. Speaker, I ask for recognition. The gentleman had an hour the other day, and he is not entitled to another hour.

The SPEAKER. That is correct.

Mr. WEBB. The gentleman from Washington has already spoken a full hour, and then an hour more.

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. Does the rule in reference to recognition for an hour apply to a case where a bill was under consideration three or four weeks ago and then comes up later?

The SPEAKER. It is forever and forever.

Mr. BRYAN. Very well. I do not want to take up an hour, anyway.

The SPEAKER. The rule is that a gentleman is not entitled to take two hours if anybody else wants one.

Mr. BRYAN. I would like to use a little time.

Mr. MANN. I do not know how much time I have remaining, Mr. Speaker. I used very little of my hour. How much time would the gentleman from Washington like to have?

Mr. BRYAN. I would like 15 minutes.

The SPEAKER. The gentleman from Illinois yields to the gentleman from Washington how much?

Mr. MANN. Fifteen minutes.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] is recognized for 15 minutes.

Mr. BRYAN. Mr. Speaker, in the question here under the amendment the proposition of the lien on the vessel comes up. In my State of Washington we have a statute that has been recognized by the Federal courts that gives us a three-year lien on the vessel. We have a three-year lien from the time we make the demand under the State statute, and we have the right to trial before a jury. The court has recognized that right, and that statute is valid and binding.

Then, under the terms and provisions of this section and these other sections now pending, a very weak relief is provided. In the employers' liability law, for instance, you have a provision that wherever the train or wherever the company is guilty of the violation of the safety-appliance act or any law with reference to the safety of employees, in such case the company can not plead negligence.

Here is the Federal employers' liability law and its rule of negligence:

That every common carrier by railroad * * * shall be liable * * * for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 3. That in all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

Here are the provisions of the pending act as to negligence of which Mr. Putnam says "This is also the doctrine of the Federal employers' liability act":

SEC. 5. That in suits under this act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the damage accordingly.

The above is all about the negligence rule; but those who drew this bill incorporated in it the following choice provisions:

SEC. 2. That the recovery in such suit shall be a fair and just compensation for the pecuniary loss sustained to the persons for whose benefit the suit is brought, and shall be apportioned among them by the court in proportion to the damage they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

* * * * * * *

SEC. 6. That this act shall not affect the rights of shipowners and others to avail themselves of the provisions of the laws of the United States relating to limitation of liability.

While I am discussing the Federal employers' act I desire to submit this suggestion. Section 1 of that act reads as follows:

That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

It will be seen that this act applies to all death claims or personal injuries committed through negligence by railroad owners anywhere and everywhere. Note the last provisions of the first section of the act above quoted:

* * * or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

Railroad companies own ferries as part of their main lines and as freight and passenger feeders, and they own ocean carriers. These ferries take passenger and freight trains aboard and ferry them across rivers, and the vessels carry on a general business. Such vessels owned by railroads come under the employers' liability act, it would seem. But if you pass this act, the employers' liability act would be repealed, so far as it affected these railroad vessels. On the high seas, including the Great Lakes, such vessels would go under admiralty jurisdiction exclusively. As to the ferries across rivers and inland waters, it would seem that the employers' liability act has already divested State jurisdiction. This pending shipowners atrocity only reserves to the States such jurisdiction as they now have. As they have no jurisdiction over railroad-owned boats and ferries in any waters, it would follow that hereafter admiralty jurisdiction, without a jury, and under this pending act, would apply exclusively to railroad-owned ferries and boats in inland waters if this bill is enacted into law. Does anybody want this to occur? This is only one of many unconsidered complications likely to occur if this bill is passed.

Mr. Putnam says in his letter:

In some States the recovery is limited to the conscious suffering before death—a matter difficult of proof in matter of drowning at sea.

This evidently refers to Massachusetts, as the case of Robert Graham Dunn is referred to. (70 Fed., 271.) Mr. Putnam in 1914 based a statement as to present conditions on the conditions existing 21 years ago, in 1893. There was at that time no death liability statute in Massachusetts—merely a statute for the survival of actions for personal injuries. The statement is not a true one. Massachusetts now has a very adequate death liability statute. Other statements about present statutes in the States being antiquated, I think, are rather unfounded. I have examined the statutes of practically every State in the Union, and I find a public conscience on this subject has greatly advanced the standard of State statutes.

And then you have in the Federal law the widest and most carefully safeguarded provision for the relief, first, to go to the widow, then to go to the children, and then to the collateral relations. Here you have a provision that bunches all of these claimants and gives it to them to be apportioned by the Federal judge, to be apportioned by the judge in admiralty.

Now, I think that is wrong, and I think that the whole purpose of this bill, so far as it is lobbied for by the steamboat interests outside of Congress is to get away from the provisions of the State laws and to make it possible for the admiralty court to apply this statute instead of the State statute.

Now, you say you reserve——

Mr. WEBB. Mr. Speaker, will the gentleman permit an interruption there?

Mr. BRYAN. Yes.

Mr. WEBB. I want to say that the two gentlemen who had as much to do with preparing and perfecting this bill as any two men in the world are Mr. Louis FitzHenry, jr., of Boston, who never represented a corporation in his life——

Mr. BRYAN. Yes; but he said yesterday that he hoped to be soon, and he wished he could get that business——

Mr. WEBB (continuing). And Mr. George Whitelock, a high-class gentleman in the practice of his profession in Baltimore. The gentleman from Washington [Mr. BRYAN] is insisting

upon spreading some sort of prejudice or pouring some sort of gall into the minds of Members of the House, as if the Committee on the judiciary had been guilty of an improper act. I think those reflections on the part of the gentleman are hardly in keeping with the gentleman's dignity and character.

Mr. BRYAN. Mr. Speaker, I will say that I have no purpose in the world of reflecting on the purposes or intentions of the Committee on the Judiciary or any of these gentlemen. I think the members of the Committee on the Judiciary that recommended this bill in its original form were hoodwinked. Otherwise they would not have recommended it, and they would not have come in to-day and moved to strike out half of it.

Mr. WEBB. Mr. Speaker, I will say that when Mr. McCoy first reported the bill it was understood by the members of the Committee on the Judiciary that we would put a provision in the bill reserving to the States their present rights. There was no hoodwinking and no attempt to do any hoodwinking, and nothing dark about it.

Mr. BRYAN. The committee, of course, had no intention of assisting the shipping interests, or anything of that kind, but before the committee here appeared several men representing the big interests. One was a gentleman who said, "I represent all the shipping interests from Maine on down." Another said, "This is no two-sided matter. All the shipping interests on the coast have considered it." That was at the hearing two years ago. Another man said he represented the shipping interests along the Lakes, and said they were satisfied. Then the distinguished gentleman from Illinois [Mr. MANN], who has been so kind and generous as to yield me time to-day, submitted a letter here from Mr. Kremer, of Chicago, who wanted the bill passed by all means. Mr. Kremer is president of about three different shipowning companies and of the Lake Carriers' Association.

The reason why they wanted this bill was for their relief. Never do you hear of steamboat companies coming in and trying to create a liability against themselves. Who ever heard of a steamboat company trying to create such a liability against itself? The truth is that Mr. Putnam appeared before the Supreme Court in behalf of the Old Dominion Steamboat Line and tried to avoid any statute in this country, and cited the fact that there was no jurisdiction in this country or in Canada. That was in 1907; and the United States Supreme Court said, "We will apply the State law of the State of Delaware"; and the very minute that the steamboat companies found out that the State laws were going to be applied, they got busy right, they got industrious, indeed. Away back yonder, in 1900, Mr. Boutell, of Illinois, introduced a bill here providing for this, but he had in it a provision for jury trials. Then, later on Senator Depew introduced a bill, and that said "Federal courts." They were not interested yet. But in 1907 Mr. Putnam lost in the Supreme Court, and State statutes were applied even on the high seas, and then they got a bill, and they said that was just the way they wanted it. All the shipping interests of the Atlantic coast were satisfied with the form of the bill, the shipping interests of the Lakes were delighted in the hope of escaping juries, and the shipping interests of the Pacific coast were pleased; and then they got a report; not, in fact, a report from the committee, but a report from Mr. Harrington Putnam, who was the hired attorney for the Old Dominion Steamship Co. in the case referred to in 1907.

Mr. Putnam further says in the letter quoted by the gentleman from North Carolina [Mr. WEBB]:

> The fact that the several States have followed Lord Campbell's act, in so far as actions in the courts of common law are concerned, shows that public opinion in this country favors recovery for death. The *Titanic* disaster is still fresh in mind.
>
> There is no reason why the admiralty law of the United States should longer depend on the statute laws of the States and lag behind the general law of Europe. Congress can now bring our maritime law into line with the laws of those enlightened nations which confer a right of action for death at sea.

He thus endeavors to throw these cases out of the hands of the States and juries into the admiralty courts, and pretends that action would—

> bring our maritime law into line with the laws of those enlightened nations which confer a right of action for death at sea.

A DIFFERENT VIEWPOINT AND A DIFFERENT VIEW IN 1907.

He does not want us to "lag behind" on this subject, yet in 1907, when Mr. Putnam was serving for pay the Old Dominion Steamship Co. he appeared before the Supreme Court of the United States and said:

> The system of law on the Continent of Europe in some form also gives a recovery for loss of life. Yet in no case have the courts of Great Britain or the United States regarded the law of the flag upon the high seas as authorizing such a recovery in the admiralty courts.
>
> Even in Canada the admiralty court has no jurisdiction for loss of life. (Monogon *v.* Horn, 7 Du Val, Supreme Court, Canada, 409.)
>
> The same rule was reached in England, notwithstanding Lord Campbell's act, that admiralty has no jurisdiction for loss of life. (The Vera Cruz, 10 App. Cases, 59.)

Admiralty has no jurisdiction in England. All cases must be tried under the Lord Campbell act with a jury. Admiralty has no jurisdiction in Canada. All cases must be tried under the local laws of the Provinces—States—before a jury.

At the trial before Judge Bailbache the jury found answers to the following questions on the question of negligence: Was the navigation of the *Titanic* negligent in respect of (a) lookout? Answer. No. (b) Speed? Answer. Yes. (Rept. of *Titanic* trial in England, Times Law Repts., vol. 110, p. 643.)

Yet Mr. Putnam sends in this act transferring jurisdiction to admiralty and away from juries, so we in America will not "lag behind" England. He was working for the Old Dominion Steamship Co. when he said what he did before the United States court in the case cited above—the *Hamilton*—and what he said was true. (207 U. S., 398.)

This great corporation proctor lost his case before the Supreme Court. The court said, in effect: "Yes; there is no admiralty jurisdiction in England, Canada, or America, but there is law-court jurisdiction in England under the Lord Campbell act and in Canada under the laws of the several Provinces and in the United States under the laws of the several States. Your client, the Old Dominion Steamship Co., is here seeking to limit its liability by giving up its ship, the *Hamilton*, out there in the ocean. This admiralty court has jurisdiction of this limiting liability case, and it becomes necessary for us to know what you owe these claimants. In order to learn what you owe for death claims we will apply the law of your State—Delaware."

Mr. Putnam labored hard and long to try and bring the Supreme Court around to his view, but he failed; and the case became an unquestioned precedent that the death liability exists in this country the same as in Canada and England, and that the only way a shipowner can get away from ordinary liability under State laws before juries the same as a sawmill, a cotton gin, or a railroad train, is to give up the ship under the limitation statutes. If the claims are less than the value of the ship, of course it will not pay to give up the ship. If the thing sinks and many claims exist, the case is different.

Mr. WEBB. Will my friend permit an interruption?

Mr. BRYAN. Yes.

Mr. WEBB. With reference to Judge Harrington Putnam, I never met the gentleman in my life. I do not know him; but this bill was agitated by the Maritime Law Association and by the American Bar Association in 1903.

Mr. BRYAN. Mr. Benedict is secretary of the Maritime Law Association, and his name appears here in cases as one of the attorneys of the big steamship companies.

Mr. WEBB. Judge Harrington Putnam has been for several years a very distinguished judge on the bench in the State of New York. I do not know whether he is a good man or a bad man.

Mr. BRYAN. He is a good man.

Mr. WEBB. I know he is an able man.

Mr. BRYAN. He is able, too.

Mr. WEBB. And he ought not to be reflected on by the gentleman because he appeared for a steamboat company.

Mr. BRYAN. I do not reflect on him. I think he is all right. I have no doubt he got a fee of $10,000, and he earned his money, if he did lose in the *Hamilton* case.

Mr. WEBB. The gentleman ought to attack the bill and not attack Judge Putnam.

Mr. BRYAN. All right, here goes. In this bill you provide for the reenactment of the old common-law rules. You provide a negligence provision that would not pass any State legislature, that is entirely out of date, and you give the ship-owning companies protection behind which they can seek refuge and help themselves in every way. You will not permit the negligence rules that have been recognized by the Federal Government here in its employers' liability law to be applied to these steamboats. I tried to get that. I am discussing the bill on its merits, and I want again to repeat that, as far as Judge Harrington Putnam is concerned, I believe he is all right. I do not believe there is anything dishonest about him. I have no thought of that; but he has been for a long time a proctor in admiralty, just like Mr. Whitelock, who was before your committee yesterday, and like Mr. FitzHenry Smith, jr., who wanted to be a corporation proctor in admiralty, as he himself said, and this other man, Mr. Benedict, secretary of your Maritime Law Association, whose name is repeatedly carried in these Supreme Court reports as attorney for the shipping interests. All these men are honest; but you do not go to railroad lawyers to find out how to fix up a liability law for the railroads. Why should you go to steamboat lawyers to fix up steamboat legislation?

The railroad lawyers are honest and the steamboat lawyers are honest. I do not say they are dishonest.

Mr. WEBB. Mr. FitzHenry Smith, jr. is as high-minded and honorable a man as I know of.

Mr. BRYAN. Yes; a member of the legislature in Massachusetts.

Mr. WEBB. He never was attorney for a steamboat company in his life. He came all the way down here in the interest of this bill.

Mr. BRYAN. And I have no doubt he paid his own expenses, too. He is that much interested in it, and he says he hopes he will get some corporation practice.

Mr. WEBB. He says he would like to have some, and I have no doubt the gentleman from Washington [Mr. BRYAN] would like to have some, too.

Mr. BRYAN. Members of the legislature do not usually get such employment. They are politicians, and do not have the time. Now, the proposition is that I think this bill is wrong in its conception, because it creates an admiralty jurisdiction that does not exist in England, that does not exist in Canada, and ought not to exist in the United States. Then, I think it is wrong, because on the merits it is not up to date, and it is fathered by the people who are interested from the side of the shipowner.

Mr. Putnam makes the statement, "The *Titanic* disaster is still fresh in mind," which I think is entirely misleading. The *Titanic* case would not be affected one way or the other by this act. No question has ever existed about the liability of the *Titanic* owners, an English corporation, for such deaths of passengers or crew as were occasioned through negligence. That liability is as complete under American law as under English law. And in this case admiralty has jurisdiction both in America and England. Why? Because this English ship-owning corporation has no hesitancy in giving up the ship out there at the bottom of the ocean at 40-40 or somewhere else. Let the claimants have the ship. That company gets back its millions invested in the vessel through insurance policies. The shippers of freight get theirs through insurance. Now let the widows and the orphans and the other claimants take the ship, if they can raise it. They may also have the lifeboats, "the trimmings," and the current freight and passenger revenues of the trip. In the *Titanic* the Supreme Court has plainly indicated that English law—the Lord Campbell act—establishes the right to damages, but the liability limitation laws of this country will govern as to the remedy or as to the procedure.

When Mr. Putnam tries to get help in the passage of this act by reference to the *Titanic* case, I can not believe him sincere or else he did not think. I have read carefully the briefs in the *Titanic* case so far as that case has been litigated, and I have studied the decision of the court. If any proctor had suggested that there was no death liability—and in the admiralty court in this case—he would have been hooted at. There is death liability in all cases, domestic or foreign, and in England, Canada, and the United States the admiralty court acquires jurisdiction by statutes of the sovereign government in each case as to the limiting of liability whenever the shipowner elects to give up the ship and applies to a Federal judge in admiralty to save him from the dependents of the men and women he has drowned and killed.

This ought to be plain. A suit for death liability incurred on the high seas in an American forum is before the State court, with jury trial, subject to transfer to the Federal court, with jury trial, under the same conditions as any other action may be transferred from State to Federal court unless the owner of the ship or the ferryboat or the barge on a river or other American water or on the high seas gives up the vessel and seeks to limit his liability by admiralty procedure. Think of it. They can kill a man on a barge or flatboat on an inland creek and escape by giving up the barge or flatboat, even if it is sunk or destroyed by fire. That comes under the statutes preserved by section 6 of the pending shipowner's plea for more safety from widows and orphans and other claimants. "Safety first" is their plea, but a rather unusual application is made.

In the *Titanic* case it will be admitted that no death claim has yet come to final adjudication in America. But that death liability exists in much more full and complete measure than is proposed by this act is admitted and is absolutely without question. The only reason why awards have not been made is on account of these uncivilized limitations of liability laws and rules of court. Yet this bill seeks to reenact and make effective those very rules and laws. All the death claimants in the *Titanic* case have been enjoined in admiralty court from appearing in State courts or elsewhere before juries because the English company has appealed to admiralty to let them limit their liability to the present value of the ship and other charges as stated.

Several suits had already been filed, one by Louise Robins, evidently a surviving widow, as administratrix for the death of George Robins. This suit was commenced in the United States District Court for the Southern District of New York. Another was commenced in the State of Minnesota, in the district court of Ramsey County, by Carl Johnson for personal injuries and loss of baggage. Another in Chicago by John Devine as administrator for death of A. Willard. Federal Judge Holt, in "admiralty"—oh, that blessed word for shipowners—ordered all these claimants to quit at once and come to him at New York, for the English corporation which owned the *Titanic* had come to this judge with its petition to limit its liability by giving up the ship yonder at the bottom of the ocean. Mind you, the English corporation selected this Judge George C. Holt to try these cases, and then by injunction all other courts are forbidden to hear or consider a claim against the English company.

Mr. MONTAGUE. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MONTAGUE. The other day the gentleman cited two cases, one of which he said was decided by Judge Taft.

Mr. BRYAN. Yes.

Mr. MONTAGUE. And the other, as I recall it, by Judge Addison Brown.

Mr. BRYAN. Yes.

Mr. MONTAGUE. In which, the gentleman said, the juries assessed the damages.

Mr. BRYAN. No; I did not. There was no jury in either of those cases. I do not know anything about the case in the lower court, but Judge Taft's decision was a circuit judge's decision.

Mr. MONTAGUE. My recollection of the gentleman's argument was that he cited those cases as showing the beneficial effects of a jury trial.

Mr. BRYAN. No; in each of those cases, as I remember, the owner of the boat came in and wanted to give up the boat and let the claimants go out in the middle of the ocean or the lake and take the boat. He gave up the boat under the limited-liability law, and therefore he got into the admiralty court. There is the provision in the bill to preserve that, and I understand you are to take out the section, but you say it is still a law and will not hurt it.

Mr. MONTAGUE. The gentleman said the other day that there was a jury trial in the admiralty jurisdiction.

Mr. BRYAN. I did not say that, but I said there was admiralty jurisdiction where they gave up the ship.

Mr. MONTAGUE. The gentleman's memory is a little different to-day from what it was then.

Mr. BRYAN. And the memory of the gentleman from Virginia is a little different now. He said there was no jury trial under the Lord Campbell act.

Mr. MONTAGUE. I said that the Lord Campbell act did not confer admiralty jurisdiction.

Mr. BRYAN. The Lord Campbell act refers to death on the water the same as on the land, and the ordinary courts have law jurisdiction. If they have law jurisdiction there, why do you want admiralty jurisdiction here?

Mr. MONTAGUE. I am not stating what I want; I am stating what the gentleman and I differed about. I understood the gentleman the other day to say that there was jury trial in admiralty cases in England. I asked him if there was a jury within the admiralty jurisdiction of England, and he said yes.

Mr. BRYAN. Oh, no.

Mr. MONTAGUE. And he said that the Lord Campbell act extended over the high seas.

Mr. BRYAN. I did.

Mr. MONTAGUE. And that the admiralty jurisdiction applied to the Lord Campbell act.

Mr. BRYAN. I say it does now whenever they give up the ship, whenever the owner of the boat comes in and says, "The boat has gone down to the bottom, and for goodness sake take it and relieve me from liability in the admiralty court." The admiralty law comes in and says, "We will, because you can not get relief in any other court."

Mr. MONTAGUE. Has the gentleman ever read the Vera Cruz case?

Mr. BRYAN. I have; and Mr. Putnam quoted it to the Supreme Court in the Old Dominion Steamship Co. case, and that case declares the admiralty court has no jurisdiction in case of death at sea, but the ordinary jury courts do have such jurisdiction.

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

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I am sorry, indeed, that the gentleman from Washington [Mr. BRYAN] has seen fit to make the speech which he has made on this bill, for its only effect will be to becloud the issue that is before the House. If the amendment proposed by the gentleman from North Carolina and the amendment to the amendment proposed by the gentleman from Pennsylvania be adopted, then we certainly do have this, if the bill shall then pass in its present form with the amendments adopted—we have a very substantial relief for a large class of people. To make assaults on motives behind the bill can have no good purpose at this time.

Now, I want to say to the gentleman from North Carolina that I am sorry, indeed, that he takes the position that because the subcommittee has agreed upon this identical language, because the amendment happens to be offered from this side, it should not be adopted, although he admits that he has no objection to it. I want to say, first, that his subcommittee ought not to feel any pride in the authorship of this language, because he and his subcommittee were not the authors of it at all. The gentleman from Washington [Mr. BRYAN] has introduced a bill on this subject. I examined his bill to see what provision he had made to protect the remedy now given, and to my utter amazement I find that, notwithstanding his opposition to the amendment now, in the bill of the gentleman from Washington is the identical language that the Committee on the Judiciary now proposes in this bill. I will read it.

Mr. WEBB. I think the gentleman from Washington copied it from the Judicial Code. I am not on the subcommittee.

Mr. LENROOT. I will read:

That nothing in this act shall be construed to abridge the rights of suitors in the courts of any State or Territory to a remedy given by the laws of any State or Territory in case of injury or death from injury received on the high seas or elsewhere.

Now, Mr. Speaker, in view of the fact that this language—that ought not to be in the bill—does not really emanate from that side at all, but emanates from this side of the House—Mr. BRYAN, of Washington—I sincerely hope the subcommittee and the chairman may not feel that pride of authorship and pride of opinion that necessitates them longer continuing to oppose the amendment, which certainly should be adopted.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I desire the attention of the committee to this particular fact, which it seems to me has not been comprehended in its full force by gentlemen who have considered this proposition. It must be remembered that the admiralty courts have never given consideration to any suit brought for death, because of the fact that in the admiralty court you can not bring a suit for damages for death.

Section 6, which is the substitute offered in the first sentence, does give this remedy for death. Standing alone, that would transfer exclusive jurisdiction for damages for death to the United States courts whenever it occurred on the high seas and in navigable waters. Then as a necessary consequence it would follow that all the rules of admiralty would follow it as well; so while the remedy would allow for damages, the manner and conduct of the trial—which would exclude the right of trial by jury—would be tried in the admiralty court under the admiralty rules.

It is sought by a proviso, by an exceptional clause, to prevent this occurring, and in doing so this language, which has been under discussion for such a length of time, has been considered with such object in view. Again, let me call the gentleman's attention to the fact that when the bill provides that nothing in this act shall be construed to abridge the rights of a suitor in the courts of any State or Territory from the rights that he then has, that means that only in such cases where under the State law now the right of action exists up to $3,000 for damages, in case of diverse citizenship, as most of these cases are, the suitor can maintain and keep his rights in the State courts. There is no question about that, but suppose, as is the case in most instances where damages for death are sought, the amount sought to be recovered is more than $3,000, ten or twenty-five thousand dollars, or whatever it may be, the amount is not limited in this bill; and suppose, as is nearly universally the case, that the suit does involve a question of diverse citizenship, what do you have? If the suit is brought in the State court, immediately the action is removed to the United States court by the defendant. The gentleman says that it comes then under other rules. I think the gentleman when he makes that statement makes it unadvisedly, for the reason that there is nothing in this language that so provides. This language here only preserves these rights in the courts of the States where the action is brought. It does not carry, and there is no language to carry, these rights into the United States courts, and certainly it will not be presumed that they exist unless it is distinctly specified they are to apply.

Mr. FITZHENRY. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. FITZHENRY. Is it the contention of the gentleman from Iowa that a common-law suit commenced in a State court by an administrator of a deceased person when removed to a Federal court should become an admiralty suit?

Mr. TOWNER. I do not know. I do not know what will become of it.

Mr. FITZHENRY. If it does not become an admiralty suit under what rules would it be tried?

Mr. TOWNER. I do not know, and I do not know what would become of the suit.

Mr. FITZHENRY. Would it not be tried under the same rules it would be tried under to-day?

Mr. TOWNER. Oh, no; not in this case, because you have legislated with regard to this matter. It is exclusively the jurisdiction of the United States to legislate whenever it attempts to do so. Gentlemen forget that this jurisdiction belongs to the United States courts; it does not belong to the State courts and only exists in the States by sufferance; and when we assume the jurisdiction, when we say affirmatively that the right of action for death may be brought in the admiralty courts that is exclusive, except as to the very language and text of any exception we put into it, and when this text of the exception says that these rules only apply in the State courts, then I say, if it ever does get into the admiralty court, it will have to be tried under admiralty rules. This language is not nearly sufficient to carry that which the gentlemen contend for.

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

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. A while ago, Mr. Speaker, the gentleman from North Carolina in charge of the bill offered an amendment. The gentleman from Pennsylvania [Mr. GRAHAM] offered an amendment to that amendment. By unanimous consent debate on that amendment was closed, and while it is true the Speaker recognized me and I took the floor, is not the parliamentary situation that the vote shall now be taken on these amendments?

The SPEAKER. The Chair thinks so.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. What, then, becomes of the other committee amendment upon which we were about to vote when interrupted by the gentleman from Washington [Mr. BRYAN]?

Mr. MANN. My point is that the gentleman in charge of the bill, this being the House Calendar bill and not being considered under the five-minute rule, can offer an amendment at any time and have it voted on, and the vote on the committee amendments reported in the bill is taken later.

Mr. WEBB. Mr. Speaker, I have conferred with the members of the subcommittee who presented this amendment which I presented this morning, and it is entirely agreeable to them, and is certainly so to me, that the amendment offered by the gentleman from Pennsylvania should be accepted as an amendment to that amendment.

The SPEAKER. Without objection, then, the amendment of the gentleman from Pennsylvania to the amendment of the gentleman from North Carolina will be agreed to.

There was no objection.

The SPEAKER. The question now is on agreeing to the Webb amendment as amended.

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

Mr. MANN. Mr. Speaker, I now yield to the gentleman from Pennsylvania, who desires to offer an amendment, the remainder of my time.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Add as section 7 the following:

"In all cases now pending or hereafter brought to limit liability where the loss occurred upon the high seas, and only a vessel or vessels of foreign ownership are involved, and the laws of the foreign country to which such vessel or vessels belong provide for limitation of liability in an amount greater than that fixed by laws of the United States, the owner of such foreign vessel or vessels shall be permitted to limit liability only in accordance with the laws of the foreign country to which such vessel or vessels belong."

Mr. WEBB. Mr. Speaker, I hope that amendment will be adopted.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I desire to say but a few words on this amendment, because I think it speaks for itself. Under the existing law and under the law which we now propose to enact, a vessel owner may at any time file a petition in the admiralty court for the purpose of limiting liability. When that is done and the proper petition is presented, the court may limit the liability and the question arises, which law shall be applicable to the particular case that is before the court. Where it arises with respect to an American vessel, of course the policy and law of the United States would apply, and where it arises with respect to a foreign vessel or vessels, exclusively, the foreign law has been held in the last utterance of the Supreme Court of the United States on that question not to be applicable. That decision creates this anomalous condition. Take, for instance, the case of the *Titanic*. The policy and rule in the United States is that the liability shall be limited to the vessel or the salvage from the vessel which would at the most in that case amount to $50,000 or $60,000, and yet the person who sues in the courts of England under the liability fixed by the laws of England would get the right to a limited liability fixed at so many pounds per ton, £15 per ton——

Mr. BRYAN. Amounting to nearly $3,000,000.

Mr. GRAHAM of Pennsylvania. And in that case would give a limit of liability of nearly $3,000,000. Why should we in America, when we can get service upon a foreign corporation here and bring our suit in our courts, be limited to a small amount when a suitor in a foreign court is entitled to a larger amount. This amendment is simply applicable to cases of negligence in which foreign vessels alone are concerned, and therefore does not impair or disturb the policy of the United States with respect to its own vessels or the vessels that are owned or registered here. Mr. Speaker, I move the previous question upon the amendment.

Mr. WEBB. I hope the gentleman will withdraw that. I wish to yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MANN. The gentleman's motion is limited to this particular amendment?

Mr. GRAHAM of Pennsylvania. It is only on this amendment that I move the previous question.

The SPEAKER. The gentleman moves the previous question on this particular amendment.

The previous question was ordered.

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

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Virginia.

Mr. MONTAGUE. Mr. Speaker, I appreciate that there is merit in some of the suggested amendments to this bill, but I think the subjects of the particular criticisms can better be taken care of in substantive legislation in the way of amendments of existing statutes that now appertain to those particular questions. I rise, however, to make one or two suggestions. It is a very humiliating fact to American citizens who may come in contact with foreign Governments to ascertain that such Governments give this remedy which our Government does not give. In Europe—in Holland, which was at one time the maritime rival of Great Britain; in France, and in Germany—persons are entitled to recover damages for death occurring upon the high seas. Here the common-law remedy applies, by reason of which the remedy dies with the person, and therefore no remedy is afforded for the damages caused by death. It was that which brought me to my feet on the 16th day of December, when I understood or misunderstood the gentleman from Washington [Mr. BRYAN] to say that Lord Campbell's act was enforceable in the admiralty court for damages resulting in death upon the high seas. I then said:

The proposition I submitted was that the original Lord Campbell act did not apply to death occurring by negligence on the high seas.

And further on the context of my remarks will show—

as asserted in the admiralty court or in admiralty procedure.

Now I desire to read from Hughes on Admiralty what is known as the Hornbook series, section 3, page 99, this language:

3. In England there is no right of action in admiralty for injuries resulting in death.

The English courts recognized no such right in the admiralty equally as at law. Lord Campbell's act did away with this doctrine of the common law and gave a right of action to the personal representative for the benefit of the wife, husband, parent, or child for the injury done to them; not for any injury to the deceased inherited by them. The act expressly excepted Scotland, for the reason, above explained, that the right already existed there.

It was long a question in England whether this statute was intended to apply to the admiralty courts. After much fluctuation it was finally settled by the House of Lords in the case of the *Vera Cruz*, decided in 1884, that the language of the English act contemplated only suits in the common-law courts, as was evident from the provisions in relation to juries, and that neither that act nor the other acts giving the admiralty courts jurisdiction in case of "claims for damage done by a ship" gave the latter courts cognizance in rem over death claims. This is still the law of England.

Mr. BRYAN. I understand the gentleman is reading that in confirmation of my statement. That confirms my statement.

Mr. MONTAGUE. I am reading that, if the gentleman will pardon me, in confirmation of my statement and in contradiction of his statement. [Laughter.]

Mr. BRYAN. That is what I said—there is no admiralty jurisdiction in England.

Mr. MONTAGUE. Well, I misunderstood the gentleman, or I never would have injected myself into the debate on the 16th of December.

I wish a further word, because the question was suggested by the gentleman from Texas [Mr. SUMNERS], in reference to jurors. The bulk of the damages occurring in cases of this sort result from collisions at sea. The determination of negligence by virtue of collisions at sea rests upon rules of navigation and seamanship that have been worked out through centuries and to the average landsman and average juror are most difficult to appreciate and to apply. In England they have what are called "Trinity masters," who sometimes even advise the admiralty court on questions relating to or growing out of collisions at sea and cases of marine disasters. Moreover, in admiralty, as in courts of chancery, nearly all the evidence is taken in the form of depositions. When you seize the ship a bond is given, the ship goes away, and the witnesses go with it. Therefore, to enforce that explanation, I desire to read from a letter which I have received from Mr. Robert M. Hughes, of Norfolk, Va., the eminent author of the book from which I have just read.

Mr. SUMNERS. Would it interrupt the gentleman from Virginia if I asked him a question?

Mr. MONTAGUE. If you will give me time, I shall be glad to answer, if I can.

Mr. SUMNERS. I can understand the reason why the question of liability in the first instance should not be submitted to a jury, but I am not able to appreciate why the quantity of injury suffered by the plaintiff should not be submitted to the jury as in the ordinary suit. And I would like to direct your attention to that.

Mr. MONTAGUE. I appreciate the force of the gentleman's suggestion, and I would like to see the jury given appropriate jurisdiction in that particular matter; but I say to the gentleman that if you undertake to give it there without full consideration of its bearings upon other cognate matters, we may introduce unutterable confusion in admiralty proceedings.

I will read now from the letter of Mr. Hughes:

It is true that juries try death cases in England, but this is for the very reason that death cases do not go into the admiralty courts.

Mr. BRYAN. They go into the law courts.

Mr. MONTAGUE. I will continue:

In the Vera Cruz case, 10 Appeals Cases, the House of Lords held that Lord Campbell's act did not apply to the admiralty courts at all, and, consequently, all of those suits are necessarily brought in the common-law courts. I can not conceive of anything more uncertain and unsatisfactory than to turn a jury loose in passing upon the rules of navigation in a collision case. I have had that experience several times where counsel brought a common-law action, as they have a right to do, and it is like tossing pennies. Even in that case, however, we at least have the common-law procedure and a definite method of work. The great objection, after all, however, is the evanescent character of testimony. We have to take most of our evidence by deposition; and even when we save a few of the crew to produce on the trial we would have to let them go in case of a hung jury or a reversal. Try an admiralty case before a jury, then take it to an appellate court, then reverse it and send it down for a new trial, and your witnesses may have scattered all over the world by the time it gets back.

I am in sympathy with having somewhat of this done, but I am not willing to vote against a bill because I can not have everything in it I would like to have in it. What I say is that we are now giving an additional remedy where we had none heretofore. I will not vote against what is good because I can not at this time get something better.

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

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the previous question on the bill and all amendments thereto may be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 10, strike out "one year" and insert "two years."

The amendment was agreed to.

Also, the following committee amendment was read:

Page 2, line 15, strike out "one year" and insert "two years."

The amendment was agreed to.

Also, the following committee amendment was read:

Page 2, line 16, after the word "shall," insert the word "not."

The amendment was agreed to.

Also, the following committee amendment was read:

Page 2, line 17, strike out the word "within" and insert the word "until."

The amendment was agreed to.

Also, the following committee amendment was read:

Page 3, line 5, strike out the word "taken" and insert the word "take."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Has a vote been taken on section 6 amended as proposed by the chairman of the committee?

The SPEAKER. That was taken some time ago. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read a third time.

Mr. BRYAN. Mr. Speaker, I move the bill be recommitted to the committee from which it came with instructions to report back the following, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the motion and instructions.

The Clerk read as follows:

Mr. BRYAN moves to recommit the bill to the Committee on the Judiciary, with instructions to report the same back forthwith with the following substitute.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with, because it is in the RECORD, and we have had it read before.

Mr. MANN. Mr. Speaker, we ought to have a thing read that we are going to vote on.

Mr. WEBB. It will go in the RECORD.

Mr. MANN. To read it to-morrow will not help the vote to-day.

The SPEAKER. Does the gentleman from North Carolina [Mr. WEBB] withdraw his request?

Mr. WEBB. Yes, sir.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Mr. BRYAN moves to recommit the bill on the judiciary, with instructions to report the same back forthwith with the following substitute:

"*Be it enacted, etc.*, That every person, firm, or corporation engaged in transporting of passengers or freight by water, or who shall own or operate any vessel or sailing craft on the high seas, Great Lakes, or any navigable water of the United States within the admiralty jurisdiction of the United States and out of the jurisdiction of any particular State, shall be liable in damages to any person suffering injury while such person is employed on any such vessel, or is a passenger thereon, or is on or upon any such vessel under any other conditions, or in case of death of any such employee, passenger, or person, to his on her personal representative, for the legal benefit of the surviving widow or husband or children of such person; and if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such person, firm, or corporation, or by reason of any defect or insufficiency due to its negligence in its engines, appliances, machinery, works, boats, wharves, or equipment.

"SEC. 2. That in all actions hereafter brought against any such person, firm, or corporation under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not be considered.

"SEC. 3. That in any action brought against any such person, firm, or corporation under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, such employee shall in no case be held to have assumed the risks of his employment to prevent or limit recovery.

"SEC. 4. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any such person, firm, or corporation to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such person, firm, or corporation under or by virtue of any of the provisions of this act, such person, firm, or corporation may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or person entitled thereto on account of the injury or death for which said action was brought.

"SEC. 5. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued, or within two years from the death of the decedent, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, firm, or corporation sought to be charged: *Provided, however*, That after the expiration of a period of two years from the decedent's death the right of action hereby given shall not be deemed to have lapsed until 90 days after a reasonable opportunity to secure jurisdiction has offered.

"SEC. 6. That any receiver or receivers of any person, firm, or corporation liable under this act may be sued under the provisions of this act without first obtaining the consent of any court under whose jurisdiction such receivers may have been appointed.

"SEC. 7. That nothing in this act shall be construed to abridge the rights of suitors in the courts of any State or Territory to a remedy given by the laws of any State or Territory in case of injury or death from injury received on the high seas or elsewhere.

"SEC. 8. That the personal liability of any shipowner or person sued under this act shall not be subject to any form of limitation on account of the provisions of Congress or general admiralty law as to limiting liability of shipowners."

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes have it.

Mr. BRYAN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. WEBB. Mr. Speaker, the point of order is made too late. The Chair has announced the result.

The SPEAKER. Well, the Chair will count. [After counting.] One hundred and two Members are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEBB. Is this a vote on the bill or on the point of no quorum? The Chair has declared the vote on the bill.

The SPEAKER. Well, the Chair did declare the vote on the bill, but he will give the gentleman another opportunity. This vote is on the bill itself. Those in favor of the passage of the bill will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 284, nays 14, not voting 129, as follows:

YEAS—284.

Abercrombie	Donohoe	Hobson	Phelan
Adair	Donovan	Houston	Platt
Adamson	Doolittle	Howard	Plumley
Aiken	Doremus	Howell	Porter
Alexander	Drukker	Hoxworth	Post
Ansberry	Dunn	Hughes, Ga.	Pou
Anthony	Dupré	Hughes, W. Va.	Price
Ashbrook	Eagan	Hulings	Prouty
Aswell	Eagle	Hull	Quin
Bailey	Edwards	Humphrey, Wash.	Rainey
Baker	Esch	Humphreys, Miss.	Raker
Barkley	Falconer	Jacoway	Rauch
Barnhart	Ferris	Johnson, Ky.	Rayburn
Bartholdt	Fess	Johnson, S. C.	Reed
Bartlett	Fields	Johnson, Utah	Reilly, Conn.
Barton	Finley	Jones	Reilly, Wis.
Bathrick	Fitzgerald	Kahn	Rogers
Beakes	Fitzhenry	Keating	Rouse
Beall, Tex.	Flood, Va.	Kettner	Rubey
Bell, Cal.	Floyd, Ark.	Key, Ohio	Rucker
Blackmon	Foster	Kinkaid, Nebr.	Russell
Booher	Francis	Kinkead, N. J.	Sabath
Borchers	Frear	Kirkpatrick	Saunders
Borland	French	Kitchin	Scott
Bowdle	Gallagher	Konop	Seldomridge
Brockson	Gallivan	Korbly	Sherley
Brodbeck	Gard	Lafferty	Sherwood
Broussard	Gardner	La Follette	Sims
Brown, W. Va.	Garner	Lee, Ga.	Sisson
Browne, Wis.	Garrett, Tex.	Lee, Pa.	Slayden
Browning	Gerry	Lenroot	Slemp
Bruckner	Gill	Lesher	Sloan
Buchanan, Tex.	Gillett	Lever	Smith, Idaho
Bulkley	Gilmore	Levy	Smith, J. M. C.
Burgess	Gittins	Lewis, Md.	Smith, Saml. W.
Burke, S. Dak.	Glass	Linthicum	Smith, Tex.
Burnett	Godwin, N. C.	Lloyd	Stafford
Butler	Good	Logue	Stanley
Byrnes, S. C.	Goodwin, Ark.	Lonergan	Stedman
Byrns, Tenn.	Gordon	McAndrews	Steenerson
Calder	Gorman	McGillicuddy	Stephens, Cal.
Candler, Miss.	Graham, Ill.	McLaughlin	Stephens, Nebr.
Cantrill	Graham, Pa.	Madden	Stephens, Tex.
Caraway	Gray	Mahan	Stevens, Minn.
Carlin	Green, Iowa	Mann	Stone
Church	Greene, Mass.	Mapes	Stout
Cline	Greene, Vt.	Miller	Stringer
Collier	Gregg	Mitchell	Sumners
Connelly, Kans.	Griffin	Montague	Sutherland
Conry	Gudger	Moon	Switzer
Copley	Hamilton, Mich.	Moore	Taggart
Cox	Hamlin	Morgan, Okla.	Talbott, Md.
Cramton	Hardy	Morrison	Talcott, N. Y.
Crisp	Harris	Moss, Ind.	Taylor, Ala.
Cullop	Harrison	Mulkey	Taylor, Ark.
Curry	Hart	Murray	Taylor, Colo.
Danforth	Haugen	Neeley, Kans.	Temple
Davis	Hawley	Norton	Ten Eyck
Decker	Hay	Oldfield	Thacher
Deitrick	Hayden	Padgett	Thomas
Dent	Heflin	Page, N. C.	Thompson, Okla.
Dershem	Helgesen	Paige, Mass.	Thomson, Ill.
Dickinson	Helm	Palmer	Towner
Dies	Henry	Park	Treadway
Difenderfer	Hensley	Parker, N. J.	Tribble
Dillon	Hill	Patton, Pa.	Tuttle
Dixon	Hinds	Peterson	Underwood

Vare	Volstead	Webb	Wingo
Vaughan	Walker	White	Woods
Vinson	Wallin	Williams	Young, N. Dak.
Vollmer	Watson	Willis	Young, Tex.

NAYS—14.

Anderson	Crosser	MacDonald	Tavenner
Bryan	Kelly, Pa.	Nolan, J. I.	Walters
Buchanan, Ill.	Lindbergh	Rupley	
Cooper	Lobeck	Smith, Minn.	

NOT VOTING—129.

Ainey	Estopinal	Kreider	Powers
Allen	Evans	Langham	Ragsdale
Austin	Fairchild	Langley	Riordan
Avis	Faison	Lazaro	Roberts, Mass.
Baltz	Farr	L'Engle	Roberts, Nev.
Barchfe'd	Fergusson	Lewis, Pa.	Rothermel
Bell, Ga.	Fordney	Lieb	Scully
Britten	Fowler	Lindquist	Sells
Brown, N. Y.	Garrett, Tenn.	Loft	Shackleford
Brumbaugh	George	McClellan	Shreve
Burke, Pa.	Goeke	McGuire, Okla.	Sinnott
Burke, Wis.	Goldfogle	McKellar	Small
Callaway	Goulden	McKenzie	Smith, Md.
Campbell	Griest	Maguire, Nebr.	Smith, N. Y.
Cantor	Guernsey	Maher	Sparkman
Carew	Hamill	Manahan	Stephens, Miss.
Carr	Hamilton, N. Y.	Martin	Stevens, N. H.
Carter	Hammond	Metz	Taylor, N. Y.
Cary	Hayes	Mondell	Townsend
Casey	Helvering	Morgan, La.	Underhill
Chandler, N. Y.	Hinebaugh	Morin	Walsh
Clancy	Holland	Moss, W. Va.	Watkins
Clark, Fla.	Igoe	Mott	Weaver
Claypool	Johnson, Wash.	Murdock	Whaley
Coady	Keister	Neely, W. Va.	Whitacre
Connolly, Iowa	Kelley, Mich.	Nelson	Wilson, Fla.
Dale	Kennedy, Conn.	O'Brien	Wilson, N. Y.
Davenport	Kennedy, Iowa	Oglesby	Winslow
Dooling	Kennedy, R. I.	O'Hair	Witherspoon
Doughton	Kent	O'Shaunessy	Woodruff
Driscoll	Kiess, Pa.	Parker, N. Y.	
Edmonds	Kindel	Patten, N. Y.	
Elder	Knowland, J. R.	Peters	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. IGOE with Mr. MOTT.

Mr. HOLLAND with Mr. BURKE of Pennsylvania.

Mr. WILSON of Florida with Mr. ROBERTS of Nevada.

Mr. TALBOTT of Maryland with Mr. HAMILTON of New York.

Mr. PATTEN of New York with Mr. PARKER of New York.

Mr. WATKINS with Mr. AINEY.

Mr. SMITH of New York with Mr. SELLS.

Mr. CALLAWAY with Mr. AUSTIN.

Mr. CAREW with Mr. AVIS.

Mr. CARTER with Mr. BARCHFELD.

Mr. CASEY with Mr. BRITTEN.

Mr. CLARK of Florida with Mr. CAMPBELL.

Mr. COADY with Mr. CARY.

Mr. ALLEN with Mr. EDMONDS.

Mr. DALE with Mr. FAIRCHILD.

Mr. DAVENPORT with Mr. FARR.

Mr. DOOLING with Mr. POWERS.

Mr. DOUGHTON with Mr. GRIEST.

Mr. DRISCOLL with Mr. GUERNSEY.

Mr. ESTOPINAL with Mr. FORDNEY.

Mr. FAISON with Mr. HINEBAUGH.

Mr. BELL of Georgia with Mr. HAYES.

Mr. BROWN of New York with Mr. JOHNSON of Washington.

Mr. BURKE of Wisconsin with Mr. KEISTER.

Mr. GARRETT of Tennessee with Mr. KELLEY of Michigan.

Mr. GOLDFOGLE with Mr. KENNEDY of Rhode Island.

Mr. GOULDEN with Mr. KENNEDY of Iowa.

Mr. HAMILL with Mr. KIESS of Pennsylvania.

Mr. LAZARO with Mr. J. R. KNOWLAND.

Mr. LIEB with Mr. KREIDER.

Mr. MCKELLAR with Mr. LANGLEY.

Mr. MAHER with Mr. LANGHAM.

Mr. MORGAN of Louisiana with Mr. LEWIS of Pennsylvania.

Mr. NEELY of West Virginia with Mr. LINDQUIST.

Mr. O'BRIEN with Mr. MCGUIRE of Oklahoma.

Mr. OGLESBY with Mr. MCKENZIE.

Mr. O'SHAUNESSY with Mr. MONDELL.

Mr. RAGSDALE with Mr. MANAHAN.

Mr. RIORDAN with Mr. MORIN.

Mr. SCULLY with Mr. MOSS of West Virginia.

Mr. SHACKLEFORD with Mr. NELSON.

Mr. SPARKMAN with Mr. PETERS.

Mr. STEPHENS of Mississippi with Mr. ROBERTS of Massachusetts.

Mr. WHALEY with Mr. SHREVE.

Mr. SMALL with Mr. WINSLOW.

Mr. HELVERING with Mr. SINNOTT.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

On motion of Mr. WEBB, a motion to reconsider the last vote was laid on the table.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication:

ST. PAUL, MINN., *January 6, 1915.*

Hon. CHAMP CLARK,
Washington, D. C.:

I have to-day resigned the office of Representative to the United States Congress from the second congressional district of Minnesota.

WINFIELD S. HAMMOND.

THE SPEAKER'S MANUAL.

The SPEAKER. The Chair wishes to make an announcement of some interest to himself, and that is that somebody has—inadvertently, no doubt—carried away from the desk two copies of the Manual, annotated in lead pencil both by the parliamentary clerk and by the Speaker. If the gentlemen who have them will bring them back, we will give them two more copies, and it will save a good deal of hard work. The Chair wishes each Member would examine the copy of the Manual in his possession.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

The Committee on Coinage, Weights, and Measures was called.

STANDARD BARREL FOR FRUITS, ETC.

Mr. ASHBROOK. Mr. Speaker, I call up the bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities.

The bill was read as follows:

Be it enacted, etc., That the standard barrel for fruits, vegetables, and other dry commodities other than cranberries shall be of the following dimensions when measured without distention of its parts: Length of stave, 28½ inches; diameter of heads, 17⅛ inches; distance between heads, 26 inches; circumference of bulge, 64 inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided,* That any barrel of a different form having a capacity of 7,056 cubic inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, 28½ inches; diameter of head, 16½ inches; distance between heads, 25½ inches; circumference of bulge, 58½ inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

SEC. 2. That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetable or any other dry commodity of less capacity than the standard barrels defined in the first section of this act, or subdivision thereof known as the half barrel, and any person guilty of a violation of any of the provisions of this act shall be liable to a penalty of $1 and costs for each barrel so unlawfully sold or offered for sale or shipped, as the case may be, to be recovered at the suit of the United States in any court of the United States having jurisdiction: *Provided, however,* That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

SEC. 3. That reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce. Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however,* That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.

SEC. 4. That this act shall be in force and effect from and after the 1st day of July, 1915.

With the following committee amendments:

Page 2, line 18, strike out "subdivision" and insert "subdivisions."

Page 2, line 18, after the word "the," insert "third," and after the word "half," insert "and three-quarters."

Page 2, line 20, strike out the words "liable to a penalty of $1 and costs for each barrel so unlawfully sold or offered for sale or shipped, as the case may be, to be recovered at the suit of the United States in any" and insert in lieu thereof the words "deemed guilty of a misdemeanor and be liable to a fine not to exceed $500, or imprisonment not to exceed six months, in the."

Page 3, in lines 1 to 7 inclusive, strike out the following words:

"*Provided, however,* That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped."

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] is recognized for one hour.

Mr. ASHBROOK. Mr. Speaker, this bill is to provide a standard barrel for fruits, vegetables, and other dry commodities. The Committee on Coinage, Weights, and Measures have had this bill and also the bill S. 2269, which passed the Senate last January, under consideration for a long time. Extensive hearings were given to many persons who appeared before our

committee. The hearings disclosed the fact that there is practically no opposition to this bill. A bill somewhat similar, relating exclusively to apples, and known as the Sulzer bill, was passed in 1912. The Sulzer bill has created no complaint on the part of the trade. It has given satisfaction to such an extent that not only the producers but the commission merchants desire that it be extended to include all dry commodities.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman.

Mr. MOORE. Will the gentleman state whether the measurements given in this bill have the approval of the Bureau of Standards of the Department of Commerce?

Mr. ASHBROOK. They have, and the bill has the approval of the Bureau of Standards.

Mr. WINGO. Will the gentleman yield for a question?

Mr. ASHBROOK. Yes.

Mr. WINGO. Is the word "fruits" as used in this bill intended to be limited to dried fruits?

Mr. ASHBROOK. Yes; dry commodities.

Mr. WINGO. Why does not the bill specifically state that?

Mr. ASHBROOK. Perhaps I do not understand the gentleman. I understand that dried fruits are sold by weight.

Mr. WINGO. Would this apply to fresh apples and fresh peaches?

Mr. HAY. Of course.

Mr. WINGO. Fruit fresh from the tree and ready to be shipped for market?

Mr. ASHBROOK. Yes.

Mr. WINGO. Does that mean that peaches would have to be shipped in barrels?

Mr. ASHBROOK. I think the gentleman is aware that peaches are not shipped in barrels. They are shipped in baskets and crates.

Mr. WINGO. Does the word "fruits" mean preserved fruits?

Mr. ASHBROOK. I do not believe anyone would ship fruit in a standard barrel simply because this bill was the law, if it become the law, if the fruit was of a kind that could not be shipped in a standard barrel. In other words, fruits that are now shipped in crates or baskets will not be affected in anywise by this bill.

Mr. WINGO. Peaches might be shipped in a barrel. It would be possible, but not practicable. They might be hauled to a local market in a barrel.

Mr. ASHBROOK. It could be done if the shipper wished to do it.

Mr. WINGO. The point I am trying to make is that you have not placed any definition at all on "fruits." "Fruits" would include any kind of fruit in any condition, dry, fresh, or preserved.

Mr. ASHBROOK. No one is compelled to ship fruit in a barrel.

Mr. WINGO. Section 2 says:

SEC. 2. That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the first section of this act.

The "dry" might be interpreted as a limitation on the word "fruits."

Mr. ASHBROOK. I think if the gentleman will refer to paragraph 3 where it says "*Provided, however*, That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count," it will answer his question.

Mr. WINGO. What difference would that make? That would not be a limitation; they sell some commodities by weight, numerical count, or by package.

Mr. ASHBROOK. I am not certain but that the contention of the gentleman is right.

Mr. WINGO. I have not seen this bill until this morning, but it seems to me that it might include canned fruit.

Mr. ASHBROOK. The gentleman means dried fruit?

Mr. WINGO. No; I mean canned fruit.

Mr. ASHBROOK. I do not think canned fruit is sold in any other way except by the can.

Mr. WINGO. In my district they sometimes sell it by the carloads. I will say that canned peaches, as a rule, are sold in carload lots by the larger canneries.

Mr. ASHBROOK. They are in tin cans.

Mr. WINGO. Yes; and they are put in boxes or cases, as they are called. Now, unless they are sold by the dozen or weight they would have to put canned peaches in a barrel.

Mr. SUMNERS. Will the gentleman yield?

Mr. ASHBROOK. I will first yield to the gentleman from Kentucky.

Mr. THOMAS. Mr. Speaker, I would like to ask the gentleman if he thinks this is constitutional.

Mr. ASHBROOK. I am not a constitutional lawyer, but I believe that it is.

Mr. THOMAS. The second clause provides—

That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in the first section of this act.

Does the gentleman think that Congress has the right to pass a law defining what kind of barrels people in the various States shall use in shipping their apples from one town to another within the State? That is what this bill does. This bill is seeking to control intrastate commerce.

Mr. TUTTLE. If the gentleman from Ohio will allow me, Solicitors of the Department of Commerce have said in a written opinion that this is constitutional, that it applies to intrastate as well as interstate commerce.

Mr. THOMAS. I do not care what he says. I have a right to my own opinion.

Mr. TUTTLE. That opinion is backed up by ex-Attorney General Bonaparte, who was Attorney General in 1907, and there are a long line of cases cited by Charles Earl, the Solicitor of the Department of Commerce, which I will put in the RECORD, all agreeing that it is constitutional and that there is no question about the right of the Government to fix the standard for intrastate as well as interstate commerce.

OFFICE OF THE SOLICITOR,
DEPARTMENT OF COMMERCE AND LABOR,
Washington, D. C., May 15, 1907.

The SECRETARY OF COMMERCE AND LABOR.

SIR: My opinion is requested, by your reference of a letter from the Bureau of Standards, as to whether, under the fifth clause, section 8, Article I, of the Constitution, Congress may enact a law which shall define the standard of weights and measures to be used throughout the several States and Territories of the United States, require all such weights and measures to bear a prescribed stamp, and make it a misdemeanor to use in trade any weights or measures departing from such standard or without such stamp.

I have the honor to answer this question in the affirmative on the following grounds:

In enumerating the powers granted to Congress, the Constitution provides (sec. 8, Art. I):

"The Congress shall have power: * * * To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

The proceedings of the Constitutional Convention, as recorded, add nothing to the simple words of this grant, as brief as they are comprehensive and as clear as they are precise. In the earlier drafts of the Constitution no mention was made of weights and measures. The clause, precisely as it now appears, though standing alone, was first introduced in the draft reported by the committee on detail August 6, 1787, and it was adopted by the convention August 16, 1787, without debate. It was combined with the clause granting the power to coin money and regulate the value thereof in the draft reported by the committee on style and arrangement September 12, 1787 (3 Doc. Hist. Const., 449, 545, 724; 8 Fed. Stat., An., 152). In the Federalist the power in question is noticed only by Madison, who says merely, "The regulation of weights and measures is transferred from the Articles of Confederation and is founded on like considerations with the preceding power of regulating coin" (Federalist No. 42). Referring to the Articles of Confederation, it is found that the power was there granted in the following terms (Art. IX):

"The United States, in Congress assembled, shall also have the sole and exclusive right and power of * * * fixing the standard of weights and measures throughout the United States."

The power to fix the standard of weights and measures having been granted to Congress without limitation, and the clause containing the grant having been "transferred" from the Articles of Confederation, where it was exclusive in terms, the view has been taken that it remains now as formerly a power exclusively vested in Congress, and it has been regarded as "doubtful whether the enactments of any State on the subject are of any validity whatever, even though Congress have wholly neglected to attend to this regulation." (The Miantonomi, 17 Fed. Cas., 9521.) This view, however, is not accepted either by the State courts or by general writers on the Constitution. (See Weaver *v.* Fegely, 29 Pa. St., 30; Caldwell *v.* Dawson, 4 Met. Ky., 123; Harris *v.* Rutledge, 19 Iowa, 390; Higgins *v.* Petroleum Co., 109 Cal., 310; and see remarks of Justice Woodbury in the Passenger cases, 7 How., 282, 562; but see Thompson *v.* District of Columbia, 21 Ap. Cas. D. C., 395, 402, where the court intimated that this grant to Congress "effectually prevented the several States from fixing standards that might vary and hence prove a hindrance to trade and interchange of commodities.") The view more widely held is that the power in regard to weights and measures is exclusive in Congress only when it is exercised, and that, pending such exercise, the several States may fix their own standards, or at least enforce existing standards. This is the position taken not only in the cases last cited, but by such commentators as Story, Pomeroy, Burgess, and Cooley, as shown by the following extracts:

"'The other power' to fix the standard of weights and measures' was doubtless given from like motives of public policy for the sake of uniformity and the convenience of commerce. Hitherto, however, it has remained a dormant power, from the many difficulties attendant upon the subject, although it has repeatedly been brought to the attention of Congress in most elaborate reports. Until Congress shall fix a standard, the understanding seems to be that the States possess the power to fix their own weights and measures, or, at least, the existing standards at the adoption of the Constitution remain in full force." (2 Story, Const., sec. 1122.)

"The power to fix the standard of weights and measures was left in the hands of the States, as well as of the General Government. As long as this power remains dormant in the National Legislature the local

Commonwealths may fully exercise it. Although the standard of weights and measures is connected with the general subject of the trade, business, and commerce of the country, and although uniformity in this standard throughout the Union is demanded by considerations of expediency, yet it is evident that such a uniformity is by no means as essential as a common standard of coined money. Without the latter business would be interrupted and, in great measure, destroyed; without the former some inconveniences have been and are felt. * * * Should the National Legislature, however, change its policy and fix a standard for the whole country, all inconsistent State legislation would be a nullity." (Pomeroy, Const., sec. 410.)

"This can not be claimed as an exclusive power of the Legislature of the General Government as against the Commonwealths. Congress may occupy the ground whenever it sees fit, and the acts of Congress will displace the acts of the Commonwealths upon this subject; but until Congress acts, the Commonwealths may regulate the system of weights and measures." (2 Burgess, Pol. Sci. and Const. L., 141.)

"When this power is exercised, it is exclusive, or there would be no 'standard.'". (Cooley, Prin. Const. L., 85.)

Where, however, as in this case, a power is vested in Congress which is neither made exclusive by the terms of the grant nor expressly prohibited to the States, the true test of determining whether or not it is exclusive was long ago laid down by Chief Justice Marshall in Sturgis v. Crowninshield (4 Wheat., 122, 196, 191), in considering the power to establish uniform laws on the subject of bankruptcies throughout the United States. "The power granted to Congress," it was observed, "may be exercised or declined, as the wisdom of that body shall decide. If, in the opinion of Congress, uniform laws concerning bankruptcies ought not to be established, it does not follow that partial laws may not exist, or that State legislation on the subject must cease. It is not the mere existence of the power, but its exercise, which is incompatible with the exercise of the same power by the States. It is not the right to establish these uniform laws, but their actual establishment, which is inconsistent with the partial acts of the States. * * * The principle laid down by counsel for the plaintiff, in this respect, is undoubtedly correct. Whenever the terms in which a power is granted to Congress, or the nature of the power, requires that it should be exercised exclusively by Congress, the subject is as completely taken from the State legislatures as if they had been expressly forbidden to act on it." As already pointed out, the power to fix the standard of weights and measures, by the weight of opinion, is not in its "nature" one which "requires" that it should be exercised exclusively by Congress.

But it is not necessary that the power should be exclusive in order that Congress may deal with the subject in the manner suggested by the present inquiry. All the authorities are agreed that the power of Congress with regard to the standard weights and measures is plenary and complete, that it is only while it lies dormant that the States may act, and that once it is exercised State laws are displaced and, so far as inconsistent, nullified. It is clear, therefore, that Congress has ample power to enact a law which shall fix the standard of weights and measures to be used throughout the several States and Territories of the United States and require all such weights and measures to bear a prescribed stamp.

And it is no less clear that Congress may make it a misdemeanor to use in trade any weights or measures departing from the standard fixed or without the stamp prescribed. "Whenever Congress may adopt any particular measure, may require anything to be done or anything to be forborne, in carrying out the specific grants of the Constitution, it may declare acts of disobedience, or acts which tend to interrupt the accomplishment of the proposed design, to be crimes and may fix such punishment as it deems proper." This principle is not only sustained by the uninterrupted practice of Congress in the passage of enumerable statutes providing for the definition and punishment of crimes, but it has received the explicit sanction of the Supreme Court. In United States v. Marigold (9 How., 559, 566) the question was as to the validity of a statute which made it a crime to utter or circulate spurious or counterfeited coin. The decision sustained the validity of the law, although there was no express constitutional authority to enact it on the ground that such a law was one of the necessary and proper means for carrying out the power "to coin money, regulate the value thereof, and of foreign coin."

"The power to coin money being thus given to Congress, founded on public necessity, it must carry with it the correlative power of protecting the creature and object of that power. * * * We admit that the clause of the Constitution authorizing Congress to provide for the punishment of counterfeiting the securities and current coin of the United States does not embrace within its language the offense of uttering or circulating spurious or counterfeited coin (the term 'counterfeit,' both by its etymology and common intendment, signifying the fabrication of a false image or representation); nor do we think it necessary or regular to seek the foundation of the offense of circulating spurious coin, or for the origin of the right to punish that offense, either in the section of the statute before quoted or in this clause of the Constitution. We trace both the offense and the authority to punish it to the power given by the Constitution to coin money, and to the correspondent and necessary power and obligation to protect and to preserve in its purity this constitutional currency for the benefit of the Nation. Whilst we hold it a sound maxim that no powers should be conceded to the Federal Government which can not be regularly and legitimately found in the charter of its creation, we acknowledge equally the obligation to withhold from it no power or attribute which, by the same charter, has been declared necessary to the execution of expressly granted powers, and to the fulfillment of clear and well-defined duties." (9 How., 559, 566, 567, 568.)

In the Legal Tender cases (12 Wall., 457, 535) it was said:

"Congress is expressly authorized 'to provide for the punishment of counterfeiting the securities and current coin of the United States, and to define and punish piracies and felonies committed on the high seas and offenses against the laws of nations.' It is also empowered to declare the punishment of treason, and provision is made for impeachments. This is the extent of power to punish crime expressly conferred. It might be argued that the expression of these limited powers implies an exclusion of all other subjects of criminal legislation. * * * Yet Congress, by the act of April 30, 1790, entitled 'An act more effectually to provide for the punishment of certain crimes against the United States,' and the supplementary act of March 3, 1825, defined and provided for the punishment of a large class of crimes other than those mentioned in the Constitution, and some of the punishments prescribed are manifestly not in aid of any single substantive power. No one doubts that this was rightfully done, and the power thus exercised has been affirmed by this court in United States v. Marigold."

Respectfully submitted.

CHARLES EARL, *Solicitor.*

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 13, 1908.

The SECRETARY OF COMMERCE AND LABOR.

SIR: In reply to your letter of February 11, 1908, in which you request my opinion upon the question as to whether under the fifth clause, section 8, Article I of the Constitution, Congress may enact a law which shall define the standard of weights and measures to be used throughout the several States and Territories of the United States, require all such weights and measures to bear a prescribed stamp, and make it a misdemeanor to use in trade any weights or measures departing from such standard or without such stamp, I have the honor to advise you that the question appears to be one of great importance, but not of much difficulty.

The fifth clause of Article I of section 8 of the Constitution, to which you refer, authorizes the Congress to "fix the standard of weights and measures." In the opinion of the solicitor of your department, of which you inclose a copy, the question is discussed as to whether this is to be considered an exclusive power, rendering any exactment which establishes a standard of weights or measures by any State legislature unconstitutional, or is one which will supersede such State laws when exercised, but leaves the subject matter open to legislation by the several States so long as the Congress shall deem it unnecessary or inexpedient to exercise the power conferred.

I express no opinion on this subject, because I do not see that it is embraced within the terms of your question or that it constitutes a question of law arising in the administration of your department. The above-mentioned clause of the Constitution empowers the Congress to fix the standard of weights and measures. This language implies necessarily that there shall be the one standard and only one, and the same conclusion is reached if we consider the meaning of the term "standard." This is defined by Webster's International Dictionary as follows:

"That which is established by authority as a rule for the measure of quantity, extent, value, or quality; especially the original specimen weight or measure sanctioned by government, as the standard pound, gallon, or yard."

In the nature of things, therefore, the standard fixed by the Congress will be the only legal standard as soon as the power to fix it shall have been exercised, and since this power has no territorial limitations, such as those conferred by the seventeenth clause of the same section, it must be understood as coextensive with the territory subject to the legislative power of the United States.

The Congress, having the authority to establish an exclusive legal unit for weights and measures, it can, under clause 18 of the same section, "make all laws which shall be necessary and proper for carrying into execution the foregoing power," and if it shall make a provision that weights and measures shall bear a prescribed stamp and that the use of unstamped or incorrect weights or measures shall constitute a misdemeanor, it has clearly, in my opinion, constitutional authority to make laws to such effect. I have the honor, therefore, to advise you that the question asked in your letter on February 11, 1908, should be answered in the affirmative.

I approve of the publication of the opinion of the Solicitor of the Department of Commerce and Labor, and remain, sir,

Yours, very respectfully and truly,

CHARLES J. BONAPARTE,
Attorney General.

Mr. THOMAS. It makes no difference how many courts have said to the contrary, the bill on its face is plainly unconstitutional in that it seeks to control commerce purely within the State.

Mr. ASHBROOK. The gentleman from Kentucky, of course, is entitled to his opinion. The gentleman from New Jersey has stated that, in the opinion of high authority, it is constitutional.

Mr. HAY. Will the gentleman state who gave the opinion referred to by the gentleman from New Jersey?

Mr. TUTTLE. The first opinion was given by Solicitor Earle, of the Department of Commerce, in 1907. That was written, after a careful and exhaustive investigation, in reply to an inquiry as to whether laws of this character applying to intrastate commerce were constitutional. That opinion was confirmed at that time by ex-Attorney General Bonaparte. When this bill was under consideration it was submitted to the Solicitor of the Department of Commerce, and, in his opinion, there was no question about the validity or constitutionality of this act, and we have his written opinion, which I will be glad to insert in the RECORD:

IN RE SENATE BILL NO. 2269, TO FIX THE STANDARD BARREL FOR FRUITS, VEGETABLES, AND OTHER DRY COMMODITIES.

The above bill has passed the Senate and is now being considered by the House Committee on Coinage, Weights, and Measures. In the deliberations of this committee objections have been raised to certain provisions of the bill. At the suggestion of the Bureau of Standards, the opinion of this office has been requested as to whether these objections have been well taken, and, if so, what amendments should be offered to remedy the defects.

The objections referred to are stated by the bureau, as follows:

"First. It was contended that the exception made for barrels 'constructed according to the specifications or directions of the foreign purchaser' might be found an excuse for the possession of barrels which were not standard.

"Second. The provision that prosecution for offenses may be begun upon complaint of local sealers of weights and measures or from officers of the States is said to prevent action being started by anyone else.

"Third. Objection was made to the word 'prosecution,' because the actions were all civil and 'prosecution' applies to criminal cases.

"Fourth. There still remains a feeling that there should be no exception made for cranberries.

"Fifth. The general contention that this legislation is a function of the States rather than of the Federal Government."

1. Relative to the first objection, it may be stated that the bill does not prohibit the having in possession of barrels which are not standard. It merely makes it "unlawful to sell, offer, or expose for sale * * * or to ship * * * a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels," etc.

(Sec. 2.) Not only could a person lawfully have in possession empty barrels which were not standard, but he could also lawfully have in possession barrels, not standard, containing the articles enumerated. Until he sold, offered, or exposed for sale, or shipped barrels, not standard, containing such commodities, he would not be subject to the provisions of the proposed act. Even if the bill were amended so as to prohibit the having in possession of barrels which were not standard, the proviso "that no barrel shall be deemed below standard when shipped to a foreign country and constructed according to the specifications or directions of the foreign purchaser," etc., would probably be construed as excepting such barrels from the preceding prohibitive provisions, for, it being lawful to ship such barrels to foreign countries, it could hardly be regarded as unlawful to have them in possession for that purpose. Were it otherwise, the proviso would be rendered nugatory.

I am, therefore, of opinion that, as the bill stands, the proviso to section 2, by impliedly permitting the possession of barrels which are not standard, does not afford an opportunity for violating any other provision of the bill, for the bill nowhere prohibits the mere possession of such barrels; and, furthermore, that even if the bill were amended so as to prohibit the possession of such barrels, so long as the proviso remains as it is, it would be lawful to possess barrel which are not standard, if intended for shipment abroad in accordance with the terms of the proviso.

2. By section 771, Revised Statutes, Congress has provided that:

"It shall be the duty of every district attorney to prosecute in his district all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States are concerned * * *."

The authority conferred upon the local sealers of weights and measures or other officers of the States to institute proceedings under the proposed act is, in the absence of explicit language to the contrary, plainly to be regarded as supplemental to, rather than exclusive of, the authority vested in the various United States district attorneys by the above statute.

3. The objection here is to the use of the word "prosecutions," in the clause of section 3, which reads: "Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures," etc. It is urged that the word "prosecutions" applies only to criminal cases, and the suits to be brought under the proposed act are to be civil in their nature. I do not think this objection is well taken. As the bill declares the act against which it is directed to be "unlawful," and that "any person guilty of a violation of any of the provisions of this act shall be liable to a penalty * * * to be recovered at the suit of the United States," etc., the United States could, at its option, recover the penalty in a criminal action against such offender, or bring a civil suit of debt against him for the amount of the penalty. (Hepner *v.* United States, 213 U. S., 103; United States *v.* Stevenson, 215 U. S., 190.) But a civil suit in the name of and for the benefit of the United States can be instituted only by the proper district attorney, under the supervision and control of the Attorney General. As stated in United States *v.* San Jacinto Tin Co. (125 U. S., 273, 279):

"There must, then, be an officer or officers of the Government to determine when the United States shall sue, to decide for what it shall sue, and to be responsible that such suits shall be brought in appropriate cases. The attorneys of the United States in every judicial district are officers of this character, and they are by statute under the immediate supervision and control of the Attorney General."

In criminal cases, however, the proceedings preliminary to prosecution may be instituted by a "complaint" made by a private individual. The word "complaint" is of technical import. In some jurisdictions it is the name given to the first pleading in a civil suit, ordinarily termed a "declaration." It is certainly not used in this sense in the above bill, for the Government and not the local State officers will be the party to file the first pleading in any civil suit brought thereunder. In criminal actions a "complaint" is a sworn statement, usually in writing, made before a judge, magistrate, or other committing officer, charging the accused with the commission of an offense, which may be followed by the issuance of a warrant of arrest, and the preliminary examination and binding over of the accused. (12 Cyc., 290.) In Hale *v.* Henkel (201 U. S., 43, 49) the functions of a "complaint" are thus described: "An accused person is usually charged with crime by a complaint made before a committing magistrate, which has fully performed its office when the party is committed or held to bail."

There would appear to be no objection, therefore, to the use of the word "prosecutions" where it appears in the bill, for it is only in criminal proceedings that a "complaint" may be made by anyone. But the statement in the bill, that "prosecutions * * * may be begun upon complaint," would seem to involve an inaccuracy, for it has been held that a "complaint" does not begin the prosecution which may follow it. Thus in Virginia *v.* Paul (148 U. S., 107, 119) the court says:

"Proceedings before a magistrate to commit a person to jail, or to hold him to bail in order to secure his appearance to answer for a crime or offense, which the magistrate has no jurisdiction himself to try, before the court in which he may be prosecuted and tried, are but preliminary to the prosecution, and are no more a commencement of the prosecution than is the arrest by an officer without a warrant for a felony committed in his presence."

The provision in question should, therefore, be amended. If the purpose is to authorize local State officers to initiate criminal proceedings against offenders, I would suggest that the provision be amended to read:

"For any violation of the provisions of this act the offender may, upon complaint of local sealers of weights and measures or other officers, etc., be arrested and imprisoned or bailed, as the case may be, for trial before any court of the United States having jurisdiction."

If, however, the purpose is to require that proceedings for the recovery of the penalty, either civil or criminal, shall be instituted whenever the aforesaid State officers have information that the act has been violated, the following should be substituted:

"It shall be the duty of each district attorney to whom any local sealer of weights and measures or other officer of a State or Territory appointed to enforce the laws of the said State or Territory, respectively, relating to weights and measures, shall present satisfactory evidence of any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States for the enforcement of the penalty herein provided."

4. This objection does not involve any question of law. It is purely a matter of legislative policy to be determined by Congress.

5. The Constitution provides (Art. I, sec. 8, cl. 5) that "the Congress shall have power * * * to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures." Relative to this clause the Attorney General, in an opinion rendered to the Secretary of Commerce and Labor, dated February 13, 1908, said:

"The above-mentioned clause of the Constitution empowers the Congress to fix the standard of weights and measures. This language implies necessarily that there shall be the one standard and only one, and the same conclusion is reached if we consider the meaning of the term 'standard.' This is defined in Webster's International Dictionary as follows:

"'That which is established by authority as a rule for the measure of quantity, extent, value, or quality; esp., the original weight or measure sanctioned by the Government, as the standard pound, gallon, or yard.'

"In the nature of things, therefore, the standard fixed by the Congress will be the only legal standard as soon as the power to fix it shall have been exercised, and, since this power has no territorial limitations such as those conferred by the seventeenth clause of the same section, it must be understood as coextensive with the territory subject to the legislative power of the United States."

And in Ex parte Siebold (100 U. S., 371) Mr. Justice Bradley, in discussing the question whether an act might be an offense against both the Federal and State laws and punishable under both, said (p. 391):

"So if Congress, as it might, should pass a law fixing the standard of weights and measures and imposing a penalty for sealing false weights and measures, but leaving to the States the matter of inspecting and sealing those used by the people, would not an offender filling the office of sealer under a State law be amenable to the United States as well as to the State?"

In view of these authorities, there would seem to be no question that Congress may, as soon as it sees fit to do so, exercise exclusive jurisdiction over the subject of weights and measures throughout the United States.

Respectfully submitted.

ALBERT LEE THURMAN,
Solicitor.

The SECRETARY OF COMMERCE.

Referred to the Bureau of Standards.

———, *Assistant Secretary.*

Mr. ASHBROOK. Now I will yield to the gentleman from Texas.

Mr. SUMNERS. Mr. Speaker, when I first examined the bill it occurred to me that the committee had undertaken to standardize the containers in which the shipments are made, but on a more careful examination of the bill it disclosed that it has merely undertaken to standardize the barrel. If the chairman of the committee will permit me to make an observation, I will say that there is very great demand in the trade and the country generally for the standardization of the containers in which fruit is shipped. If a man does not want to ship his peaches in a barrel—and we do not ship them that way in Texas—he does not come within the provisions of this bill. The bill merely says, as I understand, that if you ship your fruit in a barrel it must be in a standard barrel which is defined in this bill, and for that reason it seems to me that the bill ought to pass, because you not only standardize the cubic contents, but you standardize the quality, and the lack of standardization is one of the greatest difficulties that the honest producer has in protecting himself against the dishonest man who puts his in containers that do not contain the full amount, and thereby short-weights the people.

Mr. THOMAS. Mr. Speaker, I want to ask the gentleman from Ohio this question. In the report he says the bill would standardize the barrel for interstate and foreign commerce, and for intrastate traffic as well. Here you have Congress absolutely attempting in this bill to regulate intrastate traffic, and that is to take away the rights of the fruit growers in a State to ship their products in the kind of barrels they desire within the State. And yet the other day in this House I heard a great deal of discussion about the rights of the States. Now you come and want to take away the right of the States even in the shipment of their fruits. I do not care if all the ex-Attorneys General in the United States and all the lawyers in the United States and all the courts in the United States declare that this bill is constitutional, it is plainly unconstitutional.

Mr. ASHBROOK. The gentleman would not take the decision of the courts?

Mr. THOMAS. Oh, as to the binding decision of the courts of this country, they cross their own tracks as often as that of a fox pursued by a pack of hounds. This bill is plainly unconstitutional.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Iowa.

Mr. TOWNER. Mr. Speaker, it is only necessary, to answer the objection of the gentleman from Kentucky [Mr. THOMAS], to read the Constitution, which, evidently, he never has done. Among the powers expressly granted to Congress is that to fix the standard of weights and measures. It is not one of the reserved powers of the States and never has been. It is expressly given to Congress to fix the standard of weights and measures for the whole United States, and because it has not before been done is only because Congress has not chosen to exercise the power given directly to it by the Constitution of the United States. Whenever Congress does so choose to exercise that power every State law in existence will go out of effective operation if it conflicts with the provisions of the act of Congress

made in pursuance of the power given to it by the Constitution of the United States.

Mr. THOMAS. Mr. Speaker——

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] has the floor.

Mr. ASHBROOK. Mr. Speaker, I yield now to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I would like to ask whether this bill, if passed, will in any way affect the shipment of apples or any character of fruit that the producer may desire to ship in any other way—in a box or in any other kind of a receptacle?

Mr. ASHBROOK. If he cares to ship it in a tub, he may do so; but if he ships it in a barrel and says it is a barrel, then it must contain the cubic contents provided for in this bill.

Mr. RUSSELL. If a farmer wanted to ship apples in a box, this would in no way affect him?

Mr. ASHBROOK. In no way at all, if he ships it as a box.

Mr. RUSSELL. But when he ships in a barrel, the purpose of this is to standardize the barrel?

Mr. ASHBROOK. If he sells a barrel of apples, it must contain 7,056 cubic inches, if he represents it to be a barrel of apples.

Mr. RUSSELL. I notice in the report that it is stated that this bill has been advocated by various associations engaged in the fruit and produce business. Does the gentleman know whether those associations represent the men that handle the fruit, the commission merchants, or do they represent the producers, and do they, the producers, favor the passage of this bill?

Mr. ASHBROOK. We have had before the committee representatives not only of commission merchants but of the producers and, so far as my knowledge goes, there is no opposition on the part of the producer or the trade from any section of the country.

Mr. RUSSELL. It seems to be generally desired, then, you think, by all concerned to standardize the barrel?

Mr. ASHBROOK. It does.

Mr. HAY. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield.

Mr. HAY. I just want to call attention to the argument made by the gentleman from Iowa [Mr. TOWNER] as to the constitutionality of this law. Of course, there is no question about the fact that Congress has the right to fix a standard, but the point made by the gentleman from Kentucky [Mr. THOMAS] was, as I understood him, that Congress did not have the right to interfere with the commerce within a State. The second section of this bill has nothing to do with fixing the standard of the barrel, but it says that it shall be unlawful to sell, offer, or expose for sale, in any State, Territory, or the District of Columbia, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrel defined in the first section of this bill.

Mr. ASHBROOK. If it is sold as a barrel or as a part of a barrel.

Mr. HAY. Wait one moment. Under that law if a man had a barrel that did not hold as much as a standard barrel and exposed for sale any fruit in that smaller barrel in a State, even upon his own farm, he would be liable under this law to be prosecuted and put in jail.

Mr. GARRETT of Texas. Or if it was a larger barrel.

Mr. ASHBROOK. Oh, no.

Mr. HAY. If it is a smaller barrel. That has nothing to do with the standardization of the barrel. That has to do with exposing for sale within a State of the fruit or any other product provided for to be sold in a standard barrel. If you undertake to ship it from one State to another, that is another proposition, and Congress, of course, has the right to control the shipments of any product in interstate commerce, but not within a State itself. It does seem to me that the committee ought to amend this bill so as to avoid the constitutional objection, which has been raised, and I think properly so, by the gentleman from Kentucky.

Mr. COOPER. Mr. Speaker, will the gentleman permit an interruption?

Mr. ASHBROOK. Yes.

Mr. COOPER. Mr. Speaker, I wish to call the attention of the gentleman from Virginia [Mr. HAY] to the fact that the clause of the Constitution which empowers Congress to fix the standard of weights and measures also empowers Congress to coin money. In other words, both provisions are in one clause, and that clause gives to Congress the power—

> To coin money, regulate the value thereof and of foreign coins, and fix the standard of weights and measures.

Now, as to money, there is no question but that Congress has the absolute power to say what money can be and what can not be used as legal tender in a State.

Mr. HAY. That is true.

Mr. COOPER. Nor can there be any question that under the provision of the Constitution that I read Congress has the power—power unrestricted and without qualification—to coin money and to fix the standard of weights and measures.

Mr. HAY. I do not deny that.

Mr. COOPER. The gentleman admits that this power to fix the standard of weights and measures is without restriction or qualification. But the mere fixing of a standard—the mere calling a thing a standard measure—is of absolutely no avail unless there be attached a penalty for the use of any other than the standard measure for the purpose for which it is established, just as it would be of no avail for Congress to coin a standard gold dollar, if the States at the same time were at liberty to coin other kinds of standard dollars and make them legal tender in the payment of debts.

Mr. HAY. Oh, yes; the Constitution especially prohibits the coinage of money by the States.

Mr. COOPER. There used to be State-bank bills everywhere, and we taxed them out of existence.

Mr. HAY. That was not coined money.

Mr. COOPER. No; but it was paper money.

Mr. MANN. We only stopped it by a tax upon it.

Mr. COOPER. I understand that.

Mr. MANN. We never attempted to prohibit it.

Mr. COOPER. The power to tax is the power to destroy. But the point which the gentleman from Virginia [Mr. HAY] makes against this clause of the bill is that it would prohibit the sale of apples from or the exposure of apples for sale in a barrel of any except the certain standard size specified in the bill.

Mr. HAY. In a State.

Mr. COOPER. But in my judgment the gentleman is clearly wrong in his reading of the bill. It does not prohibit the sale, nor the offering for sale, of apples from a barrel. It prohibits the sale, or the offering or exposing for sale, of a barrel containing fruits, and so forth, unless it be a standard barrel. The language is:

> That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country a barrel—

Containing so-and-so. Not that it shall be unlawful to expose apples in a barrel for sale, but unlawful to offer to sell a barrel containing apples unless the barrel is of lawful standard size. That is the point. It is exposing for sale a barrel containing apples. It proposes to regulate the selling of the barrel and its contents. That is what it means. It does not relate to the exposure for sale of apples from or in a barrel or in or from a paper bag; not at all, but to the sale or to the exposure for sale of the barrel itself and its contents.

Mr. HAY. Containing fruits or vegetables.

Mr. COOPER. Well, a barrel. You shall not expose that barrel with its contents for sale as a barrel, except it be of standard size.

Mr. HAY. That is the very thing I say; this bill will prohibit it.

Mr. COOPER. It ought to prohibit it. This bill is, in my judgment, clearly constitutional and ought to be enacted into law; for not only do we need what we have long enjoyed, a uniform system of money for all the States, but we need also what this bill seeks to provide, a national uniform system of standard weights and measures which knows nothing of State lines.

Mr. ALEXANDER. Will the gentleman yield for a question?

The SPEAKER pro tempore. The gentleman from Ohio has the floor.

Mr. ASHBROOK. I yield to the gentleman from Missouri.

Mr. ALEXANDER. I want to call attention to the fact that the confusion seems to be that the section is ambiguous; that if you should expose apples in a barrel not of a standard size, not to be sold by the barrel, you might incur this penalty. What is the objection to amending section 2 so as to read:

> That it shall be unlawful to sell by the barrel, or offer or expose for sale by the barrel, in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to a foreign country, a barrel containing fruits or vegetables, etc.

Mr. COOPER. In reply to the gentleman from Missouri I have to say that I never saw this bill until it came up for consideration a few minutes ago. I think, however, that it is drawn as it ought to be drawn.

Beyond all doubt the business of the country needs a uniform national system of standard weights and measures. Then why not have a standard barrel? It could not work a hardship upon any person, but, on the contrary, would be of much benefit to producers and consumers everywhere.

The language of the clause under discussion is, I think, entirely correct.

Mr. TUTTLE. Mr. Speaker, I am not a constitutional lawyer, and I would like to read from some constitutional authorities. I cite Solicitor Earl in 1907——

Mr. COOPER. Will the gentleman yield for a brief interruption right there? To show that my contention was correct, I call attention to the proviso which my friend from Oregon [Mr. SINNOTT] has brought to my notice—the proviso, page 3, line 16, as follows:

Provided, That nothing in this act shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.

Mr. TUTTLE. That covers the ground.

Mr. COOPER. It covers it exactly.

Mr. SAUNDERS. Will the gentleman yield to me for a question?

Mr. TUTTLE. Yes.

Mr. SAUNDERS. Conceding the constitutional authority that has been referred to, which I do not question, what authority does the gentleman find for undertaking to say what shall be the thickness of the stave?

Mr. TUTTLE. That has been established by custom and by usage. As the gentleman knows the standard measurements are the development of custom.

Mr. SAUNDERS. The standard of measure refers to contents. What constitutional authority does the gentleman find for undertaking to say that a stave shall not be more than four-tenths of an inch? I question the right to fix that.

Mr. TUTTLE. Well, that is not important, the circumference——

Mr. SISSON. Will the gentleman yield?

Mr. TUTTLE. I will.

Mr. SISSON. In my State we are not so much interested in the apple proposition as in the thickness-of-the-stave proposition. Now, you will find one character of timber, white gum, out of which you can make very thin staves; but red gum, which is more easily split and one of the most plentiful timbers in the South, you require a very much thicker stave to make a barrel. Now, it is immaterial to the stave people and timber people about the cubical contents of the barrel, nor would there be much objection, perhaps, to the size and thickness of the head, but when you endeavor to prescribe the thickness of the stave you may eliminate from the barrel industry certain timber that is now being used and cause barrels to greatly advance in price.

Mr. TUTTLE. I will say to the gentleman from Mississippi that this bill provides for that contingency.

Mr. SISSON. Where?

Mr. TUTTLE. In the next provision:

That any barrel of a different form having a capacity of 7,056 cubic inches shall be a standard barrel.

In case that thinner staves are used, it must have the cubic capacity.

Mr. SISSON. Would the gentleman have any objection to eliminating from his bill the clause in reference to the thickness of the staves? It strikes me that is utterly immaterial as to the good your bill will accomplish, and that is the most serious objection in my mind, because a man getting apples wants to know this and this only—that his barrel will keep the fruit intact and that he is receiving the cubical capacity. It is a matter of great concern to the man who is manufacturing staves.

Mr. TUTTLE. I want to say to the gentleman that these measurements have to be taken on the outside circumference of the barrel. If a man used staves an inch thick he would be beating his customers that much.

Mr. SISSON. You will find that the stave or the barrel maker will never do it, because they will make the barrel as thick as they can in order to get them on the market.

Mr. ASHBROOK. If the gentleman will permit, it says:

And the thickness of staves not greater than four-tenths of an inch.

Mr. SISSON. From some of the timber out of which they make barrels it would be difficult to make staves that would be perfectly good, unless you made them thicker than two-fifths. Now, if you leave the cubical contents of the barrel in your bill—the inside measurement of your barrel—intact, there could be no objection whatever on the part of thousands of people who are engaged in manufacturing staves. The classes of people who must be consulted here are the public which buys the fruit, the dealer, and the people who furnish the barrels.

Mr. TUTTLE. I will say to the gentleman that representatives of all the cooperage industries from all over the United States have appeared before our committee. The language of this bill meets their approval entirely, and there has been no objection so far as I know. This bill has been under consideration, and this language has been known for the last four years, and no one ever appeared in opposition.

Mr. SISSON. I have my doubts whether all the cooperage people have or not.

Mr. TUTTLE. Well, through their organization.

Mr. SISSON. I have great doubt about it.

Mr. STAFFORD. Will the gentleman yield?

Mr. TUTTLE. I will.

Mr. STAFFORD. I assume then that the physical content of the standard barrel is the same as is stated here in the bill for those barrels that are not of the same thickness as prescribed in the bill?

Mr. TUTTLE. They must have those contents.

Mr. STAFFORD. That the cubic content of the standard barrel is the same as stated on page 2 for those barrels that are not of the same dimension, of the thickness of the standard barrel.

Mr. TUTTLE. Of the standard barrels; that is true.

Mr. SUMNERS. Would the committee have any objection, in order that we who favor the general plan may all support this bill, to describing the barrel by its cubic capacity and leave out this detail with reference to how the barrel shall be constructed? After all, it is the contents of the barrel that the committee is concerned about and which the country is concerned about.

Mr. TUTTLE. I think the chief objection to it would be the difficulty of administration. It appears it is a very, very difficult matter to ascertain the cubical contents of a barrel or cylinder, and if you should make that provision, it would be difficult of administration and slight changes would cause a good deal of fraud.

Mr. SLAYDEN. I would like to ask the gentleman from Ohio [Mr. ASHBROOK], the gentleman from New Jersey [Mr. TUTTLE] having yielded the floor, what was the evidence before the committee as to the practice of the coopers in making of barrels. Is it or is it not true that an overwhelming percentage of the barrels now made by coopers and sold to the trade comply to the provisions we propose to enact here?

Mr. ASHBROOK. A very large percentage now comply with the conditions described in this bill.

Mr. SLAYDEN. Is not that approximately as large as 90 per cent?

Mr. ASHBROOK. That is my recollection.

Mr. HAMILTON of Michigan. Will the gentleman state what producers came before the committee—I mean producers of fruit; particularly, say, apples—and announced themselves in favor of this bill, and will you give the names of some of those who did so appear?

Mr. ASHBROOK. I will have to refer to the hearings.

Mr. HAMILTON of Michigan. Will the gentleman state, while he is looking it up, whether anybody came from Michigan or not and said that they were satisfied with this bill?

Mr. ASHBROOK. I do not recall whether there were any representatiives from the State of Michigan or not. We had hearings for four or five days.

Mr. HAMILTON of Michigan. The gentleman ought to be able to give the names of some of the producers.

Mr. THACHER. If the gentleman from Ohio will permit, I will say to the gentleman from Michigan that Mr. Westcott, of Virginia, representing the Eastern Virginia Produce Exchange, with a membership of about 3,000 farmers, appeared and supported the bill very strongly.

Mr. HAMILTON of Michigan. From Virginia?

Mr. THACHER. From the eastern shore of Virginia.

Mr. HAMILTON of Michigan. I would like to know whether the producers of the West expressed an opinion in regard to this bill?

Mr. THACHER. I believe you will find their names in the hearings. I can not recall them.

Mr. ASHBROOK. Here is Mr. H. R. Pennington, of Evansville, Ind. He says:

I represent the Western Fruit Shippers of America.

Mr. HAMILTON of Michigan. He is a shipper and not a producer.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Texas?

Mr. ASHBROOK. Yes; I yield to the gentleman.

Mr. GARRETT of Texas. I want to ask the gentleman if this attempt to fix the standard of weights and measures of apples is not a departure entirely from the ordinary way in which we fix the standard of weights and measures of all other products? For instance, we fix the measure of wheat, oats, and corn, and everything of that kind, by the bushel or pound, so many pounds

constituting a bushel. Now, you say in your bill that a certain space shall constitute a barrel of apples. If you stopped right there nobody would object to it, but you go beyond that and provide that if anybody attempts to ship a barrel of apples containing a less quantity than that he shall be subject to penalties.

Now, suppose you take the case of those regions or countries where the large companies go out and buy the fruit on the trees. They are the ones, as I understand, who are behind this project to fix the standard of the barrel. A man who has an orchard may not want to sell his apples to those people, and he may prefer to pack his apples in sugar barrels or salt barrels or other barrels, and by this act he would be cut off. Why not establish a standard barrel of apples and stop right there, and not punish the man who attempts to give something else than that?

Mr. ASHBROOK. It might be that the enactment of this law would work some hardship to some farmer who had a few bushels of apples to sell, but in my judgment and in the judgment of the committee if the standard is fixed it is likely that all the barrels will be made of this standard size, and there will be no trouble for the people to quickly adjust themselves to it.

Mr. FLOYD of Arkansas. Mr. Speaker, will the gentleman yield to me?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Arkansas?

Mr. ASHBROOK. Yes.

Mr. FLOYD of Arkansas. Right in connection with the suggestion made by the gentleman from Texas [Mr. GARRETT], I want to say that it will be possible for the men who control the barrel industry to prevent small farmers and apple raisers from shipping their apples at all. I would like to know if anybody has come here representing the fruit growers of Arkansas and advocated the passage of this bill?

Mr. ASHBROOK. I can not tell the gentleman the localities of all who appeared before the committee.

Mr. FLOYD of Arkansas. Does the gentleman know of any fruit growers of Arkansas who have advocated the passage of this bill?

Mr. ASHBROOK. I will say to the gentleman from Arkansas that at the time the committee had hearings there was a convention of some sort held here in this city, and representatives of that convention came before the committee and indorsed this bill. And I will say further that of course while I do not know to what extent the people of the country are aware that this bill is pending, no complaint has ever been made against the bill on the part of any, so far as I know.

Mr. JACOWAY. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. JACOWAY. I wish to say to the gentleman that in various parts of Arkansas a man could not get a barrel, perhaps, of the prescribed size. He would use a hogshead or some other kind of container. Then, in that case, he would be subject to a fine under this bill, would he?

Mr. ASHBROOK. If he shipped a barrel and it did not contain the number of cubic inches prescribed by this bill, he would be subject to prosecution.

Mr. JACOWAY. This bill prescribes a certain number of cubic inches in the barrel?

Mr. ASHBROOK. Yes.

Mr. JACOWAY. Is not this bill drawn in favor of the buyers of the apples that are on the trees?

Mr. ASHBROOK. It is in favor of the people. The object of the bill is to benefit the people and prevent short changing the consumer.

Mr. FLOYD of Arkansas. Under this bill suppose a farmer not desiring to ship his apples out of the country at all finds that when he comes to market his apples in the local market, these very buyers, who have great organizations and control the whole buying industry of fruits for shipment, have a monopoly of all the barrels of this standard variety, and he can not buy them; and they are buying fruit on the trees, and he goes to the village store or somewhere else where he can get flour barrels or barrels of a different description, and proposes to sell his apples in the local market, not as barrels of apples but apples contained in barrels for purposes of sale. Would he be liable? It might be that he would have to use coal-oil barrels.

I think the gentleman's bill is wrong in this: A barrel of apples or a barrel of any commodity has a technical meaning just like a bushel has, a meaning denoting measure, apart from its meaning simply as a container. Now, he says, "Here is a barrel containing certain fruits or vegetables, but not representing same as a standard barrel or unit of measure." Your bill ought to be so worded that if a man sells a barrel as a barrel in a technical sense, when in fact it contains a less quantity, he would be guilty of the violation of the law, and if he simply had his fruit contained in some sort of a barrel and sold it as fruit in a barrel he ought not to be liable. I think the wording of the bill is unfortunate.

Mr. ASHBROOK. I will say to the gentleman that we have a standard bushel, and yet if you have corn or potatoes to sell and wish to sell them in a barrel and do not represent the number of bushels therein, you can sell them in that way.

Mr. HAMILTON of Michigan. You would sell the contents in that case?

Mr. FLOYD of Arkansas. Yes. Let me illustrate my idea of the fault in the wording of this provision: What you are trying to prevent here is the perpetration of a fraud by a dealer selling by the barrel apples in barrels that do not contain a barrel, taking the standard barrel as the measure of its contents, weight, or measure. I think the bill should read somewhat in this way: "It shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, by the barrel, fruits or vegetables or any other dry commodity in barrels of less capacity," than prescribed in the bill.

You see, the word "barrel" has two meanings. A barrel might contain 100 bushels of apples, if you made the barrel large enough. It might contain the unit of measure known as a barrel, a barrel in contents, or 20 such barrels. What you desire to prohibit, as I understand, if you are going to legislate upon the subject, is the misuse of a barrel used as a unit of measure, just as a bushel is used as a unit of measure in a technical sense. You might have a large coal-oil barrel. In one sense it would be a barrel and it would contain fruits or vegetables, and yet under your bill a man could not sell fruits and vegetables in such a barrel.

Mr. ASHBROOK. He could sell them in a crate or a basket.

Mr. FLOYD of Arkansas. Your bill does not say so. It says "a barrel containing fruits and vegetables." It would be a barrel containing fruits and vegetables, and yet you prohibit its sale, although the man who sold it made no pretense of selling the fruit by the barrel

Mr. ASHBROOK. A barrel containing fruits or vegetables or any dry commodity of less capacity than the standard barrel defined in the first section of this act——

Mr. FLOYD of Arkansas. Suppose a barrel had the capacity of 1 bushel.

Mr. ASHBROOK. He has the right under this bill to sell one-third, one-half, three-quarters, or one barrel.

Mr. FLOYD of Arkansas. I understand that; but suppose it was of less quantity and not the exact proportion described in the bill. You are imposing all kinds of difficulties upon the fruit producer. You are giving the fruit buyer and the men in control of the fruit market the advantage in this proposition. It is a barrel maker's bill and a vegetable and fruit buyers' bill, not a fruit grower's bill, in my judgment.

Mr. ASHBROOK. If your contention is right, the fact remains that we must always legislate in the interest of the majority, and the majority of the people are consumers and not producers.

Mr. FLOYD of Arkansas. I do not object to legislating in the interest of the majority, and I do not object to defining the technical barrel, in order to prevent men from perpetrating frauds in the sale of any apples or any other commodities; but here you define what shall be a technical barrel, the length of the staves, and so forth, and then you provide that if anyone sells apples or other fruits or vegetables in a barrel not corresponding with those dimensions he shall be guilty of a misdemeanor, although he may be selling to a neighbor who has full knowledge of the irregular contents of the barrel. He may not have a box or any other container in which to put them, and so he dumps them into a flour barrel, and under this bill the sale is prohibited. I am opposed to the bill in its present form.

Mr. THOMAS. Mr. Speaker——

Mr. ASHBROOK. I yield to the gentleman from Kentucky for a very brief question.

Mr. THOMAS. Is that all?

Mr. ASHBROOK. How much time have I?

The SPEAKER. The gentleman has consumed 50 minutes.

Mr. THOMAS. I would like five minutes.

Mr. ASHBROOK. I will ask the Speaker to call my attention when I have used 55 minutes. I desire to reserve 5 minutes of my time.

Mr. THOMAS. I only want five minutes.

The SPEAKER. How much time does the gentleman from Ohio yield to the gentleman from Kentucky?

Mr. ASHBROOK. Three minutes. I promised to yield to the gentleman from New Jersey, the author of the bill.

Mr. THOMAS. Mr. Speaker, it is true that Congress has the right to legislate concerning weights and measures. That seems to have been a new discovery on the part of the gentleman from Iowa [Mr. TOWNER] to-day. But this bill goes beyond that. If it simply fixed a standard of measure I do not suppose anyone would object to it, but it absolutely prevents the producer from exposing for sale or offering for sale any fruits or dry commodity in a barrel, except it be in that kind of barrel set out in this bill; and I submit that Congress has no constitutional right to pass any such law.

I am sorry the gentleman from Iowa [Mr. TOWNER] makes a personal matter of this thing. He says that I have never read the Constitution. He may have read the Constitution many times. A man may read forever and never understand. [Laughter.] If I had read the Constitution of my country only one time I believe I would be more familiar with it than the gentleman from Iowa, who pretends to have read it many times. Mr. Speaker, if self-esteem was the measure of intelligence, the gentleman from Iowa would be a wiser man than ever Solomon was in his day and generation.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. I yield two minutes to the gentleman from Virginia [Mr. JONES].

Mr. JONES. Mr. Speaker, it has been intimated, if it has not been charged in so many words, that this bill is written in the interest of the barrel makers of this country. I wish to say that no such statement as this is warranted by the facts. The farmers of the State of Virginia—at least those with whom I have conversed upon the subject—favor the passage of this bill. A large number of the farmers of the district which I have the honor to represent, to my certain knowledge, are urging its passage, and will be greatly disappointed if it should fail of passage.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. JONES. In a moment. There are two counties in my district that I am informed raise about 5 per cent of all the Irish potatoes produced in the United States. The potato growers of these counties sent a representative to this city, who appeared before the committee having charge of this bill and most forcefully urged the passage of a measure providing for uniformity in the size of barrels. Had I the time, I would read his statement to the House, for it is both illuminating and convincing. There is on the eastern shore of Virginia a cooperative farmers' association known as the Eastern Shore of Virginia Produce Exchange. It is composed of a large number of farmers who are engaged in growing potatoes that are shipped all over the United States, and they are deeply interested in this proposed legislation. For years they have been urging the passage of a bill of this character, and I believe that this bill, if enacted into law, will greatly promote the interests of the farmers of every section of our country. I know that the lack of uniformity in the requirements of the various States as to the size of barrels has caused much confusion and great loss to the farmers whom I represent here, for the Eastern Shore potato is shipped into perhaps as many as 40 of the States of the Union. There can be no constitutional objection to this character of legislation, for the Constitution itself expressly confers upon Congress the power to fix the standard of weights and measures.

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

Mr. ASHBROOK. I yield to the gentleman from New Jersey [Mr. TUTTLE], the author of this bill.

Mr. TUTTLE. Mr. Speaker, the House is asked to pass this bill under the authority of clause 5, section 8, Article I, of the Constitution, which gives Congress the power to "fix the standard of weights and measures." Although the language of the Constitution is very plain and very explicit, and although the early Presidents—Washington, Adams, and Jefferson—repeatedly urged the importance of the subject, Congress during all these years has failed to establish any standard of weights and measures. Even the yard, the pound, the gallon, and the bushel have never been ordained by Congress, but were adopted by the Treasury Department, and have been voluntarily accepted by the States.

Owing to the failure of Congress to enact this needed legislation from time to time the several States have undertaken to fix their own standards, with the result that we have to-day a mass of diverse, inconsistent, and contradictory laws. Business has suffered greatly from the lack of uniform standards as bases of contracts and our domestic and foreign commerce is seriously hampered by the conflicting laws of the various States.

There has grown up in recent years a tremendous demand for a uniform and honest system of weights and measures. This demand has been met in part by the State legislatures, which have recently passed many progressive laws along these lines, and many States have provided for the standard fixed in this bill. Others have hesitated because there has been a question even as to the constitutionality of State laws fixing the standard of weights and measures or because they have anticipated that Congress would exercise the power granted it by the Constitution. As a result there is confusion and confliction all over the country.

The demand for a standard barrel started many years ago. It is not instigated by the coopers or the barrel makers. It comes from the growers and distributors of merchandise everywhere. The association of which the gentleman from Virginia [Mr. JONES] has just spoken is a typical organization of producers who demand this legislation. Here are three or four thousand potato growers on the eastern shore of Virginia who have small truck farms. They can not pack their potatoes in barrels and ship them to Massachusetts or New York or New Jersey or the Western States, because they may have trouble with the size of the barrel.

The legal barrel of Virginia is 1 inch shorter than that of Massachusetts, New Jersey, and New York. A legal barrel at point of shipment becomes a fraud barrel at destination. The producers have appealed to us from all parts of the country for a national standard. Commission merchants, organizations of fruit growers in the West and on the Pacific coast, have come before the committee for the last four years urging this legislation. It has been advocated by the merchants in the great cities; it has been urged by State and municipal weights and measures officials. The national conference of sealers of weights and measures, which meets annually at the Bureau of Standards in Washington, has indorsed the measure.

Mr. CALDER. Will the gentleman yield?

Mr. TUTTLE. Certainly.

Mr. CALDER. Are the requirements in this bill the same as that in the New York law?

Mr. TUTTLE. They are exactly the same as in New York, New Jersey, Massachusetts, and a number of other States, which have tried to pass uniform legislation in conformity with the recommendations of the Bureau of Standards here in Washington. Dr. Stratton, the director of that bureau, is earnestly in favor of this bill.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. ASHBROOK. Mr. Speaker, I yield two minutes more to the gentleman from New Jersey, and in the meantime I ask unanimous consent that all gentlemen who have spoken on the bill or who may speak on it may have five legislative days in which to extend remarks.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all gentlemen who have spoken on the bill, or may speak upon it, shall have five legislative days to extend remarks. Is there objection?

Mr. MANN. At this time I shall object.

Mr. ASHBROOK. I made the request at the suggestion of gentlemen who had only one or two minutes' time and who wished to have more time.

Mr. MANN. That does not do the House any good. Let us pass the bill, and then I do not care who extends remarks.

The SPEAKER. The gentleman from New Jersey is recognized for two minutes more.

Mr. TUTTLE. Mr. Speaker, this bill provides for the same dimensions of the barrel as the Sulzer bill, which was passed by the Sixty-second Congress. It provides for the barrel which is in common use for dry commodities. It is the legal barrel in many States. It has been demonstrated to be the most practical package. It is the universal flour barrel. This bill was reported favorably by the Committee on Coinage, Weights, and Measures of the Sixty-second Congress and by the same committee of this Congress. It has passed the Senate without a dissenting vote, and it is a practical, wise, and useful measure.

Objections have been offered that the bill should not be mandatory. It has been suggested that its provisions should be permissive and optional instead. I submit that this Congress does not desire to pass an optional or permissive standard bill. We can not have a permissive gallon, bushel, or yard. A law, if it is going to be effective, if it can be enforced at all, must be mandatory.

The object is to carry into execution the power of Congress to fix a standard of measure, and "in the nature of things," ob-

serves Attorney General Bonaparte, in a carefully prepared opinion, "the standard fixed by Congress will be the only legal standard as soon as the power to fix it shall have been exercised." In other words, an act of Congress fixing a standard of measure is a mandatory law. It could not, nor should it, be anything less. A permissive law would in no way remedy the existing evils; something more rigid and positive and direct is absolutely necessary in order to accomplish the good that is aimed at. A permissive law would not provide for a uniform standard. On the contrary, it would contemplate the maintenance of a diversity of standards. It would permit by inference the continuance in use of the various types of smaller barrels, which now give rise to much confusion in the produce business. It would not supplant or supersede the present conflicting State legislation. It would not supply the element of uniformity which is so essential to orderly and fair dealing between sellers and buyers. It would not furnish a safe basis of contract.

The vast majority of producers, distributors, and those having to do with the administration of weights and measures' laws desire mandatory national standards, to the end that fraud may be prevented, that uniformity may be insured, and that trade may be facilitated.

There has been some fear expressed that the interests of the small producer may be injured by the mandatory standard barrel, and that he will be hampered in his dealings with his neighbors. In my judgment, this fear is unfounded. A standard-sized package has a definite, well-defined market value, while packages which are irregular in size and shape are exceedingly difficult for the honest merchant to dispose of, and they afford the unscrupulous dealer an opportunity for robbing the producer of his just due.

The grower, of course, desires to pack his produce in honest and marketable containers, but it is to-day impossible for him to pack in compliance with the laws of the different States. His greatest protection would be a national standard container, which could not be questioned in any market to which his goods may be shipped. Under this proposed law the small producer will not be interfered with in the least so long as no fraud is attempted or perpetrated. He may sell by the pound, the peck, the bushel, the wagon load, or whatever unit is most convenient, but if he uses the barrel as a unit of measure and value, it must be a standard barrel. Moreover, it will be difficult for him to obtain any but barrels of standard dimensions, because practically all barrels available for the shipment of produce are of these dimensions or of greater capacity, as, for instance, the sugar barrel.

But the interests of these small producers are insignificant when compared with the great bulk of producers, both large and small, of all kinds of fruits and vegetables throughout the country, the marketing of whose product involves not only intrastate but interstate movement as well. Fully 90 per cent of our agricultural output enters interstate commerce, and here the trouble begins. Those who ship in barrels are confronted with the difficulties and the embarrassment which arise from the great variety of legalized sizes used in the several States.

A Michigan barrel has a capacity of less than 80 per cent of the lawful Massachusetts barrel. The Virginia barrel is 1 inch shorter than the New Jersey barrel. The Tennessee barrel of potatoes must hold 2½ bushels; a Connecticut barrel 172 pounds; but 160 pounds will go in Kentucky, or 165 pounds in Maine. A North Carolina barrel must have three nails to the hoop, but over in Tennessee four "flour" nails are required. Maryland has one standard for fruits and another for potatoes and other vegetables. Ohio generously provides for a barrel of 2 inches greater circumference than other standard barrels. Some States require that barrels shall be marked standard, others are silent on this point. More than half of the States have not bothered to pass any weights-and-measures legislation at all, and presumably their citizens accept any kind of a package that is handed them.

It is true that we have "gotten along" without this legislation, but it is also true that the extensive interstate exchange of perishable fruits and produce is of comparatively recent origin, and its more recent prodigious growth has made Federal action absolutely necessary. Owing to the inaction of Congress State laws are multiplying which will be a serious handicap to interstate trade, and there is pressing need of national legislation.

Another objection is that this bill is unconstitutional because it applies to intrastate transactions. I can only refer those who feel that we are stretching our authority to the opinions of Charles Earle, Solicitor of the Department of Commerce and Labor, written May 15, 1907; Charles J. Bonaparte, Attorney General of the United States, February 13, 1908; and Albert Lee Thurman, Solicitor of the Department of Commerce, May 5, 1914. These opinions appear in another place in the records of to-day's proceedings and effectively dispose of any contention that Congress has no jurisdiction over the standard measures used in intrastate commerce.

A separate standard is provided for cranberries, because they are the only berries or small fruit shipped in barrels and are decidedly different in character from all other commodities marketed in barrels. It appears that the cranberry can not be packed in the ordinary barrel without serious loss and deterioration, and the container described in this bill is deemed by those familiar with the trade to be the most desirable. The dimensions are those fixed by law in the three States which produce the bulk of the cranberry crop, namely, Massachusetts, New Jersey, and Wisconsin, and the cranberry business has been developed upon the basis of this measure.

The adoption of these standards will be a distinct step forward and will mark the beginning of what I hope and believe will be the establishment of an honest and uniform system of weights and measures applying in all of the United States. It is high time that we act; it is high time that we respond to the wishes of the great body of our countrymen that the present conflicting, inconsistent, incompatible, and contradictory State laws be superseded by such a system of Federal laws as was contemplated by the founders of the Republic. I hope that the House will pass this measure and by so doing add to its reputation for sound, practical, and useful legislation.

Mr. ASHBROOK. Mr. Speaker, I understand gentlemen on the other side wish to be recognized, and I reserve the balance of my time.

Mr. CRAMTON rose.

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

Mr. CRAMTON. I wish to be recognized.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRAMTON. I am.

The SPEAKER. The gentleman is recognized for one hour.

Mr. CRAMTON. Mr. Speaker, the bill before us has really two purposes, first, to prescribe what shall be a standard barrel, or, rather, what shall be two standard barrels, and, second, to prohibit the sale of certain commodities in any other kind of a barrel smaller than stipulated in the first section. I am entirely in sympathy with the general purpose sought to be secured by the proposed bill. I have no question as to the power of Congress to pass this kind of legislation. I do submit, however, that the bill proposed is more radical and far-reaching than is either necessary or desirable, and hence I am opposed to this particular measure.

It is significant that, although the power to prescribe a standard has existed in the Constitution since the time the Constitution was framed, we have never until this time passed legislation prescribing standards of this kind. It is easy to understand that when we consider the different methods of doing business that have come about because of changes in conditions. Originally the producer and consumer were near together, and because of their nearness and acquaintance they could do business much differently than is possible now when potatoes in Virginia are sought to be shipped all over the country, and apples from Oregon are likewise shipped East. Hence there has grown up, I admit, the need for a standardizing, so that when a contract is entered into for a certain number of barrels of apples it shall be possible for those who are drawing the contract to refer to some kind of a measure that will be well defined and which both parties may understand alike. Also, when the buyer goes into the open market and buys a certain number of barrels of apples, that he may know what he is getting, if he desires to know it. That need brought into existence two years ago a law known as the Sulzer law, which defined a standard apple barrel. That law has been in effect only since the 1st of July a year ago, and still to-day the beneficent operations of that law are the basis not only for this bill, but for the one which follows it from the Committee on Coinage, Weights, and Measures, the standard apple box bill.

The strange thing, however, is that while, as you will hear when the standard-box bill comes before you, there is universal satisfaction with the operation of the Sulzer barrel law in the apple trade, as was testified in the hearings, and as will be urged upon you, and while this satisfaction with the operation of the Sulzer law is the basis of all argument for the Raker box bill—and the Raker bill is patterned after the Sulzer law—and for this barrel bill for other dry commodities, still they have absolutely changed the form of the Sulzer law in extending it in this barrel bill. The Sulzer law is permissive. The Raker standard-box bill which comes before you from this Committee on Coinage, Weights, and Measures with a favorable

report is likewise permissive, and still the same committee comes out with this standard-barrel bill, urges in behalf of it the successful operation of the permissive Sulzer law, and yet makes it absolutely mandatory; and it is because of that mandatory provision that I am now opposing the bill.

Mr. TUTTLE. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. TUTTLE. The gentleman understands, of course, that the Sulzer law was primarily to fix the grades of apples and to prevent fraud in the apple trade rather than to fix the standard of weights and measures. It would be manifestly impractical to make compulsory grades and to compel shippers to ship their apples according to grades.

Mr. CRAMTON. I understand that the Sulzer law did refer to the grades as well as to the standard of measure, but I do not understand and I do not find anywhere in the hearings that that was the primary object of the bill.

Mr. TUTTLE. I do not think the gentleman has read the hearings very carefully.

Mr. CRAMTON. I have read all of them that I could find. The Sulzer law, as the gentleman said, did provide for other things than the standard measure, but these features of the bill do not especially concern us here; but it did specify a permissive standard of measure just as we propose to do in the Raker box bill. In this bill you propose an absolutely mandatory provision, so that this bill before us extends the Sulzer law in two directions. First, it makes the requirement of the use of the standard barrel mandatory instead of permissive, and then, second, it extends it to all kinds of dry commodities except those excepted in the proviso in section 3, so that not only is this mandatory measure to apply to apples, as did the Sulzer law, but it is to apply to cabbages, potatoes, or any other vegetables or fruit, to sugar, to flour, to crackers, to any other kind of commodity that you can think of that is not sold absolutely exclusively by weight or by numerical count.

Mr. TUTTLE. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Very briefly.

Mr. TUTTLE. The gentleman understands that those articles which he has just enumerated are all sold by weight and by numerical count.

Mr. CRAMTON. Not exclusively. Does the gentleman not recollect ever of hearing of people buying a barrel of flour or a barrel of sugar?

Mr. TUTTLE. Flour is sold by weight.

Mr. CRAMTON. I have heard of sugar, and sugar quoted by the barrel, and if it is sold by weight, it is not sold exclusively by weight or by numerical count. The Sulzer law being of a permissive nature and this being mandatory, it becomes incumbent upon me, perhaps, to show something as to what has been the operation of the Sulzer law. My contention is that the thing that is necessary now is to take a moderate, reasonable step, and as that proves satisfactory and the trade in all these various lines becomes accustomed to it, then we can take other steps as we think best, but it is neither desirable or necessary to take a headlong plunge all at once. The Sulzer law, being permissive in terms, has not caused any inconvenience or trouble to the small dealers, who are not interested in the proposition, but has, through the demands of interstate trade, proven mandatory, so that the result desired is accomplished without causing serious inconvenience, criticism, or opposition, which we should avoid where possible. Jobbers in Chicago or New York who desire to buy Oregon apples under the Sulzer law will insist in their contracts that the barrel be branded in accordance with the law.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COOPER. I understand that they do not sell Oregon apples by the barrel, but by the box.

Mr. CRAMTON. That is correct, but if the gentleman will substitute Michigan for Oregon, the example will hold just as well; and there may be some one even in Oregon who would prefer to use barrels. The demand of the trade forces the man who wants to sell in large quantities in interstate trade to comply with the Sulzer law. That is not a matter of theory. There are a lot of enthusiasts in this movement, a lot of officials who, because they become sealers of weights and measures, forthwith want to put their ideas into law and force them into the law of the country. There are other enthusiasts in the produce and fruit business who want to force their ideas on the country. On the other hand, there are some men who ought to know what they are talking about, who are practical men, who speak from experience, and who tell us that the operation of the Sulzer law, so far as apples are concerned, after only a year of operation has brought about wonderful results. At the risk of being tedious I want to refer to what some of those gentlemen have stated. Mr. Whisler, of Medford, Oreg., is acknowledged to have been the author of the standard-box bill that is coming before you. He is president of the Oregon State Horticultural Society and known throughout the country wherever horticulture is known, one of its authorities in this country, and he said before the committee when asked about this matter that he could not say of his own knowledge as to the operation of the Sulzer law, but that he met at the convention of commission merchants in Kansas City a purchaser of Maine apples from Maine, and this man said to him, "I wish I could go before that committee of the House of Representatives in order that I might testify to them as to the advantage which the apple-barrel trade throughout the State of Maine has received from that legislation." That was the permissive Sulzer bill.

Again, hear Mr. S. L. Lupton—president of the Eastern Fruit Growers' Association, Winchester, Va. His statement here is of some length (see Hearings Feb. 12, 1914, p. 60), but the point of it is that in the year that the Sulzer bill has been in effect "practically one-half," he says, "of the apples in our section this year were packed and sold by contract under the provisions of the Sulzer bill." Half of them in the great fruit-growing section of Virginia went under it in the first year. He further says "they were a little timid, not about the barrel feature, but about the packing provision, and hence they did not all go in the first year, because they were afraid they might unconsciously, unintentionally violate the law," but he says "that has worked off, and we expect next year a great many of our growers will overcome that feeling." The permissive form is producing results.

Again, Mr. R. G. Philips, of Rochester, N. Y., secretary of the International Apple Growers' Association, and I am only quoting men who have been brought here by the advocates of this bill and the Raker bill, says:

> I could cite you one of the Rose Cliff fruit farm, of Waynesboro, Va. In picking auction sheets of apples that were sold on the Liverpool market in October last, my attention was called to the remarkably high prices that the apples put out by that firm were bringing on the Liverpool market. I looked along down and found "Standard grade, minimum size 2½ inches." All of those apples put out from that farm were packed under the provisions of the Sulzer bill. I know on that one particular shipment of 160 barrels, it brought anywhere from 3 to 10 shillings over any other apples sold at that sale on the Liverpool market, with the exception of 6 barrels of Kings which came from Canada.
>
> The CHAIRMAN. And you think the guaranty to the merchant and the consumer that these apples did come up to those standards established by law had a great deal to do with that?
>
> Mr. PHILIPS. There is absolutely no question about it, and the former president of our association, Mr. Loomis, last year, when the bill had not even gone into effect, packed over 50,000 barrels in accordance with that bill, and his testimony was that in not a single instance among those 50,000 barrels thus packed did he have any complaint or rejection, or any allowances to make, while on the other apples which he handled, which were packed in the old way and branded in the old way, there were constant rejections and constant allowances demanded.
>
> Now, I know apples have been packed in Illinois under the Sulzer bill with excellent results, and every one who has tried it has reaped the reward of doing so; he has been amply paid for it. There is no question but what it was a splendid bill and that the principles of it were sound, and that as soon as we can have a little time—it all takes time to get these things in operation—but there is no question that as soon as we can get a little time to get it going and thoroughly understood it is going to be of tremendous influence in the advancement of the apple industry in the United States.

That is the permissive Sulzer bill. They only want a little time, men who know what they are talking about, to get it in operation and get the desired results, and still this bill before us is to be thrust upon every dry commodity industry in the United States, mandatory; got to get it going inside of a few months. It is ridiculous.

Mr. SISSON. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SISSON. I do not want to divert the gentleman from the line of his argument if he has got anything further on that line, but if the gentleman intends to begin a new line of thought——

Mr. CRAMTON. I have not quite finished.

Mr. SISSON. I wanted to call the gentleman's attention to the enforcing clause of this bill.

Mr. CRAMTON. If the gentleman will pardon me, I will take that up later. I would rather continue on this now.

Mr. SISSON. I did not desire to interrupt the gentleman, but I want to hear what the gentleman had to say in reference to the enforcement of the bill.

Mr. CRAMTON. I think there could be a great deal of improvement of the bill as to its provisions.

Mr. SISSON. Take, for instance, a small shipment of apples from the State of Oregon to New York. I desired to know whether or not the prosecution in New York might not make it dangerous for a man to ship apples unless he had his barrel absolutely right.

Mr. CRAMTON. I will say now I believe the law is so severe in its mandatory form that a man who only has a small business will keep out of interstate trade and lose that trade rather than run the risk of prison or fine for an unintentional violation of its provisions, just as shown in the testimony of Mr. Lupton I read from, who said that they had been timid about this in Virginia even under the permissive Sulzer bill. I now yield to my colleague from Michigan.

Mr. HAMILTON of Michigan. I simply wanted to ask my colleague whether there is any difference in the cubical contents prescribed by the Sulzer law from those prescribed in this bill?

Mr. CRAMTON. I think they are the same. I will say, in this connection, that in both cases it is absolutely an arbitrary standard that has been arrived at. It is not 3 bushels, although we generally think of a barrel as being 3 bushels. It is not 3 bushels, but it is an arbitrary standard which has been arrived at by the wide experience of the apple growers as a desirable standard; and at this time I might say, also, that one of the industries it was urged to force the apple standard upon was the cranberry industry.

Mr. JONES. Will the gentleman yield?

Mr. CRAMTON. In a moment. But the cranberry people were well organized and were wide awake, and they made known the facts about their industry and stated that they could not use this standard, and showed why; and so we have likewise in this bill a cranberry standard barrel and the other standard barrel, and this is what I prophesy, because there was not before that committee a single witness to testify as to the needs or wishes of any industry in this country except the fruit industry and the potato growers of Virginia; and hence, because of a lack of information, after this law has been in operation and forced upon these other industries—the sugar people, the cracker people, and others—we will discover cases where we have imposed a terrible hardship on some industry unintentionally, and they will be coming back here, and there will be a demand for some other barrel that shall be used by some other industry; and hence, instead of having, as my friend from Wisconsin [Mr. COOPER] would have us have, a standard barrel, this bill provides for two standard barrels, and in the future I can see other standard barrels on their way.

Mr. JONES. I would like to ask the gentleman from Michigan whether there is any law in his State standardizing a barrel?

Mr. CRAMTON. There has been some legislation, but I am not entirely familiar with it.

Mr. JONES. Can the gentleman state whether or not a barrel in Michigan is smaller than the barrel provided for in this bill?

Mr. CRAMTON. Perhaps the gentleman from New Jersey can give that information.

Mr. JONES. I have been informed that it is smaller, and I want to say to the gentleman it is also true of my own State that at first, if the gentleman will permit me, the farmers in my State were opposed to this bill because it provided for a larger barrel than is provided for in my State.

But they have come to the conclusion that the important thing is uniformity, and therefore favor this bill.

Mr. CRAMTON. I have not time to yield further, Mr. Chairman. If the gentleman intended to infer at all that my opposition to this bill was because the farmers of my State were using smaller barrels than other States were using, I want to say he is entirely wrong in his inference. I wrote to a number of people in my State—the secretary of the State grange, the head of the Gleaners, and to others, and wanted to get their opinion about this bill and did not receive an answer either for or against.

Mr. JONES. I distinctly said to my friend that my State had a barrel that was smaller as well as his State.

Mr. COOPER. You say that your State has a barrel prescribed?

Mr. CRAMTON. I said I thought so.

Mr. COOPER. The law is mandatory?

Mr. CRAMTON. I said I did not know what the law was.

Mr. COOPER. The gentleman would not be in favor of a law in Michigan which would leave it optional with men to fix the size of a barrel?

Mr. CRAMTON. I am not asking to have Michigan excused from the operation of any Federal law that is a good law. I feel it incumbent to impress it upon you that the Sulzer bill, which is a Federal law, in its permissive form is accomplishing that which it was aimed to accomplish, and so would the Tuttle bill if it followed the form of the Sulzer bill.

In a letter from Mr. Pennington, of Indiana, he says:

We appreciate so much the good that has been done by the Sulzer bill that we feel that we can not urge too strongly your early and favorable consideration of this box bill, which will, in a measure, put box apples on the same level with barrel apples and protect the interests of all in the same manner

There are many other letters similar.

Also, Mr. C. C. Willis, who is a member of the State Board of Agriculture of Montana, says:

This bill is of vital importance to the fruit growers of the entire Northwest, as it gives them a standard package, as does the standard barrel to the eastern growers.

Mr. TUTTLE. Will the gentleman yield for a question?

Mr. CRAMTON. Just for a question.

Mr. TUTTLE. May I inquire if the gentleman has received any protest against the passage of this bill from any grower, any producer, any distributor of these commodities which are covered?

Mr. CRAMTON. Mr. Speaker, I may reach wrong conclusions, but I want to say to the gentleman that it is not necessary for me to get a bunch of protests against the bill before I can form a conclusion concerning it. As I just stated a moment ago, I wrote to the men in my State who I thought might be interested, and got no replies for or against. My position on this is absolutely because of my own judgment as to its provisions.

Now, if I can go back again to the operation of the Sulzer bill, Mr. Wagner—and I can not just tell you who he is, but it having been stated by Mr. Reichman before the committee that the Sulzer bill was not worth the paper it was written on, Mr. Wagner stated in part:

Now, to qualify as an expert, I will say that I have been so engaged for 32 years in handling all of these commodities packed in barrels. As Mr. Reichman has said, as applied to the general subject, this thing is largely theory. We have got to get down to the practical features of it, and I just want to straighten up one or two matters.

And one of them was what Mr. Reichman had said.

I do want to take exception to one thing that Mr. Reichman said and the gentleman from Vermont, and that is as to the workings of the Sulzer bill. The Sulzer bill, while permissive, has nevertheless worked a revolution in the apple business; and I will take issue with even the gentleman from New York relative to the comparative quantity of short-measure barrels in the city of New York within the past two years as compared with years prior. I come from Chicago, where we have millions of barrels of apples—not quite so many as in New York City—and I want to say that there has not been brought to my attention in the past two years—and I have watched for it—one single case of short-measure barrels for apples.

That is under the permissive Sulzer bill.

Again, there was an additional statement from Mr. R. G. Philips, secretary of the International Apple Shippers' Association, of Rochester, N. Y.:

Mr. PHILIPS. Mr. Chairman, I feel obliged to make one little statement so that no misapprehension may arise with reference to the Sulzer bill.

At a previous hearing before this committee, as you know, several of us gave our testimony with reference to that bill, and I must take issue with the statement of Dr. Reichman this morning that it is not worth the paper that it is written upon, and what I have said heretofore I am ready to repeat and to prove.

And, again, in the hearings I find the distinguished gentleman from Ohio, now the chairman of the committee, Mr. ASHBROOK, saying:

I was about to call the gentleman's attention to the fact that the Sulzer bill is optional, and my understanding is, and I believe it is the understanding of the members of this committee, that that bill is working out very satisfactorily; and this present bill is patterned along the same lines as the Sulzer bill, but embraces all other commodities.

This bill is not entirely along the lines of the Sulzer bill, being mandatory instead of optional.

Mr. HAMILTON of Michigan. Will my colleague permit me to submit an inquiry? This bill provides a standard cranberry barrel and a standard apple barrel?

Mr. CRAMTON. No; a standard for all other commodities except cranberries.

Mr. HAMILTON of Michigan. In reality it does not fix a standard barrel, then?

Mr. CRAMTON. It fixes two standard barrels.

Mr. HAMILTON of Michigan. Is it not liable by fixing two standards to produce confusion? Does this, after all, fix a standard? Why should there not be the same standard for cranberries as for other things?

Mr. CRAMTON. The favorite argument of those favoring a mandatory standard is this: "We do not want a yard that is not a yard; we do not want a foot that is not a foot; why permit a barrel that is not the standard barrel?" And still facts shown before the committee absolutely proved that the cranberry people could not do business successfully under this other standard, and we had to give them their kind of a barrel in order to fit their case, and so we are offered in this bill two standard barrels, and there will be some other industry that will find its toes pinched just the same and call for another.

Mr. HAMILTON of Michigan. I was going to ask the gentleman if that is not likely to happen?

Mr. CRAMTON. It is.

Mr. YOUNG of North Dakota. Have not the people who wanted a pork barrel been satisfied yet? [Laughter.]

Mr. CRAMTON. That is rather personal to many here, I am afraid.

I believe I have submitted sufficient testimony to show that the Sulzer bill, so far as the industry it was intended for is concerned, has proven a success; that it has accomplished what it was expected and desired it should accomplish, and therefore that all of the results urged in behalf of this new bill could likewise be accomplished by a similarly permissive bill.

Now, on the other hand, I submit that by a radical, mandatory bill like this we are running all kinds of risks. We are plunging head length into something that we know very little about. As a result we are going to endanger the welfare of lines of business to-day we are not thinking about.

Furthermore, you are going to stir up unnecessary opposition in the minds of people against this whole standardization proposition. For instance, if I should write to my good friend Bullock, up in Lapeer County, and ask him to ship me a barrel of apples, if he did not happen to have at hand just the particular kind of barrel that this bill provides for he would go to the grocery store and get instead a cracker barrel or a cranberry barrel, and by so doing he would be subject to a fine and imprisonment in sending that barrel of apples to me, even though he was satisfied and I was satisfied that he had sent me just as many apples as I had paid for.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. COOPER. If this bill should not go into effect until July 1, does not the gentleman think that between now and July 1 his friend Bullock would have time to obtain a standard-sized barrel?

Mr. CRAMTON. I will say to my friend from Wisconsin that my friend Bullock is getting into the habit of using boxes just as people out West are using them. But other farmers needing just a few barrels for the purpose of shipping things to town would not know about the law, and would not know about it the 1st of July next, and they would be caught; and fellows who did not happen to have a lawyer would think they would be obliged to go out of the shipping business because they did not feel sure what all the requirements of the law might be.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. MANN. Would it not be desirable to amend the bill as to the time at which it takes effect? And will not the general effect of such a law be that the people who manufacture barrels will comply with the law, so that the people who use the barrels will get the right kind of barrels provided for them?

Mr. CRAMTON. I will say to the gentleman that even under a permissive law that would be the case, and even in the case of a permissive law that would work out so far as the great bulk of the trade is concerned. But the small shipper, the man with a few barrels of apples, doing business at home within a small radius, would be the last one to know about the law, and he should be the last one who ought to be required to conform to it unless he wants to.

Mr. MANN. Will the gentleman yield again?

Mr. CRAMTON. Yes.

Mr. MANN. I take it that the small shipper of apples does not make his own barrels?

Mr. CRAMTON. No; he gets them by going to the cooper or going to the grocery store and getting a few barrels there that are available.

Mr. MANN. So that if you passed a law of this kind the effect will be that all the great manufacturers will comply with the law?

Mr. CRAMTON. Yes; in the course of time, whether it is permissive or mandatory.

Mr. MANN. Would it in the course of time be so where it is merely permissive, because in some of the States now the standard of barrels of various articles is different from that provided for in this bill?

Mr. CRAMTON. I do not feel like taking the time just now to repeat all that I have said, but I will say to the gentleman that, in my judgment, in compliance with the demands of the trade, the jobbers in Chicago will specify in their contracts, when we have once defined what a standard barrel is, that their apples will have to be packed in the standard-sized barrels, and that will govern the action of the producers and of the coopers alike.

Mr. TUTTLE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from New Jersey?

Mr. CRAMTON. I regret I can not yield. I want to get through, in order to give way to my friend from South Dakota.

Mr. TUTTLE. I wanted to inquire of the gentleman if there were any standard-sized barrels made in Michigan in accordance with the Michigan law?

Mr. CRAMTON. I think we have a law, but I do not know what it is.

Mr. TUTTLE. The standard barrel prescribed there is somewhat smaller and longer than the ordinary flour barrel.

Mr. CRAMTON. I can not yield further to the gentleman.

Now, Mr. Speaker, the hardship and inconvenience and annoyance that this bill is going to cause to the small producers unnecessarily is going to give rise to a feeling of antipathy to the entire proposition of Federal supervision of these matters. I say we ought to go slowly and surely and have each step approved on its merits before we take another step.

Mr. HELGESEN. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HELGESEN. As to these small shippers that the gentleman is defending, when they go to the grocery and can not get the standard-sized barrel are they to be prevented from disposing of their products? Is there anything to prohibit the small shipper from selling his apples by the bushel? If he sold them by the bushel, in that case he would comply with the law.

Mr. CRAMTON. No. This bill provides that it shall be unlawful to sell a barrel of apples or fruits of less than the standard capacity of the barrel. It says it is "unlawful to sell * * * a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels," even if the buyer and the seller and everybody else knows that it is a fraction under the standard barrel. Except for the fractional barrels, the third, the half, and the three-quarters expressly authorized, it is unlawful to fill a barrel smaller than the standard with apples and sell it to anybody, even if you mark all over it the words "This is not as big as the standard barrel," and your invoice bills them by the bushel.

Now, I shall not at this time take up any time in discussing the amendments that I have to offer. I intend to offer one that will make the bill permissive in its operation. There are some other suggestions that I want to make, but at this time I reserve the balance of my time.

The SPEAKER. The gentleman reserves 25 minutes.

Mr. DILLON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DILLON. I am a member of the committee, and I want to discuss this bill.

The SPEAKER. Is the gentleman opposed to it or in favor of it?

Mr. DILLON. I am in favor of it.

The SPEAKER. The gentleman is recognized for one hour.

Mr. DILLON. Mr. Speaker, the Tuttle bill has my hearty support; the Raker bill my opposition. The Tuttle bill proposes a mandatory standard barrel for fruits, vegetables, and other dry commodities. The bill as reported by the committee permits barrels of any form having a capacity of 7,056 cubic inches. It allows the fractional three-fourths, one-half, and one-third barrels. It also establishes a standard cranberry barrel containing 100 pounds.

It prohibits the sale of these commodities in any barrel of less capacity than the standard barrel specified and provides a criminal penalty for those who violate its provisions. The provisions of the bill apply to interstate and intrastate shipments. The bill allows reasonable variations and tolerance under rules and regulations of the Bureau of Standards. It further provides that the provisions of the act shall not apply to commodities sold by weight or numerical count.

The important question is, Shall we have mandatory laws for standard measures or permissive makeshifts? Section 8 of Article I of the Constitution gives Congress the absolute power to fix the standards of weights and measures. For 125 years this congressional power has for all practical purposes remained dormant, during which time the States, under police power, have taken over the governmental function pertaining to weights and measures until 48 legislative bodies are now passing diverse, inconsistent, and chaotic laws.

This is a great national subject which affects the interest of every citizen in the land. Let us set our faces like flint against permissive legislation in reference to standards of weights and measures and enact mandatory laws or none at all.

It will not be amiss to call attention to some of the inconsistent and contradictory laws that are now strangling our commercial and national life. Bills of exchange and commercial paper follow the commercial transactions of our people into all the States. The merchant in Chicago transacts busi-

ness with the citizens of all the States, yet the law governing his commercial paper is controlled by the laws of 48 States.

The makers of the bill of exchange may live in one State, the payee in another, while the indorsers may live in a half dozen States. In one State the holder must protest the paper at maturity, in another he need not do so; in one State he must sue at the first term of court, in another he must pursue his debtor with diligence; in one State his paper is illegal, in another it is valid; in one State his rights are barred by the statute of limitations, in another there is no bar.

The marriage and divorce laws ought to be uniform, because they are national in character. Yet in one State a common-law marriage is valid, while in another it is invalid. A marriage of cousins in one State constitutes holy wedlock, while in another it is made criminal. In one State the colored man may lawfully marry a white woman, while in another such a marriage is prohibited.

The laws of the States in reference to divorce are still more inconsistent and are as diverse as it is possible to make them. The State of South Carolina permits no divorce. New York allows an absolute divorce for adultery only, while many of the States allow the decree on diverse and numerous grounds. Uniformity is nowhere to be found.

The Court of Appeals of New York in People *v.* Baker (76 N. Y., 78) held:

> A State may adjudge the status of one of its citizens toward a nonresident, and may authorize to that end such judicial proceedings as it sees fit, but the judgment can have no effect within the bounds of another State so as to fix upon a citizen of the latter a status against his will and without his consent, which is in hostility with the laws of the sovereignty of his allegiance.

In this case the wife obtained a divorce in the State of Ohio, the husband remaining in New York State, thinking the divorce so obtained by the wife was good as to him; he remarried in the State of New York, and on trial for bigamy the court held that the Ohio decree of divorce in favor of the wife did not affect or change his status in New York, and his conviction of bigamy was sustained.

Thus the great court of New York reached the conclusion that the defendant was guilty of bigamy; because his status was not changed by the Ohio divorce he was still married, while his Ohio wife was single; she was restored to the condition of a single person, but he was still married to her; he was not her husband, but she was his wife.

The results of these decisions are such that one may be a married man in one State, but when he crosses the boundary line of the State he suddenly finds himself a single man. The marriage in one State is holy wedlock, but in another State it opens the prison doors for him as a bigamist.

What progress have the States made in establishing uniformity in these matters? Absolutely none. Discord and inconsistencies constitute the fruits of their labors.

No power is adequate, except the national power, to protect our people against the inconsistent laws on subjects that are wholly national in character. The diversity and conflict will continue, and greater will be the peril as the Nation grows older.

THE BUSHEL AS A MEASURE.

The States have certainly juggled the weight of the bushel measure. Here, again, is a shining example of the diversity of our State laws.

A bushel of salt in 10 States is 50 pounds and in 7 States it is 80 pounds. A bushel of onions in Indiana weighs 48 pounds, in Pennsylvania and Rhode Island 50 pounds, in Delaware, Maine, South Dakota, Massachusetts, Minnesota, New Hampshire, North Dakota, and Vermont 52 pounds, and in 20 other States 57 pounds.

A bushel of parsnips in Iowa and Minnesota weigh 42 pounds, while Indiana says they shall weigh 55 pounds. A bushel of dried peeled peaches in Tennessee weigh 26 pounds, while Virginia fixes the weight at 40 pounds. A bushel of pears in Oregon, Montana, and Washington weigh 45 pounds, while in New Hampshire they weigh 58 pounds.

North Carolina, Pennsylvania, and Virginia potatoes are sold at 56 pounds per bushel, while in 37 States they sell at 60 pounds per bushel. Maine fixes the weight of apples at 44 pounds per bushel, while Arkansas, Minnesota, New Jersey, North Dakota, Ohio, Tennessee, and Wisconsin say they weigh 50 pounds per bushel.

In Louisiana barley weighs 32 pounds per bushel, while in California it weighs 50 pounds per bushel. Beets are sold in 5 States at 50 pounds per bushel, while 8 States must sell at 60 pounds per bushel. The weight of buckwheat in California is 40 pounds per bushel, while in Kentucky it weighs 56 pounds per bushel. Broom-corn seed in North and South Dakota weighs 30 pounds per bushel, while across the line in Minnesota it takes 57 pounds to make a bushel.

Shelled corn in many States is 60 pounds per bushel, while ear corn is 70 pounds per bushel, yet you could not get into a bushel more than 30 pounds of ear corn. The weight is evidently based on a sufficient amount of ear corn to make a bushel of shelled corn. Nine States fix red-top grass seed at 14 pounds per bushel. Virginia fixes it at 12 pounds per bushel, yet the clean seed weighs 30 pounds per bushel.

Notwithstanding the fact that 20 States had fixed a bushel of onions at 57 pounds per bushel, Minnesota a few years ago, finding that the actual weight was 52 pounds, made that the weight of a bushel.

The discrepancies are further perpetuated in the subdivisions of the bushel measure. For instance, you would find it impossible to get one-fourth of a bushel of parsnips into a peck measure.

The bushel measure has by custom ceased to be a standard of measurement. In practice it hardly appears at all. The Winchester bushel was established in England in 1701 with a capacity of 2,150.42 cubic inches. In 1826 the imperial bushel was legally established in Great Britain with a capacity of 2,218.192 cubic inches. The English measure of the bushel is 3 per cent larger than the Winchester bushel. The British gallon is 20 per cent larger than the United States gallon.

The National Government in its custom work at ports of entry has adopted the Winchester bushel by custom, not by direct legislation. Some of the States rest their measures upon custom, while others have fixed the number of pounds contained in a bushel by legislative enactment.

The trouble came in defining the contents of the bushel. We have the struck bushel and the heaped bushel of various forms. The heaped bushel was intended to be 25 per cent greater than the struck bushel. By statutory law New York declared for the heaped bushel with contents of 2,815 cubic inches, while Indiana, Ohio, Mississippi, and Maryland declared for the struck bushel of 2,050.42 cubic inches. Nearly all of the other States rest their bushel measure upon custom, while the Government at its ports of entry recognize the struck bushel. The bushel in the United States ranges from 1,925 cubic inches to 2,815 cubic inches.

There is no uniformity, and there never will be any, until Congress legislates and makes mandatory standards.

THE BARREL AS A MEASURE.

The barrel measure does not tie up to any standard whatever. Sometimes it contains three Winchester bushels. The flour barrel is usually 196 pounds and the beef and pork barrel 200 pounds.

In New York the barrel is 7,056 cubic inches, or 904.74 cubic inches more than three Winchester bushels. On August 3, 1912, the Sulzer permissive apple-barrel bill became a law. This barrel contains 7,056 cubic inches. The Delaware barrel contains 11 pecks. Florida has a standard tub for clams and oysters, two of which make a barrel.

The Maine barrel contains 7,000 cubic inches. The Virginia apple barrel, containing 11 pecks, constitutes the Virginia standard. Vermont has a permissive barrel of 100 pounds, 105 pounds, and 196 pounds for flour. Massachusetts has a 150-pound potato barrel; Maine, Massachusetts, and Kentucky a 165-pound potato barrel; Wisconsin a 172-pound potato barrel; and New York a 174-pound potato barrel. Pennsylvania has a 280-pound salt barrel, and Wisconsin has a 200-pound lime barrel. South Carolina measures her beef and pork by the gallon, 30 gallons making a barrel. Many States have legislated upon the dimensions of the barrel, giving diameter at head, the circumference of the bulge on the outside, and diameter of the bulge on the inside.

We look in vain for uniformity in any of our weights and measures. King Solomon 3,000 years ago declared the diverse weights and measures were an abomination to Jehovah. Like grievances led to the declaration in the Magna Charter that there should be but one weight and measure throughout the kingdom.

The States will never establish uniformity in our weights and measures. They have been trying for 100 years and have made a mess of it. The National Bar Association, the governors of the States at their annual meetings, and commercial associations everywhere are demanding uniform laws on subjects that are national in character.

Many of the laws that ought to be uniform will never become so through the activities of the State legislatures. Nothing except an amendment to the Constitution will uproot the evil growing out of inconsistent legislation. However, we have no difficulty except indifference upon the subject of a uniform

system of weights and measures because express power has been given to Congress to establish for the people a uniform system of weights and measures.

What authority is capable of coping with these evils except the strong power of congressional legislation? The framers of our Constitution more than 125 years ago declared that the weights and measures should be controlled by the national power. The States have been justified, under their police power, in legislating upon this great national question, but the time is now at hand when the National Government must step forward and bring order and uniformity out of chaos and end for all time an intolerable condition.

On January 4, 1915, I introduced H. R. 20525, a bill fixing the number of net pounds of various commodities required to make a bushel. If Congress will enact this legislation it will establish uniformity in all of the States for practically all commodities and thus forever put to rest the conflict of State laws that is now hampering and strangling commerce between States.

The Sulzer apple-barrel act was approved on August 3, 1912. It is based upon the interstate-commerce clause of the Constitution, and is permissive only. It permits three grades of apples. The bill under consideration is mandatory in its terms, and the barrel is of the same size specified in the Sulzer Act. It is not confined to interstate shipments, but provides for a standard barrel in intrastate as well as interstate shipments, not only for apples but for all vegetables and dry commodities.

Some 25 or 30 persons interested in standards appeared before the committee and gave their views upon this subject. They were practically unanimous in demanding a mandatory standard.

Mr. Hugh H. Henry, of Chester, Vt., commissioner of weights and measures, said:

If you have not made it mandatory, you have not prescribed a standard; you have simply allowed everybody to have a standard for himself.

Mr. Lucius P. Brown, Knoxville, Tenn., superintendent of weights and measures, said:

Permissive legislation is worse than no legislation at all.

Mr. F. Reichman, of New York, a delegate to the conference on weights and measures, said:

I am thoroughly in favor of mandatory legislation.

Mr. L. A. Fischer, of the Bureau of Standards, said:

I am in favor, of course, of mandatory legislation. * * * We have had more or less permissive legislation in this country, I think, for over a hundred years, and we are in almost the state that China is at the present time so far as our standards for weights and measures are concerned.

Hon. E. E. BROWN, Representative in Congress from Wisconsin, said:

Practically all the cranberry-producing States, all the dealers, all the associations, and all who handle cranberries are unanimous in asking this Congress to fix a standard barrel and make it mandatory and not simply optional.

Hon. T. C. THACHER, Representative in Congress from Massachusetts, said:

I wish to indorse the Tuttle bill and its mandatory features.

Mr. N. P. Wescott, representing the Producer's Exchange of Olney, Va., said:

The only way to establish a uniform standard is to establish a uniform standard by a mandatory enactment which will make this the uniform and only standard for the entire United States.

Mr. William L. Wagner, representing the Western Fruit Jobbers' Association, Chicago, Ill., said:

There is only one place to start anything of this kind, and that is here. What we need absolutely is a national standard.

Mr. A. U. Chaney, of American Cranberry Exchange, New York, said:

We do not care whether you say "standard" or not, so you give us a mandatory standard, whether you call it a standard or a barrel. We do not care what you call it, so it is mandatory and will protect us against these other State laws.

Mr. J. C. Makepeace, of Wareham, Mass., said:

I can not myself see how any harm could come to any man, be he grower or dealer, by a compulsory mandatory bill, not only for cranberries but for all other commodities of a like nature.

Mr. Joseph J. White, New Lisbon, N. J., said:

The people need a national standard, but to be effective for interstate business it should be mandatory, otherwise it would be of no value in relieving the shippers of fruit from the increasing difficulty of trying to conform to conflicting State laws.

Mr. Andrew Bissig, Grand Rapids, Mich., said:

The Wisconsin growers prefer to have a mandatory law on account of the other States.

Out of 25 or 30 persons appearing before the committee not a single person opposed the mandatory features of this bill. The voice of all who gathered at the hearing was to the effect that a permissive law would not remove the existing evils.

The pure-food act was passed for the purpose of protecting the trade on the contents of the package. The law at first was made permissive, requiring the manufacturers to make correct markings on the packages as to contents. Its supporters then claimed that the trade was anxious to comply with the permissive features. What was the result? The trade largely failed to make any markings at all and in numerous instances removed the old markings.

Thus the permissive law proved a failure, so Congress at a later date came to the rescue of the consumers and passed a mandatory law which is now giving fairly good satisfaction.

Massachusetts at first passed a permissive law in reference to the berry basket whereby the contents was fixed, but if the "standard" was not used it should be marked "short." What was the result? Most of the trade put out a basket short in contents and marked it short. The law was a failure, and then the State passed a mandatory standard basket law.

A national permissive barrel would have no effect upon the Virginia standard barrel of 11 pecks. Neither would it have any effect whatever upon the standard barrel prescribed by other States. We would thus have the example of the National Government making permissive laws while the States are making mandatory laws on these same subjects.

If the law is permissive, will the States that have adopted mandatory standards abandon them and take up the Government's permissive barrel? Evidently not. These States would still brand their standard barrel like Virginia does—"Virginia standard."

President Washington in January, 1790, called the attention of Congress to the great importance of uniformity in currency, weights, and measures, and again in December, 1790, called attention to the importance of this subject.

President Adams also called the attention of Congress to uniformity in weights and measures. Yet we now have persons who are advocates of and who are insisting on permissive legislation.

Permissive standards will never make a landing—never will get anywhere. The States are making and will continue to make mandatory standards under their police power, while the National Government, in a sleepy way, is passing permissive laws and proclaiming to the people that they may adopt the standard or that they may have any standard they want if they will only mark it "short."

The demand of the hour is for uniform and mandatory laws that will set aside the mandatory and permissive laws of the States and that will for all time fix a national standard, not under the interstate-commerce clause of the Constitution, but under the sovereign right that gives Congress the power to fix standards of weights and measures, and thus cure the malady that is hampering the trade. [Applause.]

The SPEAKER. Does the gentleman desire to reserve the remainder of his time?

Mr. DILLON. I will reserve the remainder of my time.

The SPEAKER. The gentleman reserves 35 minutes. Now, if there is any member of the committee who desires to fight this bill, the Chair will recognize him. If not, the Chair will recognize any other gentleman in the House who desires time.

Mr. CRAMTON. I desire to yield to the gentleman from Iowa [Mr. TOWNER] five minutes.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] yields to the gentleman from Iowa [Mr. TOWNER] five minutes.

Mr. TOWNER. Mr. Speaker, I appreciate the courtesy of the gentleman from Michigan in yielding time to me, because I am very strongly in favor of the bill.

The need for this bill is almost self-evident. When it is known that there is a considerable diversity in the States with regard to their various standards of barrels for fruits and vegetables, and when it is remembered that a very large part of the commerce with regard to such fruits and vegetables is interstate, it becomes evident at once, it seems to me, that there ought to be a uniform-standard barrel.

It is said here by way of objection that this bill, which is drawn for the purpose of securing uniformity in the barrel, would interfere in some way with the rights or the sales of small producers, farmers, and truckmen. It certainly would not interfere with the rights of small dealers, farmers, truckmen, or others unless they proposed to sell by the barrel. It only regulates barrel sales. Gentlemen may argue that the language means otherwise, but, I think, with no effect when they come to examine the terms of the bill carefully.

Section 2 provides that it shall be unlawful to sell a barrel containing fruits, vegetables, or any other dry commodities unless the barrel conforms to this standard. It is regulative only of sales by the barrel. If a man desires to sell a peck or a

bushel or any other amount from an open barrel that is not under any circumstances regulated by the terms of this bill, and it seems to me that when gentlemen come to think about the question carefully they ought to agree that if a barrel of anything of this kind is to be sold the men who purchase it ought to know what they are getting. The men who contract to purchase a certain number of barrels of fruit ought to know what they are getting, so that the contract may be interpreted with accuracy. That is now impossible under existing law. We have the right, as has been said—and it can not be contradicted—to establish this standard whenever we determine so to do, and, Mr. Speaker, the time has come when we ought to do so with regard to these transactions.

This is not the result of the committee's endeavor. This campaign for the procurement of the standard barrel has been going on for some years. It has been difficult to bring all of the parties interested to a degree of unanimity of sentiment with regard to the size of the barrel. Finally, however, that has been secured. There is a general agreement now among all of those interested as to the barrel that is proposed here. Many of the States, merely for the sake of securing some degree of uniformity, have adopted this standard, and there are now more States using it than any other admitted standard. But it is desirable, as all must see, that we have this universal standard throughout the United States. I know of no action that has been taken by any agricultural or horticultural society, or any other body interested, board of trade or otherwise, that has not unqualifiedly approved this legislation. I know of no general interest in this country that has expressed itself that has not favored this legislation. It can harm no one.

The SPEAKER. The time of the gentleman has expired.

Mr. CRAMTON. I yield to the gentleman three minutes more.

Mr. TOWNER. No injury can follow to any person under any circumstances that I can imagine who desires to do a legitimate business. Men who desire to sell ought to be as anxious to know what they are selling as men who desire to buy are anxious to know what they are purchasing. We are not legislating here for the purpose of assisting those who attempt to defraud the people who are buying from them; and if we are not, then to establish a standard can work no injury to any legitimate industry or trade or commerce. Therefore it seems to me that gentlemen should hesitate long before they record themselves as voting against a proposition of this kind, so universally desired by the farmers, so universally desired by the fruit growers, so universally desired by the dealers in these commodities. It seems to me that we shall do no more than our plain duty if, in response to that desire, we to-day pass this bill. [Applause.]

Mr. DILLON. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the gentleman from South Dakota [Mr. DILLON] made a very interesting and learned address on this subject, which, so far as the pending bill is concerned, I think is conclusive. In the course of his remarks, however, he referred to the pure-food legislation and stated that at the time of the passage of the pure-food law it contained a permissive quantity of contents provision and that the supporters of the bill stated at that time that a permissive quantity of contents mark would be sufficient and would be generally made use of. It was very natural for the gentleman to make that statement, because the pure-food law contains the right to mark the quantity and contents on the package, but did not require it.

However, as the bill was reported to the House it had a mandatory provision in it for marking the quantity and contents on the package, and the supporters of the bill at that time were in favor of a mandatory provision. It went out because a large number of manufacturers of the country induced their Representatives in Congress to believe that a mandatory provision was not workable. Subsequently the very manufacturers and wholesale dealers who had fought that mandatory provision in the pure-food bill as originally reported to the House waited upon me in my committee room, for I was then still the chairman of the Committee on Interstate and Foreign Commerce, and asked me to prepare a mandatory bill, which they thought was absolutely essential for carrying on the business of the country properly, and that it was workable. That bill afterwards, under the leadership of the gentleman from Georgia [Mr. ADAMSON] when he became chairman, was written into the law and is now the law. It shows progressive ideas in regard to these matters.

I think the present bill and I think both bills pending ought to be passed. I prefer the mandatory provision to apply throughout the country. The people who raise this produce that is put in barrels and the dealers throughout the country who deal in them are generally in favor of a uniform provision. The Constitution of the United States authorizes us to fix the standards of weights and measures. Years ago we passed a law for the use of the metric system, making it permissive. There have been at different times bills reported to the House making the metric system mandatory throughout the United States. These bills have not passed because of the confusion they would work, and because many Members thought it was desirable to first teach the children the use of the metric system instead of imposing it upon us who are older and who can not think in the metric system; but that question is not involved here. It is desirable, in my judgment, to have a uniform standard of weights and measures so far as it is practicable, and it is practicable as to fixing the standard for barrels and, I believe, of other containers of apples.

So that I hope the bill will be passed, although I suggest to the gentleman in charge of the bill that this bill was introduced in 1913 and was reported to the House last June. As introduced it provided for its taking effect the 1st of July next, which was the proper date at the time the bill was introduced. I do not think the bill ought to take effect as to next year's crop. After all, the fixing of standards is directly addressed to the people who manufacture the barrels, and the pack next year ought not to be obligatory under this law either for the packing or the use of the apples during the following winter, because they will be put in barrels next fall for use the following winter.

Mr. ASHBROOK. I expect to offer an amendment making it July 1, 1916, one year later.

Mr. SLAYDEN. Mr. Chairman, I think that this bill will have served a very excellent purpose, whether it is enacted or whether it is defeated, in that it has at least drawn the attention of the American Congress to the fact that we have a chaotic system of weights and measures. Notwithstanding the mandate of the Constitution to provide a national standard of weights and measures, we have, as was shown in the learned address by the gentleman from South Dakota, Judge DILLON, a lot of laws from various States differing in a degree which is perfectly amazing, as revealed in his statement.

Now, I believe that we ought to have and I believe that that is the point to which the committee might confine the exercise of its authority—we ought to have submitted here for the consideration of Congress a bill fixing the standard of measures and weights. I do not believe that these bills ought to be conceived in the interest of the trade in California or the trade in Michigan or the trade in Virginia or anywhere else. I believe that when we declare by law what a barrel is to be it ought to be a barrel for each one of the States in the American Union and for all countries subservient to our laws. I do not believe there ought to be, as is intended in another bill which you will be called upon to consider, a provision for short weight or short measure. I believe that if we declare that a barrel shall contain so much cubic content we ought not to make a provision for a barrel short of that, and when we declare that a box suitable especially for the apple trade shall contain such cubic content we ought not to make a provision for a short measurement, even though the law may require that it shall be branded as short. To me it seems as monstrous as if we were to declare that a pound should contain so many ounces and then specifically make provision for having another pound introduced into commercial transactions containing a fewer number of ounces.

I was not especially impressed with this bill because it was conceived very largely in the interest of the cranberry trade. A hardship perhaps has been worked in that trade, because there had been hasty enactment of laws which compelled them to abandon customs which had been accepted by and were satisfactory to the trade; but, Mr. Speaker, if I have the honor to have any longer service on this Committee on Coinage, Weights, and Measures, I promise now that I shall endeavor to come before the American Congress with a scientifically constructed bill defining our standard measure, and it will make no provision, if I can avoid it, for any departure from those standards. I think that the effort to get a standard of measure, whether it be a box, a barrel, or a pound, which will differ in some sections of the country and under certain conditions of trade, is altogether unsound. I shall support this bill, notwithstanding the fact that I objected to it in the first instance, because it is an earnest endeavor to fix a standard measure, a thing we greatly need in the trade of the country.

Mr. CRAMTON. Mr. Speaker, I have certain amendments which I desire to present, and I desire to take just enough time now to explain them. I offer them, and ask to have them read in the order they are numbered.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

First amendment offered by Mr. CRAMTON:

Page 2, line 10, after the word "inch," insert: "Barrels complying with the provisions of this section may be branded 'United States standard barrel' or 'United States standard cranberry barrel,' as the case may be. In all contracts when goods are sold by the barrel the word 'barrel' shall be construed to mean a barrel of the capacity herein defined."

Second amendment:

Page 2, line 19, after the word "barrel," insert the words "branded as above provided."

Mr. CRAMTON. Mr. Speaker, the third amendment would strike out, beginning with the word "prosecutions," in line 11, down to and including the word "measures," in line 16, and substitute what I have suggested, on page 3.

The Clerk read as follows:

Third amendment: Page 3, line 11, strike out the following language: "Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures."

And insert in lieu thereof the following:

"It shall be the duty of each district attorney to whom any local sealer of weights and measures or other officer of the State or Territory appointed to enforce the laws of said State or Territory, respectively, relating to weights and measures, shall present satisfactory evidence of any violation of this act to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States for the enforcement of the penalty herein provided."

Mr. CRAMTON. Mr. Speaker, these amendments have in view this——

Mr. FOSTER. Mr. Speaker, before the gentleman begins, will he yield for a question?

Mr. CRAMTON. I am simply proposing to explain these amendments.

Mr. FOSTER. In connection with that, let me ask this question: A barrel of these dimensions is marked a standard barrel. If the gentleman's amendment should be adopted, could you ship apples in another barrel that was not marked standard barrel?

Mr. CRAMTON. Yes. Mr. Speaker, the purpose of these amendments would be to secure this situation. It would first provide a definition of what a standard barrel is in this country, so that if you and I desired to enter into a contract and use that term, the definition is in existence, and it is understood what we mean. In the second place, it would authorize you to brand a barrel, complying with the law, as being a United States standard barrel or a United States standard cranberry barrel. It would also permit you, if you did not so brand the barrel, to use any kind of a barrel that you wanted to. The penalty would be directed to those who use a barrel smaller than the standard barrel provided, but still misbrand it, and therein commit a fraud, and the penalty would be addressed to that fraud. The other amendment is simply a suggestion which came from the Solicitor for the Department of Commerce as to what he thought would be a more satisfactory way to secure the enforcement of the law, and I present it just as he suggested it in a letter to the gentleman from New Jersey [Mr. TUTTLE]. I do not care to argue these amendments, because they are in line with what I said before, but I wish by them simply first to secure the definition of what a standard barrel is, and then to punish the misbranding of barrels under that.

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

Mr. CULLOP. Mr. Speaker, I desire to be recognized.

The SPEAKER. The gentleman from Indiana is recognized for one hour.

Mr. CULLOP. Mr. Speaker, I want to ask the chairman of the committee some questions about this bill before I vote on it. In the description of a barrel here I find this:

Length of staves, 28½ inches; diameter of head, 16½ inches; distance between heads, 25¼ inches; circumference of bulge, 58½ inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

The form, I suppose, does not apply to the thickness of the stave, but to the shape of the barrel. Is that correct?

Mr. ASHBROOK. I think that is correct.

Mr. CULLOP. Now, then, a penalty is fixed for a violation of this act if it should become the law; that is, if some person should be so unfortunate to ship apples or other commodities of that kind in a barrel with staves which were a little over four-tenths of an inch in thickness, that could not affect the quantity, as it would contain the cubic inches required for a standard barrel, yet he could be haled into court and punished. Now, I ask the chairman of the committee if he wants to have that kind of a penal statute written upon the statute books here? I will wait for the gentleman's answer.

Mr. ASHBROOK. I will say to the gentleman that I think the thickness of the stave is a matter of very minor consequence, and, as far as I am personally concerned as a member of the committee, I would have no objection whatever to have stricken out lines 9 and 10.

Mr. CULLOP. Oh, that is just of enough minor concern that some rival in business might bring an honest producer in court and have him fined four or five times the value of the commodity he had shipped from one State to another. I think the parts suggested by the gentleman from Ohio should be stricken out of the bill. It would help it.

Mr. TOWNER. Mr. Speaker, will the gentleman yield——

Mr. CULLOP. Now, if that is the kind of legislation that is to be enacted here, it will meet the derision of the public instead of its commendation.

Mr. TOWNER. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. CULLOP. In a moment. Here is proposed to be enacted a statute that would punish a man who would be so unfortunate as to place his commodities in a barrel for shipment and perchance the staves of which the barrel is made should be a hair's breadth more than four-tenths of an inch in thickness. This would be an instrument used to harass honest producers.

Mr. TOWNER. Will the gentleman now yield?

Mr. CULLOP. Certainly.

Mr. TOWNER. Let me ask the gentleman if he will be kind enough to read the first sentence in section 3 and see if he does not think that meets exactly the situation to which he refers. It says:

That reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce.

Mr. CULLOP. Well, if that is to be construed as the gentleman from Iowa construes it, the whole statute is worthless. It would leave it open to a town meeting to be a court to pass upon a standard barrel.

Mr. ASHBROOK. The gentleman is mistaken there.

Mr. CULLOP. I do not think I am.

Mr. ASHBROOK. It says:

Shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce—

Not by a town meeting.

Mr. CULLOP. Then, you will take the enactment of a penal statute out of the hands of the legislative body and put it in the hands of a bureau, make this a bureau government not only in civil procedure, but in criminal as well. It seems to me that if a statute is to be written upon this subject it ought to be written so that it would be easily understood, free from ambiguity, and that a matter of this kind in the thickness of the staves of a barrel should not be the basis of a prosecution. It does not add in any way to the value of the measure.

The purpose of this is to have a uniform standard of measure and not the particular kind of a barrel in which commodities should be shipped. If you were to name the thickness of the stave, why not name the quality of the stave? Why not name what it should be made from and what kind of wood shall be used for it? Why put in four-tenths of an inch in thickness? Would it be injurious if it was five-tenths of an inch or six-tenths of an inch or perhaps three-tenths of an inch? And yet that is the kind of statute that is proposed here on this subject. It seems to me that the reading of the measure as it will naturally be construed by the courts would make it an instrument of injury and harm and in aid of monopoly, a source from which petty prosecutions could be instituted, to vex and harass rivals in business. I doubt its wisdom, and fear it will prove a great disappointment to its sponsors.

Now, Mr. Speaker, one other thought occurs to me while on this subject. I know not who is urging the passage of this measure. I am not aware of any urgent demand among the producers of commodities for such containers as are here proposed and as this bill requires; but one thing is apparent—it might work a great hardship to those least able to bear it. If this measure is enacted and enforced, it will require considerable cost on the part of certain producers to comply with it, and which cost thereby made necessary will in the end be paid by the ultimate consumers. It will have a tendency to increase the cost of living rather than reduce it. It will add to the cost of production, which must be paid by the consumer. It might be well to consider whether it should be imposed at this time. But if its enactment is necessary, I for one think it advisable to postpone it for a while, and then it could probably be presented in a more satisfactory form.

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

Mr. ASHBROOK, Mr. SAUNDERS, and Mr. FOSTER rose.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] is recognized.

Mr. ASHBROOK. Mr. Speaker, I desire to offer an amendment and move the previous question on the bill and all amendments thereto to final passage.

Mr. CULLOP. Mr. Speaker, I want to yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. SAUNDERS. Mr. Speaker, the gentleman from Indiana [Mr CULLOP] yielded five minutes to me.

Mr. ASHBROOK. Mr. Speaker, I was recognized.

The SPEAKER. The gentleman from Indiana had quit. [Laughter.]

Mr. ASHBROOK. He had quit, and I was recognized.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] is recognized.

Mr. ASHBROOK. Mr. Speaker, I desire to offer an amendment, as follows:

In section 4, line 20, strike out "fifteen" and insert "sixteen."

Mr. CULLOP. Mr. Speaker——

Mr. ASHBROOK. Now, Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The SPEAKER. The gentleman from Ohio moves the previous question on the bill and amendments to final passage.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentleman will state it.

Mr. WINGO. If the previous question is ordered, that will shut off all other amendments?

The SPEAKER. If anybody wants further debate, he can vote against the previous question.

Mr. WINGO. We have had members of the committee controlling most of the time. [Cries of "Regular order!"] Regular order will be the point of no quorum. And I make it.

Mr. ASHBROOK. Mr. Speaker, I move that the House do now adjourn.

Mr. CALDER. Mr. Speaker, pending that I ask unanimous consent——

Mr. WINGO. The point of no quorum was made.

Mr. MANN. The point of no quorum was not declared.

The SPEAKER. Will the gentleman from Arkansas [Mr. WINGO] withhold his point, so that the gentleman can offer a resolution?

Mr. WINGO. I will if the gentleman from Ohio will withdraw his motion for the previous question. Just so long as the parliamentary status is maintained——

The SPEAKER. It will be maintained. The gentleman from New York [Mr. CALDER] offers a resolution, which the Clerk will report.

LATE REPRESENTATIVE PAYNE AND LATE REPRESENTATIVE MERRITT.

The Clerk read as follows:

House resolution 697.

Resolved, That Sunday, February 7, be set apart for services upon the life, character, and public services of the Hon. SERENO E. PAYNE, late a Representative from the State of New York, and of the Hon. EDWIN A. MERRITT, Jr., late a Representative from the State of New York.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point that there is no quorum present, and the gentleman from Ohio [Mr. ASHBROOK] moves that the House do now adjourn.

The motion to adjourn was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until Thursday, January 7, 1915, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication of the Secretary of the Interior, submitting an estimate of appropriation in the sum of $75,725, for special equipment and furnishing to complete the building for the Columbia Hospital for Women and Lying-in Asylum (H. Doc. No. 1474), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRUCKNER: A bill (H. R. 20601) providing for the taking up of passports; to the Committee on Immigration and Naturalization.

By Mr. BAILEY: A bill (H. R. 20602) amending sections 3 and 4 of the act of August 8, 1911, entitled "An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census," so as to give any State entitled to at least three Representatives in Congress the privilege of electing them by proportional representation; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WITHERSPOON: A bill (H. R. 20603) to repeal section 9 of the personnel act of March 3, 1899; to the Committee on Naval Affairs.

By Mr. BARTLETT: A bill (H. R. 20604) to construct a public building for a post office at the city of Forsyth, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. GILL: A bill (H. R. 20605) to amend the act of Congress of May 9, 1902, to permit the coloration of oleomargarine to look like butter and that no tax be imposed thereon; to the Committee on Agriculture.

By Mr. HAYES: A bill (H. R. 20606) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 25, 1912; to the Committee on Rivers and Harbors.

By Mr. DUPRÉ: Concurrent resolution (H. Con. Res. 57) relative to the celebration by the State of Louisiana of the one hundredth anniversary of the Battle of New Orleans, January 8, 9, and 10, 1915; to the Committee on the Judiciary.

By Mr. LINDBERGH: Joint resolution (H. J. Res. 399) authorizing and directing the Federal Reserve Board to investigate the organization of the Federal reserve bank in Chicago, in the seventh Federal reserve district; to the Committee on Banking and Currency.

By Mr. FLOOD of Virginia: Resolution (H. Res. 695) to equalize the salaries of two men styled "cloakroom men" in the Doorkeeper's department of the House; to the Committee on Accounts.

By Mr. LINDBERGH: Resolution (H. Res. 696) authorizing an investigation of the Federal Reserve System; to the Committee on Rules.

By Mr. GARDNER: Resolution (H. Res. 698) directing the Secretary of War to send to the House of Representatives certain information; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 20607) granting an increase of pension to John O. Smith; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 20608) granting a pension to Elizabeth Straka; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 20609) granting a pension to H. E. Rives; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 20610) granting a pension to Robert L. Bentley; to the Committee on Pensions.

By Mr. DERSHEM: A bill (H. R. 20611) granting a pension to Clara L. Vawn; to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 20612) granting a pension to Helen Fenzle; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 20613) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of L. George Asbury; to the Committee on Naval Affairs.

By Mr. EDWARDS: A bill (H. R. 20614) for the relief of the heirs of David Beasley, deceased; to the Committee on War Claims.

By Mr. FERRIS: A bill (H. R. 20615) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America; to the Committee on Indian Affairs.

By Mr. FRANCIS: A bill (H. R. 20616) granting an increase of pension to James McMannis; to the Committee on Invalid Pensions.

By Mr. GITTINS: A bill (H. R. 20617) granting a pension to Chester B. Goodenough; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 20618) granting an increase of pension to Michael O'Sullivan; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 20619) granting a pension to Harriet L. Busick; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20620) granting a pension to Anna Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20621) granting an increase of pension to Harriett A. Tharp; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 20622) granting an increase of pension to William G. Otis; to the Committee on Invalid Pensions.

By Mr. LOGUE: A bill (H. R. 20623) granting a pension to Mary Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20624) granting an increase of pension to Matthias Parthemore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20625) for the relief of Mary E. Egan, administratrix; to the Committee on War Claims.

By Mr. MARTIN: A bill (H. R. 20626) granting an increase of pension to George Wells; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 20627) granting an increase of pension to William Davis; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 20628) granting a pension to George Law; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20629) granting a pension to Harriet E. Stout; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20630) granting an increase of pension to Louisa J. Kimball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20631) for the relief of Adam K. Danes, deceased; to the Committee on Military Affairs.

By Mr. REILLY of Wisconsin: A bill (H. R. 20632) granting a pension to Adelaide Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20633) granting a pension to Rebecca A. Searls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20634) granting an increase of pension to William Moses; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 20635) granting an increase of pension to William D. Smith; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 20636) for the relief of the estate of R. J. H. Hatchett, deceased; to the Committee on Claims.

By Mr. STONE: A bill (H. R. 20637) granting a pension to Lydia Jane Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20638) granting a pension to Elizabeth Hakes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20639) granting an increase of pension to Sylvester Tomlinson; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 20640) granting a pension to Nathaniel Amon; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 20641) to establish a chief of naval operations; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of Rhule & Acker, Estep & Floeg, J. G. Metz, A. D. Schmucker, H. H. Patterson, J. A. Simpson, J. B. Snively, and W. D. Dean, all of Williamsburg, Pa., for the passage of House bill 5308, a bill providing for the taxation of mail-order houses for local purposes; to the Committee on Ways and Means.

Also, petition of International Brotherhood of Locomotive Engineers, favoring passage of Cummins-Goeke bills, S. 6165 and H. R. 17894; to the Committee on Interstate and Foreign Commerce.

By Mr. BRUCKNER: Petition of citizens of New York, N. Y., protesting against exportation by the United States of munitions of war; to the Committee on Foreign Affairs.

Also, memorial of New York Board of Trade and Transportation and O. J. Stephens, of New York City, relative to straightening the Harlem River; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee: Papers accompanying bill granting a pension to H. E. Rives; to the Committee on Pensions.

By Mr. CALDER: Petition of New York Board of Trade and Transportation, relative to straightening the Harlem River; to the Committee on Rivers and Harbors.

Also, petition of J. W. Hughall, of Brooklyn, N. Y., protesting against increased armament; to the Committee on Foreign Affairs.

By Mr. CONRY: Petition of New York Board of Trade and Transportation, favoring S. 3672, to make certain improvements in the Harlem River; to the Committee on Rivers and Harbors.

By Mr. DALE: Memorial of Presbyterian Friedenshischi, of Brooklyn, N. Y., relative to violation of neutrality in United States; to the Committee on Foreign Affairs.

Also, memorial of the American Peace Society, protesting against agitation for increase of armament; to the Committee on Foreign Affairs.

By Mr. DILLON: Petition of citizens of South Dakota, favoring passage of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. DRUKKER: Petition of citizens of the State of New Jersey, favoring passage of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. EAGAN: Memorial of the American Peace Society, protesting against agitation for an increase of armament; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of citizens of West Salem, Curtiss, and Colby, Wis., favoring placing embargo on all contrabands of war; to the Committee on Foreign Affairs.

By Mr. FALCONER: Memorial of the American Peace Society, protesting against agitation for an increase of armament; to the Committee on Foreign Affairs.

By Mr. FESS: Petition of Caesar Creek (Ohio) Monthly Meeting, favoring House bill 16098, to protect the Quaker name from advertising; to the Committee on Patents.

By Mr. FITZGERALD: Petition of Branch 244 of the Catholic Knights of America, favoring protection for Catholic priests and sisters in Mexico; to the Committee on Foreign Affairs.

Also, petition of Cattle Raisers' Association of Texas, favoring protection of cattle industry from diseases; to the Committee on Agriculture.

Also, petition of Broadway Board of Trade, of Brooklyn, N. Y., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of Charles Graff, of New York, and the Philadelphia Branch of the National German-American Alliance, favoring law prohibiting export of arms and munitions of war; to the Committee on Foreign Affairs.

By Mr. GRAHAM of Pennsylvania: Memorial of First German Methodist Episcopal Church, of Philadelphia, Pa., relative to violation of spirit of neutrality in United States; to the Committee on Foreign Affairs.

Also, petition of steamship companies of Puget Sound and Alaska, favoring certain aids to navigation; to the Committee on Appropriations.

By Mr. KENNEDY of Rhode Island: Petitions of Miss Ethel Winant Parks, of Providence, and Ida R. Siegfried, of Newport, R. I., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of J. Stewart Cumming, of Pawtucket, R. I., relative to Chinese competition; to the Committee on Interstate and Foreign Commerce.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 20578, for relief of William E. Monroe; to the Committee on Pensions.

By Mr. McCLELLAN: Memorial of citizens of Kingston, N. Y., favoring House joint resolution 377, prohibiting export of munitions of war; to the Committee on Foreign Affairs.

By Mr. MAPES: Petition of citizens of Grand Haven, Mich., favoring passage of House joint resolution 377; to the Committee on Foreign Affairs.

By Mr. PAIGE of Massachusetts: Petition of Carl M. Lorenz and 88 citizens of Webster, Mass., favoring House resolution 377; to the Committee on Foreign Affairs.

Also, memorial of Palmer (Mass.) Council, Knights of Columbus, disapproving of conditions in Mexico; to the Committee on Foreign Affairs.

By Mr. PATTEN of New York: Petition of citizens of New York, favoring Senate bill 3672, to make certain improvements in the Harlem River; to the Committee on Rivers and Harbors.

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