SENATE.

SATURDAY, *February 13, 1915.*

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

Almighty God, we give Thee the worship of our lives. We would glorify the service that we render to our fellow men by giving it in Thy name and through Thy grace. Amid all human conflict of opinion, which serves to winnow the true from the false, there slowly arises the perfect product of Thy grace and of Thy providence expressed in character and in spirit. So we pray that in the daily discipline of life which comes to us in all the conflict of interest and opinion there may yet arise in us the product of God's great purpose, purifying character, strengthening and ennobling life, and bringing each one of us to the point of largest and divinest service. For Christ's sake. Amen.

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

LIMITATION OF DEBATE.

Mr. LODGE. Mr. President, I desire merely to give a notice. On Thursday last, when the Senator from Missouri [Mr. REED] gave notice of his so-called amendment to the standing rules, I made a point of order that it was not an amendment to the standing rules, but a proposal to suspend a rule for a specific purpose. The Chair very properly stated that that point of order would come up properly when the amendment came before the Senate. On yesterday when it came before the Senate, as we all know, an amendment was offered by the Senator from Nebraska [Mr. NORRIS], which, of course, is not obnoxious to the point of order I made. I merely wish to give notice that I reserve that point of order to be made whenever the amendment of the Senator from Missouri comes before the Senate.

DECLARATION OF LONDON.

Mr. LODGE. Mr. President, while I am on my feet I ask that there may be printed in conjunction with my remarks the two orders made in the British Privy Council relating to the adoption of the declaration of London. They are very brief, comprising only two or three pages each. There is the order adopted on the 20th of August and another adopted on the 29th of October. I think it would be very useful to have them printed in the RECORD.

I may add, Mr. President, as we had some discussion on that point when I was speaking on Thursday, there are over 100 pages here of the orders in council establishing prize courts and the rules to be observed. Of course that I do not ask to have printed, but only the two brief orders in regard to the declaration of London, and I will ask that the Official Reporters may prepare them for the RECORD. I will say, Mr. President, that these are the only copies I know of; they belong to the Congressional Library, and they must be taken good care of.

Mr. BRANDEGEE. Will the Senator be kind enough to state what the publications are entitled, in case anyone wishes to obtain them from the library?

Mr. LODGE. One is the Manual of Emergency Legislation, published by authority. The other is Supplement No. 2 to the Manual of Emergency Legislation. It embraces all the legislation by Parliament and all the orders of council relating to the war.

The VICE PRESIDENT. If there be no objection, it is so ordered.

The matter referred to is as follows:

DECLARATION OF LONDON—THE DECLARATION OF LONDON ORDER IN COUNCIL, NO. 2, 1914,[1] [2] NO. 1614—AT THE COURT OF BUCKINGHAM PALACE THE 29TH DAY OF OCTOBER, 1914.

Present, the King's Most Excellent Majesty in council.

Whereas by an order in council dated the 20th day of August, 1914,[3] His Majesty was pleased to declare that during the present hostilities the convention known as the Declaration of London[4] should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government; and

Whereas the said additions and modifications were rendered necessary by the special conditions of the present war; and

Whereas it is desirable and possible now to reenact the said order in council with amendments in order to minimize, so far as possible, the interference with innocent neutral trade occasioned by the war: Now, therefore,

His Majesty, by and with the advice of his privy council, is pleased to order, and it is hereby ordered, as follows:

1. During the present hostilities the provisions of the convention known as the Declaration of London[4] shall, subject to the exclusion of the lists of contraband and noncontraband, and to the modifications hereinafter set out, be adopted and put in force by His Majesty's Government.

The modifications are as follows:

(I A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.

(II) The destination referred to in article 33 of the said declaration shall (in addition to the presumptions laid down in article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy state.

(III) Notwithstanding the provisions of article 35 of the said declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order," or if the ship's papers do not show who is the consignee of the goods, or if they show a consignee of the goods in territory belonging to or occupied by the enemy.

(IV) In the cases covered by the preceding paragraph (III) it shall lie upon the owners of the goods to prove that their destination was innocent.

2. Where it is shown to the satisfaction of one of His Majesty's principal secretaries of state that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country article 35 of the said declaration shall not apply. Such direction shall be notified in the London Gazette, and shall operate until the same is withdrawn. So long as such direction is in force a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

3. The order in council of the 20th August, 1914,[5] directing the adoption and enforcement during the present hostilities of the convention known as the declaration of London, subject to the additions and modifications therein specified, is hereby repealed.

4. This order may be cited as "the Declaration of London Order in Council, No. 2, 1914."

And the lords commissioners of His Majesty's treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's principal secretaries of state, the president of the probate, divorce, and admiralty division of the high court of justice, all other judges of His Majesty's prize courts, and all

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[1] The following notice was published in the London Gazette of November 24, 1914:

"FOREIGN OFFICE, *November 20, 1914.*

"The Secretary of State for Foreign Affairs has been informed by His Majesty's ambassador in France that the President of the French Republic has issued a decree of identical effect with His Majesty's order in council and proclamation, both of the 29th ultimo, setting forth the modifications subject to which the Declaration of London will be adhered to and put in force by His Majesty's Government during the present hostilities and revising the list of contraband of war." (Viz, the Declaration of London order in council, No. 2, 1914, and the proclamation printed under the heading "Contraband of war" at pp. 52–54.)

The following notice relating to a previous decree of the President of the French Republic was published in the London Gazette of September 4, 1914:

"FOREIGN OFFICE, *September 1, 1914.*

"The Secretary of State for Foreign Affairs has received from His Majesty's ambassador at Paris the text of a decree signed by the President of the French Republic on the 25th ultimo, giving effect to the provisions of the Declaration of London, with certain modifications, during the course of the hostilities now in progress.

"The tenor of this decree is substantially the same as that of His Majesty's order in council of the 20th ultimo, which was published in the supplementary London Gazette of the 22d idem." (This "The Declaration of London order in council, 1914," is printed at pp. 143–145 of the Manual.)

The following notice relating to an imperial ukase was published in the London Gazette of September 29, 1914:

"FOREIGN OFFICE, *September 26, 1914.*

"His Majesty's ambassador at Petrograd has reported to the Secretary of State for Foreign Affairs that under an imperial ukase, dated the 14th instant, the provisions of the Declaration of London will be observed by the Russian Government during the course of the present hostilities, subject to the modifications adopted by the British and French Governments as declared in His Majesty's order in council of the 20th ultimo (this "The Declaration of London order in council, 1914," is printed at pp. 143–145 of the Manual) and in the French decree of the 25th ultimo." (See Foreign Office Notice of September 1.)

NOTE.—Neither Russia nor Japan have (November 27, 1914) legislated with regard to the Declaration of London order in council, No. 2, 1914.

[2] This order was published in the London Gazette of October 20, 1914, being the second supplement to the Gazette of October 27, in the Edinburgh Gazette of October 30, 1914, and in the Dublin Gazette of October 30, 1914.

[3] Printed at pp. 143–145 of the Manual.

[4] Printed at pp. 447–463 of the Manual.

[5] Printed at pp. 447–463 of the Manual.

governors, officers, and authorities, whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZ-ROY.

DECLARATION OF LONDON—ORDER IN COUNCIL ADOPTING, DURING THE PRESENT HOSTILITIES, THE PROVISIONS OF THE CONVENTION KNOWN AS THE "DECLARATION OF LONDON," WITH ADDITIONS AND MODIFICATIONS,[1] 1914—NO. 1260—AT THE COURT OF BUCKINGHAM PALACE, THE 20TH DAY OF AUGUST, 1914.

Present, the King's Most Excellent Majesty in council.

Whereas during the present hostilities the naval forces of His Majesty will cooperate with the French and Russian naval forces; and

Whereas it is desirable that the naval operations of the allied forces, so far as they affect neutral ships and commerce, should be conducted on similar principles; and

Whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the convention known as the Declaration of London, signed on the 26th day of February, 1909,[2] so far as may be practicable.

Now, therefore, His Majesty, by and with the advice of his privy council, is pleased to order, and it is hereby ordered, that during the present hostilities the convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty.

The additions and modifications are as follows:

(1) The lists of absolute and conditional contraband contained in the proclamation dated August 4, 1914,[3] shall be substituted for the lists contained in articles 22 and 24 of the said declaration.[4]

(2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(3) The destination referred to in article 33 may be inferred from any sufficient evidence, and, in addition to the presumption laid down in article 34, shall be presumed to exist if the goods are consigned to or for an agent of the enemy State or to or for a merchant or other person under the control of the authorities of the enemy State.

(4) The existence of a blockade shall be presumed to be known:

(a) To all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade.

(b) To all ships which sailed from or touched at a British or allied port after the publication of the declaration of blockade.

(5) Notwithstanding the provisions of article 35 of the said declaration,[5] conditional contraband, if shown to have the destination referred to in article 33, is liable to capture to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

(6) The general report of the drafting committee on the said declaration presented to the naval conference and adopted by the conference at the eleventh plenary meeting on February 25, 1909,[5] shall be considered by all prize courts as an authoritative statement of the meaning and intention of the said declaration, and such courts shall construe and interpret the provisions of the said declaration by the light of the commentary given therein.

And the lords commissioners of His Majesty's treasury, the lords commissioners of the admiralty, and each of His Majesty's principal secretaries of state, the president of the probate, divorce, and admiralty division of the high court of justice, all other judges of His Majesty's prize courts, and all governors, officers and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZ-ROY.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT presented communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The cause of Reginald Branch, administrator of the estate of Minor Knowlton, *v.* The United States (S. Doc. No. 946); and

The cause of James R. Haldeman *v.* The United States (S. Doc. No. 945).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate (S. Con. Res. 28) relative to the acceptance of the statue of George Washington Glick, presented by the State of Kansas, to be placed in Statuary Hall.

The message also announced that the House had passed the bill (S. 6980) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 7213) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 7402) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 145. An act for the relief of Charles Richter;

S. 543. An act to correct the military record of John T. Haines;

S. 604. An act for the relief of Sarah A. Clinton and Marie Steinberg;

S. 926. An act for the relief of the Georgia Railroad & Banking Co.;

S. 1044. An act for the relief of Byron W. Canfield;

S. 1060. An act fixing the date of reenlistment of Gustav Hartfelder, first-class fireman, United States Navy;

S. 1304. An act authorizing the Department of State to deliver to Capt. P. H. Uberroth, United States Revenue-Cutter Service, and Gunner Carl Johannson, United States Revenue-Cutter Service, watches tendered to them by the Canadian Government;

S. 1377. An act for the relief of Alfred S. Lewis;

S. 1703. An act for the relief of George P. Chandler;

S. 1880. An act for the relief of Chester D. Swift;

S. 2304. An act for the relief of Chris Kuppler;

S. 2334. An act for the relief of S. W. Langhorne and the legal representatives of H. S. Howell;

S. 2882. An act for the relief of Charles M. Clark;

S. 3419. An act admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas;

S. 3525. An act for the relief of Pay Inspector F. T. Arms, United States Navy;

S. 3925. An act for the relief of Teresa Girolami;

S. 5092. An act for the relief of Charles A. Spotts;

S. 5254. An act authorizing the Secretary of the Interior, in his discretion, to sell and convey a certain tract of land to the Mandan Town and Country Club;

S. 5497. An act authorizing the issuance of patent to Arthur J. Floyd for section 31, township 22 north, range 22 east of the sixth principal meridian, in the State of Nebraska;

S. 5695. An act for the relief of the Southern Transportation Co.;

S. 5970. An act for the relief of Isaac Bethurum;

S. 5990. An act to authorize the sale and issuance of patent for certain land to William G. Kerckhoff;

H. R. 9584. An act to authorize the Secretary of the Treasury of the United States to sell the present old post office and the site thereof in the city of Jersey City, N. J.;

H. R. 16896. An act for the relief of Col. Richard H. Wilson, United States Army; and

H. R. 18783. An act to increase the limit of cost of the United States post office building and site at St. Petersburg, Fla.

[1] This order was published in the London Gazette of August 22, 1914, being the first supplement to the Gazette of August 21; in the Edinburgh Gazette of August 24, 1914, being a supplement to the Gazette of August 21; and in the Dublin Gazette of August 25, 1914.

[2] The declaration of London is printed in Appendix H, at pp. 447–463.

[3] This proclamation is printed under the heading "Contraband of War," at p. 108. The list therein of conditional contraband was varied by the proclamation of Sept. 21, 1914, printed at p. 111, under the same heading. A list of contraband goods is printed in Appendix A, III, at p. 407.

[4] The declaration of London is printed in Appendix H, at pp. 447–463.

[5] This general report is printed in Appendix H, at pp. 464–514.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the St. Boniface School Society, of St. Louis, Mo., praying for the exclusion of certain matter from the mail, which was referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the enactment of legislation to exclude certain anti-Catholic publications from the mail, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, 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 petitions of sundry employees of the Frankford Arsenal, Philadelphia, Pa., praying for the enactment of legislation to prohibit the use of stop-watch and time study of employees, etc., which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation restricting the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Missionary Society of Homewood United Presbyterian Church, of Pittsburgh, Pa., praying for the enactment of legislation prohibiting polygamy within the United States or any place subject to its jurisdiction, which was referred to the Committee on the Judiciary.

He also presented a petition of the City Council of West Pittston, Pa., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

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

Mr. CHAMBERLAIN. I present a memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 1st day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.
By S. A. KOZER,
Deputy.

House joint memorial No. 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the members of the Twenty-eighth Legislative Assembly of the State of Oregon, earnestly pray your honorable body to enact a law granting to the veterans of the Modoc Indian War in the State of Oregon of 1872 and 1873, engaged in the active service of the State of Oregon against said Indians, and the veterans of the State troops engaged in the Indian Wars of 1878 in the service of the State of Oregon the same pension privileges by the United States as are now given by the General Government to the veterans of the Indian War in Oregon of 1855 and 1856, and that the pensions so granted may be subject to the same rules and under the same conditions as applied to the said Indian War veterans of 1855 and 1856.

Adopted by the house January 21, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate January 26, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) House joint memorial No. 2. W. F. Drager, chief clerk. Filed January 27, 1915, at 2.20 o'clock p. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. CHAMBERLAIN. I present a memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 1 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 20th day of January, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 1st day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State,
By S. A. KOZER, *Deputy.*

Senate joint memorial No. 1.

Memorial to the Congress of the United States of America petitioning the United States Government to appropriate $300,000 for suppressing carnivorous wild animals destructive to live stock in the public-land States of the West.

To the honorable Senate and House of Representatives of the Congress of the United States:

Your memorialists, the governor and Legislature of the State of Oregon, respectfully represent that—

Whereas in the Western States, known as the public-land States, the losses of live stock and poultry, due to the attacks of coyotes, wolves, wildcats, cougars, and bears, amount to not less than $15,000,000 annually; and

Whereas in these western public-land States the State, county, and stockmen do now, and have for years, paid large bounties and used other means to bring about the eradication of these carnivorous animals; and

Whereas in these western public-land States there is now withdrawn from settlement in some form or other approximately 225,000,000 acres of Federal land, which land constitutes the principal breeding ground and refuge of these carnivorous wild animals, and enables them to increase their numbers in spite of the efforts made by the State, county, and stockmen to exterminate them: Now, therefore, be it

Resolved, That the Legislature of the State of Oregon does hereby most respectfully urge and request that Congress immediately appropriate the sum of $300,000, to be used by the United States Department of Agriculture for the destruction of coyotes, wolves, wildcats, cougars, and bears in these western public-land States, in order that the meat supply of the Nation may be increased and the proper development of the West encouraged.

Adopted by the house January 13, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate January 13, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed:) Senate joint memorial No. 1, by Senator Burgess. J. W. Cochran, chief clerk. Filed January 20, 1915, at 10.05 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. CHAMBERLAIN. I present a memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Banking and Currency.

There being no objection, the memorial was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 1 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 1st day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,
Secretary of State,
By S. A. KOZER, *Deputy.*

House joint memorial No. 1.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas the agricultural interests of the State of Oregon and of the United States of America are of most important and fundamental interest, both in magnitude and number of people employed therein; and

Whereas said interest have no adequate or suitable system of banking or finance; and

Whereas the State of Oregon, together with 34 other States of the Union and your honorable body, have sent delegates to investigate rural-credits and farm-finance systems in Europe; and

Whereas said delegates have made their respective reports urging legislative action by Congress on this subject; and

Whereas there is very urgent need on the part of the farmers and other persons interested in agricultural pursuits to take advantage of the money markets of the world in obtaining financial assistance; and

Whereas many bills have been introduced into your honorable body bearing upon this subject: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That our Representatives and Senators in Congress be, and are hereby, memoralized and requested to use their best endeavors to secure the passage of a law providing for the enactment of a rural-credit law by the terms of which the farmers of the State of Oregon may obtain long-term loans on the authorization plan and to otherwise favor the farmers and agricultural workers by allowing them to take ad-

vantage of the money markets of the world on the same terms as other industries.

Adopted by the house January 19, 1915.

BEN SELLING,
Speaker of the House.

Adopted by the senate January 21, 1915.

W. LAIR THOMPSON,
President of the Senate.

(Indorsed): House joint memorial No. 1. W. F. Drager, chief clerk. Filed January 27, 1915, at 2.20 o'clock p. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Oregon, praying for the establishment of an International Peace Union, which was referred to the Committee on Foreign Relations.

Mr. WORKS. I present a joint resolution of the Legislature of the State of California, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the resolution was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 4, relative to placing veterans of the United States Army who fought in Indian wars from 1865 to 1891 on the pension roll.

Whereas there is now pending in the Congress of the United States what is known as the Keating bill, providing that men who have served in the United States Army and took part in Indian campaigns between the years 1865 and 1891, shall be placed on the regular pension roll of Indian war veterans: Therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Senators and Representatives in Congress of the State of California be respectfully urged to take all proper means to expedite and secure the passage and enactment into law of the said Keating bill; and be it further

Resolved, That the secretary of the senate be and he is hereby directed to transmit copies of this resolution forthwith to the Senators and Representatives in Congress of the State of California.

NEWTON W. THOMPSON,
President pro tempore of the Senate.
C. C. YOUNG,
Speaker of the Assembly.

Adopted in senate January 22, 1915.

EDWIN F. SMITH,
Secretary of the Senate.

Adopted in assembly January 27, 1915.

L. B. MALLORY,
Chief Clerk of the Assembly.

This resolution was received by the governor this 28th day of January, A. D. 1915, at 3 o'clock p. m.

ALEXANDER MCCABE,
Private Secretary of the Governor.

Attest:

FRANK C. JORDAN,
Secretary of State.

Mr. WORKS presented petitions of sundry citizens of Los Angeles and San Luis Obispo, in the State of California, 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 the petition of J. R. Cunningham of San Francisco, Cal., praying for the adoption of certain amendments to the present homestead laws, which was referred to the Committee on Public Lands.

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

Mr. BRISTOW presented memorials of sundry citizens of Harper County, Sylvan Grove, Bird City, and Minor, all in the State of Kansas, remonstrating against curtailing the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Paola and Hillsboro, 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 Topeka, Kans., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. LODGE. I present two telegrams in the nature of memorials. They are very brief. I ask that they may be read and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegrams were read and referred to the Committee on Post Offices and Post Roads, as follows:

ROXBURY, MASS, *February 13, 1915.*

Hon. H. C. LODGE,
Washington, D. C.:

Post office clerks Boston protest biennial promotions for clerks as present in Post Office appropriation bill. Please consider.

J. H. WATERS,
President National Federated Post Office Clerks, Boston.

BOSTON, MASS., *February 12, 1915.*

Senator HENRY C. LODGE,
United States Senate, Washington, D. C.

DEAR SIR: The following resolution was adopted at a meeting of Branch 34, National Association of Letter Carriers, held in the American House February 12, 1915, and the members would respectfully ask that you lend your best efforts to the defeat of the proposed measure:

"Whereas Branch 34, National Association of Letter Carriers, has been notified that the Senate Committee on Post Offices and Post Roads will recommend to the Senate the adoption of biennial promotions for letter carriers; and

"Whereas the letter carriers in this city now serving in the $900, $1,000, and $1,100 grades served over five years as substitute letter carriers at less than a proper living wage; and

"Whereas practically all of these men served one year or more in the $600 grade; and

"Whereas under the present laws these men will serve 11 years before reaching the maximum or $1,200 grade: Be it

"*Resolved,* That Branch 34, National Association of Letter Carriers, disapprove of biennial promotions."

CORNELIUS F. MALLEY,
Secretary Branch 34, National Association of Letter Carriers, Roxbury Station, Boston, Mass.

Mr. SHERMAN. Mr. President, I present three telegrams in the nature of memorials from clerks and letter carriers of the State of Illinois, which I ask may be read.

There being no objection, the telegrams were read, as follows:

CHICAGO, ILL., *February 12, 1915.*

Senator L. Y. SHERMAN,
Washington, D. C.:

We, the executive board of Local No. 1, National Federation of Post Office Clerks, in behalf of our members, protest most emphatically against recommendations of Post Office and Post Roads Committee of the Senate that promotions in the automatic grades be made biennial instead of annually, as at present, and we hope you will use your best endeavor to prevent the present classification from being amended in that respect.

Respectfully,

EXECUTIVE BOARD OF LOCAL NO. 1,
219 South Dearborn Street, Room 735.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

The letter carriers of Pullman Station protest against the proposed amendments changing Post Office appropriation bill deferring increase of pay for two years or more for carriers.

Yours, respectfully,

C. F. NORLIN,
Executive Board Member, Garden City Branch, No. 11, Chicago.

—

CHICAGO, ILL., *February 13, 1915.*

Hon. L. Y. SHERMAN,
United States Senator, Washington, D. C.:

The carriers of Canal Station, Chicago post office, are desirous of having you protest against the passage of an amendment to the Post Office bill against biennial promotions. The long siege of subbing is in itself a suffering and hardship, and one who goes through such usually is in debt, and this will entail another year or two of close living, the present high cost of which makes it almost impossible to exist on the present salary. We believe you are well aware of the hardship endured, also the length of time consumed to reach the lowest grade, and should the amendment pass there will be no willing men of good character and ability seeking the position. Again requesting you to do your utmost to defeat its passage, we are,

Yours, respectfully,

CARRIERS OF CANAL POSTAL STATION.
CHAS. ROLAND,
Ex-Board Member, Carriers' Postal Station.

Mr. SMITH of Michigan. I desire to present a telegram addressed to my colleague [Mr. TOWNSEND] and myself, which I desire to have read.

There being no objection, the telegram was read, as follows:

CONVENTION HALL,
Grand Rapids, Mich., February 12, 1915.

Hon. WM. ALDEN SMITH and
Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.:

Republican State convention to-day unanimously commends your attitude opposing the attempt of the administration to force upon our people the iniquitous ship-purchasing bill.

D. E. ALWARD, *Secretary.*

Mr. GRONNA. I present a telegram in the nature of a memorial, and, as it is very brief, I ask that it be printed in the RECORD without reading.

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

GRAND FORKS, N. DAK., *February 12, 1915.*

A. J. GRONNA,
United States Senate, Washington, D. C.:

One hundred postal clerks in North Dakota respectfully ask you to oppose the change from annual to biennial promotions for men in the service.

CARL H. FODNES,
President Grand Forks Branch, R. M. A.

Mr. JONES. I present a telegram in the nature of a memorial from 150 postal clerks of the Spokane branch of the Railway Mail Service, which I ask may be printed in the RECORD.

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

SPOKANE, WASH., *February 12, 1915.*

Hon. W. L. JONES,
United States Senate, Washington, D. C.

SIR: One hundred and fifty postal clerks of Spokane branch ask you to oppose the change from annual to biennial promotions in the Railway Mail Service.

Respectfully, JAMES R. HARPER,
President Spokane Branch, Railway Mail Service.

Mr. HITCHCOCK. I present telegrams in the nature of memorials from 200 railway postal clerks of the Lincoln district, from members of the Capital City Branch, of Lincoln, and from the State president of the National Association of Letter Carriers, of Lincoln, Nebr., which I ask may be printed in the RECORD.

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

LINCOLN, NEBR., *February 11, 1915.*

Hon. G. M. HITCHCOCK,
United States Senate, Washington, D. C.:

Two hundred railway postal clerks in Lincoln district respectfully ask you to oppose the change from annual to biennial promotions just recommended by Senate committee.

EARL M. HIATT,
President Lincoln Branch, Railway Postal Clerks' Association.

—

LINCOLN, NEBR., *February 11, 1915.*

Senator GILBERT M. HITCHCOCK,
Washington, D. C.:

The members of Capital City Branch, No. 8, National Association of Letters Carriers, representing 63 carriers, request your support in assisting to defeat bill providing for biennial promotion of letter carriers.

C. B. HALL, *Secretary.*

—

LINCOLN, NEBR., *February 11, 1915.*

Senator GILBERT M. HITCHCOCK,
Washington, D. C.:

As State president of the National Association of Letter Carriers I respectfully petition you to use your influence in defeating biennial promotions of carriers.

Yours, truly, J. HOMER CLARK, *President.*

Mr. STERLING presented petitions of sundry citizens of Rapid City, Burke, Wetora, Eureka, and Frankfort, all in the State 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.

OCEAN TRANSPORTATION.

Mr. GALLINGER. I have two brief articles from the Boston News Bureau, a well-known trade journal, relating to ocean transportation. I ask that they may be read; they are very brief.

There being no objection, the matter referred to was read, as follows:

Boston: Steamship officials are at a loss to understand the telegram from Collector Billings made public Tuesday by Secretary McAdoo to the effect that there is a great lack of ship bottoms for the export trade at Boston; that booking for shipping space must be made two or three weeks in advance; and that grain elevators and railroad cars are filled with grain awaiting foreign shipment. In the ordinary course of business bookings are made two or three weeks and even much longer in advance of sailing, especially on lines whose service is only fortnightly, but the Cunard Line booked freight Tuesday for their Liverpool sailing next week and have plenty of room for their London sailing the following week.

On Tuesday three ships of companies controlled by the International Mercantile Marine Co. sailed from Boston carrying 35,000 tons of cargo, which cleaned up practically every pound of freight on hand for shipment by these lines.

The Boston & Albany grain elevator on Tuesday held only 561,719 bushels and there were 34 cars containing 38,000 bushels of grain being delivered at the elevator. As this elevator has held in the past 882,000 bushels, it is obviously not true that it is filled with grain.

Boston. A State Street banker in close touch with the shipping situation says: "It is greatly to be regretted that the exigencies of politics forced so excellent a business man as Collector Billings to send a telegram to the Secretary of the Treasury, advertising to the world a shortage in tonnage at the port of Boston. Of course there has been no shortage in tonnage here in Boston, as the collector could easily have determined had he made the slightest investigation. It is regrettable that politics obliges men to do things which their business judgment must condemn.

"Even if true, no one would be warranted in advertising that the port of Boston lacks facilities for handling shipments to Europe. Such a representation is sure to result in a curtailment of shipments through Boston and not only injure the steamship companies running to Boston but also the port itself.

"The collector is quoted as saying that the situation will be more congested 'unless relieved by increased service.' It is to be regretted that Mr. Billings did not go further and explain how the increased service would relieve the congestion at European ports due to the war. Cases of a month's delay in getting facilities and men to unload cargo at Liverpool and other ports are not unusual, and how increased service to such ports would lessen the congestion already existing there is difficult to understand.

"It can hardly be questioned but that steamship service to German ports, among others, has been affected by the war, and that, for a dozen different reasons, steamship rates to Europe have advanced. But the point at issue, in spite of the activity of the Secretary of the Treasury, is whether the ship-purchase bill would relieve existing conditions. The Government's purchasing ships already employed in steamship service would not in itself increase that service, and if the Government did purchase such ships at exorbitant prices, the mere fact of Government operation would not increase their capacity, nor would it relieve congestion on the other side or terminate the war."

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 11927) for the relief of Matthew McDonald, asked to be discharged from its further consideration and that it be referred to the Committee on Naval Affairs, which was agreed to.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 221) withholding from allotment the unallotted lands or public domain of the Creek Nation or tribe of Indians and providing for the sale thereof, and for other purposes, reported it without amendment, and submitted a report (No. 981) thereon.

Mr. LANE. I am directed by the Committee on Fisheries, to which was referred the bill (S. 5283) to regulate the catching of whales in the waters of the Territory of Alaska, to submit an adverse report (No. 982) thereon, and I ask that the bill be postponed indefinitely.

The VICE PRESIDENT. The bill will be postponed indefinitely.

SCHOOL BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. HOLLIS. From the Committee on the District of Columbia I report back favorably, without amendment, the bill (H. R. 13222) to regulate the use of public-school buildings and grounds in the District of Columbia.

This bill was introduced in the Senate and in the House of Representatives at the same time. It was passed unanimously by the Senate, but when it went to the House of Representatives, instead of passing the Senate bill they passed the House bill. It makes no difference in legislation, except that the bill will have to be again passed in one House or the other. I therefore ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Mr. President, when this bill was previously before the Senate there were objections to it. I should very much prefer to read the bill and see if those objectionable parts are still in it. For that reason I object to its present consideration.

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

BILLS INTRODUCED.

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

By Mr. SMOOT:

A bill (S. 7647) to provide for the erection of a public building at Price, Utah; to the Committee on Public Buildings and Grounds.

By Mr. GRONNA:

A bill (S. 7648) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes (with accompanying papers); to the Committee on Public Lands.

By Mr. PERKINS:

A bill (S. 7649) providing for the disposal of certain lands in Imperial County, Cal., and the proceeds arising therefrom (with accompanying papers); to the Committee on Public Lands.

By Mr. GOFF:

A bill (S. 7650) granting an increase of pension to Adelphia Eskey (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7651) granting an increase of pension to Stillman Choate; to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 7652) providing for the continuance of the Joint Commission to Investigate Indian Affairs; to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER submitted an amendment proposing to increase the appropriation for the maintenance of the Glacier National Park, Mont., from $40,000 to $100,000, intended to be proposed by him to the sundry civil appropriation bill (H. R. 21318) which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing for a refund of sums paid for documentary stamps, etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 21318) which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $812.60 to pay Frank Carpenter for services and team hire in 1910 and 1911 in connection with the construction of the Oklahoma State Rifle Range at Chandler, Okla., etc., intended to be proposed by him to the Army appropriation bill (H. R. 20347), which was ordered to be printed and, with accompanying paper, referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS—LEWIS M. MILLER.

On motion of Mr. BURTON, it was

Ordered, That the papers in the bill for the relief of Lewis M. Miller (S. 3128, 63d Cong.) be withdrawn from the files of the Senate, no adverse report thereon having been made.

RIVER AND HARBOR IMPROVEMENTS.

Mr. BURTON. I submit a resolution and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 541), as follows:

Resolved, That the Secretary of War be requested and directed to transmit to the Senate a statement of the balances to the credit of the respective river and harbor projects of the country now under improvement, remaining unexpended and available on January 1, 1915, or February 1, 1915, as may be most convenient.

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

Mr. LEA of Tennessee. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will go over under the rule.

Mr. BURTON. Mr. President, this is the usual order made at this time in regard to balances remaining unexpended for river and harbor work. A similar resolution passed in the last Congress. It asks for information of great value to the Senate in any discussion of the river and harbor bill. It requires some little time for the preparation of the information in the War Department, and I understand they have already commenced to compile the figures, so that, perhaps, the report can be made in a short time.

Mr. LEA of Tennessee. Mr. President, I have no objection especially to the resolution, but it is difficult for Senators on this side to obtain unanimous consent, and so I think it had better take the regular course.

Mr. BURTON. I understand, then, that the Senator from Tennessee asks that the resolution go over for the day?

Mr. LEA of Tennessee. Yes.

The VICE PRESIDENT. The resolution will lie over and be printed.

SHIPS OF BELLIGERENT NATIONS.

Mr. BURTON. I submit a resolution which I desire to have read, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 542), as follows:

Whereas the pending ship-purchase bill, being S. 6856, contemplates by certain of its provisions the purchase of shipping tonnage already constructed, and therefore suggests the possible acquisition of ships belonging to belligerents, some of which are interned in American and other ports as the result of the war; and

Whereas the purchase of such vessels would raise questions of vital importance to the interests of the United States, a knowledge of which is of supreme importance in order that the Senate may reach an intelligent conclusion as to the advisability of enacting said bill and as to the propriety of incorporating in its provisions certain amendments: Therefore be it

Resolved, That the Secretary of the Treasury be requested, and is hereby directed, to transmit, at his earliest convenience, to the Senate of the United States information responsive to the following queries:

First. Has the Secretary of the Treasury knowledge that any officer of the Government has made overtures or addressed inquiries to the owners of ships under the flags of belligerent nations, including those ships now detained in ports of the United States or other neutral ports, with a view to the purchase of such ships on the part of the Government of the United States or any of its authorized agencies?

Second. Have tenders of sale of any merchant ship or ships carrying the flag of any of the belligerent nations been made to the United States or any of its officers or agencies?

Third. Have there been any tenders for the sale of vessels at present carrying the flag of any neutral nation to the United States or any responsible officer or agent thereof?

Fourth. Is it within the knowledge of the Secretary of the Treasury that any individual, firm, or corporation in the United States has made loans or advances to any individual, firm, or corporation owning ships which are detained in the ports of the United States or elsewhere to avoid the consequences of war; or that any person, firm, or corporation, acting either in private capacity or that of agent for the Government, holds an option on any such ship or ships contemplating their transfer either to the Government of the United States, an agency thereof, or to private citizens of the United States?

Fifth. Is it within the knowledge of the Secretary of the Treasury that the Government of the United States, or any official thereof, has in his employ or under his direction any person or agent who is making inquiry as to the possibility of purchasing any ship or ships of any description whatsoever contemplating their eventual transfer to the United States or an agency thereof?

In each of the above instances the names of the persons, ships, and terms involved in each contemplated sale or purchase is requested.

Mr. FLETCHER. I ask that that resolution go over.

Mr. WILLIAMS. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will go over under the rule.

PURCHASE OF SHIPS.

Mr. BURTON. I submit a resolution and ask that it be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Secretary will read as requested.

The resolution (S. Res. 543) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That a committee of five Senators be appointed by the Presiding Officer of the Senate with authority to compel the production of books and papers, summon witnesses, and take testimony in order to ascertain:

1. Whether any individual, firm, or corporation in the United States has made loans or advances to any individual, firm, or corporation owning ships which are detained in the ports of the United States or elsewhere to avoid the consequences of war.

2. Whether any individual, firm, or corporation in the United States has at any time obtained options upon any such ship or ships.

3. Whether the persons, firms, or corporations having made such loans or obtained such options have any connection, direct or indirect, with the Government of the United States.

WATER-POWER SITES.

Mr. BORAH. I submit a resolution for which I ask immediate consideration; and I desire to say just a word in explanation of the resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 544) was read, as follows:

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to furnish the Senate with all information in his possession as to the ownership and control of the water-power sites in the United States, showing what proportion of such water-power sites is in private ownership and by what companies and corporations such sites in private ownership are owned and controlled; what horsepower has been developed and what proportion of it is owned and controlled by such private companies and corporations; and any facts bearing upon the question as to the existence of a monopoly in the ownership and control of hydroelectric power in the United States.

Mr. BORAH. Mr. President, this resolution is directed to the Secretary of Agriculture. Ordinarily it would not go there; but I am informed that the Bureau of Forestry is in possession of some very important information with regard to this matter, and that that bureau would be glad to furnish the information if it were given the opportunity to do so. For that reason the resolution is directed to the Secretary of Agriculture.

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

The resolution was agreed to.

THE PREFERENTIAL BALLOT.

Mr. OWEN. Mr. President, Order of Business 333 on the calendar being Senate resolution 320, provides for the printing of an address by Prof. Lewis Jerome Johnson, of Harvard University. I desire to substitute a corrected copy of that address.

Mr. SMOOT. Mr. President, I think that copy should go to the Committee on Printing rather than have it substituted on the floor of the Senate. I do not think a reference would interfere at all with the desire of the Senator from Oklahoma or with the address being printed, if there is nothing in it to which there could be objection.

Mr. OWEN. This matter is on the calendar. It is an address by Prof. Johnson on the preferential ballot, and he has corrected it. I desire to have the corrected copy printed instead of the old copy.

Mr. SMOOT. I understood that was the request of the Senator, but I should prefer to have it referred to the Committee on Printing and allow the committee to act on it. I do not think there will be any objection on the part of the committee to reporting the corrected address as a substitute for the one originally proposed to be printed. I do not believe, however, it is proper to have the substitution made on the floor of the Senate. I will say to the Senator from Oklahoma that, as a member of the committee, I should have no objection to the substitution.

Mr. OWEN. I do not want the resolution to lose its place on the calendar.

Mr. SMOOT. It will not lose its place.

Mr. OWEN. Then I am quite content to have that course taken—to have the matter of the substitution of the corrected address for the old address referred to the Committee on Printing.

Mr. SMOOT. That is the proper course.

The VICE PRESIDENT. The address will be referred to the Committee on Printing for action.

TENNESSEE RIVER BRIDGE, ALABAMA.

Mr. WHITE I ask unanimous consent to take up for immediate consideration the bill (H. R. 17168) 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. It is a matter of very great concern to the people in that vicinity.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

MAJ. JOHN O. SKINNER.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Senate bill 2789, being Order of Business No. 805, to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired. I feel sure there will be no objection. If there is, I will withdraw the request.

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

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

Be it enacted, etc., That the President be, and he is hereby, authorized to award the medal of honor to Maj. John O. Skinner, surgeon, United States Army, retired, for gallantry in action while serving as an acting assistant surgeon, United States Army, in having rescued a wounded soldier who lay under a close and heavy fire during the assault on the Modoc stronghold during the battle of January 17, 1873, in the Lava Beds, Oreg., after two soldiers had unsuccessfully attempted to make the rescue and both had been wounded in doing so.

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

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19545) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 12, 13, 25, 33.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, and agree to the same.

BENJAMIN F. SHIVELY,
CHARLES F. JOHNSON,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
J. A. ADAIR,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20562) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and agree to the same.

BENJAMIN F. SHIVELY,
CHARLES F. JOHNSON,
Managers on the part of the Senate.
ISAAC R. SHERWOOD,
J. A. ADAIR,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6980) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SHERMAN conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7213) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SHERMAN conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7402) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SHERMAN conferees on the part of the Senate.

THE MERCHANT MARINE.

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

The resolution (S. Res. 537), submitted by Mr. GORE on the 5th instant, was read, as follows:

Resolved, That the Committee on Commerce is hereby discharged from further consideration of S. 7552.

Mr. GORE. On that I ask for the yeas and nays.

Mr. SMOOT. What is the resolution, Mr. President?

The VICE PRESIDENT. Let it be reported again.

Mr. GORE. I withdraw the request.

The VICE PRESIDENT. The Secretary will again report the resolution.

Mr. GORE. I withdraw the request.

The SECRETARY. Senate resolution 537, by Mr. GORE:

Resolved, That the Committee on Commerce is hereby discharged from further consideration of S. 7552.

Mr. PENROSE. What is "S. 7552"?

Mr. REED. Mr. President, a parliamentary inquiry. What is the subject matter of the bill?

The VICE PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. Senate bill 7552 is entitled:

A bill 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.

Mr. GALLINGER. Mr. President, I will ask if that resolution was presented at a former meeting of the Senate? If not, of course it will go over under the rule.

The VICE PRESIDENT. Oh, yes; it has been heretofore presented. It was presented on the 5th of February, and laid over under the rule.

Mr. GALLINGER. It was laid over under the rule?

The VICE PRESIDENT. Yes.

Mr. GALLINGER. Then it is in order.

Mr. BURTON. Mr. President, is that resolution in order at this time?

The VICE PRESIDENT. It is, at this time.

Mr. BURTON. I desire to address the Senate on this matter.

The VICE PRESIDENT. The Senator from Oklahoma has been recognized. Will he yield?

Mr. GORE. Mr. President, I desire to ask for the yeas and nays on the adoption of the motion.

Mr. BURTON. Well, wait, Mr. President. I should like to be heard.

The VICE PRESIDENT. Under the ruling of the Senate it does not make the slightest difference whether the yeas and nays are ordered or not. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. CRAWFORD. Mr. President, a parliamentary inquiry. I may be under a misapprehension. As I understand, this is a resolution to discharge the Committee on Commerce from the further consideration of that bill.

The VICE PRESIDENT. Yes.

Mr. CRAWFORD. Is not that bill out of the hands of the Committee on Commerce and before the Senate?

The VICE PRESIDENT. This is a different bill, as the Chair understands. The Senator from Ohio is now recognized.

Mr. BURTON. Mr. President——

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arizona?

Mr. BURTON. I should like to ask for what purpose the Senator from Arizona desires me to yield?

GRAZING HOMESTEAD BILL.

Mr. ASHURST. I rose to obtain recognition, but the Chair properly recognized the Senator from Ohio. I wanted at some time to-day, and I give notice that I am going to repeat this attempt until I shall have succeeded or failed, to ask the Senate to vote on the grazing homestead bill. The entire western part of the United States, so far as I am advised, is strongly in favor of this grazing homestead bill. The bill has passed the House of Representatives. It was favorably reported from the Senate Committee on Public Lands. Here is a noble opportunity for this Congress to do something in behalf of the people. So I move that the Senate proceed to the consideration of H. R. 15799, the grazing homestead bill.

Mr. BURTON. Mr. President, I desire to be heard on the so-called ship-purchase bill; but if it is distinctly understood that at the time the Senator from Arizona concludes, or at the time the Senate concludes the consideration of his motion in regard to a homestead bill, I shall have the floor, I shall be glad to yield to him.

Mr. ASHURST. Mr. President, I am just advised, and I presume that is true, that the motion is not in order until the morning business is closed.

The VICE PRESIDENT. There is no doubt about that.

Mr. BURTON. Mr. President——

Mr. ASHURST. Mr. President, will the Senator yield to me further?

Mr. BURTON. For what purpose?

Mr. ASHURST. I wish to ask unanimous consent that the Senate proceed to the consideration of the grazing homestead bill, H. R. 15799, which bill has passed the House of Representatives and has a unanimous report in its favor from the Senate Committee on Public Lands.

Mr. BURTON. Mr. President, I again say that if it is distinctly understood that this is not to deprive me of the privilege of proceeding immediately upon the conclusion of the consideration of this bill I shall be glad to yield to the Senator from Arizona, but not under any other circumstances whatever. I am ready to proceed. I understand that bill is a very commendable one, and I have no objection to its consideration, but I waive no rights to the floor.

Mr. JONES. Regular order, Mr. President.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill referred to by the Senator from Arizona?

Mr. SMOOT. I object.

Mr. BURTON. There is an objection, as I understand.

The VICE PRESIDENT. The Senator from Ohio at last has the floor.

THE MERCHANT MARINE.

Mr. BURTON. Mr. President, the ship-purchase bill has assumed a very peculiar position of late. The question most prominently before the Senate is one of the rules. There are two propositions pending; and in the hope that out of all the confusion which has arisen we may get a better understanding of the question at issue, I desire to make a brief review of the present situation.

There is pending before the Senate a motion by the Senator from New Hampshire [Mr. GALLINGER] to refer certain propositions for amendments to the standing rules of the Senate, temporary or permanent, to the Committee on Rules. The question originally intended to be referred is a motion by the Senator from Missouri [Mr. REED], which I will read. It is found on page 3627 of the CONGRESSIONAL RECORD:

> Pursuant to the provisions of Rule XI of the standing rules of the Senate, I propose the following amendment to the rules:
> Add, at the end of Rule XXII of the standing rules of the Senate, the following:
> "Not later than the hour of 2 o'clock p. m. of the calendar day February 19, 1915, all debate upon Senate bill 6856 shall cease, and at the time aforesaid the Senate shall proceed to vote upon said bill and all amendments thereto without further debate. The final vote upon said bill shall be taken not later than 5 o'clock p. m. of said date.
> "The foregoing proceedings shall have precedence over all other motions whatsoever."

To this motion the Senator from Nebraska [Mr. NORRIS] on yesterday proposed an amendment, which is found on page 3630 of the CONGRESSIONAL RECORD, in the first column, and reads as follows:

> That the committee be instructed—

That is, the Committee on Rules—

> RULE XLI. It shall be in order during the morning hour to make a motion that any bill or resolution then on the calendar shall be considered under the terms of this rule. Such motion, when made, shall lie over one day and shall then be decided without debate. When it has been decided to consider a bill or resolution under this rule the same shall first be considered in general debate, during which time no Senator, except by unanimous consent, shall be allowed to speak more than three hours. At the close of general debate the bill or resolution shall be read for amendments, and on any amendment that may be offered no Senator, except by unanimous consent, shall speak for more than 15 minutes: *Provided*, That any Senator who has not spoken for three hours in general debate shall in addition to said 15 minutes be allowed additional time, but in no case shall such additional time or times, including the time used by such Senator in general debate, exceed in the aggregate three hours. When the bill is being read for amendment all debate shall be confined to the amendment which is then pending.

We have thus before us two propositions very distinct and very easily discriminated. One is a rule intended to be applied to a single bill now before the Senate of the United States. It is proposed in effect to suspend the rules and provide for cloture on one measure. If this resolution should be adopted it would be functus officio, it would have no force or effect beyond this one bill which is pending. In a word, it provides for a temporary suspension of the rules. The other is in the nature of an amendment to the rules. It can be adopted, no doubt, by a majority vote of the Senate. It provides a very radical change in the procedure and methods of the Senate which have prevailed for more than 100 years.

At this time I do not wish to go into any elaborate discussion of the question relating to the rules of the Senate under which unlimited debate is allowed, but I do wish to express myself briefly upon this subject. Personally, I should favor some rule under which unlimited debate can be brought to an end, but I do not see my way clear to favor a proposition under which this can be done by a mere majority vote. It is a question of detail whether two-thirds, or three-fourths, or four-fifths, or any larger fraction should be required.

There are possibilities in a filibuster which would not contribute to the orderly procedure of the Senate and to our usefulness as a legislative body; but there is another side to this question. When the Senate of the United States was first organized, for eight years the previous question was allowed. At the expiration of that time the rules were changed; and since then, now for 117 years, unlimited debate has been allowed in this body. I think the right of unlimited debate is one of the bulwarks of the American Nation to prevent injudicious legislation, and that it is also a safeguard for the liberty and rights of the American people.

The great problem of popular government is to secure the rights of the minority. The principle was laid down by Mr. Webster, in his reply to Calhoun, that there was so far a common interest imposed upon all the people of a country that the majority could rule without injustice or oppression to the parts. That great fundamental idea is based upon the principle that the right of government must rest somewhere. It might rest with the king, with absolute power; it might rest with an aristocracy; but in popular government it rests, as we say somewhat loosely, with the people. There must be some way in which the people can express their will, and that the orderly processes of government may go on. It has been thought the majority must rule. But over against that we must bear in mind that this Government of ours is not like those of the ancient days, wherein a popular assembly issued its decree. It is not like one of those in which a single parliamentary body determines the policy of the Government. The United States Constitution provides an elaborate system of checks and balances under which it is assured with an equal degree of fixedness, first, that the people shall rule; second, that the will of the people shall be calmly and deliberately expressed. As has been stated in a phrase which possibly has a little of flippancy, "the framers

of the Constitution had equal fear of the despot and of the mob."

Our Constitution provides an Executive, a legislative, and a judiciary. It has a perfect panoply of provisions to prevent injudicious or hasty action. Unlike many of the republics of the olden days there are two legislative chambers. The Executive has the right of veto. The legislative will does not become law after a veto has been transmitted with the reasons of the Executive unless both Houses of Congress by a two-thirds vote override that veto.

We had an illustration of this barely a week ago. A bill passed both the House and Senate by an overwhelming majority which was returned by the President with his veto. It goes without saying that in this body it would have passed four to one over his veto, but it first went to the other House, and on a very large vote it lacked a comparatively trivial number of the required majority. Perhaps a change of five votes would have resulted in the necessary two-thirds. But that prevented the bill from becoming a law, and that notwithstanding that in two Congresses, in the years 1896 and 1897 under the administration of President Cleveland and again under the administration of President Taft, a similar bill was passed, and notwithstanding some persons rose in the House of Representatives and said that while their personal convictions were against the bill they felt compelled to vote for it because the people demanded it.

So this is not a Government in which the idea of popular control is pushed to the extreme. I think I may say, Mr. President, that this Senate, with its right of unlimited debate, has thrown such illumination on great questions as to be a benefit which may have saved the people from mistaken action in times of excitement and passion.

The debates here, though somewhat lengthy, have aroused the attention of the people and caused them to change their minds.

And again, let us take the word "filibuster," so odious to some; what has been the history of the filibusters in the Senate?

In the year 1891 one was undertaken against the so-called force bill. It had passed the House of Representatives and was pending here in the Senate where it was thought it would command a plain majority. But a filibuster was organized against it, and it was defeated. If there had been any such rule in existence as is contemplated by the Senator from Missouri [Mr. REED], it would have become a law.

When we look at this question calmly and dispassionately, after a lapse of 23 or 24 years, whatever the opinions of any individual among us may be, I believe that the general judgment of the American people is that the defeat of that measure was for the best.

In the year 1893 a filibuster was organized against the repeal of the silver-purchase act of 1890. The repeal of the act had been recommended by President Cleveland. A large majority in both the Senate and the House favored the repeal. Half a dozen or less conducted a very earnest filibuster against it. Considerable time was required for discussion, but the Senate and House heard from the people, and that filibuster was ineffective.

One of my predecessors from the great State of Ohio, Hon. John Sherman, here in this body uttered an impassioned appeal to the Democrats during that discussion, placing upon them the responsibility for action. Possibly in part under the influence of that appeal, made not only to his opponents but to those on his side of the Senate, the measure was passed and it became a law. But the temporary opposition called a filibuster led to an intelligent and careful consideration of the question of silver coinage in all its phases, and I think there is none who can say it was not helpful. It was a proof that if a filibuster is not sustained by popular sentiment, if it is not in the cause of right, it will fail of its purpose.

In the year 1901 Mr. Carter, of Montana, talked a river and harbor bill to death. It was a somewhat easy task, because the measure was brought before the Senate on a conference report, as I recall it, late in the evening of March 3, and there were several conference reports on appropriation bills which it was very much desired that the Senate should dispose of.

Passing on a little further, Senator Carmack, of Tennessee, by a so-called filibuster, defeated a ship-subsidy bill. Well, that also was under unusual circumstances. It was at the very close of a session which expired by limitation, as I recall it. At a later time that same question was brought before Congress, passed the Senate on two or three occasions, but failed in the House. The consistent majority of the two Houses was evidently against the measure and justified its original defeat by exceptional means.

In the year 1911 the Senator from Oklahoma [Mr. OWEN] conducted what may be called a filibuster—I think he will not be offended, he is here, I see, if I use that term—against the bill for joint statehood for Arizona and New Mexico. He talked all night, as I recall it, on an appropriation bill.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. I yield for a question.

Mr. OWEN. The Senator is in error with regard to the statement of the record. It was not joint statehood for Arizona and New Mexico, but was merely a question as to whether Arizona should be excluded and New Mexico admitted.

Mr. BURTON. Very well; I stand corrected on that. I was thinking of the later bill.

Mr. ROOT. It was the separate bill.

Mr. BURTON. It was the bill for the separate admission of New Mexico without Arizona.

Mr. OWEN. That is right.

Mr. BURTON. That seems to have succeeded, for now Arizona is a State and is represented here on this floor.

In the last session of this body, with a comparatively small number of my colleagues, I stood against the river and harbor bill. The Senator from Iowa [Mr. KENYON], who is present, cooperated in that enterprise. The Senator from New Hampshire [Mr. GALLINGER], the Senators from Nebraska, and the Senator from Idaho [Mr. BORAH] aided very much.

Mr. BRANDEGEE. Will the Senator yield for a question?

Mr. BURTON. Yes; if it is a question merely.

Mr. BRANDEGEE. It is simply this: It is of no great consequence, but I think it might well be stated correctly in the RECORD what was the filibuster of the Senator from Oklahoma. I should like the Senator from Ohio to ask the Senator from New Mexico [Mr. FALL] to make that statement. I think the Senator is incorrect in the statement of it.

Mr. FALL. I will be glad to give it.

Mr. BURTON. I do not know that I can yield for that under the rule. I do not know but that it would be better to have an error go into the RECORD which does not really affect the proceedings than to have the question of my right to the floor raised.

Mr. NORRIS. Will the Senator yield for a question right there?

Mr. BURTON. Yes.

Mr. NORRIS. Does not the Senator think it would be better to provide by a general rule against these filibusters and save these errors from going into the RECORD, because I think the Senator will have to admit that various rulings for the last several years when filibusters have been conducted have been promulgated here on emergency propositions that in fact everybody practically knows were wrong. If it were not for the filibuster, we would not have such rulings, and under the rule the Senator from New Mexico could get the truth put in the RECORD.

Mr. BURTON. I really was not aware that such rulings had been made, unless during this discussion on the ship-purchase bill. A ruling was made when the river and harbor bill was under consideration that one holding the floor could not yield even for a question except by unanimous consent, but after a day's discussion that ruling was reversed. Speaking of the river and harbor bill, I insist that that really was not a filibuster. A river and harbor bill had passed the House and been reported to the Senate which included the accumulation of the errors of four or five years. Indeed, it was based upon erroneous principles. It included objectionable items. It failed to recognize radical changes in transportation in this country. As was pointed out during that debate by the Senator from Nebraska [Mr. NORRIS], there was at least one improvement where it would have been more economical to have bought and burned all the freight offered than to continue the improvement. There were other items in that bill equally absurd. The subject required careful consideration, much elaboration, the reading of dry statistics, the presentation of unattractive figures, some iteration and, possibly, reiteration, so that the facts might be brought before the Senate. What was the result of that filibuster? Call it so if you have a mind to; I am not sensitive on the subject.

Mr. SMITH of Michigan. Mr. President——

Mr. BURTON. An analysis of the errors of that bill made its defeat essential if we were ever to have a rational system of waterway improvements in the United States; and, Mr. President, no serious effort ever has been made to refute the facts or explain the discouraging statistics presented during that prolonged debate. I do not claim credit for the defeat of the bill, though I did talk all night against it. I merely sought to present to the Senate and to the country the plain, unvarnished facts.

What was the result? A saving of $40,000,000 to the people of the United States. I am sure there is a certain element in

the country ready to vote for the retention of the right to filibuster.

Mr. ROOT. Mr. President——

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

Mr. BURTON. The Senator from Michigan rose first.

Mr. SMITH of Michigan. Oh, no.

Mr. BURTON. I yield to the Senator from New York.

Mr. ROOT. I rose merely to ask a question of the Senator from Ohio. Was the all-night session, through which he was compelled to talk in order to present the facts to justify the defeat of the rivers and harbors bill of the last Congress anything more than an attempt to prevent him from stating those facts through the operation of physical exhaustion?

Mr. BURTON. I think not. That morning there had been a meeting of the committee, in which a compromise had been discussed. At 5 o'clock in the evening word was brought to me that all propositions for a compromise were withdrawn, and that an all-night session would be insisted upon. Of course, that meant an effort to jam the bill through that night by the weight of physical exhaustion. One Senator had said, "Keep this body in session until those Senators drop in their seats and their mouths are dry." That meant a challenge of physical endurance, a threat to carry the bill through, regardless of its merits.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. I yield.

Mr. SMITH of Michigan. I wish to ask the Senator from Ohio whether he would have undertaken the work which he did in antagonism to the river and harbor bill if there had been any form of cloture in the Senate by which a vote could have been forced by a majority of this body?

Mr. BURTON. It would have been, I take it, impossible.

Mr. NORRIS. Mr. President, will the Senator yield for another question?

Mr. BURTON. Certainly.

Mr. NORRIS. I should like to have the Senator from Ohio ask the Senator from Michigan who has just propounded the question whether the Senator from Michigan did not say on the floor of the Senate that the bill was almost perfect.

Mr. BURTON. I am a little afraid of getting into a desultory discussion here——

Mr. NORRIS. And whether the Senator from Michigan did not think that the filibuster was a bad thing?

Mr. SMITH of Michigan. No; but if the Senator will allow me——

Mr. BURTON. I will yield, if the Senator from Michigan will ask me a question; I do not want to yield to a second Senator to ask it. The Senator from Michigan knows my fondness for him would make me gladly yield to him for 10, 20, or 30 minutes for a statement; but there are certain rules enforced here that compel me to restrict any interruption by him to an inquiry.

Mr. SMITH of Michigan. I realize that, Mr. President.

Mr. BURTON. If the Senator from Michigan will make it a question, I will yield.

Mr. SMITH of Michigan. I realize that I am not permitted to answer the question of the Senator from Nebraska, but I think I am under the rule permitted to say that the filibuster of the Senator from Ohio was not only justifiable but that I rejoice it was made, and as one of the members of the Committee on Commerce I have governed myself accordingly in the present bill in every part I have had in it; and it is twenty-odd million dollars less than the bill that was proposed and is a more wholesome piece of legislation. I thank the Senator from Ohio.

Mr. BURTON. It is not perfect yet, by a good deal.

Mr. SMITH of Michigan. But I thank the Senator from Ohio and I thank the absence of cloture for what he accomplished.

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

Mr. BURTON. Certainly.

Mr. GALLINGER. I will ask the Senator from Ohio if, in view of the fact that we shall probably have a deficit of $100,000,000 at the end of the present fiscal year, he does not think the Democratic Party and the whole country owe those of us who engaged in that so-called filibuster thanks?

Mr. BURTON. I think so; certainly to the Senator from New Hampshire and to the other Senators whom I mentioned, and I will put myself at the foot of the list.

Mr. NORRIS. Will the Senator yield to me for a question?

Mr. GALLINGER. The Senator from Ohio, I apprehend, will agree with me that if it had not been for that the deficit would have been $140,000,000 in place of $100,000,000. It is bad enough as it is.

Mr. KENYON. Will the Senator from Ohio yield for a question?

Mr. BURTON. Certainly.

Mr. KENYON. I wish to ask the Senator from Ohio if the Senator from Michigan who has just so eloquently spoken did not in the same eloquent way announce that there was not an item in the river and harbor bill presented here the last time that ought not to be passed?

Mr. BURTON. Possibly he said something like that, but he was open to conviction on the subject, and he was convinced afterwards that that was not the case. [Laughter.]

Mr. SMITH of Michigan. Mr. President, if the Senator from Ohio will permit me to ask a question——

Mr. POMERENE. I just want to ask one other brief question. What was the date of the conversion of the Senator from Michigan?

Mr. BURTON. It was in due time.

Mr. ROOT. Just let me ask the Senator——

Mr. BURTON. I yield to the Senator from New York.

Mr. ROOT. I wish to ask the Senator from Ohio whether the conversion of the Senator from Michigan was not made possible by the fact that the Senator from Michigan had been bound by no caucus rule in respect to the merits of the proposition?

Mr. BURTON. If he had been bound by a caucus rule, I am afraid he would not have been converted, and would not have uttered the very pleasant sentiments that he uttered just a few moments ago.

Mr. SMITH of Michigan. Mr. President, I want to ask the Senator from Ohio a question. It is this: Whether a statement such as has been attributed to me by the Senator from Iowa [Mr. KENYON], rather appropriately, was made in view of the fact that the War Department and the engineers of the Army had made their estimates and had approved every single item in the river and harbor bill at the last session, except one which I myself introduced, and which was of no consequence. Therefore I say that as river and harbor bills have been made—I ask the Senator from Ohio if I am not correct—as river and harbor bills have been made, that was scientifically and appropriately made; but I think that the filibuster—and it was a filibuster, and a wholesome one—saved the country many millions of dollars, and should be repeated in this Chamber whenever similar tactics are pursued.

Mr. KENYON. Mr. President, may I ask the Senator another question?

Mr. BURTON. Excuse me just one moment. I am afraid there was too much science in the bill and too little common sense.

Mr. SMITH of Michigan. There were both.

Mr. KENYON. Will the Senator from Ohio yield for a question?

Mr. BURTON. Certainly.

Mr. KENYON. I ask this question: Does the Senator from Ohio not feel that the Senator from Michigan, before making a statement of that character and being ready to vote for the bill, should have made some slight investigation of these various contracts, especially as he was a member of the committee reporting the bill?

Mr. BURTON. I venture to say that the Senator from Michigan made the investigation that is usually made by Members. You have to go down under the upper crust into the lower strata to find the real facts. It is possible that the Senator from Michigan stopped at the upper covering or crust and did not go below that, and that at first he thought it was all right; but I am unwilling——

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. BURTON. Certainly; for a question merely.

Mr. GORE. I desire to really propound my question to the senior Senator from New York [Mr. ROOT].

Mr. BURTON. The senior Senator from New York does not now have the floor.

Mr. GORE. I understand that the Senator from Ohio has the floor, but I was wondering whether he would yield to me to ask a question of the Senator from New York.

Mr. BURTON. I should be glad to do so, as the Senator from Oklahoma knows, but if the Senator from Oklahoma will present the question to me, as I am near the Senator from New York, possibly in that indirect way we can reach the desired result.

Mr. GORE. I merely wish to ask the Senator from New York whether he thinks that a party caucus ought or ought not to bind its participants?

Mr. BURTON. I am ready to answer that for the Senator from New York.

Mr. GORE. It is the opinion of the Senator from New York which I really desire in this instance.

Mr. BURTON. The Senator from New York believes that every man in this Senate is a Senator of the United States; that to bind his judgment and his conscience by a caucus held behind closed doors restrains his liberty and prevents him from performing his duty.

Mr. GORE. Mr. President——

Mr. ROOT. Mr. President, I should like very much to answer the question of the Senator from Oklahoma, if——

Mr. BURTON. I will yield to the Senator from New York.

Mr. ROOT. If I can do so without taking the Senator from Ohio from the floor.

The VICE PRESIDENT. Oh, it does not seem that anybody wants to take anybody off the floor.

Mr. GORE. I have no purpose of that sort.

Mr. ROOT. Then I beg leave to answer the Senator from Oklahoma. The Senator from Oklahoma asks whether the senior Senator from New York thinks that a caucus resolution should be binding?

Mr. GORE. That is the point.

Mr. ROOT. I think that to be bound by a caucus resolution, adopted in advance of the discussion of a measure in this body, is to be false to the constitutional duty of Senators and is to be false to their oath of office——

Mr. GORE. Mr. President——

Mr. ROOT. I am not through yet, sir.

Mr. GORE. I beg pardon.

Mr. ROOT. Because in the Government of the United States, under the Constitution, it is the duty of the Members of the two great legislative bodies of this country to consider, to discuss, and to act, each man in accordance with his individual opinion, each man in accordance with the judgment he forms upon the arguments that are presented to the legislative body to which he belongs. Any agreement made beforehand by which Senators of the United States bind themselves not to consider, not to keep an open mind to arguments that are made upon the merits of a measure, not to vote in accordance with their individual judgment, is a violation of their oaths, is an abandonment and a negation of the constitutional Government of the United States, and is the substitution for it of an extra constitutional and unconstitutional method of government.

Mr. GORE. Mr. President, I appreciate the lofty sentiments of the Senator. I now desire to ask him if he thinks that the national Republican convention in Chicago, over which he presided, ought or ought not to have bound the participants in that convention?

Mr. BURTON. Mr. President, we are really not discussing at this time any political question. We are debating a very important matter relating to the rules of the Senate; but I am perfectly willing, if I do not in any way prejudice my right to the floor, to yield to the Senator from New York.

Mr. GORE. Mr. President——

Mr. ROOT. Mr. President, I will answer the second question.

The VICE PRESIDENT. Nobody is objecting, and so long as there is no objection, the Chair is not trying to enforce any of the rules of the Senate. All this is proceeding by unanimous consent.

Mr. ROOT. Mr. President, in my opinion, the declaration of the party platform at Chicago, equally with the declaration of all other party platforms promulgated by national conventions, performed solely the function of stating to the people of the country the attitude of the party upon the great public questions that were in the minds of the people of the country. Good faith requires that the attitude of the party as stated in the party platform shall be maintained. Beyond that obligation—that moral obligation which affects every member of the party and every member of the convention—there is no obligation; but, sir, no declaration of a party platform can absolve a man who, before or after, takes an oath of office to act as a Member of the great legislative council of the Nation from the duty to keep open-minded upon all questions that are brought before the body and to vote in accordance with the judgment that he forms upon the arguments that are presented in the discussions of the body.

Mr. GORE. Mr. President——

Mr. ROOT. Wait a moment. And, sir, if there ever come to be differences between the honest judgment of a Member of this body upon a question presented to the body and the declaration of a party platform, there is no doubt whatever that the oath of the legislator must prevail over the declaration of the party platform.

Mr. GORE. I did not make my point entirely clear to the Senator.

Mr. ROOT. Well, I have made mine clear, I hope.

Mr. GORE. Does the Senator think that the participants in the Chicago convention ought to have supported the nominees of that convention? That is the point.

Mr. ROOT. Mr. President, I will not answer the question of the Senator from Oklahoma, because it is both irrelevant and impertinent.

Mr. GORE. Mr. President——

Mr. FALL. Mr. President, will the Senator from Ohio yield to me for a question?

Mr. BURTON. Yes.

Mr. FALL. I should like to ask the Senator——

Mr. BURTON. I am perfectly willing to yield, provided I do not lose the floor.

The VICE PRESIDENT. When anybody tires of it the Chair will stop it. [Laughter.]

Mr. BURTON. I will depend on the Chair.

Mr. FALL. Mr. President, I should like to ask the Senator from Ohio if the very question asked by the Senator from Oklahoma does not, to his mind, indicate the very great difference existing here in the Senate of the United States, in that some Members of the Senate confuse constitutional government with party government? Some men think that constitutional government is party government. Is not that illustrated by the very question which is asked by the Senator from Oklahoma?

Mr. BURTON. Precisely so. When you govern the action of a political party—I do not care whether it is the majority or the minority—by party caucus, from which the public are excluded, in which a majority or two-thirds may bind the whole number, you are departing from constitutional government for party government, and party government in one of its most offensive forms.

Mr. GORE. Mr. President, I am perfectly willing to segregate all constitutional questions from my inquiry, and, unless the Senator from Ohio shares the view of the Senator from New York that the question is impertinent—in which event I will not insist upon an answer to it—I should like to know if the Senator from Ohio thinks that the participants in the Chicago convention ought to have supported the nominees of that convention?

Mr. BURTON. I do not care to answer for the convictions of others; I supported them, Mr. President; but I do not care to go further into that question at this time.

Mr. CLARK of Wyoming. Mr. President——

Mr. GORE. Mr. President, just one word more. My apology for this question, if any be needed, is the fact that both the Senator from New York and the Senator from Ohio are presidential possibilities, and I desired an expression from them upon that point, as to whether, in case the convention should nominate either one of them, they would be inclined to insist that the participants in the convention should support the nominees of the convention.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. BURTON. The Senator from Oklahoma flatters me overmuch in saying that I am, what?—a presidential possibility. But I do not care to go into any suggestion or discussion actuated by a disposition to cross-examine me in regard to my views in regard to the Chicago convention. I supported the nominees, and supported them cordially; and I shall do so again, no doubt.

Mr. GORE. With the Senator's indulgence, just one word further. I think the Republican Party might go a good deal further and do a good deal worse than to nominate the Senator from Ohio.

Mr. ROOT. Mr. President, I wish now to enter an objection to having my presidential prospects destroyed by the advocacy of the Senator from Oklahoma. [Laughter.]

Mr. GORE. Mr. President, I did not understand the observation of the Senator from New York.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. BURTON. Yes.

Mr. CLARK of Wyoming. Mr. President, in view of the manner in which this subject has come up, I should like to ask the Senator from Oklahoma, who himself is a possibility as a presidential candidate, whether he believes those who participated in the last Baltimore convention were bound to respect, advocate, and adhere to the platform adopted by that convention?

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

The VICE PRESIDENT. The Senator will state it.

Mr. KENYON. I understood the Senator from Oklahoma indorsed the Senator from Ohio [Mr. BURTON] for President and not the Senator from New York [Mr. ROOT]. [Laughter.]

The VICE PRESIDENT. Well, about everybody has been nominated now. The Senator from Ohio will proceed. [Laughter.]

Mr. BURTON. Mr. President, that bill, with all its objectionable features and its extravagance, was defeated by what is called a filibuster; and I think I may say with serene confidence that if there is one legislative act of the last session of Congress to which the people of the United States gave their approval—and I include the Trade Commission bill and every other statute placed on the books—it was the defeat of that river and harbor bill. It is a monument in honor of unlimited discussion here in the Senate.

We all know how things happen. A wave of excitement goes over the country; telegrams, letters, and petitions come in here, loading the mails and the telegraph wires. Some sudden impulse is given to a measure, and it obtains support. The legislator often thinks that this is the voice of the people; but it is not. The second voice is more intelligent, based, as it is, upon the more careful and mature judgment of the people. In such a situation as this, which is happening every year, the Senate should be able to stand firm until the people are really heard from.

What will be the result, Mr. President, of such a rule as that proposed by the Senator from Nebraska, and especially what will be the result of such a rule as that proposed by the Senator from Missouri? I do not wish to be understood as opposing in its entirety the principle set forth by the Senator from Nebraska. I think there should be some limit upon the discussion which occurs here, but so safeguarded that it would be used only after the right of discussion has become abused, after we have heard from the people and know that we are in touch with their final and deliberate judgment upon any question. Why, Mr. President, it would mean dictation by the Executive; it would mean the preponderance of the very power that our forefathers in their wisdom sought to curtail.

In this connection I wish to read—and I regret the Senator from Oklahoma has not remained in the Chamber—a little discussion that occurred in the Senate during the administration of President Taft, showing the view that was taken at that time about suggestions from the Executive. The postal savings bank bill was pending. The then Senator from Colorado, Mr. Hughes, whose death we all deplore, for he was a most able Senator, was addressing the Senate when Mr. GORE rose to interrupt him:

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Oklahoma?

Mr. HUGHES. I do.

Mr. GORE. I wish to interrupt the Senator from Colorado at this point long enough to make one or two observations.

The Constitution provides that the President of the United States can communicate to Congress, in writing, his views and his recommendations with reference to desirable legislation. I am sure that everyone not only appreciates but desires that the President shall give expression to his views upon needful legislation by constitutional methods.

Mr. President, I doubt the propriety of noising it abroad about this Capitol that the President desires certain measures enacted into law by other than constitutional means.

What is the situation now? Let us have the facts as everyone knows them to be. Whenever any modification of the pending bill is proposed there is anxious waiting for the word from the White House. The senior Senator from Nebraska [Mr. HITCHCOCK] made the startling statement here on the floor of the Senate on Wednesday that not half of the Members on that side believed in the ship-purchase bill. That statement remains in the RECORD, sent out to the country—that half the Members on that side so consistently and persistently voting to bring up this measure and to pass it were opposed to it. It stands uncontradicted, unimpeached, acknowledged to be true, admitted, that the force behind this legislation is not the conviction of the Senate of the United States, but the will of the President of the United States.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. Certainly.

Mr. BRANDEGEE. Did not the same Senator from Nebraska in the same speech state that the two-thirds vote for the resolution in the Democratic caucus which bound it and bound all the other Democrats, as the adherents of this bill claimed, was secured by the change of one Democrat whose views were the other way?

Mr. BURTON. He did so state.

Mr. BRANDEGEE. So that one Democrat has bound the whole Democratic Party on this question.

Mr. BURTON. This position of the majority reminds me, Mr. President, of a cartoon that I saw in my boyhood, after a convention at Philadelphia which gave its support to Andrew Johnson, in which there was represented a most excellent collection of gentlemen, largely officeholders, sitting in rows, every one with a padlock on his mouth, signifying that he was bound by Executive pressure.

The Senator from Oklahoma proceeded:

It recalls an incident, I may say a glorious incident, in English history.

In 1783 what is known as Mr. Fox's East India bill passed the House of Commons. It was defeated by the House of Lords December 17, 1783. On that day George III, not unknown to American history, sent a card to Earl Temple, a member of the House of Lords, saying to him that the King would regard those who voted for the East India bill not only as not his friends but as his enemies. Immediately the House of Commons resented this royal interference, this interference on the part of the executive with the legislative part of the Government, and the House of Commons, with a spirit worthy of that body in its most glorious days, passed the following resolution, which I ask may be read to the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

"DECEMBER 17, 1783.

"To report any opinion or pretended opinion of His Majesty upon any bill or other proceeding depending in either House of Parliament with a view to influence the votes of the members is a high crime and misdemeanor, derogatory to the honor of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution."

"To report any opinion or pretended opinion of his majesty!" Has there been an hour since this discussion commenced when Members of the Senate have not been confronted with opinions of the President of the United States? Why, this very morning, when Members of the Senate and House have been sitting up long and consulting what to do, there is the report that the President will not stand for a certain proposition, so they have to begin all over again—as if the Senate, with its high prerogatives, had nothing to say, but the President of the United States was to decide the measures we were to pass.

When power bows to flattery and to patronage, when the Executive has such a strangle hold as he seems now to have, is a time when we Senators should discuss what are the prerogatives, the rights, and the responsibilities of this body.

Are we willing to sink into nothingness, to become mere "me-toos," or are we going to stand up and say, "Each of us is a Member of the Senate of the United States, an integral part of this great Government, and with a duty to perform to the country and his constituents, which he will perform according to the light of his own intelligence and conscience and without Executive dictation"?

That is the question here to-day. If in this time of heat and passion the rule proposed by the Senator from Missouri or that proposed by the Senator from Nebraska should pass, it would be a declaration in words that might well be written upon parchment and exposed on the walls of this Chamber: "The Senate bows down to the Executive, and allows him to control its proceedings."

This is not a time to discuss any cloture rule. This is not a time to discuss any rule for voting on Friday. It is a time to consider soberly and carefully the constitutional question whether the great balance between the three departments of government for which our ancestors fought, this greatest and best experiment in government in the tides of time, is to continue, or whether one department is to be all.

Mr. President, I am using no extravagant language. Last year a measure came before the Senate for the repeal of the act exempting American ships in the coastwise trade from toll for passing through the Panama Canal. In the year 1912—I very distinctly remember the occasion—a motion which I myself had offered in this body, to strike out that exemption, came to a vote. It is true it was in the heat of an August evening, and thereafter it was frequently said that the measure had not been carefully considered, but I do not think that is quite correct. It had been discussed by the Senator from New York [Mr. ROOT] and the Senator from Massachusetts [Mr. LODGE]; we all had added our contributions to the question. What was the result on that motion? Eleven votes for it and 43 votes against it. A year ago last winter the President of the United States announced that he favored the repeal of that exemption. He had not taken that position in the preceding campaign. He had taken exactly the contrary position—that our boats should be exempt from tolls, and he had used some expression in regard to the platform not being "molasses to catch flies." In the most unequivocal terms he had favored that exemption on the stump when a candidate for the presidential office and when the people were making up their minds how to vote. But a year ago last winter he changed his mind. Most decidedly

do I say, Mr. President, that I think his second conclusion was right. I could not with consistency say otherwise, because in the Hall of the other House on the 1st of May, 1900, I took a stand in favor of the neutralization of the Panama Canal or the Nicaragua Canal at the time when it was an enterprise in embryo and the route undecided. I had frequent conversations with Mr. Hay, then Secretary of State, and I know that his idea was that there should be equal treatment of all vessels passing through that canal. Strangely, in all the conversations there never was a reference to the exceptional position of coastwise shipping, and I should make the statement with that reservation; but I am sure when the treaties with Great Britain, called the first and second Hay-Pauncefote treaties, were framed it was his idea to have equal treatment for the ships of all nations. I could take no other stand after that experience. So when the bill came from the House with an exemption I promptly made a motion to strike it out, which was defeated disastrously by a vote of about four to one, as I have said.

Mr. President, I have every reason to suppose that except for Executive action that exemption would be in the law to-day. The President of the United States, however, took a hand in it, and every one within the sound of my voice knows how strong that pressure was. I approve, Senators, the conclusion reached; but I would that it had been reached in some other way, namely, by the untrammeled action of the Senate and of the House of Representatives. Indeed, it is a question whether it is not better for the representatives of the people to work out these problems in their own way, even if once in a while mistakes are made; for it is the whole theory of popular government, not that the highest degree of efficiency can be attained—if we wanted that, perhaps we would have an absolute monarchy or an aristocracy—but that the whole political and social fabric is made stronger and better if every citizen has a part in the government. The thought is that even his mistakes and errors, the deficiencies of the individual citizen, will lead to ultimate good.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. I shall be glad to yield to the Senator.

Mr. BRANDEGEE. Does not the Senator remember that when the Senate took that action upon the proposition of exempting American vessels in the coastwise trade from tolls while passing through the Panama Canal, previously to that and before the bill had come to debate at all upon the floor of the Senate, the Democratic national convention had bound all its members to the exemption?

Mr. BURTON. Yes; that is true. If I were to write a history of that period I do not know but that I would say that but for that unfortunate declaration in the Baltimore platform—for I think it unfortunate—the exemption provision in the House bill might have been stricken out. I remember addressing the Senate before that clause in the platform was generally understood, and certain Senators on the other side certainly, by their questions and by their interruptions, approved the repeal of the exemption, although they afterwards voted against it.

Now, Mr. President, to resume reading this most remarkable discussion here—most remarkable in view of what has happened recently:

Mr. GORE. Mr. President, I sometimes think that circumstances justify a similar proceeding here, and that the dignity of the Senate and the dignity of the House require the adoption of such a resolution. The Senator from Colorado is in no wise responsible for the presentation of this resolution. I present it on my own responsibility, and I apologize to him for the interruption; but this resolution was adopted by the English Parliament and it was characterized by the same spirit which inspired the British Parliament and the British people when they snatched the jewel of liberty from the iron hand of tyranny.

How preposterous it sounds, in view of the dictation of the White House at this time, to talk about "snatching the jewel of liberty from the iron hand of tyranny," when half of the Senators on that side tacitly admit that they are not in favor of this bill, but they are going to vote for it because the President stubbornly stands out.

Mr. HUGHES. Mr. President, I contend that no apology is ever necessary for calling the attention of a representative body of legislators to the true dignity of their position and the full measure of their constitutional powers and rights.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. I do.

Mr. FLETCHER. I simply wanted to inquire of the Senator by what sort of authority he made the statement that half the Senators on this side were not in favor of this measure?

Mr. BURTON. Because the challenge was thrown out to you here a few days ago by the most remarkable statement made by the senior Senator from Nebraska [Mr. HITCHCOCK]. I have here the exact words that he used; the statement can be found in the RECORD. It was made at a time when the attendance in the Senate was very full. It is found on page 3750 of the CONGRESSIONAL RECORD, in the first column:

And I say it now upon the floor of this Senate solemnly as my belief that not one-half of the Senators upon the Democratic side of the Chamber believe in this bill as it is now before the Senate.

Mr. FLETCHER. I was not present when that statement was made, but had I been I do not know that I should have felt called upon to challenge it as the expression of opinion of the Senator from Nebraska, but I certainly differ materially from any such conclusion as that.

Mr. BURTON. A little later I shall refer to a custom in the Roman Senate that I wish could be brought into vogue here, which would be a test of the question whether the Senators really believe in a bill or not.

But to resume reading:

I wish it to be understood that while I find the statement I have read in other papers, in the Associated Press dispatches in substantially the same form, I would not for a moment give credence to the statement or seek to establish the correctness of those announcements, but it leads me to inquire if it could be possible that an unsigned appropriation bill is more potent in moving the judgment of Senators to the consideration and adoption of a bill than arguments and the Constitution with reference to the contents of the bill itself. It leads me to inquire whether a patriotic bill is to be expected as a result of the application of hot weather and the contents of the pork barrel combined to the conscience of United States Senators.

That was addressed to the Republican side then.

Mr. President, it can not be that the Senate is afraid—

Can it? Can it?—

I apprehend that when, in a few weeks, many of its Members shall go back to the body of their constituents to narrate the prowess with which they fought the battle of the people in this forum, and to tell how no power could terrify them, how boldly and sturdily they always did battle for the interests of their people, they will scorn to have it said that they yielded to any threat, Executive or otherwise, when they came to the determination of a measure of this sort.

I wish to defend the Senate and its high dignity from the aspersion contained in articles like that.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is the motion by the Senator from Missouri [Mr. REED] to amend Rule XXII with the amendment pending thereto. The Senator from Ohio will proceed.

Mr. BURTON (reading)—

I wish to defend the Senate and its high dignity from the aspersion contained in articles like that.

Who has risen here and defended the Senate and its high dignity from the aspersion cast upon that side by one of the most honored members of the Democratic Party, a Democrat in season and out of season? Can you afford, my Democratic friends, to allow an accusation of that kind to be made, that half of you do not believe in this bill in its form, without one of you contradicting it?

I know that in the commission of no Senator is there a release from duty because the weather is hot, or an intermission of patriotic devotion to their duty by Senators because an appropriation bill is unsigned and has not yet escaped the danger of a veto.

Naturally a postal savings-bank bill is not to be passed because of the influence of measures of that kind. Nor can I believe that because a caucus of a bare majority—a dwindling and insecure majority, if a majority at all—in one body of Congress shall make a hard-and-fast declaration of its position, that argument and amendment are out of place in this legislative body, and that it is compelled complacently and humbly to accept that which is brought to its attention without the privilege of an amendment and without, in fact, consideration of any character whatever.

Then he closes this part of the discussion by saying:

If legislation can not be conducted in England in the closet of the King, I submit it ought not to be conducted in the little legislative school, as the papers have dubbed it, which is now and then instructed by the Chief Executive of this country. Of course I do not expect there will be any confession or boasting with regard to that matter here, but we may turn from these asserted moving and controlling reasons to the terms of the bill itself to see if in them we can find anything which can be called a justification for the changes which we have observed. I say that I can not accept these statements to which I have called attention because of the faith I have in the President's acceptance of the spirit and the letter of the Constitution, for I must believe that he accepts as the best support of the logic of the law in the buttress of the Constitution itself; and in this there can be found no warrant for issuing an edict that a legislative body shall absolutely surrender its judgment and act contrary to its views, as here indicated, and pass a bill exactly as it is told to do it, through the fear of displeasure or through an apprehension of the loss of patronage or of the loss of local expenditures.

Mr. President, there could not be a more scathing arraignment of legislative interference than that I have here before me.

Mr. JONES. I wish to ask what Senator it was who made that arraignment?

Mr. BURTON. The then Senator from Colorado, Mr. Hughes, in response to questions asked by the Senator from Oklahoma, Mr. GORE.

I have here a very old book, containing the discussion in the House of Commons referred to in the words I have quoted from the debate between Senator GORE and Senator Hughes. If there were time, I should be glad to read from it. The discussion is set forth somewhat fully. Lord North, not of very pleasant memory to Americans, took part in it; and William Pitt the younger, then quite a young man; and Charles James Fox, the great commoner. All asserted 132 years ago, in a kingdom, in a country where the wonderful currents that make for the liberty and progress that have since occurred had not yet taken place, views that I think it would be very, very profitable for Senators on the other side to consider to-day.

Mr. GALLINGER. Will the Senator yield to me?

Mr. BURTON. I shall be glad to yield.

Mr. GALLINGER. I ask the Senator from Ohio if it is not a fact that from that day to the present the ruling monarch, whether King or Queen, of Great Britain has been absolutely prohibited from interfering with legislative matters?

Mr. BURTON. Certainly. .

Mr. GALLINGER. They never have even attempted it, I believe, from that day to the present.

Mr. FLETCHER. May I make an inquiry of the Senator?

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

Mr. BURTON. Certainly.

Mr. FLETCHER. May I inquire of the Senator whether I understand him to be opposed to any form of cloture?

Mr. BURTON. As I stated, when the Senator from Florida was not in, I am opposed to the consideration of it at such a time as this, when the object is to facilitate the passage of a certain measure.

Mr. FLETCHER. I understood that, but I want to inquire of the Senator whether he is opposed to any form of cloture?

Mr. BURTON. As I stated earlier in the day, I think some power of demanding the previous question, say, perhaps, by a two-thirds vote, might be advisable. I would not favor its application except after long discussion and at a time when the Senate was convinced that the people favored the measure.

In this connection, I may say, I think there are three cases in which a filibuster is not only justifiable but salutary. The first is when a vital question of constitutional right is involved; when a proposition is brought in here that a Senator can not conscientiously support.

The second case is when the measure is evidently the result of crude or inconsiderate action. I think that applies with special force to this, a measure which will not bear analysis and which when the people thoroughly understand it will meet with condemnation rather than with approval. We know what happens very well. From time to time some bill is sent in here for which a first burst of enthusiasm is aroused. It seems to be all right, but on further and more careful consideration it is found to be faulty and objectionable. Until the people can be heard from the Senate is justified in holding up the measure. I think that is true of the pending bill. Telegrams have been read from the desk from boards of trade, resolutions passed by city councils and State legislatures favoring the bill which showed on their face they did not have the least comprehension of what the measure is.

A third justification for a filibuster is when the Senate is convinced that because of some compulsion if a vote is taken it will not express the honest conviction of the Members.

I was very thoroughly convinced, Mr. President, in the last session of Congress that the bill then pending, which was opposed so vigorously, would, if it came to a vote, obtain a majority of the Members of the Senate, but that the individual convictions of an overwhelming majority of the Senators were against many items in that river and harbor bill. It seemed to me not only a privilege, but more than that, a stern duty, to oppose it as best I could. Another benefit from the long discussion which occurred at that time. The country had not been considering the river and harbor policy for years, and it was a good idea to give them a rude awakening upon the subject.

Mr. FLETCHER. May I interrupt the Senator to make a suggestion? For fear I may be misunderstood and may be challenged some time for not dissenting from the expression of Senators on the floor, I had better say, with reference to that river and harbor bill, I quite thoroughly differ with the Senator from Ohio with regard to the merits of that bill and with regard to the claimed patriotic service rendered by the distinguished Senator. I give him credit for thorough convictions from his standpoint, but I believe as fully and thoroughly as I can that the public mind of the country was poisoned largely by the allegations of "pork barrel" in connection with that bill, which prejudiced it before the country unjustifiably and erroneously. I believe that that bill had merit as it stood, and my own judgment is that so far from rendering a public service in defeating that bill great public injury was done by defeating it.

I will say, furthermore, with reference to the final amendment of the bill, no great saving has resulted from it, because the appropriations, when they were made, simply maintained the improvements without extending very meritorious improvements.

Furthermore, there were only two items in that whole bill which did not receive the approval and indorsement of the Corps of Engineers.

Mr. BURTON. I give my friend from Florida full credit for conscientiously favoring that bill. He was in one extreme strongly in favor of it and I was in the other strongly opposing it. There were between us quite a number of persons who did not believe in it at all, but who were going to vote for it. That is what I complained of.

The Senator from Florida says that all but two of the items were approved by the Corps of Engineers. That old saying impresses me very strongly, but I have seen so many absurd projects recommended by the Corps of Engineers that I am beginning to feel it is time for the Senate and for Congress to exercise a judgment of their own. When, for instance, I see an item of $18,700,000 for one of the Southern States, $9,000,000 of it to be used for water-power development and $9,000,000 for navigation, and the $9,000,000 for water power to be turned over to a private corporation having 99 years in which to repay it at 3 per cent interest, I think some of these propositions that are sent in to us should be subject to very careful revision.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to ask him whether the Corps of Engineers recommend various projects with the same freedom the Supervising Architect recommends the erection of a public building?

Mr. BURTON. I think so; though perhaps with somewhat more restraint.

Mr. SUTHERLAND. I think the Supervising Architect has never failed to recommend the erection of a public building for which a Congressman has introduced a bill.

Mr. BURTON. It is even so with the Corps of Engineers; both are responsive to public demand in a very great degree.

It is said the defeat of the rivers and harbors bill did not save anything. Yes; but it did, Mr. President. I could call off a number of things it saved—$5,860,000 to the Sacramento and Feather Rivers; $4,400,000 to the upper Cumberland; an indefinite number of millions, about eight, for the Chesapeake & Delaware Canal, which is less objectionable and may sometime be profitably adopted; an indefinite number of millions, ten or twenty, on the Tennessee River; $750,000 on the Oklawaha, down in Florida; a smaller appropriation for the Kissimmee. If the Senator from Florida is right and all those projects were commendable, why is it that so many of them were left out of the present bill? If they were right, why not put them in the present measure and press them to a conclusion? Why did you not put in the Kissimmee? Why did you not put in the Oklawaha? Why did you not put in others all over the country? Down there in Florida, since abandoning those projects, they have been very appropriately singing a familiar song, with a slight deviation:

> Good-by Kissimmee, farewell Tampa;
> It's a long way to Oklawaha,
> But we'll try to get there some other day.

[Laughter.]

They are left out for the present.

Mr. KENYON. I should like to ask the Senator from Ohio a question.

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

Mr. BURTON. Certainly.

Mr. KENYON. I ask the Senator from Ohio if it is not true, however, that the Senate Committee on Commerce have increased to a very large extent the appropriations in the bill as it was passed by the House?

Mr. BURTON. By three or four million dollars, I believe. I have the report here somewhere.

Mr. KENYON. Then those projects, some of which were supposed to be dead, are really not dead; at least, their ghosts seem to be stalking forth again in the present bill.

Mr. BURTON. I do not believe those ghosts that were laid in the last bill will have much vitality. I may say in this connection I regard some of the items in the present river and harbor bill as highly objectionable.

As regards the matter of obstructing the action of the majority, it has always been more or less in vogue. It has been one of the privileges of the minority in popular govern-

ment. We are very much in error when we think that there is anything new under the sun. The Roman Senate had its four methods of stopping the proceedings. One was what is familiarly known and stated by the antiquarians as talking against time. That, I suppose, would be called in modern language a filibuster. The second was by demanding that each paragraph of a pending proposition be taken up separately. The third was by asking the presiding officer of the senate to call the members, to be sure a quorum was present. There was a fourth that I wish could be tried in the Senate on this bill—by demanding that every Member get up and state, as it were on his heart, what he thought of it, singulariter consulanti.

Mr. FLETCHER. Will the Senator consent to an interruption?

Mr. BURTON. In just a moment. That was a rule. They could call on every member of the senate. It was a most effective method of creating delay and getting at the real sentiment, if possible.

I think that is one defect in the rules of the Senate. We ought to have that rule of the Roman body here, so that we could call, for instance, upon the Senator from Mississippi [Mr. WILLIAMS]. He opposed Government ownership in Alaska. Why has he changed his mind so that he is in favor of Government ownership here?

Mr. WILLIAMS. If the Senator made any reference to me, I ask him to repeat it.

Mr. BURTON. I think if we had the custom which prevailed in the old Roman Senate, where you could call upon every senator to express his real opinion on a bill, we might call on you to ask if you regard as consistent your vote and action on the Alaskan railroad bill and your action on this bill?

Mr. WILLIAMS. Absolutely; and I can not imagine how any human being with common sense could see any inconsistency between the two.

Mr. FLETCHER. I should like to ask——

Mr. BURTON. The Senator might say more than that if the rule of the old Roman Senate prevailed. Let me just answer that. Take the Alaskan railroad bill and compare it with this proposition. No international complications were involved. It is a part of our domain. The railroad is to be built through lands belonging to the Government of the United States which are undeveloped and can not be developed without transportation. Then, again, the cost of the railroad is to be paid by the sale of those Government lands, which are made more valuable by reason of the construction of the railroad.

Mr. WILLIAMS. Now, Mr. President——

Mr. BURTON. It is a modification of the old Pacific railroad grants under which, instead of giving every other section to some railroad to build the road, the Government builds it and recoups itself by the sale of the land. Now, compare that with the pending ship-purchase bill.

Mr. WILLIAMS. I should like to ask the Senator a question.

Mr. BURTON. In one moment. We are going on the sea and going into business in competition with the whole world, taking up a part of that business, entering into this absurd competition by the ships of the United States with the ships of all the nations, where every boat that you buy is liable to bring us into international complications that may mean either war or humiliation. They are as far distant from the Alaska railroad plan and as far more objectionable as the mind can conceive.

Mr. WILLIAMS. I should like to ask the Senator a question.

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

Mr. BURTON. Certainly.

Mr. WILLIAMS. Did the Senator from Ohio understand me, when the Alaska railroad bill was up, as at any time denying the power of the United States Government to build that road?

Mr. BURTON. Oh, I do not recall. I think possibly the Senator based his justification on the post-road provision, or something of that kind, or under the decision of the Supreme Court——

Mr. WILLIAMS. On the contrary, did not the Senator understand me to admit the power?

Now, I want to ask the Senator one question. Does the Senator see no difference between spending $30,000,000 of public money to furnish about 300,000 white people with a railroad at Government expense and spending $30,000,000 of the public money to stop the exploitive freight rates now existing upon all our commerce, affecting all our people throughout the entire United States?

Mr. BURTON. In the first place——

Mr. WILLIAMS. The Government has the power in both cases.

Mr. BURTON. The endeavor to control freight rates by investing $30,000,000 in shipping is comparable to supposing that by putting a drop in a bucket you would fill it with water. I admit the Alaska proposition was a more or less unjustifiable one. I voted against it, and I probably do not differ in opinion from the Senator from Mississippi in regard to it; but the proposal for its construction was based on an express power of the Government. Some excuse could be offered, because the Government was building a railroad on its own land in order to develop it.

Now, as to this talk about settling the whole matter of ocean rates by buying a few ships, you might as well think you could regulate the freight rates between Washington and New York by buying a single automobile truck.

Mr. FLETCHER. Mr. President——

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

Mr. BURTON. Certainly.

Mr. FLETCHER. I will say if there was no railroad between Washington and New York, and we could not get it any other way, I would favor the Government building one.

Mr. BURTON. That is not a parallel case.

Mr. FLETCHER. But I want to ask the Senator a question before he gets away from the Roman history and practice that he suggests. Would he be willing now to say at any time to-day or to-morrow or the next day, or at any time between now and the 4th of March, that he will join me in asking the Senate to stand up one by one, beginning with ASHURST and ending with WORKS, and answer the question whether you are in favor of the bill or not?

Mr. BURTON. I would like that first rate, but I would not want it to be followed by a vote.

Mr. MARTINE of New Jersey. I desire to say that I have never cast a vote in the Senate that I would not be willing to stand here and voice my reasons for the faith in me.

The PRESIDING OFFICER. The Senator from New Jersey is not in order. He must address the Chair and obtain permission to interrupt.

Mr. MARTINE of New Jersey. All right. I appreciate it.

Mr. FLETCHER. If the Senator will consent to a time for that——

Mr. BURTON. I would like to consent to a time for that; it would be a most interesting exposition of views, although it could hardly be substituted for our procedure. To have an expression of the real views of Senators on pending questions before a vote is taken would certainly be an enlightening practice.

Mr. FLETCHER. May I ask the Senator one further question?

Mr. BURTON. Certainly.

Mr. FLETCHER. The Senator suggested that this plan of buying ships might lead to international complications as one reason why it differs from the Alaska proposition and one objection he has to it. May I ask the Senator, if he were President, acting under this law, would he feel that he would be obliged or feel authorized to do anything that would involve the question of the quality of our neutrality under the law?

Mr. BURTON. Mr. President, I will come to that later. It has been reported by the experts of the Government that there are not 10 boats to be bought, and what does this mean except to buy the boats of belligerents? How does your measure amount to anything? How are you going to make more than a flyspeck on the transportation horizon unless you buy these interned boats? When the first argument was made in favor of this bill, it was to supply ocean transportation to South America. It was then found there are plenty of transportation facilities for that trade; in fact, it was found that the difficulties in sea-borne trade are not lack of tonnage; still the bill is pressed. What does it mean? Does it not mean that somebody is interested in selling these interned or detained boats, and that pressure is being brought, which is almost overwhelming, to sell them to the Government of the United States?

I introduced this very day a resolution calling for an investigation on that subject. I want it investigated, because I can see no benefit to be secured by this bill in aid of ocean transportation. I can see that its purpose points, just as the needle to the pole, in the direction of buying ships belonging to hostile nations. I do not see where else it leads.

Mr. FLETCHER. Will the Senator allow me?

Mr. BURTON. Certainly.

Mr. FLETCHER. I do not know what report the Senator refers to. I know of no such report.

Mr. BURTON. The statement of Mr. Baker, the expert employed by the department.

Mr. FLETCHER. I am not acquainted with that report, but I do not think the question as to where ships can be had has been gone into, because that situation has not yet been reached. There are here some letters to the effect that there are offered some Scandinavian ships, Norwegian and Italian ships, and perhaps some South American ships. That, however, is a bridge we have not reached, and there is no use going into that, it seems to me, until we have determined whether we are to get any ships or not or whether this bill is to be passed. The question may arise about building new ones, and all that sort of thing, but I submit there is no justification for the claim that it is contemplated to buy interned ships.

Mr. BURTON. Mr. President, if that is true, why not admit an amendment to this bill that no interned or detained ships in the harbors of the United States or other countries shall be purchased by the Government? That has been resisted.

Mr. FLETCHER. If the Senator asks me that question, I would say that it is not the wise, proper, patriotic, or courageous course for the Senate to take or for any branch of the Government to write into the law a renunciation of our dearest rights, which were recognized and which we had stood for in all the past.

Mr. BURTON. That shows you are looking for trouble.

Mr. FLETCHER. Not at all.

Mr. BURTON. That shows that you are willing to make trouble, and it is as distinct a statement as has been made at any time. Secretary McAdoo in a discussion last week came very nearly to that point. He seemed to advocate the purchase of these ships of belligerents interned in our harbors; and I say that we owe to the country a duty to save the people from that peril. We would be failing in our duty if we did not stand here to the bitter end and oppose a proposition so fraught with danger to the people of the United States; and, I may say, to the peace of the world.

Mr. President, I speak with a certain freedom now that I am so soon to leave the Senate, always with attachment for my colleagues here whether I differ from them politically or not; always with confidence in their patriotism, though not always with confidence in their individual judgment. I am frank to say that I have reached the conclusion that frequently the judgment of an individual in a body of this kind is better than the aggregate judgment of all. Sometimes a jury of 12 men will bring in a verdict that it is almost impossible to believe that any one of them could have voted for. But the individual members rely one upon another, and the collective judgment is something for which no man is personally responsible.

I think that sometimes in the Senate, and also in the House, measures pass which would hardly commend themselves to anyone. The mass or the collective body has different conceptions and different motives from the individuals. It may be better or it may be worse, but the action of the whole is free from that immediate and keen responsibility which belongs to one individual.

If there is any one thing which I have noticed in this body and in the other—and my legislative service extends back now a quarter of a century or more—it is the greater readiness to yield to outside pressure, the outside pressure of interested parties and, in these latter days, the pressure of the Executive.

I very much admire President Wilson and his masterful spirit; I have no word to say against his patriotism. He no doubt is seeking to work out the problems of his great office in loyalty to his ideals and with a desire to serve the people; but I can not always accept his judgment. I can not accept it especially in such a case as this, where it seems to have changed so many times since August or even since December last.

The Senate will be the glory of American institutions or it will recede from its high estate just in proportion as it asserts its independence and the independence of its individual Members. If it is like a chariot hauled behind the presidential car, the people will have little respect for us, and the Senate will be unable to fulfill its functions.

The old Roman Senate, to which I have already referred, was the center of Roman institutions at the time of Roman liberty and progress. First, it was an advisory body—senex senes, the old men. Then it maintained the sacred traditions of the people. At a later time it sought the permanency and the unity of the policy of the State. It had charge of the public purse; it had virtually control of war and peace; it made treaties with foreign countries; it controlled the Provinces and selected the proconsuls; it suggested propositions for the comitia, or tribes, to pass upon in their discussion; and to a certain extent it determined the punishment for crimes. That authority grew until it reached the highest pinnacle of Roman strength and dominion, and afterwards it diminished.

In its earlier years the Republic was designated as "Senatus populusque Romanus"—the Roman Senate and people. The Senate came first. With that transcribed on his banners, in full or by initials, Scipio fought at Zama; under that same legend the troops of Pompey gathered in the East; it was that which inspired Regulus to return to the fiercest torments at Carthage; it was that which sustained the legions of Cæsar in the conquest of the barbarians of Gaul; and that same banner was raised aloft when the popular assemblies met—the Senate and the Roman people.

Why was the Roman Senate great? Because of the independence of its members and their lack of subserviency. That Senate endured for a thousand years, a marvelous contrast of glory and of shame, of courage and subserviency, of probity and of base corruption. At length it fell from its high estate, when it became subject to a dictator or a monarch. And the glory and dignity of Rome departed in that dark day when these the representatives of the people abdicated their rights to the centralized authority of a dictator. Have we forgotten this lesson? I am not exaggerating.

What is popular government? It is government by the people. Always in the growth of popular government you will see not the edict or the ukase of the king, but the assertion of the rights of some representative of the people. It was John Hampden who stood against the power of the King to levy arbitrary taxes in the House of Commons; it was Speaker Lenthall who bowed deferentially to the King when he came to the House, but refused to give way. All along in the brightest pages of English history wherever a new conception of human rights has been asserted, wherever genuine progress has been made in the cause of liberty, it has been because some man, patriotic and courageous and free, has stood up as the tribune of the people in their representative assemblies or in the gatherings of conventions to give some new idea of the rights of man, sometimes in stress and in storm, as in the days of Mirabeau and of Danton, but always courageously progressing, sometimes in excess, sometimes going too far, but always quickening human thought and awakening new conceptions of what the political and social rights of a people should be.

Just so sure as that pathway which has been marked out by Burke, Pitt, Chatham, Gladstone, and Webster, Clay, and Calhoun, and all the great leaders of this Senate and of the other House is blocked by a new theory, that the Executive must prevail, then we must say farewell to those influences that have dominated this people.

Here is a bill virtually sent from the White House; and we are asked to remain here, to turn aside from all salutary legislation, to throw the appropriation bills into the wastebasket, to ignore rural credits, to postpone the consideration of conservation under which water power can be developed—a million dollars worth of coal is burned up every day which could be saved to the people, if we had a rational system for the development of water power, and bills are pending in the Senate to that end—we are commanded, I say, to stop the wheels of legislation and pass this ship-purchase bill! In support of that bill a varying majority are standing, and they declare that they will stand to the end of the session.

Mr. President, we feel justified in resorting to every proper means to defeat this bill. We feel that it should be thoroughly explained, that by investigations we should ascertain what is behind it, that the people should understand it, and that no hasty action should be permitted.

I deplore the action of those on the other side of the Chamber who are willing to submit to Executive dictation in this matter. They are prejudicing the cause of salutary popular government by doing so. Virgil in his poetic dreams heard Jupiter from the heights of Olympus declare of the Roman people, "To them I have given dominion without end." It was to be an everlasting republic; but it crumbled to dust, leaving its institutions, its laws, its ideas as a heritage to the world, but as a government it passed away.

In this country of ours, to which so many have come and are still coming from beyond the sea, we have tried a new experiment under new ideas, whose watchwords are liberty and progress. We have become, I believe, the hope of the most advanced, the most progressive, the most intelligent people of the world. At any rate, to America the poor and the struggling look for a bright example. That bright example will be broken like a statue thrown from its pedestal unless the Members of the Senate and the Members of the House of Representatives maintain their prerogatives as an independent force in this Republic.

The people who have migrated to these shores came to escape exclusive authority. They organized the town meeting, the village council, the legislative body; and are you now going to

trample these legislative institutions in the dust? Shall you say that the Members of this body shall wait with listening ears for the whisper from the White House, and when that whisper comes we will meet in caucus and force the measure through? Are you, Members of the Senate, willing to take that responsibility for your own future and for the future of this country? Are you willing that the Senate should abdicate its authority and become but a mere echo, as it were? The issue rests with you, Democrats.

A week ago Thursday I had the pleasure of participating in a joint discussion on this bill with the Secretary of the Treasury, who said that he hoped this would be a nonpartisan measure. The same evening another member of the Cabinet, the Secretary of State, out in the Hoosier State, declaimed in the loudest language against those Democrats who had left their party, as he expressed it. Mr. President, they did not leave their party. They had the independence to stand by their convictions of right in defiance of "King Caucus" and in defiance of Executive interference. When, on the preceding Monday, seven Members of the Senate on the Democratic side had voted against certain provisions of this bill, I felt that it might be a nonpartisan measure after all.

Mr. President, I repeat, this is no time to adopt a rule in the Senate providing for cloture. This is especially no time to adopt the resolution of the Senator from Missouri.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. I am glad to yield.

Mr. POINDEXTER. I should like to get the opinion of the Senator from Ohio as to why it is that of all the measures that have been before this Congress, even including the tariff, there should suddenly appear this shipping measure, to take its place as the one acute party measure of the entire Congress? How does the Senator explain that?

Mr. BURTON. I will say to the Senator from Washington that it is utterly inexplicable. Not the tariff, nor the Federal reserve act, nor the Trade Commission bill, nor the Clayton antitrust bill had any such pressure behind them as has this measure here. Another feature of it is that there is a very different theory regarding this bill to-day from what there was when it was introduced. The proposition seems to be to pass the bill regardless of its provisions.

Mr. BRISTOW. Mr. President——

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

Mr. BURTON. Certainly.

Mr. BRISTOW. May I inquire of the Senator how many million dollars are involved in the ships that are interned in New York and Boston? What is the actual value of the ships that are there waiting for purchase?

Mr. BURTON. I gave a partial estimate of that in some remarks I made a few days ago; I am not sure that I gave an estimate of the value, but I gave a list of the vessels. I would say, as an approximate figure, $125,000,000. That is not so much an estimate as a guess.

Mr. BRISTOW. With that much money involved in ships that are waiting to be purchased, does the Senator wonder that there is pressure behind a bill that offers the opportunity for purchase?

Mr. BURTON. Well, it does seem to me as though the great value of the ships interned, which are now useless and which cost from $50,000 to $100,000 a day to maintain, would be a very powerful factor in support of such a bill as this.

Mr. BRISTOW. Does the Senator not think that that is the most plausible reason that can be assigned for the persistency with which the demand is made that the ships be purchased and not constructed in our own yards?

Mr. BURTON. I have been groping around for reasons, but I am so utterly mystified as to the cause of the pressure behind this bill that I am prone to throw up my hands and say I can not tell what the reason may be.

Mr. BRISTOW. Mr. President——

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

Mr. BURTON. Yes.

Mr. BRISTOW. Has the Senator not observed that the opposition to changes in the bill is directed more to that clause which provides for the purchase than to any other?

Mr. BURTON. The Senator refers to that clause which provides for the purchase of the foreign belligerent ships?

Mr. BRISTOW. Yes; the foreign belligerent ships.

Mr. BURTON. Every time you bring up that proposition its advocates seem to run away.

Mr. BRISTOW. Well, has it not been distinctly stated in the public press that the force behind this bill would never consent to its amendment so as to provide against the purchase of ships from belligerents?

Mr. BURTON. Yes; I have seen that statement made. I introduced a resolution to-day providing for an investigation; and, as the Senator from Mississippi [Mr. WILLIAMS] is here, I desire to call his attention to that resolution, providing for an investigation by five Senators to learn whether any firm, individual, or corporation in the country—and that, of course, includes banking and all other firms—have made loans to ships detained in our harbors or the harbors of other countries, and also whether any options have been given on any such ships. I am sure that that investigation would produce some interesting information. I hope the Senator from Mississippi will see that that resolution is reported from the committee promptly, or, at any rate, that it is brought before the Senate at the earliest possible date. We have had many investigations in the last two or three years, and I think the one proposed by my resolution one of the most desirable of them all. Let us ascertain the real facts about this matter.

Mr. BRISTOW. Let me make a further inquiry of the Senator.

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

Mr. BURTON. Certainly.

Mr. BRISTOW. Is it a fact that ships that are not in use, that are tied up at the wharves, depreciate in value and deteriorate more rapidly than when they are in use?

Mr. BURTON. So far as the hulls are concerned they deteriorate more rapidly; so far as the machinery is concerned, probably not. Taking the ship as an entirety, it probably is a little worse off at the dock than it would be on the ocean.

Mr. BRISTOW. Let me make a further inquiry. Suppose that the ships now tied up in New York and Boston because of the war should remain there for two years, with the incidental expenses of taking care of them, the deterioration of the vessels, and the idle capital invested in them, what would be their comparative value now with what it would be if there were no war and they were permitted to be used?

Mr. BURTON. It would be very difficult to make an estimate. The most serious feature is that the investment in the boats is entirely lost. They are not only deprived of their earning capacity, but they are a source of very large expense while detained or interned in a neutral harbor. Their crews must be maintained, partly to care for the vessel and partly because if the time should come when they could resume their sailings it would be very difficult to get together a new crew. That does not include all of the men, but it does include expert machinists, engineers, and so forth. The vessel owners can not afford to let them go, and so they retain them and pay them wages. During the time the vessels are in port the deterioration would be very appreciable.

Mr. BRISTOW. Let me make another inquiry of the Senator. The value of the ship depends upon the duration of the war, does it not?

Mr. BURTON. Yes, largely. If the war should last much longer and they should be still interned—well, they are like useless hulks where they are now, and, indeed, worse than useless hulks, because they involve the expense of maintaining crews and keeping them in repair.

Mr. BRISTOW. Let me ask the Senator a further question. A ship costing, we will say, $2,000,000 has been used for a year and is now tied up, taking into consideration that it may have to remain there for one, two, or three years under expense to its owners, what would be its commercial value now, in the opinion of the Senator?

Mr. BURTON. That is naturally somewhat a matter of conjecture. I should say not more than half. If these ships are in the harbor of New York or Boston or Charleston or Galveston, and it is uncertain when they can be restored to service, the buyer would naturally take advantage of that fact. He would be a "bear" on the value of the ship. Another feature about it is that these boats are almost all under bond. They are mortgaged—that is generally true of boats, anyway—and they are liable to be foreclosed and sold for a song. They are liable also to some admiralty liens. They may be sold by order of the court. They are in a most undesirable position.

Mr. BRISTOW. Let me inquire again of the Senator whether he can imagine any kind of property the real value of which in a purchase could be so covered up as these ships, situated as they are?

Mr. BURTON. They certainly would be in the very front rank in that regard.

Mr. BRISTOW. In other words, would not this bill, if passed, open up the finest opportunity that could possibly be found for corruption in Government expenditure?

Mr. BURTON. It makes it possible to purchase boats that are now in a most perilous position for their owners, and revives their investment, which now threatens to be almost valueless.

Mr. BRISTOW. I did not ask the Senator whether in his opinion there would be corruption. My question was whether it would not offer the opportunity if anybody were disposed to exercise it?

Mr. BURTON. It certainly would. In this connection, I want to say that buying any ships would give an opportunity for corruption and scandal of this kind. If the Government had kept back this bill, things would have continued as they were after the passage of the act of last August. One hundred and three ships have been acquired under this act and transferred from foreign flags to our own; but with the introduction of this bill and the pressure from the administration for its passage those transactions have almost stopped.

Now, see what has happened. A boat that was then worth $150,000 is held at $450,000. A concrete case was cited here just a few days ago. A couple of old tubs belonging to an American line that could not command $50,000 then have been sold within a few days for $150,000. They have gone up to three times the price for which they could have been bought earlier in this Congress, and would have been bought by private enterprise if the Government had not interfered and scared them out.

Mr. BRISTOW. Let me inquire again——

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

Mr. BURTON. Certainly.

Mr. BRISTOW. Suppose some one had been of the opinion that such legislation as this was to be proposed and put through, and he had advance information to that effect. Would not the opportunity for speculation, even if he was not in the Government service, if he was outside the Government service, have been practically unlimited?

Mr. BURTON. That is, if he had secured options on the vessels?

Mr. BRISTOW. Yes.

Mr. BURTON. Yes; certainly.

Mr. BRISTOW. Has the Senator any information as to whether such options have been obtained?

Mr. BURTON. I can not say that I have. But I have to-day introduced a resolution asking that very question. Naturally I would not have asked the question if I had known.

Mr. BRISTOW. I did not ask the Senator if he knew. I asked him if he had any reason to believe that possibly such options had been obtained.

Mr. BURTON. It is currently reported that they have been obtained.

Mr. BRISTOW. And, as I understand, the Senator has introduced this resolution to find out?

Mr. BURTON. Exactly; one resolution requesting information from the Secretary of the Treasury, and another resolution calling for an investigation. They supplement each other. I wish again to say to the Senator from Mississippi [Mr. WILLIAMS] that I hope there will be no delay in acting upon that resolution. I have been seeking for some days to introduce it, but either because of continuous sessions or the fact that the morning hour was occupied with other business I have not had an opportunity to present it.

Mr. BRISTOW. Mr. President——

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

Mr. BURTON. I do.

Mr. BRISTOW. May I again inquire of the Senator whether he believes that we need a naval auxiliary?

Mr. BURTON. Oh, certain boats are needed for the Navy, but those would naturally be of a peculiar type. A naval auxiliary is not necessarily a useful boat for purposes of ordinary commerce. It should be built, perhaps, to carry coal, unloading coal at sea, transferring it to a warship, or to carry oil fuel, perhaps, to be transferred. I do not think this idea that you can buy boats and turn them into a navy is based on a correct understanding of the natural use of naval auxiliaries on the one hand and of ordinary commercial ships on the other.

Mr. BRISTOW. The question I asked the Senator was intended to be preliminary to some others. The Senator, as I understand, says that a naval auxiliary might not be the most useful as a commerce carrier.

Mr. BURTON. No.

Mr. BRISTOW. I take it also, then, that a commercial boat would not necessarily be especially useful for a naval auxiliary?

Mr. BURTON. By no means. Let me give the Senator one important distinction there. A naval auxiliary should be of a high rate of speed, 16 or 18 knots, to accompany cruisers when they are on their trips. The most economical merchant or commercial boat carries, say, 10,000 tons, or perhaps a little more, and has a speed of from 10 to 12 knots. Perhaps with quadruple expansion engines she burns, say, 25 tons of coal a day. Now, one of those naval auxiliaries with a speed of 16 knots would burn a very much larger quantity of coal, and would be adapted to different purposes. The moderately slow boat is the best carrier of freight, the one with a speed of 10 or 12 knots.

Mr. BRISTOW. Do I understand the Senator to indicate that, in his opinion, if we are to have naval auxiliaries, they should be constructed for that purpose?

Mr. BURTON. As such.

Mr. BRISTOW. As such?

Mr. BURTON. Yes. I do not deny that to a certain extent you can transfer vessels from one use to the other; but in the first place, a different type of ships is required, and in the next place, what is the use of doing one thing under the guise of doing something else? If the Navy wants more ships, why not make the appropriation courageously in the naval appropriation bill? If you are going to build a fleet for ordinary commercial purposes, then do that.

Mr. BRISTOW. Now, let me make this inquiry of the Senator: Suppose we had authorized the construction of 10 or 15 or 20 ships as a naval auxiliary fleet to carry supplies and munitions of war, and so forth, for our fleet, and an emergency such as is alleged to exist at this time should occur. Could not these ships be used commercially? While not exactly constructed for that purpose, could they not be used in the emergency if it were absolutely necessary to use them?

Mr. BURTON. In a measure. I should like to ask some one present if any of our colliers or naval auxiliaries have been used in this emergency? I understand not. That is, we are not without naval auxiliaries and colliers now, and, as I understand, not one of them has been used at this time. That tends to show that they would not be used to any very great extent.

Mr. BRISTOW. If the Senator will pardon another question, has not the Senate passed a bill authorizing the use of the naval auxiliaries for commercial purposes under certain conditions?

Mr. BURTON. Yes; but, as I recall, that bill was introduced before this war commenced.

Mr. BRISTOW. And it passed the Senate. Now if that bill, which as I understand has been lying in the House committee for a year, should be passed to-morrow, we will say, by the House, then the President would be authorized to use the naval auxiliary fleet which we now have for carrying commerce under certain conditions, would he not?

Mr. BURTON. Yes.

Mr. FLETCHER. Mr. President——

Mr. LODGE. Mr. President——

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

Mr. FLETCHER. Does the Senator refer to the bill passed on August 3 last?

Mr. BURTON. Yes.

Mr. BRISTOW. I refer to the Weeks bill.

Mr. FLETCHER. It was passed on the 3d of August last.

Mr. BRISTOW. I did not remember when it was passed.

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

Mr. BURTON. The Senator from Kansas still has the floor—I mean he has the floor for a question.

Mr. BRISTOW. If that bill should pass the House, authorizing the use of these naval auxiliaries, and if the naval appropriation bill should provide for the construction of a dozen more, would not every purpose that is sought to be accomplished by this bill be accomplished except the one thing of the purchase of these ships?

Mr. BURTON. It would be working out the problem in a different way. I think it would do more good than to pass this bill. Unless prohibitive prices are paid for ships, the Government of the United States is not going to get them if this bill passes, unless it buys those belligerent ships. Now, I am not oversanguine about what could be done by the enactment of the Weeks bill. As I recall, the Secretary of the Navy and others reported rather unfavorably on what could be done; but if you want to do something, and do it quickly, that seems the best method.

Mr. BRISTOW. Let me make a further inquiry of the Senator. Apparently the only obstacle to the passage of the Weeks bill is that it does not provide for the purchase of a lot of ships.

Mr. BURTON. It may be.

Mr. BRISTOW. And, of course, there would be no opportunity for dormant options to be revived in that event.

Mr. BURTON. Mr. President, I do not wish to say that anyone is trying to unload property on the Government. I especially do not wish to give currency to the rumors that persons close to the Government desire to sell these ships; but in view of the widespread rumors—more than that, the very common belief—that something of that kind should be investigated, we ought to ascertain the facts; and that is particularly true when here we have a bill that is pressed to the limit, and nobody can quite explain what are the reasons therefor.

Mr. SUTHERLAND. Mr. President——

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

Mr. BURTON. I do.

Mr. SUTHERLAND. May I ask the Senator from Ohio for his view of this situation? The Senator from Ohio has already said that he regards the omission from the bill of any provision forbidding the purchase of belligerent vessels as a dangerous omission.

Mr. BURTON. Yes.

Mr. SUTHERLAND. I agree with him. Now, the so-called Gore bill has a provision of this character:

Provided further, That in making purchases of ships during the continuance of the present European war, no purchases shall be made in a way which will disturb the conditions of neutrality.

Of course, I think the Senator from Ohio will agree with me that that provision is absolutely meaningless. It accomplishes nothing. It forbids nothing. Let us suppose, however, that the bill is passed and that provision is in it. I call the Senator's attention to the provision of this bill with reference to the shipping board, namely, that it shall consist of the Secretary of the Treasury, the Secretary of Commerce, and three others. The Secretary of the Treasury is named first. He is an important officer of the Government, outranking the Secretary of Commerce, and if not made the chairman of the board he will undoubtedly exercise a dominating influence upon the board. I ask the Senator whether or not, in view of what I am going to call his attention to, he would regard the administration of that proviso as being very effective or very safe in the hands of an officer of the Government who expresses himself in these terms? I may say, first, that the Secretary makes it perfectly clear in his testimony before the House Committee on the Merchant Marine and Fisheries that it is in contemplation that these German ships—or, rather, these interned ships—shall be purchased.

Mr. BURTON. He did state before the Committee on the Merchant Marine and Fisheries, did he not, that it was contemplated that those ships should be purchased?

Mr. SUTHERLAND. I am not sure that he stated it in positive terms, but nobody can read the testimony without coming to the conclusion that that is what he intended. Now, on page 26 of the hearing, this occurs:

Mr. SAUNDERS. How would this bill add to the number of available bottoms when it proposes to make its purchases from existing bottoms? It will not add to the volume of bottoms.

Secretary MCADOO. There is a large number of idle bottoms. They may be purchased.

Mr. SAUNDERS. Chiefly, are not those all German bottoms?

Secretary MCADOO. More of those are idle at the moment than any other.

This is the point to which I desire to invite the Senator's attention and ask his opinion about:

Mr. SAUNDERS. It has been suggested that there would be grave objection to our undertaking to purchase German bottoms.

Secretary MCADOO. Why?

Now, I ask the Senator from Ohio whether or not, in his judgment, it is a safe thing to intrust to the hands of an officer of the Government who, by his question, indicates very clearly that he can see no objection to purchasing these interned ships, the administration of this proviso, which looks to the preservation of conditions of neutrality?

Mr. BURTON. I do not think it would be.

Mr. SUTHERLAND. Further on—and I invite the Senator's attention to this—the following occurred:

Secretary MCADOO. Why?

Manifesting clearly that he can see no objection to purchasing the German bottoms.

Mr. SAUNDERS. The newspapers make the statement that objection has come from the nations concerned in this war.

Secretary MCADOO. Of course I shall not attempt to talk of diplomatic matters.

Mr. SAUNDERS. They say that would be equal to furnishing immediate pecuniary aid—that is, to Germany?

Secretary MCADOO. That is a question altogether aside, I think, from the issue. I believe that it can not be successfully disputed by any individual or any nation that this Government or any Government—

Now note, not that individuals, but that—

this Government or any Government has a right to buy merchant ships, provided it buys them in good faith and for a neutral purpose, and that is exactly what would be done in this case.

I invite the Senator's attention to the fact that the Secretary of the Treasury absolutely misunderstands and misstates the rule of international law upon that subject as now recognized by the allied countries engaged in this war.

Mr. BURTON. And by the Germans more strongly than by the allied countries.

Mr. SUTHERLAND. And by the Germans.

Mr. BURTON. I am hoping to reach that subject this afternoon and to discuss it fully.

Mr. SUTHERLAND. Yes. Now, I wish to invite the Senator's serious attention to that situation, and to ask him to give us his views as to the wisdom of committing to this officer of the Government, in this delicate matter, the preservation of our neutrality, when he first indicates that he can see no objection to the purchase of these ships, and then says they may be purchased provided they are bought in good faith, and for a neutral purpose, which does not state the rule under the declaration of London at all?

Mr. BURTON. In the discussion with the Secretary last week—I have the original proof of it here, and I was trying to find just what he did say—I certainly inferred that he maintained our absolute right to buy those German interned ships. I do not think it would be safe or desirable to purchase them. The Senator from North Carolina [Mr. SIMMONS] and the Senator from Mississippi [Mr. WILLIAMS] stated here on the floor of the Senate, as I recall it, that it was not the intention to buy any of these belligerent ships. What happened? An immediate disclaimer of that sentiment was issued by the administration.

Mr. SMITH of Georgia. Mr. President, will the Senator state by what authority he announces that a disclaimer came from the administration?

Mr. BURTON. The statement made by the President to the newspaper men on the following day, which was published in all the papers, in which he said that he was not responsible for that statement of Messrs. SIMMONS and WILLIAMS. He added that possibly they might have talked to some one at the State Department. Then followed another statement by him, given to the press and widely published, that he did not think such a provision as that should be included in the bill—that is, one forbidding the purchase of the ships of those countries.

Mr. SMITH of Georgia. But the Senator has no authoritative statement from the President, has he, that he would approve the purchase of those vessels, or that he desired the purchase of those vessels?

Mr. BURTON. No formal message making that statement, of course.

Mr. SMITH of Georgia. It is simply a newspaper publication to which the Senator refers?

Mr. BURTON. One, however, based upon the weekly interviews which he grants to the representatives of the press. There is a perfect test for that, however. In one line you can draw an amendment debarring the Government or this corporation from buying any of these ships; yet whenever that is proposed there is an immediate refusal to consent to it. Just so long as that test fails of accomplishing anything, so long as the supporters of this bill in the Senate refuse to insert so plain a provision, it is exceedingly significant.

Mr. SMITH of Georgia. Mr. President——

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

Mr. BURTON. Certainly.

Mr. SMITH of Georgia. Does the Senator from Ohio wish to accept as the American rule a prohibition against the privilege of buying interned vessels?

Mr. BURTON. I do under the present circumstances, when it is proposed that the Government shall go into the business. If it were left to private individuals, they might take their chances; but over and over again this principle has been stated.

A private individual may strain neutrality laws. He may buy contraband and ship it to one of the warring countries. He takes the chance of his vessel being caught by the other belligerents. That is no violation of the duty of this Government. If, however, the Government attempts to ship contraband, that is a hostile act. Now, just so in regard to these ships. Suppose a private individual should buy an interned or detained ship—and in that connection I want to say, Mr. President, that this word "interned" has been used many times rather incorrectly. An interned ship is a ship of a belligerent that puts into a neutral harbor, and the neutral nation orders it, say, to depart within 24 hours or intern. "Internment" means that it must

be detained in that neutral port until the close of the war. If it is an armed ship it is placed in such a condition that it can be guilty of no hostile act.

Now, a private individual might buy one of these ships. There would be no strain on the neutrality laws in that event; but what happens if the Government buys it? This corporation is all a mask. You might just as well come out and say what it is. The Government can not create a corporation, subscribe to the stock, appoint its own officials to manage it, and then hide away and say that it is a private corporation that is acting. If the Government should buy the ship it would be interpreted as a hostile act. There is the vital distinction.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if he considers the term "hide away" entirely just. Is not the fairer view to take that the Government, in organizing the corporation and taking stock in the corporation, instead of operating the ships as its own, puts itself in a position where it lays aside its attitude of sovereignty and subjects the corporation to all the responsibilities that attach to a private citizen? Is not that the effect of it, rather than a hiding away?

Mr. BURTON. Mr. President, you can not do anything of that kind. You can not furnish the capital to create an agency to own ships and operate them and make it a Government enterprise and then deny the consequences which would accrue if the Government had spent that same money in buying ships *and* operating them by its own officers and men. What does this mean here, having the Secretary of the Treasury——

Mr. SMITH of Georgia. Instead of denying the consequences, is it not the acceptance of an additional consequence? If the Government were operating the vessels itself, the right of suit would be barred in many instances, because the sovereign would not be subject to be sued; but the Government having placed its money in the stock of a private corporation, and having organized the business under this corporation, and having so conducted it, is it not really an act by the Government, which divests it of many of the attributes of sovereignty and subjects the corporation to legal procedure which otherwise would not be applicable to it? Instead of hiding away, is it not opening up a broader acceptance of the responsibility?

Mr. BURTON. I do not think so. You always go to the substance of the transaction.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from New Mexico?

Mr. BURTON. Certainly.

Mr. FALL. I will ask the Senator if this is not the distinction, rather? It is perfectly clear to me, and I think it is to the Senator from Ohio, that in forming a corporation going into the work the Government does waive some of its sovereignty and does limit itself to some extent, so far as our own laws are concerned; but in so far as avoiding international complications or placing itself beyond the pale of international law, the consequences are exactly the same as if the corporation had not been employed.

Mr. BURTON. It must be the same. The argument that is made by the Secretary of the Treasury is that in the whole management of the corporation it is essential that the ships shall be under the control of the President of the United States. In all its international phases it must be so.

Mr. SMITH of Georgia. Will the Senator pardon me? I did not mean to indicate that I regarded the Government as less responsible if the operation was through this corporation, the Government owning all the stock, than the Government would be if it operated the vessels directly.

Mr. BURTON. That is, you mean in the international phases?

Mr. SMITH of Georgia. Yes. I did not mean that at all. What I meant was that the effect of this organization would be to place that corporation in the courts of the world subject to suit as our own Government would not be subject if the Government itself were operating the vessels.

Mr. BURTON. Especially in a time of emergency like this we must adhere to the substance and not to the form. In view of the statement, which I am pleased to hear the Senator from Georgia make, that it would not change the general international relations, I can see no difference in the matter as to who shall bring suit. But as to the consequences arising from the action of a prize court it would make very little difference.

Mr. JONES and Mr. BRISTOW addressed the Chair.

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

Mr. BURTON. I yield to the Senator from Washington. I think he rose first.

Mr. JONES. I wish to ask the Senator whether, in view of the suggestion of the Senator from Georgia, that by putting them in the hands of a corporation we subject these ships to the same risks they would have in private ownership, we would not have a right to infer that these ships, if they are willing to take the risk, might carry contraband?

Mr. BURTON. That is really for the Senator from Georgia to say. If they did carry contraband, it would be immediately regarded as a hostile act by the Government which was offended by that act. Bear in mind the essential difference between the direct or indirect act by the Government and the act of a citizen of the United States, a private individual, and you have the crux of the whole situation.

Mr. SMITH of Georgia. I agree with the Senator from Ohio fully that these vessels owned by a corporation in which the Government is a stockholder could not handle contraband of war. It would be an unfriendly act, and would be utterly inexcusable. There is no issue between us on that subject.

Mr. BURTON. I will say to the Senator from Georgia, I think that is the vital point in the whole question.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Kansas?

Mr. BURTON. Certainly.

Mr. BRISTOW. I wish to inquire if we do not now have transports belonging to the Government under the control of the War Department that could be used commercially if so desired by the administration?

Mr. BURTON. We have the Panama boats, certainly, and the Army transports. I do not see why they could not be used. I am informed that the administration which is pressing us to pass this law authorizing the purchase of ships is seeking to sell two boats.

Mr. BRISTOW. That is exactly the question I wanted to ask. Did not the Secretary of War recommend that the *General Crook* and the *General Meade*, Army transports, be sold, and was there not a provision in the Army appropriation bill as originally introduced to sell those ships?

Mr. BURTON. I so understand.

Mr. BRISTOW. And are not these commercial ships that were transposed into transports and used, and were they not bought for the use of the Army?

Mr. BURTON. Yes; they were boats purchased some years ago as commercial ships, and during the Spanish-American War made over into Army transports. They could be restored to their old condition and used to relieve this freight congestion of which we hear so much. But instead of that the administration is seeking to sell them with one voice and with another it asks us to pass a bill appropriating thirty or forty million dollars to buy some other vessels.

Every fact that you ascertain shows the absurdity of this entire proposition. I am unable to treat with proper toleration most of the arguments we have heard in favor of it. None of them bear analysis. I am perfectly willing to say that I approach them from a nonpartisan standpoint. I do not care about political affiliations in this connection, but I view it as a business proposition. I have never known any piece of legislation based upon such an absurdity as is this measure.

Mr. BRISTOW. Mr. President——

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

Mr. BURTON. I yield.

Mr. BRISTOW. Let me inquire further, have we not also transports that are now lying idle and not being used at all?

Mr. BURTON. I think we have.

Mr. BRISTOW. Four or five, or probably half a dozen.

Mr. BURTON. Army transports?

Mr. BRISTOW. Yes.

Mr. BURTON. I am informed by a Representative from California, Mr. KAHN, who sits near me, that such is the case, that there are not only these two but that there are four or five others.

Mr. BRISTOW. Then, if I understand the Senator correctly, we have Army transports that were originally built as commercial ships that were acquired by the Government, and the Government is now seeking to sell two of them, asking authority from Congress to sell them, and it has a number it is not using, and these ships which the Government owns could be used for the very purposes sought to be accomplished in this bill.

Mr. BURTON. Certainly; and probably to better advantage than ships that the Government could obtain, unless it bought the interned German vessels.

Mr. BRISTOW. Let me inquire, further, if the Government should sell the transports which it now has, judging from the experience of the past, would it not sell them for a remarkably low figure?

Mr. BURTON. Yes. The fact is the Government can not sell an article of that kind and transfer it back to the trade without a very serious sacrifice. It will have to be put on the bargain counter, so to speak.

Mr. BRISTOW. Let me inquire, in the sale of the commercial ships which we bought during the Spanish-American War, did we not sell them at from 10 to 25 per cent of their original cost?

Mr. BURTON. I do not know the exact figures, but they were sold at a great sacrifice. In some remarks made here in the Senate I think possibly I did not treat with sufficient discrimination the transaction between the Government and the Atlantic Transport Co., then under the management of Mr. P. N. Baker. The general fact was stated on the floor here a couple of weeks ago that the Government obtained a lot of hulks that might well be stranded, and it created a great deal of criticism, but certain boats were bought of the Atlantic Transport Line, which, then as now, is maintaining a line between London and New York, which were of a high grade, and it is maintained that no extravagant price was paid for them. I say that in justice to all the parties, but the general statements that I made the other day and the statements made by the Senator from Iowa and others are correct, that scandal did attach to those purchases at that time.

Mr. BRISTOW. Let me inquire of the Senator again——

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

Mr. BURTON. Certainly.

Mr. BRISTOW. Did we not sell the ships at such a ridiculously low price that Congress felt compelled to pass a law forbidding the sale unless the consent of Congress was obtained?

Mr. BURTON. It could not be done without authority of Congress. There is some such provision in this bill. But that might lead to complications worse than the disease which it is sought to cure; that is, the boats might be held indefinitely.

Mr. SMITH of Georgia. Under whose administration was the sale had?

Mr. BURTON. I think none were sold under President McKinley's administration, but they were all sold, I think, under President Roosevelt's. I do not think we can blame them so much for selling them; they were a dead-weight. The maintenance of a vessel is a constant source of expense, and it deteriorates in value very rapidly.

Mr. BRISTOW. Mr. President——

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

Mr. BURTON. Certainly.

Mr. BRISTOW. Referring to the administration under which they were sold, I understand they were sold under the administration of Mr. Roosevelt.

Mr. BURTON. I think so. Possibly some were sold under the administration of Mr. McKinley before his death in September, 1901, but I think not.

Mr. BRISTOW. However, the fact remains that the present administration is seeking to sell others of these boats.

Mr. BURTON. Yes.

Mr. BRISTOW. That is, as I understand the Senator, the present administration wants to sell ships which it now has, which are commercial ships?

Mr. BURTON. I am so informed.

Mr. BRISTOW. And at the same time it seeks to go out and buy others.

Mr. BURTON. Yes.

Mr. BRISTOW. Would it not be interesting if we could know the relative prices that we shall pay and receive?

Mr. BURTON. We would know before we got through with it. We might not know now.

Mr. SMITH of Georgia. Mr. President——

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

Mr. BURTON. Certainly.

Mr. SMITH of Georgia. Will the Senator inform us upon what authority he claims that the administration desires to sell commercial vessels that now belong to the Government? I have heard nothing of the kind. On the contrary, I thought the desire was to utilize the commercial vessels which the Government now has for commercial purposes.

Mr. BURTON. I understand that the Army transports, the *Crook*, the *Meade*, the *Logan*, and others, have been offered in the market, and the Government has been seeking to sell them. That is my information on the subject. If I am wrong about it I will be glad to correct it, but I think that statement has been made without contradiction. If it is true it is a very important fact.

Mr. SMITH of Georgia. The information I have had has been that if the Weeks bill, which the Senate passed, were passed by the other House, it is the purpose to utilize for commercial purposes all the vessels connected with the Navy which could be so used.

Mr. BURTON. The boats I mention—the *Crook*, the *Meade*, and so forth—are Army transports.

Mr. SMITH of Georgia. Then they are vessels that can not be used at all for commerce.

Mr. BURTON. Oh, yes; they were originally built over from commercial ships. I presume some of those very boats were bought from the Atlantic Transport Co.

Mr. BRISTOW. If I may do so—if it will not jeopardize the right of the Senator——

Mr. BURTON. I do not wish to lose the floor.

The PRESIDING OFFICER. No. The Senator from Ohio yields to the Senator from Kansas.

Mr. BRISTOW. If I may, without jeopardizing the right of the Senator from Ohio to the floor, I will state for the benefit of the Senator from Georgia that the Secretary of War recommended the sale of the *General Crook* and the *General Meade*, Army transports, and the provision was contained in the Army appropriation bill as it was introduced in the House. As I remember, it was cut out in the House.

Mr. SMITH of Georgia. Those were Army transports which could not be used for commercial purposes.

Mr. BRISTOW. They had been commercial vessels and were bought and transposed into transports, and of course they could be transposed back into commercial vessels just as well. They were bought just as it is proposed these ships shall be bought, and they could be changed, if need be, into commercial vessels.

Mr. SMITH of Georgia. Then, of course, they would have to be changed in connection with the others in order to be utilized for commercial purposes.

Mr. BRISTOW. It seems to me that they ought to be utilized under the Weeks bill, if we could get that bill passed, and there would not be any trouble at all.

Mr. SMITH of Georgia. Does the Weeks bill in its present terms cover those vessels as well as those connected with the Navy?

Mr. BRISTOW. It covers the Navy; I am not certain about the transports. It ought to cover the transports, I am free to say.

Mr. BURTON. I understand there was a provision in the Army appropriation bill as introduced in the House providing for the sale of two of those boats, the *Crook* and the *Meade*. Some person of an inquiring mind asked why is it that when an effort is made to pass a ship-purchase bill an effort is also made to sell these ships, and the provision was cut out. But the question arises why, when these boats are on hand, do you not remodel them? You would not have any trouble about it. If the administration sent a recommendation here for the necessary appropriations for putting those ships into a condition to carry trade, there would be no trouble in passing the bill in a very few days. It would not be opposed here. An amazing situation appears, an attempt to force a bill through having a provision for the purchase of ships and, on the other hand, the recommendation of the Secretary of War that the ships shall be sold. I think that calls for explanation.

Mr. McCUMBER. Mr. President——

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

Mr. BURTON. Certainly, I yield.

Mr. McCUMBER. The Senator from Georgia asked a question of the Senator from Ohio that I do not think was fully answered, and I wish to press that question a little further, because it is most important.

The Senator from Georgia asked the Senator from Ohio if he thought the Government ought to adopt a policy that our citizens or the Government itself could not buy an interned vessel. The Senator from Ohio I do not think fully answered that question; therefore I want to put this question to the Senator: Has the Government ever adopted a policy under which this country or any other neutral country could buy an interned vessel?

Mr. BURTON. Not to my knowledge. I think you will search in vain for any judicial decision in support of it.

Mr. McCUMBER. On the contrary, was it not held by this Government in the case of the *Georgia* that a British subject could not buy such a vessel, dismantle it, and put it again into trade? Did we not hold directly that it could not do it?

Mr. BURTON. So far as the case is parallel, it goes to sustain the view which is held on the Continent of Europe that a

neutral does not have the right after the outbreak of hostilities to buy a belligerent ship.

Mr. McCUMBER. I am making a vast difference between buying a belligerent vessel and buying an interned vessel. The question I put to the Senator is not whether we can buy a belligerent vessel, because I understand we can always do that, but whether we have ever adopted a policy whereby we conceded to any neutral when we were at war that they could buy a vessel which we had compelled to be interned or imprisoned in their ports.

Mr. BURTON. No; we certainly have not.

Mr. McCUMBER. Now, let me ask the Senator another question.

Mr. BURTON. Is an interned boat different from a boat that is merely detained in a harbor?

Mr. McCUMBER. I am going to meet that by another question, and it is this: Are not those important vessels which have been driven into our ports—what I call imprisoned, not interned, but they are in our ports because they dare not go out—so constructed that they could be turned into army transports?

Mr. BURTON. Many of them could be.

Mr. McCUMBER. Or converted into cruisers?

Mr. BURTON. Many of them were built under the provision that they should be turned over to the army or navy whenever they were needed.

Mr. McCUMBER. Now, that brings me right to the next question. If this Government admits the right of one of our citizens to buy those vessels in our ports, would not that citizen have a right to take one of those vessels and sail it to Hamburg with noncontraband goods?

Mr. BURTON. Yes.

Mr. McCUMBER. Then I want to put the next question. Would not the citizen, after he got it into Hamburg, have an equal right to sell it to the German Government and the German Government immediately transform it into a cruiser, provided it was sold in good faith?

Mr. BURTON. For an Army transport or naval auxiliary or any warlike purpose they pleased.

Mr. McCUMBER. Does the Senator believe that would be an unneutral act?

Mr. BURTON. It certainly would not.

Mr. McCUMBER. Then, if the Senator says it would not be an unneutral act, is not the Senator forced to the conclusion that we would not have the right in the first instance to do that which, when followed up, would become unneutral?

Mr. BURTON. Certainly. I do not believe the right of purchase exists in the first instance.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. SMITH of Georgia. The suggestion I desire to make to the Senator from Ohio is this: I wish to ask him if the view presented by the Senator from North Dakota is not a very different view from simply the suggestion that interned vessels could not be bought? Is not the case he makes one in which he insists that the purchase could not be made because the interned vessels were prepared for use as military or naval vessels, having been so constructed that they could be readily supplied with cannon? The case he makes is not one simply of objecting to the purchase of interned vessels, but of objecting to interned vessels that have been prepared for military use by the Government under the requirements of the Government whose citizens now own them. Does not that fall entirely outside of the simple class of an interned vessel?

Mr. BURTON. I do not think so altogether. Mr. President, I find I will not have an opportunity this afternoon to go into the subject of the transfer of belligerent ships to neutral flags. My intention at first was to dwell upon that at greater length than some other phases I have discussed, and at a future time I shall seek to discuss it more fully. I may briefly state some of the more important facts.

Article 56 of the declaration of London provides that the transfer of a belligerent ship to a neutral flag after the outbreak of hostilities is void unless it can be shown that such transfer was not made to avoid the consequences of war. An order of the Privy Council has made the declaration of London, with certain modifications, the policy of Great Britain as to the rights of belligerents and neutrals.

I may also state that Germany has in substance proclaimed the same rule. In all this discussion I do not mean to make any distinction between buying an English ship and buying a German ship. They are both on the same footing.

As preliminary to a later discussion of this subject I want to read the French and German rules on this point. These are the German regulations framed in pursuance of the London conference issued first on the 30th of September, 1909, approved by the Emperor and promulgated August 3, 1914:

With the exceptions specified under 6, enemy ships are subject to capture. Regarding enemy vessels of the State, see 2.

Ships are adjudged enemy or neutral ships by the flag they are entitled to carry.

The flag which a ship is entitled to carry is determined in accordance with the flag law of almost all maritime States from an official document that any merchant ship must have on board.

If the nationality of a ship can not be readily established, and especially if the document required in accordance with the flag law of the respective State is not in evidence, then the ship shall be considered as an enemy ship.

Ships that after the outbreak of the hostilities have been transferred from the enemy to the neutral flag are also to be considered as enemy ships.

(a) If the commander is not convinced that the transfer would have followed, even if war had not broken out, as, for instance, by succession or by virtue of a construction contract.

Now, that is the substance of the whole thing. The French rules do make an exception in case of inheritance or succession. The German rule goes a little further and makes an exception in the case of a belligerent ship consigned to a neutral when a construction contract had been entered into before the outbreak of hostilities.

(b) If the transfer is effected while the ship is bound on a voyage or is at anchor within a blockaded harbor.

It is hardly necessary for me to read this. The substance of it is contained in the first one.

I also read the order promulgated August 3, 1914:

LAW GAZETTE OF THE EMPIRE.

YEAR 1914.

(No. 50.)

(No. 4428.) Prize ordinance of September 30, 1909.

I approve the accompanying prize ordinance and direct that in the enforcement of the prize law my fleet commanders shall during the war proceed in accordance with the provisions of the prize ordinance. In so far as it may be necessary to make exception thereto in special cases, you shall make proposition to that end to me. I empower you to give such interpretation to this ordinance and to make such changes thereto as may be necessary, provided they are not of fundamental importance.

Rominten, September 30, 1909.

(Signed) WILHELM.

In the absence of the Imperial Chancellor,

(Countersigned) v. TIRPITZ.

Promulgated at Berlin, August 3, 1914.

There has been a good deal of discussion concerning the declaration of London and the English attitude regarding it. I insert this because it is important in this connection.

An order has been later issued by the German Government which in a manner modifies this. It is in the following language:

The Imperial German Government's naval policy is directed by the declaration of London, with only such alterations as necessitated by England's refusal to recognize the said declaration.

Passports have been issued to former British ships transferred to the American flag under the following conditions:

1. The transfer to the American flag is recognized only in case the ships are engaged in direct trade with Germany, and only as long as that is the case.

It is understood that these ships carry cargo from American to German ports and vice versa. The goods exported from Germany to the United States of America must be destined for exclusive consumption in the United States.

2. The request for a passport is to be submitted to the competent German consul, accompanied by the bill of sale, which is to be legalized by the United States Department of State. The consul will then take the necessary steps to obtain the passport from this embassy.

3. The passports are valid for one round trip only.

4. No alien enemies (British, French, Russians, Japanese, Belgians, Servians, Montenegrins) may be included in the ship's crew.

It will be noticed that that latter order modifies the former one of the approval of the London declaration, but only in one essential particular, namely, that they will allow these ships to be sold if they are engaged exclusively in trade between the United States and Germany. Of course, any combatant having difficulty in securing supplies would allow an exception of that kind; so that it does not in reality amount to any exception.

I ask also to have printed the French instructions on this subject. Perhaps the French original had better be printed, as well as the translation.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The instructions referred to are as follows:

[Extract from "Instructions on the Application of International Law in Case of War. Addressed by the minister of marine to the general, superior, and other officers commanding the naval forces and vessels of the [French] Republic." Dated December 19, 1912.]

112. Le transfert sous pavillon neutre d'un navire ennemi, effectué après l'ouverture des hostilités, est nul, à moins qu'il ne soit établi que ce transfert n'a pas été effectué en vue d'éluder les conséquences qu'entraîne le caractère de navire ennemi, par exemple, par suite d'héritage.

113. Toutefois, il y a présomption absolue de nullité:

1. Si le transfert a été effectué pendant que le navire est en voyage ou dans un port bloqué;

2. S'il y a faculté de réméré ou de retour;
3. Si les conditions auxquelles est soumis le droit de pavillon, d'après la législation du pavillon arboré, n'ont pas été observées.
114. Ces règles ne sont, bien entendu, pas applicables lorsque la vente du navire ennemi à un sujet neutre a été effectuée par les autorités Françaises, à la suite d'une prise.

TRANSLATION.

112. The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed; for example, by inheritance.
113. There, however, is an absolute presumption that a transfer is void:
1. If the transfer has been made during a voyage or in a blockaded port;
2. If a right to repurchase or recover the vessel is reserved to the vendor;
3. If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing have not been fulfilled.
114. It is understood that these rules are not applicable when the sale of an enemy vessel to a neutral subject his been made by French authorities after a capture.

Mr. BURTON. I will read briefly from the instructions:

112. The transfer of an enemy vessel to a neutral flag effected after the outbreak of hostilities is void, unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel as such is exposed; for example, by inheritance.

I have already called attention to the fact that there is another exception.

I understand the Senator from Oklahoma [Mr. OWEN] would like to address the Senate for an hour or so, and after that Senators wish the Senate to adjourn. I shall therefore suspend my remarks in a moment.

I wish to call attention to the resolution submitted by the junior Senator from Missouri [Mr. REED]. It seems to me the adoption of such a rule as that would plainly require a two-thirds vote. The Senate, if I understand it correctly, has settled that very recently. The general rule in a parliamentary body is that any suspension of the rules or variation from the ordinary procedure requires a two-thirds vote. Beginning on the 11th of January, 1915, this occurred:

Mr. SHEPPARD gave notice of his intention to move an amendment to the standing rules of the Senate, namely, to suspend paragraph 3 of Rule XVI, for the purpose of moving a certain amendment to the District of Columbia appropriation bill—the so-called prohibition amendment. On January 12 he offered the amendment to the rules and it was referred to the Committee on Rules. On January 13 the Committee on Rules reported favorably; and on motion the Senate proceeded to consider the report. The point of order was raised that it required, under Rule XL, a two-thirds vote upon the proposition to suspend the rules or any portion thereof. The Chair submitted the question to the Senate, and the Senate decided by a vote of 41 yeas to 34 nays that the point was well taken. This whole proceeding is recorded in the RECORD, on page 1563.

If that is not exactly on all fours with this proposition, I am unable to understand the rule. That was an appropriation bill, and general legislation can not go on an appropriation bill; but the Senator from Texas moved to suspend the rules so as to allow him to offer substantive or affirmative legislation. The matter was discussed at considerable length, and it was decided that the rule could not be suspended except by a two-thirds vote.

Here is a rule of the Senate that has existed for 117 years, namely, that there is no cloture of debate. That is perhaps the most distinctive rule of the Senate. The proposition is not one of amending the standing rules permanently, which may, in the way provided, undoubtedly be done by majority vote, but is in effect a motion to suspend temporarily a rule in the case of a particular bill. It seems to me, Mr. President, there is no answering the argument that it requires a two-thirds vote.

In view of the understanding that the Senator from Oklahoma is to follow me and that there is to be an adjournment at the close of his remarks, Mr. President, I now yield the floor.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. OWEN. Mr. President, during the last two years, since March, 1913, the Senate of the United States has had one important measure after another brought before it for consideration by the Democratic administration. There was a prolonged and obvious filibuster in the Senate dealing with the tariff bill. In order probably to prevent any action upon the Federal reserve bill, there was a resolute filibuster even on the question of allowing a water supply for the city of San Francisco; there was a filibuster, using that bill as a general buffer against proposed progressive legislation, which made it necessary in handling that bill, as well as in handling the tariff bill and the Federal reserve act, for the Senate to meet in the morning and to run until 11 o'clock at night. We had no vacation during the summer of 1913 or during the summer of 1914, because of the vicious filibustering of the Republican Senators. If this method of filibustering shall remain as a practice of the Senate of the United States, obviously the Congress of the United States must remain in continuous session from one year's end to another in order to accomplish even a slight part of what is desired by the people of the United States, and in order in some small degree to enact the important measures which are presented to the Senate for consideration on favorable reports from the committees of the Senate.

I call attention to the large calendar which we have, a calendar of some thirty-odd pages, representing hundreds of measures of importance, which we never arrive at; and even aside from the calendar there are matters of the greatest possible importance, which are not being considered by the body and not being presented by the committees, because it is well known that to make reports upon them would be perfectly useless in view of this now apparently well-established custom of a continuous filibuster against everything desired by the majority party.

This practice of filibustering has not been confined to one side of the Chamber only. I agree with the Senator from Nebraska [Mr. NORRIS] that the filibuster quickly passes from one side of the Chamber to the other as an exigency may arise, according to the desire of those who may be on either side of the aisle. I submit, however, a filibuster favoring the people is not to be compared to a filibuster against the people, although an unjustifiable parliamentary procedure, except under very extraordinary conditions.

It has been offered as a criticism of my view with regard to a cloture rule for the Senate, that on one occasion—March 4, 1911—when the question arose with regard to the admission of New Mexico to statehood with a corporation-written constitution and an unamendable constitution, and the prevention of Arizona at the same time being admitted to statehood, I did not hesitate to use the practice of the Senate to filibuster in order to compel a vote of the Senate jointly upon the admission of Arizona and New Mexico. My use of this bad practice to serve the people does not in any wise change my opinion about the badness of the practice of permitting a filibuster. I acted within the practice, but I think the practice is indefensible, and I illustrated its vicious character by coercing the Senate and compelling it to yield to my individual will.

No one man, no matter how sincere he may be or how patriotic his purpose, should be permitted to take the floor of the Senate and keep the floor against the will of every man in the Senate except himself, and coerce and intimidate the Senate. To do so is to destroy the most important principle of self-government—the right of majority rule.

I wish to submit a brief sketch of what has been the rule with regard to "the previous question." It is an old rule, established for the purpose of preventing an arbitrary and willful individual or minority coercing the majority in a parliamentary body. I call the attention of the Senate to a work printed in 1690, Lex Parliamentaria, giving the practice in the British Parliament. On page 292 of that work this language occurs:

If upon a debate it be much controverted and much be said against the question, any member may move that the question may be first made, whether that question shall be put or whether it shall be now put, which usually is admitted at the instance of any member, especially if it be seconded and insisted upon; and if that question being put, it pass in the affirmative, then the main question is to be put immediately, and *no man may speak anything further to it, either to add or alter.*

Mr. President, coming down to the days of the Continental Congress, I read from page 534 of volume 11, 1778, of the Journals of the Continental Congress, giving the rules of that body and showing the purpose of the Continental Congress at that time to prevent any individual or minority unnecessarily consuming the time of that body.

6. No Member *shall speak more than twice in any one debate* on the same day, without leave of the House.

* * * * * * *

10. When a question is before the House no motion shall be received unless for an amendment, *for the previous question*, to postpone the consideration of the main question or to commit it.

Sections 13 and 14 read:

13. *The previous question*—that is, that the main question shall be not now put—being moved, the question from the Chair shall be that those who are for the previous question say aye and those against it, no; and if there be a majority of ayes, then the main question shall not be then put, but otherwise it shall.
14. Each Member present shall *declare openly and without debate* his assent or dissent to a question *by aye and no, when required by motion of any one Member*, whose name shall be entered as having made such motion previous to the President's putting the question; the name and vote in such cases shall be entered upon the Journal, and the majority of votes of each State shall be the vote of that State.

That was the rule of the Continental Congress. The rule of the House of Representatives is equally well known to

clearly and openly recognize the previous question, count a quorum, and by a rule fix a time for voting on any question.

When it came to drafting the Constitution of the United States Mr. Pinckney proposed in his original draft a provision that the yeas and nays of the Members of each House on any question shall, *at the desire of any certain number of Members, be entered on the Journal.*

The committee on detail, page 166 of volume 2 of the records of the Federal Convention, by Farrand, reported as follows:

The House of Representatives and the Senate, when it shall be acting in a legislative capacity (each House) shall keep a Journal of its proceedings, and shall from time to time publish them, * * * and the yeas and nays of the Members of each House on any question *shall, at the desire of any Member,* be entered on the Journal.

That was retained throughout as a part of the Constitution and was discussed on Friday the 10th day of August, page 255, as follows:

Mr. Govr. Morris urged that if the yeas and nays were proper at all *any individual ought to be authorized to call for them:* and moved an amendment to that effect, saying that the small States would otherwise be under a disadvantage, and find it difficult to get a concurrence of one-fifth.

That was voted down unanimously, and the following States—New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia—voted to agree to the rule that *one-fifth of the Members might call for the record of the yeas and nays as a constitutional right.*

I call the attention of the Senate to the proper interpretation of that language. We have ordinarily held to the practice that the yeas and nays should be called after the vote had been ordered, but the right to have the yeas and nays immediately called under the Constitution of the United States is a constitutional right. As a Senator from Oklahoma, I have a right, being present, if I am supported by one-fifth of the Members of this body, to have my vote and the vote of every other Member of this body recorded on any pending question without having my right denied by an organized filibuster. You can not record a vote on the Journal of the Senate *unless you take the vote;* and, therefore, *the constitutional right to have my vote recorded* upon the Journal at the request of one-fifth of the Members PRESENT carries a PRESENT right and *not a future expectation* or vague hope at some unrecorded future time that it may be recorded, when a minority or an individual may permit it. I have, therefore, a constitutional right, when supported by one-fifth of the Members of this body, to demand the *immediate taking of the yeas and nays on any question pending* and *the record of that vote in the Journal of the Senate.*

Mr. WILLIAMS. Mr. President, will the Senator allow me to ask him a question?

Mr. OWEN. I yield to the Senator.

Mr. WILLIAMS. Is it not a truth applicable to everything that wherever a right is granted at all it is a right in præsenti and not in futuro, unless the grant is modified by an express statement that it is in futuro?

Mr. OWEN. Absolutely. Now, Mr. President, I want to call the attention of the Senate to what has been done in regard to this question of cloture or limitation of debate by the Senate itself.

The Senate rules, as established at the beginning of this Government, adopted in 1789, are found upon page 20 of the Annals of the First Congress, from 1789 to 1791, volume 1. That volume contains the rules of the Senate as of that date, from No. 1 to 19, and those rules expressly provide against the abuse of the time of the Senate in a number of particulars. First, in paragraph 2, it is provided that—

2. No Member shall speak to another or otherwise *interrupt the business* of the Senate, or read any printed paper, while the Journals or public papers are reading, or when any Member is speaking in any debate.

3. Every Member when he speaks shall address the Chair, standing in his place, and *when he has finished shall sit down.*

It obviously contemplated his finishing within some reasonable time and taking his seat.

4. No Member shall speak more than twice in any one debate on the same day without leave of the Senate.

Showing the intention of the Senate that one man should *not be allowed to monopolize* the time of the Senate.

Paragraph 8 reads:

8. While a question is before the Senate no motion shall be received unless for an amendment, *for the previous question,* or for postponing the main question, or to commit it, or to adjourn.

And paragraph 9 provides:

9 The *previous question being moved* and seconded, the question from the Chair shall be, "Shall the main question be now put?" And if the nays prevail the main question shall not then be put.

On a divided vote the main question was to be put is a necessary consequence that flows from that language. It required a majority vote in the negative to prevent the closure of debate under the original rules of the Senate.

Paragraph 11 reads:

11. *When the yeas and nays shall be called for by one-fifth of the Members present,* each Member called upon shall, unless for special reasons he be excused by the Senate, declare openly and *without debate his assent* or dissent to the question.

Mr. President, that was the rule of the Senate up until 1806. At that time the rules were modified so as to OMIT the reference to the previous question, not by putting in any rule denying the right of the previous question, but merely omitting the previous question, on the broad theory that courtesy of free speech in the Senate would preclude any Member from the abuse of the courtesy of free speech extended to him by his colleagues, and would preclude a Senator from consuming the time of the Senate unduly, unfairly, or impudently, in disregard of the courtesy extended to him by his colleagues. The failure to move the previous question now *is merely a matter of courtesy* in this body, and carries with it, so long as it lasts, the reciprocal courtesy on behalf of those to whom this courtesy is extended that they shall not impose upon their colleagues who have extended the courtesy to them of freedom of debate or deny their courteous and long-suffering colleagues the right to a vote. Freedom of debate may not under such an interpretation be carried to the point of a garrulous abuse of the floor of the Senate by the reading of old records and endless speechmaking made against time, which has emptied the Senate Chamber and destroyed genuine debate in this body. At the time the previous question was dropped from the written rules of the Senate *as a right under such written rules* there had been no need for the "previous question." The previous question had only been moved four times and only used three times from 1789 to 1806—that is, during 17 years.

There is no real debate in the Senate. Occasionally a Senator makes a speech that is worth listening to—occasionally, and only occasionally. The fact is that even speeches of the greatest value which are delivered on this floor have little or no audience now because of this gross abuse of the patience of the Senate, which has been brought to a point where men are no longer willing to be abused by loud-mouthed vociferation of robust-lunged partisans confessedly speaking against time in a filibuster, and are unwilling to keep their seats on this floor to listen to an endless tirade intended not to instruct the Senate, intended not to advise the Senate, intended not for legitimate debate, not for an honest exercise of freedom of speech, but for the sinister, ulterior, half-concealed purpose of killing time in the Senate and thereby preventing the Senate from acting, thus establishing a minority veto under the pretense, the bald pretense, the impudent and false pretense, of freedom of debate.

This courtesy in the Senate was not greatly abused prior to the war, nor until the fierce recent conflict began between the plutocracy and monopoly and the common people. Its abuse during the last century led, however, to various proposals by various distinguished Members of this body of cloture in various forms.

The first one that I care to call attention to is that of Mr. Clay, in 1841, in connection with which Mr. Henry Clay said, among other things—this was on the 12th of July, 1841—that—

He was ready at any moment to bring forward and support a measure which should give to the majority the control of the business of the Senate of the United States. Let them denounce it as much as they pleased, its advocates, unmoved by any of their denunciations and threats, standing firm in support of the interests which he believed the country demands, for one he was ready for the adoption of a rule which would place the business of the Senate under the control of a majority of the Senate.

In the first session in the Thirty-first Congress, July 27, 1850, Mr. Douglas, then a Senator of the United States, submitted the following motion for consideration:

Resolved, That the following be, and the same is, adopted as a standing rule of the Senate:

"That the previous question shall be admitted when demanded by a majority of the Members of the Senate present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, first, upon a motion to commit, if such motion shall have been made"—

And so forth.

Mr. Hale, on April 4, 1862, brought in a resolution of like purport; Mr. Wade, on June 21, 1864, proposed a like resolution; Mr. Pomeroy, on February 13, 1869; Mr. Hamlin, on March 10, 1870; and various other Senators. I ask, without reading these various proposals, to place them in the RECORD for the information of the Senate of the United States.

The PRESIDING OFFICER (Mr. RANSDELL in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

LIMITATION OF DEBATE.

[1st sess. 31st Cong., J. of S., 482, July 27, 1850.]

Mr. Douglas submitted the following motion for consideration:

"*Resolved*, That the following be, and the same is, adopted as a standing rule of the Senate:

"'That the previous question shall be admitted when demanded by a majority of the Members of the Senate present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote, first, upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then, second, upon amendments reported by a committee, if any; then, third, upon pending amendments; and, finally, where such questions shall, or when none shall have been offered, or when none may be pending, then it shall be upon the main question or questions leading directly to a final decision of the subject matter before the Senate. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion no call shall be in order prior to a decision of the main question. On a previous question there shall be no debate. All incidental questions arising after a motion shall have been made for the previous question and, pending such motion, shall be decided, whether on appeal or otherwise, without debate.'"

(Aug. 28. The resolution was laid on the table (ib., 588).)

[2d sess. 37th Cong., J. of S., 370, Apr. 4, 1862.]

Mr. Hale submitted the following resolution for consideration:

"*Resolved*, That the following be added to the rules of the Senate:

"'The Senate may, at any time during the present rebellion, by a vote of a majority of the Members present, fix a time when debate on any matter pending before the Senate shall cease and terminate; and the Senate shall, when the time fixed for terminating debate arrives, proceed to vote, without debate, on the measure and all amendments pending and that may be offered.'"

[1st sess. 38th Cong., J. of S., 601, June 21, 1864.]

Mr. Wade submitted the following resolution for consideration:

"*Resolved*, That during the remainder of the present session of Congress no Senator shall speak more than once on any one question before the Senate; nor shall such speech exceed 10 minutes, without leave of the Senate expressly given; and when such leave is asked it shall be decided by the Senate without debate; and it shall be the duty of the President to see that this rule is strictly enforced."

[3d sess. 40th Cong., J. of S., 256, Feb. 13, 1869.]

Mr. Pomeroy submitted the following resolution, which was ordered to be printed:

"*Resolved*, That the following be added to the standing rules of the Senate:

"'RULE —. While the motion for the previous question shall not be entertained in the Senate, yet the Senators, by a vote of three-fifths of the Members, may determine the time when debate shall close upon any pending proposition, and then the main question shall be taken by a vote of the Senate in manner provided for under existing rules.'"

[2d sess. 41st Cong., J. of S., 347, Mar. 10, 1870.]

Mr. Hamlin submitted the following resolution for consideration:

"*Resolved*, That whenever any question shall have been under consideration for two days it shall be competent, without debate, for the Senate, by a two-thirds majority, to fix a time, not less than one day thereafter, when the main question shall be taken; but each Senator who shall offer an amendment shall be allowed five minutes to speak upon the same, and one Senator a like time in reply."

[Ib., 412, Mar. 25, 1870.]

Mr. Wilson submitted the following motion for consideration:

"*Ordered*, That the Select Committee on Rules be instructed to consider the expediency of adopting a rule for the remainder of the session providing that whenever any bill has been considered for two days the question on ordering it to a third reading may be ordered by a two-thirds vote of the Senators present and voting."

[Ib., 465, Apr. 7, 1870.]

The Senate next proceeded to consider (the above); and

On motion of Mr. Edmunds,

Ordered, That the said resolution be passed over.

[Ib., 492, Apr. 14, 1879.]

The Senate next resumed the consideration of the resolution submitted by Mr. Wilson on the 25th of March last, instructing the Select Committee on the Revision of the Rules to consider the expediency of adopting a rule for the remainder of the session fixing a time when the question on ordering a bill to a third reading shall be put; and

The resolution was agreed to.

[2d sess. 41st Cong., J. of S., 778, June 9, 1870.]

Mr. Pomeroy submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That the thirteenth rule of the Senate be amended by adding thereto the following:

"'And any pending amendment to an appropriation bill may be laid on the table without affecting the bill.

"'It shall be in order at any time when an appropriation bill is under consideration, by a two-thirds vote, to order the termination of debate at a time fixed in respect to any item or amendment thereof then under consideration, which order shall be acted upon without debate."

[2d sess. 42d Cong., J. of S., Apr. 1, 1872.]

Mr. Pomeroy submitted the following resolution for consideration:

"*Resolved*, That upon any amendment to general appropriation bills remarks upon the same by any one Senator shall be limited to five minutes."

[2d sess. 42d Cong., J. of S., 614, Apr. 26.]

Mr. Scott submitted the following resolution, which was ordered to be printed:

"*Resolved*, That during the present session it shall be in order, pending an appropriation bill, to move to confine debate on the pending bill and amendments thereto to five minutes by any Senator on the pending motion, and the motion to limit debate shall be decided without debate."

[Ib., 630, Apr. 29, 1872.]

On motion by Mr. Scott,

The Senate proceeded to consider the resolution submitted by him on the 26th instant, to confine debate on appropriation bills and amendments thereto for the remainder of the session; and the resolution having been modified by Mr. Scott to read as follows:

"*Resolved*, That during the present session it shall be in order, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and the motion to limit debate shall be decided without debate."

After debate,

On motion by Mr. Vickers, to amend the resolution by inserting after the word "thereto," the words "germane to the subject matter of the bill."

[Several proposed amendments to this part of the resolution are omitted.]

On motion by Mr. Edmunds, to amend the resolution by adding thereto the following:

"And no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received."

It was determined in the affirmative—yeas 25, nays 19.

[The names are omitted.]

So the amendment was agreed to.

The resolution having been further amended on motion of Mr. Scott, on the question to agree thereto as amended in the following words:

"*Resolved*, That during the present session it shall be in order to move a recess; and pending an appropriation bill to move to confine debate on amendment thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate; and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received."

It was determined in the affirmative, {Yeas—33 / Nays—13}

[The names are omitted.]

So the resolution was agreed to.

[3d sess. 42d Cong., J. of S., 615, March 18, 1873.]

Mr. Wright submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That the Committee on the Revision of the Rules be instructed to inquire into the propriety of so amending the rules as to provide—

"First. That debate shall be confined and be relevant to the subject matter before the Senate;

"Second. That the previous question may be demanded either by a majority vote or in some modified form;

"Third. For taking up bills in their regular order on the calendar; for their disposition in such order; prohibiting special orders; and requiring that bills not finally disposed of when thus called shall go to the foot of the calendar, unless otherwise directed."

[Ib., 616, Mar. 19, 1873.]

On motion by Mr. Wright, that the Senate proceed to the consideration of the resolution submitted by him on the 17th instant instructing the Select Committee on the Revision of the Rules to inquire into the propriety of so amending the rules of the Senate as to confine debate to the subject matter before the Senate, to provide for a previous question, and the order of the consideration of bills on the calendar, and the disposition thereof;

After debate,

It was determined in the negative, {Yeas—25 / Nays—30}

[The names are omitted.]

So the motion to proceed to the consideration of the said resolution was not agreed to.

[CONGRESSIONAL RECORD, 3d sess. 42d Cong. (spec. sess.), 113–117.]

[Ib., 617, Mar. 20, 1873.]

Mr. Wright submitted the following resolution for consideration; which was ordered to be printed:

"*Resolved*, That the following be added to the rules of the Senate:

"'RULE —. No debate shall be in order unless it relate to, or be pertinent to the question before the Senate.

"'RULE —. Debate may be closed at any time upon any bill or measure by the order of two-thirds of the Senators present, after notice of 24 hours to that effect.

"'RULE —. All bills shall be placed upon the calendar in their order, and shall be disposed of in such order unless postponed by the order of the Senate. All special orders are prohibited, except by unanimous consent; and bills postponed shall, unless otherwise ordered, go to the foot of the calendar.'"

[Ib., 618, Mar. 21, 1873.]

On motion by Mr. Wright, that the Senate proceed to the consideration of the resolution yesterday submitted by him, providing additional rules for the Senate.

After debate,

Ordered, That the further consideration of the subject be postponed to the first Monday of December next.

[CONGRESSIONAL RECORD, 3d sess. 42d Cong. (spec. sess.), 135–137.]

[1st sess. 43d Cong., J. of S., 532, May 6, 1874.]

Mr. Edmunds submitted the following resolution, which was referred to the Select Committee on the Revision of the Rules:

"*Resolved*, That the eleventh rule of the Senate be amended by adding thereto the following words: 'Nor shall such debate be allowed upon any motion to dispose of a pending matter and proceed to consider another. When a question is under consideration the debate thereon shall be germane to such question or to the subject to which it relates.'"

[Ib., 578, May 15, 1874.]

Mr. Ferry of Michigan, from the Select Committee on the Revision of the Rules, to whom was referred the resolution submitted by Mr. Edmunds the 6th instant, to amend the eleventh rule of the Senate, reported it with an amendment.

[2d sess. 43d Cong., J. of S., 128, Jan. 18, 1875.]

Mr. Morrill of Maine, submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate."

[Ib., 134, Jan. 19, 1875.]

The Senate proceeded to consider the resolution yesterday submitted by Mr. Morrill of Maine, to limit debate on amendments to appropriation bills; and

After debate,

The resolution was agreed to, as follows:

"Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

(CONGRESSIONAL RECORD, 2d sess., 43d Cong., 560–570.)

[1st sess. 44th Cong., J. of S., 243, Feb. 28, 1876.]

Mr. Morrill of Maine, submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[Ib., 253, Feb. 29, 1876.]

On motion by Mr. Morrill of Maine,

The Senate proceeded to consider the resolution yesterday submitted by him to confine debate on amendments to appropriation bills; and, having been amended on motion by Mr. Morrill of Maine,

On motion by Mr. Bayard, to further amend the resolution by adding thereto the following:

" But no amendment to an appropriation bill shall be in order which is not germane to such a bill,"

After debate,

It was determined in the negative, {Yeas---------- 25 / Nays---------- 28

[The names are omitted.]

So the amendment was not agreed to.

No further amendment being proposed, the resolution as amended was agreed to, as follows:

"Resolved, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate."

[2d sess. 45th Cong., J. of S., 314, Mar. 20, 1878.]

Mr. Windom submitted the following resolution for consideration:

"Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[2d sess. 45th Cong., J. of S., 319, Mar. 21, 1878.]

On motion by Mr. Windom,

The Senate proceeded to consider the resolution yesterday submitted by him, providing for a limitation of debate on amendments to appropriation bills, and

The resolution was agreed to.

[3d sess. 45th Cong., J. of S., 32, Dec. 5, 1878.]

Mr. Anthony submitted the following resolution for consideration:

"Resolved, That to-day, at 1 o'clock, the Senate will proceed to the consideration of the calendar, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order; and the objection may be interposed at any stage of the proceedings; and this order shall take precedence of special orders or unfinished business unless otherwise ordered."

(The resolution went over, objection being made.)

[3d sess. 45th Cong., J. of S., 114, Jan. 14, 1879.]

Mr. Anthony submitted the following resolution, which was considered, by unanimous consent, and agreed to:

"Resolved, That on Friday next, at 1 o'clock, the Senate will proceed to the consideration of the calendar, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order, and the objection may be interposed at any stage of the proceedings."

(CONGRESSIONAL RECORD, 3d sess. 45th Cong., 427.)

[3d sess. 45th Cong., J. of S., 138, Jan. 20, 1879.]

Mr. Anthony submitted the following resolution, which was considered, by unanimous consent, and agreed to:

"Resolved, That at the conclusion of the morning business for each day after this day the Senate will proceed to the consideration of the calendar, and continue such consideration until half past 1 o'clock, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order, and the objection may be interposed at any stage of the proceedings."

[3d sess. 45th Cong., J. of S., 189, Jan. 30, 1879.]

Mr. Anthony submitted the following resolution for consideration:

"Resolved, That the order of the Senate of January 20, 1879, relative to the consideration of bills on the calendar shall not be suspended unless by unanimous consent or upon one day's notice."

[3d sess. 45th Cong., J. of S., 325, Feb. 20, 1879.]

Mr. Windom submitted the following resolution for consideration:

"Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[3d sess. 45th Cong., J. of S., 373, Feb. 25, 1879.]

On motion by Mr. Allison,

The Senate proceeded to consider the resolution submitted by Mr. Windom on the 20th instant to confine debate on amendments to general appropriation bills; and

The resolution was agreed to.

[2d sess. 46th Cong., J. of S., 594, May 22, 1880.]

The hour of half past 12 o'clock having arrived, the President pro tempore asked the Senate to place its construction upon the order of February 5, 1880, and known as the "Anthony rule," and submitted the following proposition: " Does the consideration of the calendar continue until half past 1 o'clock, notwithstanding the change of the hour of meeting of the Senate? "

[3d sess. 46th Cong., J. of S., 244, Feb. 12, 1881.]

On motion by Mr. Morgan,

The Senate proceeded to consider the resolution submitted by him the 10th instant, limiting debate on a motion to proceed to the consideration of a bill or resolution; and having been modified on the motion of Mr. Morgan, the resolution as modified was agreed to, as follows:

"Resolved, That for the remainder of the present session, on a motion to take up a bill or resolution for consideration, at the present or at a future time, debate shall be limited to 15 minutes, and no Senator shall speak to such motion more than once, or for a longer time than 5 minutes."

[3d sess. 46th Cong., J. of S., 234, Feb. 10, 1881.]

Mr. Morgan submitted the following resolution for consideration:

"Resolved, That on a motion to take up a bill or resolution for consideration at the present or at a future time debate shall be limited to 15 minutes, and no Senator shall speak to such motion oftener than once, or for a longer time than 5 minutes."

[1st sess. 47th Cong., J. of S., 446, Mar. 20, 1882.]

On motion of Mr. Anthony, to amend the order of the Senate known as the "Anthony rule," so as to extend the time for the consideration of the calendar of bills and resolutions until 2 o'clock p. m., it was determined in the affirmative.

[1st sess. 47th Cong., J. of S., 632, Apr. 26, 1882.]

Mr. Edmunds submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That the special rule of the Senate for the consideration of matters on the calendar under limited debate be, and the same is hereby, abolished."

Mr. Hoar submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That the resolve known as the "Anthony rule" shall not hereafter be so construed as to authorize the consideration of any measure under a limitation of debate of five minutes, or to speaking but once by each Senator after objection."

[2d sess. 47th Cong., J. of S., 282, Feb. 3, 1883.]

Mr. Hale submitted the following resolution for consideration, which was ordered to be printed:

"Resolved, That upon each amendment hereafter offered to the bill entitled 'An act to reduce internal revenue taxation,' each Senator may speak once for five minutes, and no more."

[2d sess. 47th Cong., J. of S., 396, Feb. 23, 1883.]

Mr. Hale submitted the following resolution for consideration:

"Resolved, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and said motion shall be decided without debate."

[1st sess. 48th Cong., J. of S., 354, Feb. 26, 1884.]

Mr. Harris submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"Resolved, That the seventh rule of the Senate be amended by adding thereto the following words:

" 'The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.' "

Mr. Harris submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"Resolved, That the eighth rule of the Senate be amended by adding thereto the following words:

" 'All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.' "

[1st sess. 48th Cong., J. of S., 442, Mar. 19, 1884.]

On motion by Mr. Harris,

The Senate proceeded to consider the resolution to amend the eighth rule; and

The resolution was agreed to, as follows:

"Resolved, That the eighth rule of the Senate be amended by adding thereto the following words: 'All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.' "

On motion by Mr. Harris,

The Senate proceeded to consider the resolutions reported from the Committee on Rules on the 7th instant to amend the tenth rule, and having been amended on the motion of Mr. Harris, from the Committee on Rules, by inserting, after the word " order," the words " or to proceed to the consideration of other business."

The resolution as amended was agreed to, as follows:

"Resolved, That the tenth rule of the Senate be amended by adding thereto the following words: 'And all motions to change such order or to proceed to the consideration of other business shall be decided without debate.' "

[1st sess. 48th Cong., J. of S., 431, Mar. 17, 1884.]

Mr. Harris, from the Committee on Rules, to which was referred the resolution submitted by him February 26, 1884, to amend the seventh rule of the Senate, reported it without amendment.

The Senate proceeded, by unanimous consent, to consider the said resolution; and

Resolved, That the Senate agree thereto.

Mr. Harris, from the Committee on Rules, to which was referred the resolution submitted by him February 26, 1884, to amend the eighth rule of the Senate, reported it without amendment.

Mr. Harris, from the Committee on Rules, reported the following resolution for consideration:

"Resolved, That the tenth rule of the Senate be amended by adding thereto the following words: *'And all motions to change such order shall be decided without debate.'* "

[2d sess. 48th Cong., J. of S., 359, Feb. 24, 1885.]

Mr. Allison submitted the following order for consideration, which was ordered to be printed:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate.

[2d sess. 48th Cong., J. of S., 389, Feb. 26, 1885.]

The President pro tempore laid before the Senate the order submitted by Mr. Allison on the 24th instant to limit debate to five minutes on amendments to appropriation bills for the remainder of the present session.

On motion by Mr. Plumb,

Ordered, That the further consideration thereof be postponed to to-morrow.

[1st sess. 49th Cong., J. of S., 505, Apr. 1, 1886.]

Mr. Ingalls submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That Rule XIII be amended by striking out the words 'without debate,' in the last sentence of clause 1."

[1st sess. 49th Cong., J. of S., 904, June 14, 1886.]

Mr. Edmunds submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That the last paragraph of the first clause of Rule XIII be amended so as to read as follows:

"'Any motion to reconsider may be laid on the table without affecting the question in reference to which the same is made, and if laid on the table it shall be a final disposition of the motion.'"

[1st sess. 49th Cong., J. of S., 945, June 21, 1886.]

Mr. Frye, from the Committee on Rules, reported the following resolution, which was considered, by unanimous consent, and agreed to:

"*Resolved*, That the last paragraph of clause 1, Rule XIII, is hereby amended by striking out the words 'without debate.'

Mr. Frye, from the Committee on Rules, to whom were referred the following resolutions, reported adversely thereon:

The resolution submitted by Mr. Ingalls April 1, 1886, to amend clause 1 of Rule XIII of the Senate; and

The resolution submitted by Mr. Edmunds on the 14th instant to amend clause 1 of Rule XIII of the Senate.

Ordered, That they be postponed indefinitely.

[2d sess. 49th Cong., J. of S., 387, Feb. 21, 1887.]

Mr. Cameron submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the remainder of this session no Senator shall speak on any question more than once, and shall confine his remarks to five minutes' duration."

[2d sess. 49th Cong., J. of S., 400, Feb. 22, 1887.]

The President pro tempore laid before the Senate the resolution yesterday submitted by Mr. Cameron, limiting debate during the remainder of the session;

When,

Mr. Edmunds raised a question of order, viz, that the resolution would change the standing rules of the Senate, of which proper notice had not been given, as required by the fortieth rule; and

The President pro tempore sustained the point of order.

[1st sess. 50th Cong., J. of S., 315, Feb. 14, 1888.]

Mr. Blackburn submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That it shall not be in order, except by unanimous consent, for the Committee on Appropriations to report to the Senate for consideration or action any general appropriation bill without having had such bill under consideration for a period of 10 days or more."

[1st sess. 50th Cong., J. of S., 829, May 16, 1888.]

Mr. Edmunds submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That paragraph 3 of Rule XVI be amended by adding thereto the following:

"Whenever any general appropriation bill originating in the House of Representatives shall be under consideration, it shall be the duty of the Presiding Officer to cause to be stricken out of such bill all provisions therein of a general legislative character other than such as relate to the disposition of the moneys appropriated therein; but such order of the Presiding Officer shall be subject to an appeal to the Senate as in other cases of questions of order."

[1st sess. 51st Cong., J. of S., 250, Apr. 23, 1890.]

Mr. Chandler submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"*Resolved*, That the following be adopted as a standing rule of the Senate:

"'Whenever a bill or resolution reported from a committee is under consideration the Senate may, on motion, to be acted on without debate or dilatory motions, order that on a day, not less than six days after the passage of the order, debate shall cease and the Senate proceed to dispose of the bill or resolution; and when said day shall arrive, at 3 o'clock the vote shall be forthwith taken without debate or dilatory motions upon any amendments to the bill or resolution and upon the passage thereof.

"'Whenever a quorum of Senators shall not vote on any roll call the Presiding Officer, at the request of any Senator, shall cause to be entered upon the Journal the names of all the Senators present and not voting, and such Senators shall be deemed and taken as in attendance and present as part of the quorum to do business; and declaration of the result of the voting shall be made accordingly.'"

[1st sess. 51st Cong., J. of S., 431, July 16, 1890.]

Mr. Allison submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the remainder of the present session of Congress it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate."

[1st sess. 51st Cong., J. of S., 449, Aug. 1, 1890.]

Mr. Blair submitted the following resolution, which was ordered to be printed:

"*Resolved*, That the Committee on Rules be instructed to report a rule within four days providing for the incorporation of the previous question or some method for limiting and closing debate in the parliamentary procedure of the Senate.

[1st sess. 51st Cong., J. of S., 450, Aug. 9, 1890.]

The President pro tempore laid before the Senate the resolution yesterday submitted by Mr. Blair, as follows:

"*Resolved*, That the Committee on Rules be instructed to report a rule within four days providing for the incorporation of the previous question or some method for limiting and closing debate in the parliamentary procedure of the Senate."

Ordered, That it be referred to the Committee on Rules.

(Cong. Rec., 1st sess. 51st Cong., 8048–8050.)

[1st sess. 51st Cong., J. of S., 460, Aug. 9, 1890.]

Mr. Hoar submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"*Resolved*, That the Rules of the Senate be amended by adding as follows:

"When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding 30 minutes.

"After such demand shall have been made by any Senator, no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate, no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost, or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote on the same shall have intervened."

[1st sess. 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Edmunds submitted the following order for consideration; which was ordered to be printed:

"*Ordered*, That during the consideration of House bill 9416, entitled 'An act to reduce the revenue and equalize duties on imports, and for other purposes,' no Senator shall speak more than once, and not longer than five minutes, on or in respect of any one item in said bill or any amendment proposed thereto without leave of the Senate, such leave to be granted or denied without debate and without any other motion or proceeding other than such as relates to procuring a quorum when it shall appear on a division, or on the yeas and nays being taken, that a voting quorum is not present; and until said bill shall have been gone through with to the point of a third reading no general motion in respect of said bill other than to take it up shall be in order.

"All appeals pending the matter aforesaid shall be determined at once, and without debate.

"Notice is hereby given, pursuant to Rule XL, that the foregoing order will be offered for adoption in the Senate.

"It is proposed to suspend for the foregoing stated purpose the following rules, namely: V, VIII, IX, X, XII, XVIII, XIX, XXII, XXVII, XXVIII, XXXV, and XL."

[1st sess., 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Blair submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That the following rule be adopted to fix the limit of debate, namely:

"'RULE —. When a proposition has been under debate two days and not less than four hours, which shall be determined by the Presiding Officer without debate, it shall be in order to move the previous question, unless the Senate shall otherwise fix the time when debate shall cease and the vote be taken; and in any case arising under this rule the Senator in charge of the measure shall have one hour in which to close the debate.

"'During the last 14 days preceding the time fixed by law or by concurrent resolution passed by the Senate for the end of the session, a majority of the Senate may close the debate at any time, subject to the right of the Senator in charge of the measure; and any motion for the previous question, or to limit debate and to fix the time for the vote to be taken, shall cease in one hour and be subject to the Anthony rule.'"

[1st sess. 51st Cong., J. of S., 643, Aug. 12, 1890.]

Mr. Quay submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (the tariff bill) and general appropriation bills, bills relating to public buildings and public lands, and Senate or concurrent resolutions.

"*Resolved*, That the consideration of all bills other than such as are mentioned in the foregoing resolution is hereby postponed until the session of Congress to be held on the first Monday in December, 1890.

"*Resolved*, That the vote on the pending bill and all amendments thereto shall be taken on the 30th day of August instant at 2 o'clock p. m., the voting to continue without further debate until the consideration of the bill and the amendments is completed."

[1st sess. 51st Cong., J. of S., 465, Aug. 13, 1890.]

The President pro tempore laid before the Senate the order and resolutions yesterday submitted, as follows:

Order by Mr. Edmunds, to limit debate on the pending bill to reduce the revenue and equalize duties on imports and the amendments proposed thereto.

Resolution by Mr. Blair, to amend the rules so as to fix a limit to debate.

Resolution by Mr. Quay, prescribing the measure to be considered during the remainder of the present session; and.

Ordered, That they be referred to the Committee on Rules.

[1st sess. 51st Cong., J. of S., 471, Aug. 16, 1890.]

Mr. Quay gave notice in writing, pursuant to Rule XL, that he would offer the following orders for adoption by the Senate:

"*Ordered*, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation bills, pension bills, bills relating to the public lands, to the United States courts, to the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

"*Ordered*, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

"*Ordered*, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pend-

ing, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

"And that it was proposed to modify, for the foregoing stated purpose, the following rules, namely: VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

"*Ordered*, That the notice, with the proposed orders, be printed."

[1st sess. 51st Cong., J. of S., 472, Aug. 18, 1890.]

Mr. Quay, pursuant to notice, submitted the following resolution, which was ordered to be printed:

"*Resolved*, That the following orders be adopted for the government of the Senate during the present session of Congress:

"'*Ordered*, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation bills, pension bills, bills relating to the public lands, to the United States courts, to the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

"'*Ordered*, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

"'*Ordered*, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

"'For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.'"

[1st sess. 51st Cong., J. of S., 476, Aug. 20, 1890.]

The President pro tempore laid before the Senate the resolution submitted by Mr. Quay on the 18th instant, as follows:

"*Resolved*, That the following orders be adopted for the government of the Senate during the present term of Congress:

"'*Ordered*, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation bills, pension bills, bills relating to public lands, United States courts, the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

"'*Ordered*, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

"'*Ordered*, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

"'For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.'"

The Senate proceeded to consider the resolution; and an amendment having been proposed by Senator Hoar, viz: Strike out all after the word "resolved," and in lieu thereof insert "that the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measures shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice will then be given, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon a measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate, no motion shall be in order but a motion to adjourn or to take recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL are modified."

On motion by Mr. Hoar to amend the part proposed to be stricken out by inserting, after the words "the pending bill (H. R. 9416)," the words "the bill to amend and supplement the election laws of the United States (H. R. 11045)," and by adding, at the end of the resolutions, the words "and immediately thereafter the bill to amend and supplement the election laws of the United States shall be taken up for consideration, and shall remain before the Senate every day for three days, after the reading of the Journal, to the exclusion of all other business, and on the 4th day of September, at 2 o'clock, voting thereon, and on the then pending amendments, shall begin and shall continue from day to day, to the exclusion of other business, until the same are finally disposed of."

After debate,

On motion by Mr. Spooner, that the resolution, with the proposed amendment, be referred to the Committee on Rules,

Pending debate,

The President pro tempore announced that the hour of 12 o'clock had arrived, and laid before the Senate the unfinished business at its adjournment yesterday, viz, the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

[CONGRESSIONAL RECORD, 1st sess. 51st Cong., 8841–8849.]

[1st sess. 51st Cong., J. of S., Sept. 23, 1890.]

The Senate proceeded to consider the resolution submitted by Mr. Quay August 18, 1890, prescribing an order of business during the remainder of the present session; and

Ordered, That it be postponed indefinitely.

[2d sess. 51st Cong., J. of S., 46, Dec. 23, 1890.]

Mr. Aldrich gave notice, in accordance with the provisions of Rule XL, that he would move certain amendments to the rules, which would modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXXV, and XL, and for that purpose he would hereafter submit the following resolution:

"*Resolved*, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"'When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on the bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding 30 minutes.

"'After the Senate shall have decided to close debate as herein provided no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost, or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

"'Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a division or on the taking of the yeas and nays that a quorum is not present and voting.

"'Pending proceedings under the foregoing rule, all questions of order, whether on appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceeding of any kind shall be in order.

"'For the foregoing stated purposes the following rules, namely, VII, VIII, IX, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.'"

Ordered, That the proposed resolution be printed.

[2d sess. 51st Cong., J. of S., 51, Dec. 29, 1890.]

Mr. Aldrich, pursuant to notice given on the 23d instant, submitted the following resolution, which was ordered to be printed:

"*Resolved*, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"'When any bill, resolution, or other question shall have been under consideration for a considerable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding 30 minutes.

"'After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

"'Pending proceedings under the foregoing rule, no proceeding in respect of the quorum shall be in order until it shall have appeared on a division, or on the taking of the yeas and nays, that a quorum is not present and voting.

"'Pending proceedings under the foregoing rule, all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"'For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.'"

[2d sess. 51st Cong., J. of S., 87, Jan. 20, 1891.]

On motion by Mr. Aldrich, that the Senate proceed to the consideration of the resolution submitted by him December 29, 1890, to amend the rules so as to provide a limitation of debate under certain conditions, and for that purpose to modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

It was determined in the affirmative;

When,

Mr. Harris raised a question of order, namely, that the notice given by Mr. Aldrich was not sufficiently specific to meet the requirements of Rule XL, as it did not specify the parts of the rules proposed to be suspended, modified, or amended, and the purposes thereof, and that the proposed rule materially modifies Rules V and XX, and neither of these rules are mentioned in the notice as rules proposed to be suspended, modified, or amended.

Pending which [the hour of 2 o'clock having arrived, etc.].

[CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1564–1568.]

[2d sess. 51st Cong., J. of S., 89, Jan. 22, 1891.]

On motion by Mr. Aldrich, that the Senate proceed to the consideration of the resolution submitted by him December 29, 1890, to amend the rules so as to provide a limitation of debate under certain conditions, and for that purpose to modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

Mr. Harris raised a question of order, namely, that the unfinished business was the motion of Mr. Gorman, to correct the Journal of the day before yesterday, it being a question of the highest privilege, and under Rule III to be proceeded with until it is concluded.

The Vice President overruled the question of order, and stated that he did not find any rule bearing upon the question of amending or approving any other Journal than that of the preceding day, and is therefore of the opinion that the motion made by the Senator from Rhode Island was in order, the morning hour having expired.

From the decision of the Chair Mr. Harris appealed to the Senate; and,

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

It was determined in the affirmative, {Yeas—35 / Nays—30}

On motion by Mr. Cockrell,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]
So the decision of the Chair was sustained.
[CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1654–1664.]

[2d sess. 51st Cong., J. of S., 90, Jan. 22, 1891.]

The question recurring on the motion of Mr. Aldrich, that the Senate proceed to the consideration of the resolution;
On motion by Mr. Gorman, to lay the motion on the table,
It was determined in the negative, {Yeas 30 / Nays 35}
On motion by Mr. Gorman,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]
So the motion to lay on the table was not agreed to.
Mr. Ransom raised a question of order, namely, that the motion to take up the resolution was not in order because the Journal of the 20th instant as read on the 21st shows that the resolution was taken up on the 20th, and if that be true, it then became and now is the unfinished business.
The Vice President overruled the question of order.
From the decision of the Chair Mr. Ransom appealed to the Senate; and,
On the question, "Shall the decision of the Chair stand as the judgment of the Senate?"
It was determined in the affirmative, {Yeas 36 / Nays 27}
On motion by Mr. Ransom,
The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,
[The names are omitted.]
So the question of order was overruled.
Mr. Gorman asked that the motion of Mr. Aldrich be put in writing.
The motion having been reduced to writing, and the question recurring on agreeing to the same,
It was determined in the affirmative, {Yeas 36 / Nays 32}
On motion by Mr. Aldrich,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]
So the motion was agreed to; and
The Senate resumed the consideration of the resolution; and
The question being on the point of order raised by Mr. Harris on the 20th instant, namely, that the notice given by Mr. Aldrich was not sufficiently specific to meet the requirements of Rule XL, as it did not specify the parts of the rules supposed to be suspended, modified, or amended, and the purposes thereof; and that the proposed rule materially modifies Rules V and XX, and neither of these rules is mentioned in the notice as rules proposed to be suspended, modified, or amended,
The Vice President overruled the question of order, and decided that it was not well taken, as in the opinion of the Chair the purpose and spirit of the rule are stated in the resolution submitted by Mr. Aldrich.
From the decision of the Chair Mr. Faulkner appealed to the Senate, and
After debate,
At 2 o'clock and 35 minutes p. m., Mr. Gorman raised a question as to the presence of a quorum;
Whereupon,
The Presiding Officer (Mr. Manderson in the chair) directed the roll to be called,
When
Fifty-one Senators answered to their names.
A quorum being present, and the question recurring upon the appeal taken by Mr. Faulkner from the decision of the Chair,
After further debate,
On motion by Mr. Aldrich that the appeal lie on the table,
Mr. Gorman asked that the motion be put in writing; and
The motion having been reduced to writing by Mr. Aldrich,
On the question to agree to the same,
It was determined in the affirmative, {Yeas 33 / Nays 28}
On motion by Mr. Gorman,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]
So the motion was not agreed to.
The question recurring on agreeing to the resolution submitted by Mr. Aldrich,
Pending debate.
(CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1664–1682.)

[2d sess. 51st Cong., J. of S., 91, Jan. 22, 1891.]

The Senate resumed the consideration of the resolution submitted by Mr. Aldrich, to amend the rules so as to provide a limitation of debate.
An amendment having been proposed by Mr. Stewart,
On motion by Mr. Faulkner, the yeas and nays were ordered.
Pending debate.
On motion by Mr. Aldrich, at 5 o'clock and 15 minutes p. m.,
The Senate took a recess until 12 m., Monday.

MONDAY, 12 o'clock m.

The Senate resumed the consideration of the resolution submitted by Mr. Aldrich to amend the rules so as to provide a limitation of debate; and
The question being on the amendment proposed by Mr. Stewart.
[CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1682–1738.]

[2d sess. 51st Cong., J. of S., 91, Jan. 22, 1891.]

The Senate resumed the consideration of the motion submitted by Mr. Gorman to amend the Journal of the proceedings of Tuesday, the 20th instant, by striking out, after the motion submitted by Mr. Aldrich, that the Senate resume the consideration of the resolution to amend the rules so as to provide a limitation of debate, the words "It was determined in the affirmative"; when,
By unanimous consent, the order for the yeas and nays was withdrawn; and,
The motion to amend having been agreed to,
The Journal was approved.
The Senate resumed the consideration of the question of the approval of the Journal of the proceedings of Wednesday, the 21st instant; and
The Journal was approved.

[2d sess. 51st Cong., J. of S., 178, Feb. 26, 1891.]

On motion by Mr. Allison,
The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 13462) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes;
When,
On motion by Mr. Allison, and by unanimous consent,
Ordered, That during the consideration of the pending bill debate on amendments thereto shall be limited to five minutes for each Senator on the pending question, and that no Senator shall speak more than once on the same amendment.

Mr. OWEN. Now, Mr. President, that record which I have submitted without reading comes down to 1891, when Mr. Aldrich proposed a cloture rule for the limitation of debate. I want to call attention to several other propositions which have been made since that time, one by the Senator from New Hampshire [Mr. GALLINGER], now representing the State of New Hampshire in this body, on October 14, 1893, found on page 2504 of the CONGRESSIONAL RECORD, Fifty-third Congress, first session, as follows:

When any bill or resolution reported from a standing or select committee is under consideration, if a majority of the entire membership of the Senate submit a request in writing, through the Chair, that debate close, such papers shall be referred to the Committee on Rules, and it shall be the duty of said committee within a period not exceeding five days from the date of said reference to report an order naming a day and hour when a vote shall be taken, and action upon said report shall be had without amendment or debate.

Senator GALLINGER was very much in favor of a cloture in those days.

Senator Hoar also proposed a resolution on cloture. Nor were they alone in that respect as distinguished leaders of the opposition, but Senator LODGE also proposed the following rule in order to prevent the abuse of the floor of the Senate:

And it shall not be in order at any time for any Senator to read a speech, either written or printed.

Senator Vest, of Missouri, in 1893 introduced the following resolution, the most moderate form of terminating so-called debate (CONGRESSIONAL RECORD, p. 45, Dec. 5, 1894):

Amendment intended to be proposed to the rules of the Senate, namely, add to Rule I the following section:
"SEC. 2. Whenever any bill, motion, or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days, amounting in all to 30, it shall be in order for any Senator to move that a time be fixed for the taking of a vote upon such bill, motion, or resolution, and such motion shall not be amendable or debatable, but shall be immediately put; and if adopted by a majority vote of all the Members of the Senate, the vote upon such bill, motion, or resolution, with all the amendments thereto which may have been proposed at the time of such motion, shall be had at the date fixed in such original motion without further debate or amendment, except by unanimous consent, and during the pendency of such motion to fix a date, and also at the time fixed by the Senate for voting upon such bill, motion, or resolution no other business of any kind or character shall be entertained, except by unanimous consent, until such motion, bill, or resolution shall have been finally acted upon."

Hon. Orville H. Platt, on September 21, 1893, introduced the following resolution (p. 1636):

Whenever any bill or resolution is pending before the Senate as unfinished business the presiding officer shall, upon the written request of a majority of the Senators, fix a day and hour, and notify the Senate thereof, when general debate shall cease thereon, which time shall not be less than five days from the submission of such request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate, the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes nor more than once upon the same proposition.

And, among other things, said:

The rules of the Senate, as of every legislative body, ought to facilitate the transaction of business. I think that proposition will not be denied. The rules of the Senate as they stand to-day make it impossible, or nearly impossible, to transact business. I think that proposition will not be denied. We as a Senate are fast losing the respect of the people of the United States. We are fast being considered a body that exists for the purpose of retarding and obstructing legislation. We are being compared in the minds of the people of this country to the House of Lords in England, and the reason for it is that under our rules it is impossible or nearly impossible to obtain action when there is any considerable opposition to a bill here.
I think that I may safely say that there is a large majority upon this side of the Senate who would favor the adoption of such a rule at the present time.

Mr. Hoar, of Massachusetts (1893), submitted to the committee a proposed substitute, as follows (p. 1637):

Resolved, That the rules of the Senate be amended by adding the following:
"When any bill or resolution shall have been under consideration for more than one day it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire

shall be permitted to speak upon the measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate no motion shall be in order, but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. LODGE, of Massachusetts, also then, as now, Senator of the United States from Massachusetts, supported this proposal, using the following language (p. 1637):

It is because I believe that the moment for action has arrived that I desire now simply to say a word expressive of my very strong belief in the principle of the resolution offered by the Senator from Connecticut, Mr. Platt.

We govern in this country in our representative bodies by voting and debate. It is most desirable to have them both. Both are of great importance. But if we are to have only one, then the one which leads to action is the more important. To vote without debating may be hasty, may be ill considered, may be rash, but to debate and never vote is imbecility.

I am well aware that there are measures now pending, measures with reference to the tariff, which I consider more injurious to the country than the financial measure now before us. I am aware that there is a measure which has been rushed into the House of Representatives at the very moment when they are calling on us Republicans for nonpartisanship which is partisan in the highest degree and which involves evils which I regard as infinitely worse than anything that can arise from any economic measure, because it is a blow at human rights and personal liberty. I know that those measures are at hand. I know that such a rule as is now proposed will enable a majority surely to put them through this body after due debate and will lodge in the hands of a majority the power and the high responsibility which I believe the majority ought always to have. But, Mr. President, I do not shrink from the conclusion in the least. If it is right now to take a step like this, as I believe it is, in order to pass a measure which the whole country is demanding, then, as it seems to me, it is right to pass it for all measures. If it is not right for this measure, then it is not right to pass it for any other.

I believe that the most important principle in our Government is that the majority should rule. It is for that reason that I have done what lay in my power to promote what I thought was for the protection of elections, because I think the majority should rule at the ballot box. I think equally that the majority should rule on this floor—not by violent methods, but by proper dignified rules, such as are proposed by my colleague and by the Senator from Connecticut. The country demands action and we give them words. For these reasons, Mr. President, I have ventured to detain the Senate in order to express my most cordial approbation of the principle involved in the proposed rules which have just been referred to the committee.

Senator David B. Hill, of New York (1893), proposed the following amendment (p. 1639):

Add to Rule IX the following section:

"SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

Only last Congress, April 6, 1911, the distinguished Senator from New York, Mr. ROOT, introduced the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, instructed to report for the consideration of the Senate a rule or rules to secure more effective control by the Senate over its procedure, and especially over its procedure upon conference reports and upon bills which have been passed by the House and have been favorably reported in the Senate. (CONGRESSIONAL RECORD, vol. 47, pt. 1, p. 107.)

And Senator LODGE argued very strongly in favor of a cloture.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. If the Senator will turn to pages 1637 and 1638 of the same volume that he holds in his hands, he will find, if my memory serves me right, a resolution upon the subject offered by Mr. LODGE, or else a speech in favor of a resolution previously offered by Senator Platt—a speech which contains a great deal of matter which is pertinent to the present situation.

Mr. OWEN. Senator Platt, on the 20th of September, 1893, proposed the following resolution:

Resolved, That Rule IX of the Senate be amended by adding the following section:

"SEC. 2. Whenever and bill or resolution is pending before the Senate as unfinished business the Presiding Officer shall, upon the written request of a majority of the Senators, fix a day and hour and notify the Senate thereof when general debate shall cease thereon, which time shall not be less than five days from the submission of the request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate; the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes or more than once upon the same proposition.

Senator Platt argued strongly for this; nor was he alone. Senator LODGE, on page 2536, made an argument in favor of cloture, to this effect:

I believe, of course, that the proper way is to go straight at it and to put in the hands of the majority of the Senate the power to close debate and the power to take a vote after due debate.

But as it appears that there is not a majority in the Senate for closure, as no action has been taken by the Committee on Rules in that direction, and as there appears to be a prejudice against any method of bringing the Senate to a vote because it is in conflict with Senate traditions, I have ventured to offer two amendments which I think will at least tend to prevent obstruction, although they are not as thorough and complete as they ought to be.

This question of obstruction has culminated in the great representative bodies of the English-speaking people within the last few years. It has been met and disposed of in the House of Commons by the closure rules, which recently have been applied in practice at every stage of the home-rule bill. It has been met and disposed of in the House of Representatives. Those two great representative bodies of the English-speaking people, owing to reforms which have been carried out within the last half dozen years, are able to-day to transact business, to transact it according to the will of the majority, and thereby to place upon the majority the public responsibility which they ought to bear.

And more to like effect from the distinguished Senator from Massachusetts.

The Senator from Massachusetts was not content with expressing himself in that respect in the United States Senate, but he wrote a very interesting article for the North American Review, in the issue of November, 1893, page 523, in which he sets up with great force the importance of allowing a majority to rule, in which he advocates the Reed rules in the House of Representatives, which since that time have been, wisely enough, adopted by every succeeding Congress, whether Democratic or Republican, because the common sense of a parliament requires that the majority shall not be throttled by the minority, for the simple reason the majority must be permitted to exercise the functions for which they are chosen by the American people, if representative government is to stand. I shall ask to put this short article by Mr. LODGE as an addendum to my remarks, if there is no objection. It is a very short one.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. OWEN. Mr. LODGE, after arguing strenuously for the cloture——

Mr. GALLINGER. Will the Senator give the date of that article?

Mr. OWEN. November, 1893.

After arguing strenuously for the cloture, Mr. LODGE points out the practice of the previous question, and says:

But the essence of a system of courtesy is that it should be the same at all points. The two great rights in our representative bodies are voting and debate. If the courtesy of unlimited debate is granted, it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case, the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but if we are forced to choose between them, the right of action must prevail over the right of discussion. *To vote without debating is perilous, but to debate and never vote is imbecile.*

I commend the language of the Senator from Massachusetts to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, if the Senator will yield——

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

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

Mr. GALLINGER. The Senator has quoted an amendment to the rules which I wrote shortly after coming into this body, which was sent to the Committee on Rules and never came out of that committee. I did hold to that view at that time; but I listened to a wonderful speech from Senator Turpie, of Indiana, about that time in opposition to cloture, which did very much toward converting me to the opposite view.

The Senator from Massachusetts [Mr. LODGE] came into the Senate fresh from the House in 1893, imbued with the idea that the Reed rules were the acme of perfection, and he advocated that practice. It was during a famous debate on the repeal of the silver-purchase clause in the law that was then on the statute books, and our Democratic friends were filibustering against it with great earnestness and with a good deal of success.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. I simply wish to remind the Senator from New Hampshire that that filibuster was not a party filibuster. There were a great many Senators upon the Republican side

engaged in it. One was from my State, who afterwards took his seat upon this side. It was not a Democratic filibuster.

Mr. GALLINGER. There were four or five so-called Republicans at that time——

Mr. THOMAS. Oh, there were more than that, Mr. President, and there was nothing "so called" about them. They were Republicans.

Mr. GALLINGER. Mr. President, I thank the Senator for permitting me the opportunity of saying that when I first came here I did entertain the view the Senator has attributed to me; but I listened very attentively to the views of Senators, many of whom had been here a long time, and I found that they were almost unanimously against that procedure. They assured me that no harm had ever come from it, and I changed my views, and I have entertained those changed views from that day to the present time.

Mr. OWEN. Mr. President, against the views of Mr. Turpie, the Senator referred to by the Senator from New Hampshire, I wish to quote the language of another distinguished Senator of that date on the Democratic side—Senator White, now the Chief Justice of the Supreme Court of the United States. He said, on October 13, 1893 (CONGRESSIONAL RECORD, p. 2477), in commenting on the filibuster of that date:

> Sir, we have for days and days in this great body, upon which the eyes of the whole world have been turned in the past as the most exalted and the most dignified and the most responsible legislative body on the face of God's earth, witnessed scenes in it which, in my judgment, have made it an object of contempt to every civilized man and to every honest judgment. So far as I am concerned, I hope that this action to-night will initiate the first step to reach a point in which this great body, gathering its self-respect about it, will so deport itself as to save at least some of the honor and some of the character which has been its ornament for so many years. While it is sought to drag it down in the mire and dust, I hope it will so deport itself as to vindicate its duty. If gentlemen sit in this room and call attention to the absence of a quorum, and then remain silent on the roll called to ascertain whether there is a quorum, I hope there will be firmness and manhood here to visit that punishment which, in my judgment, such conduct deserves. If it be done, then, sir, those who use such methods will seek some other field for their display than this. If it be not done, the self-respect of this body is, in my judgment, gone.

Senator David B. Hill likewise objected very strongly to the abuse of the time of the Senate by the filibuster, and he was not alone in that. I call attention to the proposal of Senator Hill in 1893, page 1639:

> Add to Rule IX the following section:
> "SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

Nor does this by any means end the matter on the two sides of the Chamber. There are many distinguished Senators who, in the course of the debates on these questions, expressed similar sentiments. I shall not encumber the RECORD with making quotations from them, except to show that the leaders on both sides of this Chamber, as the exigencies seemed to require, have not hesitated to urge amendment of the rules to provide for a previous question after reasonable debate has been had.

Mr. WEEKS. Mr. President——

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

Mr. OWEN. I yield to the Senator from Massachusetts.

Mr. WEEKS. I wish to ask the Senator if any Senator has ever made that contention when he was in the minority party of the Senate? Has it not always been when he was in the majority?

Mr. OWEN. Oh, I think so, very generally. That does not change the force of the opinions and arguments cited, however. If you gentlemen, through your leadership on that side, declare vehemently in favor of the virtue of a cloture when you are in the majority, and if the gentlemen on this side declare vigorously in favor of a cloture when they are in the majority, does it not argue that both sides have committed themselves earnestly to the reasonable, common-sense rule that the majority shall command this Chamber? And if both sides have committed themselves, with what face will you deny the reason of the rule which you have yourselves advocated with such force and with such earnestness? Do you wish to argue that both sides were fraudulently making the argument and that neither side is entitled to the respect of honest men, and that their opinions are worthless because merely indicating a desire for partisan advantage?

If this be true, let us follow the rule of all other great parliamentary bodies—of Great Britain, of France, of Germany, of Austria, of Italy, of Switzerland, of Hungary, of Spain, of Denmark—of the great States of our own Union, who do not permit filibuster or the rule of the minority over the majority.

Mr. FLETCHER. Mr. President——

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

Mr. OWEN. I yield to the Senator from Florida.

Mr. FLETCHER. May I ask the Senator if he does not think that when the rule was originally adopted providing that a Senator could speak once in one day upon a question in debate, it was contemplated that the speech would be confined to the question pending and then before the Senate?

Mr. OWEN. Oh, absolutely. No one imagined in the early days of the Senate that the minority would have the shameless impudence to try to rule the majority.

Mr. FLETCHER. And does not the Senator think this abuse has grown up not because the rule ever contemplated such abuse, but rather in spite of it, and that the abuse consists largely in the fact that nowadays the so-called debate or discussion or speech is not confined at all to the question before the Senate, but all latitude is given for the discussion of any old subject at any old time, whether it is really before the Senate or not? Does not the Senator think that is really the abuse, and that that was never contemplated by the Senate when the rules were originally adopted?

Mr. OWEN. That is quite true. When the rules of the Senate were adopted in 1789 they had the "previous question" coming from the Continental Congress, which had the previous question coming from the Parliament of Great Britain, which had the previous question in 1690. The Senate maintained the previous question for 17 years. It was then a small body of very courteous men, only 34 in number, and they dropped the previous question as not needed in so small a body of such very courteous men. They had only used it three times in 17 years, and as a matter of courtesy they merely omitted the previous question from the printed rules. It still was permissible under the general parliamentary law. They never imagined the Senator from Ohio speaking for 9 hours, the Senator from California speaking for long hours on the shipping bill, but confining his rambling observations to a dissertation on Christian science, followed by the Senator from Utah by a 13-hour speech, and speech after speech consuming days for the shameless purpose of killing time and killing majority rule and defeating popular government.

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

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

Mr. GALLINGER. I will suggest to the Senator from Florida that if he should enforce that rule it would prevent the Senator from Oklahoma from making his very interesting discussion to-day.

Mr. OWEN. Oh, that may be true, Mr. President. I agree with the Senator from New Hampshire that a speech on the cloture would not be very much in point on the pending question of the shipping bill, but——

Mr. FLETCHER. But that is the pending question.

Mr. OWEN. Yes; it is so far in point that the Senator from Missouri [Mr. REED] has moved a temporary, particular, and special cloture for the purpose of bringing to a conclusion the endless filibuster on that side of the Chamber and getting a vote on the shipping bill. I am not far afield in discussing cloture in this way, for cloture is needed to get the vote on the shipping bill.

Mr. FLETCHER. That is the precise question.

Mr. OWEN. I think I am really much more in point than the Senator from New Hampshire would indicate.

Mr. President, I wish to submit for the RECORD the practice of every State in the Union. I have in my hand a compilation of the rules on the "*previous question*" of the various States comprising this Republic, and I submit them to show that the common sense of the people of this Republic, the common sense moving the legislatures of the various States, has spoken in regard to this matter; and only when they have had no trouble from an unfair filibuster is there the absence of a rule of cloture; that is, where the rule of courtesy carries with it the reciprocal courtesy of permitting the majority to vote after reasonable debate has been had.

The PRESIDING OFFICER. Is there objection to the insertion of the statement in the RECORD?

Mr. GALLINGER. Mr. President, before agreeing to the insertion I will ask the Senator, with his permission, if he has given the rules of the State senates as well as the houses of representatives?

Mr. OWEN. Yes; both are given—both the senate and house, wherever it occurs. I had it compiled by the legislative refer-

ence division of the Library of Congress for the use of the Senate.

Mr. GALLINGER. I will say to the Senator that I chance to know that we have not a previous question in the State Senate of New Hampshire.

Mr. OWEN. In the State Senate of New Hampshire, I take it, the Senator will not allege that any filibusters have been carried on so as to defeat the will of the majority. If so, I shall be glad to have the Senator say that that is a fact.

Mr. GALLINGER. I think probably the Senator is correct. We do not have before the Legislature of New Hampshire the great questions that we have before this body.

Mr. OWEN. And therefore there is no need for the rule of cloture, because your senate does not violate the courtesy of freedom of debate by a filibuster——

Mr. GALLINGER. I do not know that there has been any prolonged filibuster, but I do know that unlimited debate is allowed under the rules. That is all I know about it.

The PRESIDING OFFICER. Is there objection to the insertion in the RECORD of the matter referred to by the Senator from Oklahoma? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PREVIOUS QUESTION IN STATE LEGISLATURES.

ALABAMA.

Senate.

No rule.

House.

20. The previous question shall be in the following form: "Shall the main question be now put?" If demanded by a vote of a majority of the members present, its effect shall be to cut off all debate and bring the house to a direct vote; first, upon the pending amendments, if there are any, in their order, and then on the main question, but the mover of the question or the chairman of the committee having charge of the bill or resolution shall have the right to close the debate after the call of the previous question has been sustained for not more than 15 minutes. (House rules, 1915, p. 8.)

ARIZONA.

Senate.

32. There shall be a motion for the previous question, which being ordered by a majority of senators voting, if a quorum be present, shall have the effect to cut off all debate and bring the senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the president to entertain and submit a motion to commit, with or without instructions, to a standing or select committee. (Senate journal, 1912, p. 75.)

House.

Information not available.

ARKANSAS.

Senate.

19. The previous question shall not be moved by less than three members, and shall be stated in these words, to wit: "Shall the main question be now put?" If the previous question is lost, the main question shall not thereby be postponed, but the senate shall proceed with the consideration of the same. If the previous question is carried, the original mover of the main question, or if the bill or resolution originated in the other house, then the chairman of the committee reporting the same shall have the right to close the debate and be limited to 30 minutes; and should the previous question be ordered on a subject debatable, before the same has been debated, the friends and the opponents of the measure shall have 30 minutes on either side in which to debate the question if desired. (Senate journal, 1901, p. 33.)

House.

53. When any debatable question is before the house any member may move the previous question, but it shall be seconded by at least five members whether that question (called the main question) shall now be put. If it passes in the affirmative, then the main question is to be put immediately, and no member shall debate it further, either to add to or alter: *Provided further*, When the previous question shall have been adopted the mover of the main question or chairman of the committee shall have the privilege of closing the debate and be limited to one-half hour: *Provided further*, When the previous question has been ordered on a debatable proposition which has not been debated 15 minutes in the aggregate shall be allowed the friends and opponents of the proposition each before putting the main question. (House journal, 1913, p. 28.)

CALIFORNIA.

Senate.

57. The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the senators present upon a division; and its effect shall be to put an end to all debate, except that the author of the bill or the amendment shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the senate, a call of the senate shall be in order. (List of members and rules, 1913, p. 59.)

Assembly.

45. The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it. (List of members and rules, 1913, p. 119.)

COLORADO.

Senate.

X, 2. Debate may be closed at any time not less than one hour from the adoption of a motion to that effect, and upon a three-fifths vote of the members elect an hour may be fixed for a vote upon the pending measure. On either of these motions not more than 10 minutes shall be allowed for debate, and no senator shall speak more than 3 minutes; and no other motion shall be entertained until the motion to close debate or to fix an hour for the vote on the pending question shall have been determined. (Senate Journal, 1907, p. 101.)

House.

XXVI, 1. When there shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, it shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked or ordered. The previous question may be asked and ordered upon a single motion, a series of motions, allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions and amendments, and a motion to lay upon the table shall be in order on the second or third reading of the bill.

2. A call of the house shall not be in order after the previous question is ordered unless it shall appear upon the actual count by the speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (House Journal, 1907, p. 215.)

CONNECTICUT.

Senate.

In the senate of 1911 the previous question was called for, and the point was raised that the previous question does not prevail in the senate; the president pro tempore (Peck) ruled the point well taken. (S. J., 1911, p. 555; register and manual, 1914, p. 133.)

House.

33. When a question is under debate no motion shall be received except—

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone indefinitely.
5. To close the debate at a specified time.
6. To postpone to a time certain.
7. To commit or recommit.
8. To amend.
9. To continue to the next general assembly.

Which several motions shall have precedence in the order in which they stand arranged in this rule, and no motion to lay on the table, commit, or recommit, to continue to next general assembly, or to postpone indefinitely, having been once decided, shall be again allowed at the same sitting and at the same stage of the bill or subject matter. (Register and manual, 1914, p. 113.)

DELAWARE.

Senate.

5. All motions shall be subject to debate, except motions to adjourn, to lay on the table, and for the previous question.

25. When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, and to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. (Senate rules, 1915, pp. 30, 34.)

House.

35. A motion for the previous question shall not be entertained, except at the request of five members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained it shall not cut off any pending amendment. The vote shall be taken, without debate, first on the amendments in their order and then on the main question. (House rules, 1915, pp. 43–44.)

FLORIDA.

Senate.

No rule.

House.

12. He shall put the previous question in the following form: "Shall the main question be now put?" And all debate on the main question and pending amendments shall be suspended, except that the introducer of a bill, resolution, or motion shall, if he so desire, be allowed five minutes to discuss the same, or he may divide his time with or may waive his right in favor of some other one member before the previous question is ordered. After the adoption of the previous question the sense of the house of representatives shall forthwith be taken on pending amendments in their regular order and then put upon the main question.

13. On the previous question there shall be no debate. (House journal, 1911, p. 259.)

GEORGIA.

Senate.

50. The motion for the previous question shall be decided without debate and shall take precedence of all other motions except motions "to adjourn" or "to lay on the table," and when it is moved, the first question shall be, "Shall the call for the previous question be sustained?" If this be decided by a majority vote in the affirmative, the motion "to adjourn" or "to lay on the table" can still be made, but they must be made before the next question, to wit, "Shall the main question be now put?" is decided in the affirmative; and after said last question is affirmatively decided by a majority vote said motions will be out of order, and the Senate can not adjourn until the previous question is exhausted or the regular hour of adjournment arrives.

51. When the previous question has been ordered, the Senate shall then proceed to act on the main question without debate, except that before the main question is put 20 minutes shall be allowed to the committee whose report of the bill or other measure is under consideration to close debate. When the report of the committee is adverse to the passage of the bill or other measure, the introducer of the bill shall be allowed 20 minutes before the time allowed to the committee for closing the debate. The chairman of the committee, or the introducer of the bill or other measure, may yield the floor to such senators as he may indicate for the time, or any part of it, allowed under this rule.

52. After the main question is ordered any senator may call for a division of the senate in taking the vote, or may call for the yeas and nays; but on all questions on which the yeas and nays are called the assent of one-fifth of the number present shall be necessary to sustain the call, and when such call is sustained, the yeas and nays shall be entered on the journal.

53. The effect of the order that the "main question be now put" is to bring the senate to a vote on pending questions in the order in which they stood before it was moved.

54. After the main question has been ordered no motion to reconsider shall be in order until after the vote on the main question is taken and announced.

55. In all cases of contested election, where there is a majority and a minority report from the committee on privileges and elections, if the previous question is ordered, there shall be 20 minutes allowed to the member of said committee whose name is first signed to said minority report, or to such member or members as he may indicate, for the time so allowed, or any part of it, before the 20 minutes allowed to the chairman submitting the majority report.

56. The previous question may be called and ordered upon a single motion or an amendment, or it may be made to embrace all authorized motions or amendments and include the entire bill to its passage or rejection.

57. A call of the senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the president that a quorum is not present.

58. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1900–1901, pp. 30–32.)

House.

64. The motion for the previous question shall be decided without debate, and shall take precedence of all other motions except motions "to adjourn" or "to lay on the table," and when it is moved the question shall be, "Shall the motion for the previous question be sustained?" If this be decided by a majority vote in the affirmative, the motion "to adjourn" or "to lay on the table" can still be made, but they must be made before the next question, to wit, "Shall the main question be now put," is decided in the affirmative, and after said last question is affirmatively decided, by a majority vote, said motion will be out of order, and the house can not adjourn until the previous question is exhausted or the regular hour of adjournment arrives.

65. When the previous question has been ordered the house shall proceed to act on the main question without debate, except that before the main question is put 20 minutes shall be allowed to the committee whose report of the bill or other measure is under consideration to close the debate. Where the report of the committee is adverse to the passage of the bill or other measure the introducer of the bill shall be allowed 20 minutes before the time allowed to the committee for closing the debate. The chairman of the committee or the introducer of the bill or other measure may yield the floor to such members as he may indicate for the time, or any part of it allowed under this rule. This rule shall not be construed to allow the 20 minutes above referred to to be used but once on any bill or measure, and then on the final passage of the bill or measure.

66. After the main question is ordered, any member may call for a division of the house in taking the vote, or may call for the yeas and nays; if the call for the yeas and nays is sustained by one-fifth of the members voting, the vote shall be taken by the yeas and nays and so entered on the Journal.

67. The effect of the order that the "main question be now put," is to bring the house to a vote on pending questions in the order in which they stood before it was moved.

68. After the main question has been ordered, no motion to reconsider shall be in order until after the vote on the main question is taken and announced.

69. In all cases where a minority report has been submitted on any question, if the previous question is ordered, there shall be 20 minutes allowed to the member whose name is first signed to said minority report, or to such member or members as he may indicate, for the time so allowed, or any part of it, before the 20 minutes allowed to the chairman submitting the majority report.

70. The previous question may be called and ordered upon a single motion or an amendment, or it may be made to embrace all authorized motions or amendments and include the entire bill to its passage or rejection.

71. A call of the house shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the speaker that a quorum is not present.

72. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual 1900–1901, pp. 106–108.)

IDAHO.

Senate.

IV, 2. When a question is under debate the president shall receive no motion but—

To adjourn.
To take a recess.
To proceed to the consideration of the special order.
To lay on the table.
The previous question.
To close debate at a special time.
To postpone to a certain day.
To commit.
To amend or postpone indefinitely.

And they shall take precedence in the order named. (Rules, 1915, pp. 21–22.)

House.

14. Upon the previous question being ordered by a majority of the members present, if a quorum, the effect shall be to cut off debate and bring the house to a direct vote upon the pending question. It shall be in order, pending the motion for or after the previous question shall have been ordered, for the speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee, which motion shall be decided without debate.

15. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of.

16. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion or after the house shall have determined that the main question shall be put, shall be decided, whether an appeal or otherwise, without debate. (Rules, 1915, pp. 3–4.)

ILLINOIS.

Senate.

62. The previous question shall be stated in this form: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments or debate. When it is decided that the main question shall now be put, the main question shall be considered as still remaining under debate.

63. The effect of the main question being ordered shall be to put an end to all debate and bring the senate to a direct vote, first upon all amendments reported or pending, in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall not be in order to move for a call of the senate unless it shall appear by the yeas and nays as taken on the main question that no quorum is present, or to move to adjourn, prior to a decision on the main question. (Senate journal, 1911, p. 13.)

House.

60. The previous question shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided that the main question shall not now be put, the main question shall be considered as still remaining under debate.

The effect of the main question being ordered shall be to put an end to all debate and bring the house to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After the motion for the previous question has prevailed it shall not be in order to move for a call of the house unless it shall appear by yeas and nays, as taken on the main question, that no quorum is present, or to move to adjourn prior to a decision of the main question: *Provided*, If a motion to postpone is pending the only effect of the previous question shall be to bring the house to a vote upon such motion. (House Journal, 1913, p. 318.)

INDIANA.

Senate.

18. The previous question shall be put in this form: "Shall the main question be now put?" Until it is decided it shall preclude all debate and the introduction of all further amendments. The previous question having been ordered, the main question shall be the first question in order, and its effect shall be to put an end to all debate and bring the senate to a direct vote on the subsidiary questions then pending in their order, and then on the main question. When operating under the previous question there shall be no debate or explanation of votes. (Legislative Manual for 1913, p. 67.)

House.

60. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon a motion to commit if such motion shall have been made, and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. But its only effect, if a motion to postpone is pending, shall be to bring the house to a vote upon such motion. On the previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and, pending such motion, shall be decided, whether on appeal or otherwise, without debate. And after a demand for the previous question has been seconded by the house no motion shall be entertained to excuse a member from voting. The ordering of the previous question shall not prevent a member from explaining his vote, but no member under this rule shall be permitted more than one minute for that purpose. (Legislative Manual for 1913, p. 82.)

IOWA.

Senate.

11. A motion to adjourn, to lay on the table, and for the previous question shall be decided without debate, and all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

12. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the senate to a direct vote upon pending amendments and then upon the main question, unless otherwise indicated by the motion and ordered by the senate, except that the member in charge of the measure under consideration shall have 10 minutes in which to close the discussion immediately before the vote is taken upon the main question. If the previous question is decided in the negative, the senate shall proceed with the matter before it the same as though the previous question had not been moved. (Official Register, 1911–12, p. 179.)

House.

26. The previous question shall always be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and to bring the house to a direct vote upon amendments and then upon the main question, unless otherwise indicated by the motion and ordered by the house, except that the member in charge of the measure under consideration shall have 10 minutes in which to close the discussion before the vote is taken. On a motion for the previous question, and prior to seconding the same, a call of the house shall be in order; but after such motion shall have been adopted no call shall be in order prior to the decision of the main question. If the previous question is decided in the negative, the house shall proceed with the matter before it the same as though the previous question had not been moved.

27. Motions to lay on the table, to adjourn, and for the previous question shall be decided without debate. (Official Register, 1911–12, p. 185.)

KANSAS.

Senate.

15. Any five senators shall have the right to demand the previous question. The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When on taking the previous question the senate shall decide that the main question shall not be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending the question shall first be taken upon such amendments in their order; and when amendments have been adopted in committee of the whole and not acted on in the senate, the question shall be taken upon such amendments in like order, and without further debate or amendment. But the previous question can be moved on a pending amendment, and, if adopted, debate is closed on the amendment only; and after the amendment is voted on the main question shall again be open to debate and

amendments. In this case the question shall be, "Shall the vote now be taken on the pending amendment?" (Senate rules, 1913, 1st ed., p. 5.)

House.

51. The "previous question" shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendment or debate. When, on taking the previous question, the house shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order; and when amendments have been adopted by the committee of the whole and not acted on in the house, the question shall be taken upon such amendments in like order, and without further debate or amendment. (House Rules, 1913, p. 16.)

KENTUCKY.

Senate.

55. When the "previous question" has been moved, seconded, and adopted a vote shall be immediately taken upon the pending measure and such pending amendments as are in order.

The effect of the "previous question" shall therefore be to put an end to all debate; to prevent the offering of additional amendments, and to bring the senate to an immediate vote upon the measure as aforesaid.

The previous question may be ordered by a majority of the senators voting on that question. On the call of the roll no senator shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered a senator, whose bill or amendment or motion—if debatable—is pending, may speak not exceeding 10 minutes thereon, and one senator of the opposition may speak not exceeding 10 minutes. (Directory, 1914, p. 244.)

House.

24. The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put. The effect of the previous question shall be to put an end to all debate except on the final passage of the measure under consideration; then the opponents of the measure shall have 10 minutes to debate the proposition and the proposer of the measure shall be limited to 10 minutes to close the debate, unless his time be extended by consent of the house, and bring the house to a direct vote on amendments proposed by a committee, if any; then on pending amendments and all amendments which have been read for information of the house by the clerk shall be regarded as pending amendments; and then upon the main question. (Directory, 1914, p. 253.)

LOUISIANA.

Information not available.

MAINE.

Senate.

No rule.

House.

31. When motion for the previous question is made the consent of one-third of the members present shall be necessary to authorize the speaker to entertain it. No debate shall be allowed until the matter of consent is determined. The previous question shall be submitted in the following words: "Shall the main question be put now?" No member shall speak more than five minutes on the motion for the previous question, and while that question is pending a motion to lay on the table shall not be decided without debate. A call for the yeas and nays or for division of a question shall be in order after the main question has been ordered to be put. After the adoption of the previous question the vote shall be taken forthwith upon amendments, and then upon the main question. (Maine Register, 1914–15, pp. 186–187.)

MARYLAND.

Senate.

No rule.

House.

19. There shall be a motion for the previous question, which, being ordered by a majority of the members present, shall preclude all further debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked and ordered. It may be asked and ordered upon any debatable motion or a series of motions to and embracing the main question, if desired. (Maryland Manual, 1912, p. 287.)

MASSACHUSETTS.

Senate.

47. Debate may be closed at any time not less than one hour from the adoption of a motion to that effect. On this motion not more than 10 minutes shall be allowed for debate, and no member shall speak more than 3 minutes. (Manual for the General Court, 1913, p. 533.)

House.

81. The previous question shall be put in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the previous question is decided.

82. On the previous question debate shall be allowed only to give reasons why the main question should not be put.

83. All questions of order arising after a motion is made for the previous question shall be decided without debate, excepting on appeal; and on such appeal no member shall speak more than once, without leave of the house.

84. The adoption of the previous question shall put an end to all debate, except as provided in rule 86, and bring the house to a direct vote upon pending amendments, if any, in their regular order, and then upon the main question.

85. Debate may be closed at any time not less than 30 minutes from the adoption of a motion to that effect. In case the time is extended by unanimous consent, the same rule shall apply at the end of the extended time as at the time originally fixed.

86. When debate is closed by ordering the previous question or by a vote to close debate at a specified time, the member in charge of the measure under consideration shall be allowed to speak 10 minutes and may grant to any other member any portion of his time. When the measure under consideration has been referred to the committee on ways and means, under house rule 44, the member originally reporting it shall be considered in charge, except where the report of the committee on ways and means is substantially different from that referred to them, in which case the member originally reporting the measure and the member of the committee on ways and means reporting thereon shall each be allowed to speak five minutes, the latter to have the close. When the member entitled to speak under this rule is absent, the member standing first in order upon the committee reporting the measure who is present and joined in the report shall have the right to occupy such time. (Manual for the General Court, 1913, pp. 566–568.)

MICHIGAN.

Senate.

41. The mode of ordering the previous question shall be as follows: Any senator may move the previous question. This being seconded by at least one other Senator, the chair shall submit the question in this form, "Shall the main question now be put?" This shall be ordered only by a majority of the senators present and voting. The effect of ordering the previous question shall be to instantly close debate and bring the senate to an immediate vote on the pending question or questions in their regular order. The motion for the previous question may be limited by the mover to one or more of the questions preceding the main question itself, in which case the form shall be, "Shall the question, as limited, be now put?" The yeas and nays may be demanded on any vote under this rule, and a motion for a call of the senate shall be in order at any time prior to the ordering of the previous question. Any question of order or appeal from the decision of the chair, pending the previous question, shall be decided without debate. When the question is on motion to reconsider, under the operation of the previous question and it is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the senate refuses to order the previous question, the consideration of the subject shall be resumed, as if no motion therefor had been made. (Michigan Manual, 1913, p. 586.)

House.

51. The method of ordering the previous question shall be as follows: Any member may move the previous question. This being seconded by at least 10 members, the chair shall put the question, "Shall the main question now be put?" This shall be ordered only by a majority of the members present and voting. After the seconding of the previous question, and prior to ordering the same, a call of the house may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending questions, except demands for yeas and nays, points of order, and appeals from the decision of the chair, which shall be decided without debate. The effect of the previous question shall be to put an end to all debate and bring the house to a direct vote upon all pending questions in their order down to and including the main question. When a motion to reconsider is taken under the previous question, and is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the house shall refuse to order the main question, the consideration of the subject shall be resumed, as though no motion for the previous question had been made. (Michigan Manual, 1913, p. 594–595.)

MINNESOTA.

Senate.

25. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order, and then upon the main question. On a motion for the previous question, and prior to the ordering of the same, a call of the senate shall be in order, but after a majority shall have ordered such motion, no call shall be in order prior to the decision of the main question.

26. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, Minnesota, 1913, p. 156.)

House.

30. (a) The previous question shall be in this form: "The gentleman from ——— moves the previous question. Do 10 members second the motion?" If the motion be properly seconded, the question shall be stated, as follows: "As many as are in favor of ordering the previous question will say 'aye'; as many as are opposed will say 'no.'"

There shall be a motion for the previous question which, being ordered by a majority of all members present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions upon which it has been asked or ordered.

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments; or it may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection.

(b) A call of the house shall not be in order after the previous question is ordered unless it shall appear that a quorum is not present.

(c) When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting unless sooner disposed of by taking a vote on the question or in some other manner. (Legislative Manual, Minnesota, 1913, p. 169.)

MISSISSIPPI.

Information not available.

MISSOURI.

Senate.

47. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted on demand of two senators and sustained by a vote of a majority of the senators present, and its effect shall put an end to all debate and bring the senate to a direct vote upon a motion to commit if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. On demand of the previous question, a call of the senate shall be in order, but after a majority have sustained such a motion no call shall be in order prior to the decision on the main question.

48. On motion for the previous question no debate shall be allowed, and all incidental questions of order arising after the motion is made for the previous question, and, pending such motion, shall be decided, on appeal or otherwise, without debate. If, on a vote for the previous question, a majority of the senators vote in the negative, then the further consideration of the subject matter shall be in order. (Senate Journal, 1911, p. 37.)

House.

57. The previous question shall be in this form: "Shall the question now under immediate consideration be now put?" It may be moved and seconded like any other question, but it shall only prevail when supported by a majority of the members present, and, until decided, shall preclude amendment and debate; and a failure to sustain the same shall not put the matter under consideration from before the house, but the house shall proceed as if said motion had not been made. (House Journal, 1911, p. 21.)

MONTANA.

Senate.

30. The previous question shall be in this form: "Shall the main question be now put." It shall only be admitted when demanded by a majority of the senators present, upon division, and its effect shall be to put an end to all debate and bring the senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the senate shall be in order, but after a majority of the senators have seconded such motion no call shall be in order prior to the decision of the main question. If the previous question is negatived, the senate shall proceed in the same manner as if the motion had not been made.

31. On a motion for the previous question and under the previous question there shall be no debate; and all incidental questions of order arising after a motion is made for the previous question (or while acting under the previous question) shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1895, pp. 23–24.)

House.

XXIII. 1. There shall be a motion for the previous question, which, being ordered by a majority, if a quorum be present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked or ordered: *Provided*, That when the previous question is ordered on any proposition on which there has been no debate it shall be in order to debate the proposition to be voted on for 30 minutes, one-half of such time to be given to debate in favor of and one-half in debate in opposition to such proposition. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the speaker to entertain and submit motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

2. A call of the house shall not be in order after the previous question is ordered unless it shall appear upon an actual count by the speaker that a quorum is not present.

3. All incidental questions of order arising from, after a motion is made for the previous question, and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1895, pp. 34–35.)

NEBRASKA.

Senate.

16. When a question is under debate no motion can be received but to adjourn, for the previous question, to lay on the table, to postpone indefinitely, to postpone to a certain day, to commit, or amend, which several motions shall have precedence in the order they stand arranged. (Legislative Manual, 1911–12, p. 112.)

House.

26. The previous question shall be in this form: "Shall the debate now close?" It shall be admitted when demanded by five or more members and must be sustained by a majority vote, and until decided shall preclude further debate and all amendments and motions except one motion to adjourn and one motion to lay on the table.

27. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1911–12, p. 153.)

NEVADA.

Senate.

18. The previous question shall not be put unless demanded by three senators, and it shall be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall put an end to all debate and bring the senate to a vote on the question or questions before it, and all incidental questions arising after the motion was made shall be decided without debate. (Appendix to Journals, 1911, v. 1, p. 125.)

Assembly.

33. The previous question shall be in this form: "Shall the main question be now put?" and its effect, when sustained by a majority of the members elected, shall be to put an end to all debate and bring the house to a vote on the question or questions before it.

34. All incidental questions arising after a motion is made for the previous question and pending such motion or previous question shall be decided, whether on appeal or otherwise, without debate.

35. The previous question shall only be put when demanded by three members. (Appendix to Journals, 1911, v. 1, p. 141.)

NEW HAMPSHIRE.

Senate.

No rule.

House.

23. The speaker shall put the previous question in the following form: "Shall the main question now be put?" and all debate upon the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the house shall forthwith be taken upon pending amendments, in their regular order, and then upon the main question. The motion for the previous question shall not be put unless demanded by three members.

24. All incidental questions of order arising after a motion for the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

25. If the previous question is decided in the negative, it shall not be again in order until after adjournment, but the main question shall be left before the house and disposed of as though the previous question had not been put. (Manual for the General Court, 1913, pp. 407–408.)

NEW JERSEY.

Senate.

No rule.

House.

33. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be, if decided affirmatively, to put an end to all debate, and bring the house to a direct vote upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question; if decided in the negative, to leave the main question and amendments, if any, under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1914, p. 84.)

NEW MEXICO.

Information not available, except that before inauguration of statehood previous question in both houses was allowed. (Council Rules, 1907, p. 8; House Rules, 1901, p. 11.)

NEW YORK.

Senate.

32. When any bill, resolution, or motion shall have been under consideration for six hours it shall be in order for any senator to move to close debate, and the president shall recognize the senator who wishes to make such motion. Such motion shall not be amendable or debatable and shall be immediately put, and if it shall receive the affirmative votes of a majority of the senators present, the pending measure shall take precedence over all other business. The vote shall thereupon be taken upon such bill, motion, or resolution, with such amendments as may be pending at the time of such motion according to the rules of the senate, but without further debate, except that any senator who may desire so to do shall be permitted to speak thereon not more than once and not exceeding one-half hour. After such motion to close debate has been made by any senator, no other motion shall be in order until such motion has been voted upon by the senate. After the senate shall have adopted the motion to close debate, as hereinbefore provided, no motion shall be in order but one motion to adjourn and a motion to commit. Should said motion to adjourn be carried, the measure under consideration shall be the pending question when the senate shall again convene and shall be taken up at the time of such adjournment. The motion to close debate may be ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill, resolution, or motion to its passage or rejection. All incidental questions of order, or motions pending at the time such motion is made to close debate, whether the same be on appeal or otherwise, shall be decided without debate. (Red Book, 1914, pp. 627–628.)

House.

29. The "previous question" shall be put as follows: "Shall the main question now be put?" and until it is decided, shall preclude all amendments or debate. When on taking the previous question the house shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be the advancement or passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order. (Red Book, 1914, p. 659.)

NORTH CAROLINA.

Senate.

24. The previous question shall be as follows: "Shall the main question be put?" and, until it is decided, shall preclude all amendments and debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending the question shall be taken upon such amendments, in their order, without further debate or amendment. However, any senator may move the previous question and may restrict the same to an amendment or other matter then under discussion. If such question be decided in the negative, the main question shall be considered as remaining under debate.

25. When the motion for the previous question is made, and pending the second thereto by a majority, debate shall cease, and only a motion to adjourn or lay on the table shall be in order, which motions shall be put as follows: Previous question; adjourn; lay on the table. After a motion for the previous question is made, pending a second thereto, any member may give notice that he desires to offer an amendment to the bill or other matter under consideration, and after the previous question is seconded, such member shall be entitled to offer his amendment in pursuance of such notice. (Manual, 1913, p. 21.)

House.

56. The previous question shall be as follows: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments and debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration, but when amendments are pending, the question shall be taken upon such amendments, in their order, without further debate or amendment. If such question be decided in the negative, the main question shall be considered as remaining under debate: *Provided*, That no one shall move the previous question except the member submitting the report on the bill or other matter under consideration, and the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the house at the time the bill or other matter under consideration is reported to the house or taken up for consideration.

When a motion for the previous question is made, and pending the second thereto by a majority, debate shall cease; but if any member obtains the floor he may move to lay the matter under consideration on the table, or move an adjournment, and when both or either of these motions are pending the question shall stand:

(1) Previous question.
(2) To adjourn.
(3) To lay on the table.

And then upon the main question, or amendments, or the motion to postpone indefinitely, postpone to a day certain, to commit, or amend, in the order of their precedence, until the main question is reached or disposed of; but after the previous question has been called by a majority no motion, amendment, or debate shall be in order.

All motions below the motion to lay on the table must be made prior to a motion for the previous question; but, pending and not after the second therefor, by the majority of the house, a motion to adjourn or lay on the table, or both, are in order. This constitutes the precedence of the motion to adjourn and lay on the table over other motions in rule 25.

Motions stand as follows in order of precedence in rule 26: Lay on the table, previous question, postpone indefinitely, postpone definitely, to commit or amend.

When the previous question is called all motions below it fall, unless made prior to the call, and all motions above it after its second by a majority required. Pending the second, the motions to adjourn and lay on the table are in order, but not after a second. When in order and every motion is before the house, the question stands as follows: Previous question, adjourn, lay on the table, postpone indefinitely, postpone definitely, to commit, amendment to amendment, amendment, substitute, bill.

The previous question covers all other motions when seconded by a majority of the house, and proceeds by regular gradation to the main question, without debate, amendment, or motion, until such question is reached or disposed of. (House Rules, 1915, pp. 8–10.)

NORTH DAKOTA.

Senate.

8. When a question is under debate no motion shall be received except to adjourn, to lay on the table, to move for the previous question, to move to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are named, and no motion to postpone to a day certain, to commit, to postpone indefinitely, having been decided, shall be entertained on the same day and at the same stage of the bill or proposition. (Senate Rules, 1915, p. 11.)

House.

14. The previous question shall be in this form: "Shall the main question be now put?" It shall be admitted only when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order, but after a majority shall have seconded such motion no call shall be in order prior to decision of the main question.

15. When the previous question is decided in the negative it shall leave the main question under debate for the remainder of the sitting unless sooner disposed of in some other manner.

16. All incidental questions of order arising after motion is made for the previous question, during the pendency of such motion, or after the house shall have determined that the main question shall be now put shall be decided, whether on appeal or otherwise, without debate. (House Rules, 1915, pp. 13–14.)

OHIO.

Senate.

105. A motion for the previous question shall be entertained only upon the demand of three senators. The president shall put the question in this form: "The question is, Shall the debate now close?" and until decided it shall preclude further debate and all amendments and motions, except one motion to adjourn, one motion to take a recess, one motion to lay on the table, and one call of the senate.

106. All incidental questions or questions of order arising after the demand for the previous question is made shall be decided without debate and shall not be subject to appeal.

107. After the demand for the previous question has been sustained no call or motion shall be in order, but the senate shall be brought to an immediate vote, first upon the main question.

108. Agreement to a motion to reconsider a vote on a "main question" shall not revive the "previous question," but the matter shall be subject to amendment and debate. (Legislative Manual, 1912, pp. 22–23.)

House.

52. The previous question shall be in this form: "Shall the debate now close?" It shall be permitted when demanded by five or more members, and must be sustained by a majority vote, and, until decided, shall preclude further debate, and all amendments and motions, except one motion to adjourn, and one motion to lay on table.

53. All incidental questions or questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided without debate and shall not be subject to appeal.

54. On a motion for the previous question, and prior to voting on the same, a call of the house shall be in order; but after the demand for the previous question shall have been sustained no call shall be in order; and the house shall be brought to an immediate vote, first upon the pending amendments in the inverse order of their age, and then upon the main question.

55. If a motion for the previous question be not sustained, the subject under consideration shall be proceeded with the same as if the motion had not been made. (Legislative Manual, 1912, pp. 69–70.)

OKLAHOMA.

Senate.

33 (a) There shall be a motion for the previous question, which shall be stated in these words, to wit, "Shall the main question be now put?" which, being ordered by a majority of the members voting, if a quorum be present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question, for the president to entertain and submit a motion to commit with or without instructions to a standing or select committee. (Jefferson's Manual, sec. 34.)

(b) If the previous question is carried, the original mover of the main question, or, if the bill or resolution originated in the other house, then the chairman of the committee reporting the same, shall have the right to close the debate and be limited to 15 minutes, and should the previous question be ordered on a subject debatable before the same has been debated the friends and opponents of the measure shall have 30 minutes on either side in which to debate the question if desired. (Jefferson's Manual, sec. 34; Red Book, 1912, v. 2, p. 109.)

House.

44. When any debatable question is before the house any member may move the previous question, but before it is put it shall be seconded by at least five members whether that question (called the main question) shall now be put. If it passes in the affirmative, then the main question is to be put immediately, and no member shall debate it further, either add to it or alter: *Provided*, That after the previous question shall have been adopted the mover of the main question or the chairman of the committee shall have the privilege of closing the debate and be limited to one-fourth hour: *Provided further*, That when the previous question has been ordered on a debatable proposition which has not been debated 15 minutes in the aggregate shall be allowed the friends and opponents of the proposition each before putting the main question. (Red Book, 1912, v. 2, p. 96.)

OREGON.

Senate.

37. The previous question shall be put in the following form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the senators present, and its effect shall be to put an end to all debate, except that the author of the bill or other matter before the senate, shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question, prior to a vote of the senate being taken, a call of the senate shall be in order. (Senate Journal, 1911, p. 359.)

House.

30. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment and further debate on the main question except by the mover of the original motion, who shall be allowed 10 minutes. On a motion for the previous question, a roll call shall be in order if demanded by two members.

31. On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate. (House rules, 1909, p. 7.)

PENNSYLVANIA.

Senate.

9. The motion for the previous question, for postponement, for commitment, and for amendment, shall take precedence in the order mentioned, and a motion for the previous question shall preclude any of the other motions from being made; a motion to postpone shall preclude a motion to commit; or to amend a motion to commit shall preclude a motion to amend. The motion for the previous question, postponement (other than indefinite postponement), or commitment shall preclude debate on the original subject. The previous question shall not be moved by less than four members.

10. When a call for the previous question has been made and sustained, the question shall be upon pending amendments and the main question in their regular order, and all incidental questions of order arising after a motion for the previous question has been made, and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Smull's Legislative Handbook, 1914, p. 1006.)

House.

21. The previous question shall not be moved by less than 20 members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained it shall not cut off any pending amendment, but the vote shall be taken without debate, on the amendments in their order and then on the main question. (Smull's Legislative Handbook, 1914, p. 1031.)

RHODE ISLAND.

Senate.

20. There shall be a motion for the previous question, which shall not be debatable, and which may be asked and ordered upon any bill or section thereof, amendment, motion, resolution, or question which is debatable, any of which shall be considered as the main question for the purpose of applying the previous question. All incidental questions of order arising after a motion for the previous question has been made, and before the vote has been taken on the main question, shall be decided, whether on appeal or otherwise, without debate.

When the previous question has been ordered a motion to reconsider such vote shall not be in order, and no motion to adjourn while a quorum is present shall be entertained between the taking of such vote and the taking of the vote on the main question, but 10 minutes shall be allowed for further debate upon the main question, during which no member shall speak more than 3 minutes, and a further period of 10 minutes, if desired, shall be allowed for debate to the member introducing the bill or question to be acted upon, or to the member or members to whom he may yield the floor, at the close of which time, or at the close of the first 10 minutes, in case the introducer does not desire to so use his time, the vote on the main question shall be taken. If incidental questions of order are raised after the previous question has been ordered, the time occupied in deciding such questions shall be deducted from the time allowed for debate. (Manual, 1914, p. 359.)

House.

29. There shall be a motion for the previous question, which shall not be debatable, and which may be moved, and ordered upon any bill or section thereof, amendment, motion, resolution, or question which is debatable, any of which shall be considered as the main question for the purpose of applying the previous question. When a motion for the previous question has been made, no other motion shall be entertained by the speaker until it has been put to the house and decided. All incidental questions of order arising after a motion for the previous question has been made, and before the vote has been taken on the main question, shall be decided, whether on appeal or otherwise, without debate. When the previous question has been ordered a motion to reconsider such vote shall not be in order, and no motion to adjourn or to take a recess while a quorum is present shall be entertained between the taking of such vote and the taking of the vote on the main question, but 10 minutes shall be allowed for further debate upon the main question, during which no member shall speak more than 3 minutes, and a further period of 10 minutes, if desired, shall be allowed for debate to the member introducing the bill or question to be acted upon, or to the member or members to whom he may yield the floor, at the close of which time, or at the close of the first 10 minutes, in case the introducer does not desire

to so use his time, the vote on the main question shall be taken. If incidental questions of order are raised after the previous question has been ordered, the time occupied in deciding such questions shall be deducted from the time allowed for debate. (Manual, 1914, p. 367.)

SOUTH CAROLINA.

No information available.

SOUTH DAKOTA.

Senate.

62. The previous question shall be stated in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided the main question shall not be now put, the main question shall be considered as still remaining under debate.

63. The effect of the main question being ordered shall be to put an end to all debate and bring the senate to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After a motion for the previous question has prevailed, it shall not be in order to move a call of the senate or to move to adjourn, prior to a decision of the main question.

64. The senate may at any time, by a majority vote, close all debate upon a pending amendment, or an amendment thereto, and cause the question to be put thereon, and this does not preclude further amendments or debate on the main subject. (Manual 1913, p. 565–566.)

House.

15. On a motion for the previous question and prior to voting on the same, a call of the house shall be in order, but after the demand for the previous question shall have been sustained, no call shall be in order, and the house shall be brought to an immediate vote—first, upon the pending amendments in the inverse order of their age, and then upon the main question. The previous question may be ordered upon all recognized motions or amendments which are debatable, and shall have the effect to cut off all debate and bring the assembly to a direct vote upon the motion or amendment on which it has been ordered.

16. When the previous question is decided in the negative it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

17. All incidental questions of order arising after motion is made for the previous question, during the pending of such motions or after the house shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate. (Manual 1913, p. 569.)

TENNESSEE.

Senate.

22. The previous question shall be in this form: "Shall the main question be now put?" It shall be admitted only when demanded by a majority of the members present. If the previous question is sustained, its effect shall be to preclude all future amendments, and terminate all debate, and bring the senate to a direct vote upon the subject or matter to which it was applied in the call. (Manual 1890, p. 157.)

House.

55. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by two-thirds of the members present. And if the call is made and sustained, its effect shall be to preclude all future amendments and terminate all debate; but it may be applied to the main question, or to the main question and amendment, or the main question, amendment, and amendment to the amendment, and shall bring the house to a direct vote on the question in the order in which they stand and from the point where the call was applied. But in all debates upon resolutions or bills immediately prior to their final passage on third reading the mover or author of the resolution or bill shall have the right to close the debate thereon, and no call for the previous question, nor any other motion, shall cut off this right in the mover or author of the measure. (Manual, 1890, p. 154.)

TEXAS.

Senate.

90. Pending the consideration of any question before the senate, any senator may call for the previous question, and if seconded by five senators the presiding officer shall submit the question, "Shall the main question now be put?" And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the senate to a direct vote—first, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the senate as a separate proposition and be decided by a vote upon said amendment or motion. (Senate Journal, 1911, p. 172.)

House.

XIII.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the chair in this manner: "The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say 'aye,'" and then, "As many as are opposed say 'no.'" If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

2. The previous question may be asked and ordered upon any debatable single motion or series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit, and can not be laid upon the table.

3. On the motion for the previous question there shall be no debate, and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition or the member making the report from the committee, as the case may be, or, in case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely or to amend by striking out the enacting clause of a bill the mover of a proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order after the previous question is seconded until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the house may be moved after the previous question has been ordered. (House Journal, 1913, p. 70.)

UTAH.

Senate.

No rule.

House.

30. The previous question shall be in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate, except as to the mover of the matter pending or the chairman of the committee who reported it, who shall be privileged to close the debate and bring the house to a vote on the question or questions before it: *Provided*, That when a motion to amend or to commit is pending its effect shall be to cut off debate and bring the house to a vote on the motion to amend or commit only and not upon the question to be amended or committed. All incidental questions arising after motion is made for the previous question shall be decided, whether on appeal or otherwise, without debate. The previous question shall be put only when demanded by two members. (House Journal, 1913, p. —.)

VERMONT.

Senate.

26. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, except when the senate is engaged in voting. (Senate Rules, 1915, p. 17.)

House.

38. At any time in the course of debate on a debatable question a member may move "that debate upon the pending question do now close," and the speaker shall put the question to the house without debate, and if the motion is decided in the affirmative debate shall be closed on the immediate pending question. Or a member may move "that debate on the whole question do now close," and if the motion be decided in the affirmative debate shall be closed on the whole question and the main question shall be put in its order, and no motion, except a motion to substitute either of said motions for the other, shall be in order until the main question is put and decided. (House Rules, 1915, p. 40.)

VIRGINIA.

Senate.

49. Upon a motion for the pending question, seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the pending question, and all incidental questions of order arising after a motion for the pending question is made, and, pending such motion, shall be decided, whether on appeal or otherwise, without debate.

50. Upon a motion for the previous question seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the question; first, upon amendments in the order prescribed in the rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made. (Rules, 1914, pp. 16–17.)

House.

65. Pending a debate any member who obtains the floor for that purpose only and submits no other motion or remark may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the house. Two-thirds of the members present shall be required to order the main question, but a majority may require an immediate vote upon the pending question, whatever it may be.

66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the house to a direct vote upon a motion to commit if pending, then upon amendments reported by a committee if any, then upon pending amendments, and then upon the main question. If upon the motion for the previous question the main question be not ordered, debate may continue as if the motion had not been made. (Rules, 1914, pp. 39–40.)

WASHINGTON.

Senate.

39. The previous question shall not be put unless demanded by three senators whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the roll shall be immediately called on the question or questions before the senate, and all incidental question or questions of order arising after the motion is made after the previous question and pending such motion shall be decided whether on appeal or otherwise without debate. (Legislative Manual, 1911, pp. 36–37.)

House.

27. The previous question may be ordered by two-thirds of the members present upon all recognized motions or amendments which are debatable, and shall have the effect to cut off all debate and bring the house to a direct vote upon the motion or amendment on which it has been ordered. On motion for the previous question and prior to the seconding of the same a call of the house shall be in order, but such call shall not be in order thereafter prior to the decision of the main question.

The question is not debatable and can not be amended. The previous question shall be put in this form: "Mr. ——— demands the previous question. As many as are in favor of ordering the previous question will say 'aye'; as many as are opposed will say 'no.'"

The results of the motion are as follows:

If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative, the presiding officer at once, and without debate, proceeds to put, first, the amendments pending and then the main question as amended. If an adjourn-

ment is had after the previous question is ordered, the subject comes up the first thing after the reading of the journal the next day, and the previous question privileged over all other business, whether new or unfinished. (Legislative Manual, 1911, p. 51.)

WEST VIRGINIA.

Senate.

56. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the senate to direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions and amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for or after the previous question shall have been ordered on its passage, for the president to entertain and submit a motion to commit, with or without instruction, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

(2) A call of the senate shall not be in order after the previous question is in order unless it shall appear upon an actual count by the president that a quorum is not present.

(3) All incidental questions of order arising after a motion is made for the previous question, and, pending such motion, shall be decided, whether an appeal or otherwise, without debate. (Legislative Manual, 1913, p. 44–45.)

House.

78. If the previous question be demanded by not less than seven members, the speaker shall, without debate, put the question, "Shall the main question be now put?" If this question be decided in the affirmative, all further debate shall cease and the vote be at once taken on the *proposition* pending before the house. When the house refuses to order the main question, the consideration of the subject shall be resumed as if the previous question had not been demanded.

79. The previous question shall not be admitted in the committee of the whole. (Legislative Manual, 1913, p. 70.)

WISCONSIN.

Senate and house.

80. Moving previous question. When any bill, memorial, or resolution is under consideration, any member being in order and having the floor may move the "previous question," but such motion must be seconded by at least 5 senators or 15 members of the assembly.

81. Putting of motion; ending debate. The previous question being moved, the presiding officer shall say, "It requiring 5 senators or 15 members of the assembly, as the case may be, to second the motion for the previous question, those in favor of sustaining the motion will rise." And if a sufficient number rise, the previous question shall be thereby seconded, and the question shall then be: "Shall the main question be now put?" which question shall be determined by the yeas and nays. The main question being ordered to be now put, its effects shall be to put an end to all debate and bring the house to a direct vote upon the pending amendments, if there be any, and then upon the main question.

82. Main question may remain before house, when. On taking the previous question, the house shall decide that the main question shall not now be put, the main question shall remain as the question before the house, in the same stage of proceedings as before the previous question was moved.

83. One call of house in order, when. On motion for the previous question, and prior to the ordering of the main question, one call of the house shall be in order; but after proceedings under such call shall have been once dispensed with, or after a majority shall have ordered the main question, no call shall be in order prior to the decision of such question. (Manual, 1911, pp. 97–98.)

WYOMING.

Senate.

43. Any member may move the previous question, and if it be seconded by three other members, the previous question shall be put in this form: "Shall the main question be now put?" The object of this motion is to bring the senate to a vote on the pending question without further discussion; and if the motion fails, the discussion may proceed the same as if the motion had not been made; if carried, all debate shall cease, and the president shall immediately put the main question to vote: First on proposed amendments in their order, and then on the main question, without debate on further amendment: *Provided*, That a motion to adjourn and a call of the senate shall each be in order after the previous question has been sustained and before the main question is put, but no other motion or call shall be in order, except to receive the report of the sergeant at arms or to dispense with the proceedings under the call, and all motions and proceedings authorized by this rule shall be decided without debate, whether on appeal or otherwise. (Senate Rules, 1915, p. 13.)

House.

25. Any member may move the previous question, and if it be seconded by three other members, the previous question shall be put in this form, "The previous question is demanded." The object of this motion is to bring the house to a vote on the pending question without discussion, and if the motion fails, the discussion may proceed the same as if the motion had not been made; if carried, all debate shall cease, and the speaker shall immediately put the question to vote; first, on proposed amendments in their order, and then on the main question, without debate or further amendments: *Provided*, That a motion to adjourn and a call of the house shall each be in order after the "previous question" has been sustained, and before the main question is put, but no other motion or call shall be in order, except to receive the report of the sergeant-at-arms, or to dispense with the proceedings under the call; and all motions and proceedings authorized by this rule shall be decided without debate, whether on appeal or otherwise. (House Journal, 1911, p. 78.)

Mr. HITCHCOCK. Mr. President——

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

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

Mr. HITCHCOCK. I wish to ask the Senator whether there is not a distinction which he ought to draw between the Senate of the United States and these various legislative bodies, and also between the Senate of the United States and the House of Commons in London, the Reichstag in Berlin, and the Chamber of Deputies in Paris? In all of those cases the members vote in accordance with their judgments and their convictions, and when they come to a vote you get the vote of the majority. In the Senate of the United States, however, in the case of the pending bill, you are not permitting Senators to vote in accordance with their judgments and in accordance with their convictions. You have held a so-called Democratic caucus, and it is notorious that a number of the Democratic Senators here are under caucus compulsion to vote against their judgments and against their convictions; so that to hold them thus bound and then compel a vote is to enable 36 Members of the Senate to represent a majority. Now, those 36 Senators do not constitute a majority of the Senate, and the caucus rule coupled with the cloture would not develop the real sense of the Senate of the United States. It would not give to the majority of the Senate the decision of the question. It would be a mechanical, artificial means of enabling 36 Senators to decide the question. Is not that a distinction?

Mr. OWEN. Mr. President, I shall be very glad to answer the Senator. I am glad he asked me the question, because it affords me an opportunity to answer, and I wish to answer it frankly and with the truth as I understand it.

I think it the common rule of practice that in all the States party caucuses or conferences are used when desired to obtain party harmony in party action.

Under the system that we have of party government, where the members of each party line up with complete solidarity on either side of the aisle—I may say with complete solidarity, because the exception is very rare—where that is the case, and where there is a conference or caucus on both sides, it comes down to a question of party government; and party government must be controlled by a majority of the members of the party. The party then becomes jointly responsible throughout the Nation for the action of the party in the Senate and House of Representatives. If the party acts unwisely, the Senator from Nebraska will be defeated. If it acts wisely, he will not be defeated, under normal conditions.

That being so, if I have to choose between a Republican caucus or a Republican conference and a Democratic caucus or a Democratic conference, I will prefer to yield some portion of my judgment to my own Democratic colleagues and go with them upon a public question. If I find that I can not in conscience, if I can not as a constitutional duty, go with my colleagues, however painful it may be to me, I shall reluctantly go my way and take the consequences. But when I yield a part of my desire I do so freely and voluntarily for the purpose of accomplishing some measure of good rather than by my negative self-opinionated action preventing anything from being accomplished. I would rather go forward to some extent than try to have my own private opinion dominate the majority of my colleagues and disrupt them and not get anywhere.

I think this practice of the Senate in having no cloture, in having no time fixed for voting, has destroyed debate in the Senate and has driven the debate into a conference room, where colleagues can get together and express their minds and hearts to each other and arrive at some measure of solidarity. That is my opinion about it. I concede to the Senator his right to do as he sees fit about it, but I do not find it against my own conscience or my own free will to yield something in my judgment to my party associates. I am glad to do that, because they yield something to me also.

It is a question of mutual compromise between men who are affiliated together upon a party basis for the public good, and they go to the country upon party performance or party neglect or party success in legislation or party defeat in legislation. I am not willing to defeat the party that put me in power and turn upon them and rend them to pieces. I am not willing to disorganize my party and cooperate with Republicans to defeat my party because the majority of my party colleagues do not submit to dictation from me. I wish to cooperate with my party associates and help them when I can. I certainly would not wish to destroy them. I would prefer to be silent if I can not agree with them and merely give the reasons why I can not go with them.

Mr. HITCHCOCK. Well, I——

Mr. OWEN. Just a moment, and then I will yield further to the Senator. What I want to express is that if we had a cloture we would restore debate in the Senate Chamber, and I would then be glad to listen to debate from Members across the aisle and learn from them, and I would accept from them any proposal that I thought for the common good. In writing the Federal reserve act and taking a part in it many things were proposed by the Republicans which I gladly accepted, as far as I was concerned; and I gave them open credit for it, too.

Mr. HITCHCOCK. How could the Senator accept it if he were restrained by a party caucus?

Mr. OWEN. I was not restrained or coerced by a party caucus. I am glad to cooperate of my own free will. I wish the Senator could appreciate my sentiment in this matter.

Mr. HITCHCOCK. Well, how could he, in the case of this bill, accept it?

Mr. OWEN. In the case of this bill—the shipping bill—we have arrived at a conclusion with regard to what the bill ought to be and have agreed upon it among ourselves. It is not quite what I would prefer, but I am glad to get this much. We have had no method of cooperation with the Republican side of the Chamber, who have fought us on every endeavor we have made on this and every other bill. They have not given us an opportunity. They have lined up solidly and entered into a secret agreement with some of our own Members who were in partial sympathy with them to suddenly and unexpectedly unhorse us, and they have given us no opportunity for free debate here or listening to them. They have given the Democratic Party no opportunity of cooperation, but have tried, by using some of our Members, to wrongfully deprive the Democracy of its right to control the Government and be responsible for government.

Mr. HITCHCOCK. The question which I asked the Senator he has not perhaps apprehended, or I think he would have attempted to answer it.

Mr. OWEN. I will attempt to answer it now, if the Senator will repeat it.

Mr. HITCHCOCK. Let me put it in the form of an illustration.

The Nebraska Legislature is in session. It is true that there is a limit to debate in that body, but practically every question—and I believe I am safe in saying every question—is decided upon nonpartisan lines. The real majority of the Nebraska Senate, the real majority of the Nebraska House of Representatives, when it comes to vote, votes in accordance with its convictions—each man in accordance with his convictions. When they can so vote it is proper that there should be a cloture; but when men are restrained from voting their own convictions, when you have a machine, when you have a wheel within a wheel, so that 36 men are controlling the votes of 53 men, then I doubt very much whether we should have a cloture.

Mr. OWEN. I do not regard it as controlling my vote when I voluntarily cooperate with other men who are my political colleagues and yield something of my judgment to them when they yield something of their judgment to me. I do not feel like asserting every inch and particle of my opinion and ungenerously yielding nothing whatever to my associates who are generous to me, and then say that I am being *coerced* by others because I will not cooperate with them. When I cooperate with my associates I do it voluntarily. I do not do it under compulsion. I do it because I want to do it, and because I know it is necessary to party solidarity and to obtaining responsible action of my own party, whose *future success* depends on *present harmony*.

Mr. HITCHCOCK. The Senator is a Democrat, and he believes in the rule of the majority?

Mr. OWEN. I do, most certainly.

Mr. HITCHCOCK. Yet this mechanical device of the party caucus destroys the rule of the majority, by giving to 36 men the power to vote 53 men.

Mr. OWEN. There is a certain measure of truth in what the Senator says, and there is also serious deduction or inference which is untrue in what the Senator says. If this body consisted of men chosen upon an open ballot from Nebraska and Missouri and Oklahoma without any party designation, then the caucus would be held on this floor. As it is, the power is intrusted to a party, and in order to have party action the members of it have got to consult among themselves and determine the party action. You do not determine the party action by consulting with Senators on the other side of the Chamber who are hostile to the party, who are laying plans wherever they can to destroy the party and break it down, in order that they may themselves regain control of the country, and who show a greater party solidarity than the Democrats ever do. In a caucus of 53 men all of the members express their views and concede to each other, finally reconciling all differences by a majority vote, because that is the only way such differences can be reconciled. The implication that an organized majority of the 53 members of the caucus get together to tyrannize over the minority of the 53 members is entirely false, I verily believe. Some members constantly in such conferences find themselves now in a majority, now in a minority—and out of mutual concessions present party harmony ensues and future party success may be hoped for.

Mr. GALLINGER. Mr. President——

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

Mr. OWEN. I yield.

Mr. GALLINGER. If I understood the Senator correctly, he said that the Democratic Party held caucuses and the Republican Party held caucuses, and, of course, he would follow his own party.

Mr. OWEN. I used both terms, "caucus" and "conference."

Mr. GALLINGER. I want to say to the Senator, in all seriousness, I have been here nearly 24 years and have attended every conference when I have been in the city, and the Republican Party has never undertaken to bind its members to vote on any question whatever.

Mr. OWEN. That does not seem to have been necessary.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. OWEN. I suggested to the Senator that there seemed to be no necessity of imposing a rule upon a party which holds its party solidarity without a caucus.

Mr. GALLINGER. That is begging the question. What I meant to say is that in our conferences, when they are dissolved every member of the conference has a right to vote as he pleases upon any question before the body.

Mr. OWEN. I only infer from the record, and assume that there is some kind of amiable understanding, which seems to be sufficient for that purpose, because no Republican ever votes with the Democrats except on the rarest of occasions. They vote all together, even when they are obviously wrong and even on minor questions.

Mr. SMOOT and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Senators will please be in order. The business of the Senate can not be conducted when more than one Senator is talking at a time.

Mr. OWEN. Did the Senator from Utah rise to interrupt me?

Mr. SMOOT. I simply want to add to what the Senator from New Hampshire has already stated, that not only has the Republican Party not held caucuses to bind any Senator, but in all the time I have been a Senator of the United States I have had no President of the United States ask me to vote any way but once, and then President Taft asked me if I could see my way clear to vote for Canadian reciprocity. I told the President I could not, and that I would vote against it.

Mr. OWEN. May I ask the Senator from Utah a question in response?

Mr. SMOOT. Certainly.

Mr. OWEN. I merely want to ask the Senator from Utah if it is not a fact that the last Republican President refused patronage to Republican Senators who did not vote the way he wanted them.

Mr. SMOOT. I am sure he did not. I know he did not refuse it to me. I know I voted against Canadian reciprocity and I know a majority of the Republicans voted against it, but I never have heard——

Mr. OWEN. A letter from the former President's secretary was widely published to the effect that the Progressive Republicans were very much grieved at the time and made quite a loud outcry about the treatment they received.

Mr. SMOOT. What the newspapers may say is not always true. I wish to say to the Senator that the only time I was ever asked to vote for any measure by any President was by President Taft, and he asked me if I could not see my way clear to vote for Canadian reciprocity. I told him, "No; I could not"; and I voted against it and did all I could to defeat it, and I know a majority of the Republicans voted against it and tried to defeat it; and I know of none to whom patronage was denied, as the Senator has referred to that, because of the fact that they voted against Canadian reciprocity.

Mr. THOMAS. Mr. President——

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to say, Mr. President, that the public were informed, and I have never seen it successfully denied, that the Congress which ended in March, 1911, which had a very large Republican majority in both Houses, and which was therefore controlled by the Republicans in both Houses, seemed to act with singular unanimity, and it was generally understood that the Republican majority of the Senate branch of that Congress voted and legislated under the dictation of a single man, thus making a caucus unnecessary.

Mr. SMITH of Michigan. When was that?

Mr. SMOOT. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield further?

Mr. OWEN. I yield to the Senator from Utah.

Mr. SMOOT. What was the bill, or to what legislation has the Senator from Colorado reference?

Mr. THOMAS. I have reference, Mr. President, to the legislation that was enacted under the domination of the then senior Senator from Rhode Island, Mr. Aldrich.

Mr. SMOOT. I suppose the Senator means the tariff bill, and I think that he——

Mr. THOMAS. He was the caucus and his mandate was your law.

Mr. SMOOT. Of course, that is an assertion made wholly without any truth whatever. I know one thing. I know that he was not the caucus for the Senator from Utah and I do not believe he was the caucus for anyone else on this side.

Mr. THOMAS. I do not think that the Senator from Utah differed very materially from the Senator from Rhode Island during that Congress. My recollection is that he was his chief lieutenant.

Mr. SMOOT. As far as that is concerned, I will say that wherever I believe a principle to be right and any other Senator may believe the same way I am not going to differ with him, if he votes his convictions as I do; and I believe the Senator will admit I always vote what my true convictions are irrespective of what any man in the world may think of it or may say.

Mr. THOMAS. I concede that; but I want Senators to be consistent. I vote my convictions, but I am accused of voting at the dictation of 36 members of my party. Now, is it possible that because 36 members of my party meet in caucus—and I am not afraid of the word "caucus," Mr. President, I believe in it—and because I vote in accordance with what the caucus of my party determines after full deliberation, am I to be accused also of surrendering my convictions, my freedom of action? It remains just the same; and I think my short record in this body will demonstrate the fact, notwithstanding that caucuses seem at present to be so annoying to those who represent the other side and also to some who are on this side of the Chamber.

Mr. SMOOT. Mr. President——

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

Mr. SMOOT. There is just one other statement I desire to make.

Mr. OWEN. I yield.

Mr. SMOOT. Of course, the Senator from Colorado believes in caucuses. I do not. I think some of the worst legislation that was ever enacted in Congress has been the result of caucuses.

Mr. THOMAS. Does the Senator believe in conferences?

Mr. SMOOT. I believe in conferences, but I do not believe the conferences should bind anybody who attends them.

Mr. THOMAS. I have noticed that the conferences which already have been held by my Republican friends have resulted in a unanimity of action and of sentiment that is simply astonishing.

Mr. SMOOT. I can say to the Senator from Colorado that I have attended many conferences where there was a divided vote. I will say this: I do not remember attending a conference of the Republican Party where there has been a unanimity of sentiment.

Mr. THOMAS. I do not know, of course, what is the unanimity of sentiment in the conference. I am talking about the unanimity displayed here.

Mr. SMOOT. I will say to the Senator that there has been no conference held on this bill.

Mr. THOMAS. Then there is a mysterious magnetic something which seems to act of its own volition and which binds our brethren more closely than any caucus even seems to be able to bind this side.

Mr. OWEN. Mr. President, I wish to place in the RECORD at this point the precedents of the English Government, of the French Government, of the German Government, of the Austria-Hungary Government, of the Austrian Government, and of the Governments of Belgium, Denmark, Netherlands, Portugal, Spain, and Switzerland, and, not desiring to take the time of the Senate to read them, I will ask to insert them without reading with the authority from which it is taken.

The matter referred to is as follows:

ENGLISH PRECEDENTS.

"The rule of the majority is the rule in all the parliaments of English-speaking people. In the Parliament of Great Britain, in the House of Lords, the 'contents' pass to the right and the 'not contents' pass to the left, and the majority rules.

"In the House of Commons the 'ayes' pass to the right and the 'noes' pass to the left, and the majority rules. (Encyclopædia Britannica, vol. 20, p. 856.)

"The great English statesman, Mr. Gladstone, having found that the efficiency of Parliament was destroyed by the right of unlimited debate, was led to propose cloture in the first week of the session of 1882, moving this resolution on the 20th of February, and expressing the opinion that the house should settle its own procedure. The acts of Mr. Gladstone and others of like opinion finally led to the termination of unlimited debate in the procedure of Parliament. In these debates every fallacious argument now advanced by those who wish to retain unlimited debate in the United States Senate has been abundantly answered, leaving no ground of sound reasoning to reconsider these stale and exploded arguments.

"The cloture of debate is very commonly used in the Houses of Parliament in Great Britain; for example, in standing order No. 26. The return to order of the House of Commons, dated December 12, 1906, shows that the cloture was moved 112 times. (See vol. 94, Great Britain House of Commons, sessional papers, 1906.)

FRANCE.

"In France the cloture is moved by one or more members crying out 'La cloture!'

"The president immediately puts the question, and if a member of the minority wishes to speak he is allowed to assign his reasons against the close of the debate, but no one can speak in support of the motion and only one member against it. The question is then put by the president, 'Shall the debate be closed?' and if it is resolved in the affirmative the debate is closed and the main question is put to the vote.

"M. Guizot, speaking on the efficacy of the cloture before a committee of the House of Commons in 1848, said:

"I think that in our chamber it was an indispensable power, and I think it has not been used unjustly or improperly generally. Calling to mind what has passed of late years, I do not recollect any serious and honest complaint of the cloture. In the French Chambers, as they have been during the last 34 years, no member can imagine that the debate would have been properly conducted without the power of pronouncing the cloture.

"He also stated in another part of his evidence that—

"Before the introduction of the cloture in 1814 the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate and the minority would not, the debate became very violent for protracting the debate, and out of the house among the public it was a source of ridicule.

"The French also allow the previous question, and it can always be moved; it can not be proposed on motions for which urgency is claimed, except after the report of the committee of initiative. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 426.)

GERMANY.

"The majority rule controls likewise in the German Empire and they have the cloture upon the support of 30 members of the house, which is immediately voted on at any time by a show of hands or by the ayes and noes.

AUSTRIA-HUNGARY.

"In Austria-Hungary motions for the closing of the debate are to be put to the vote at once by the president without any question, and thereupon the matter is determined. If the majority decides for a close of the debate, the members whose names are put down to speak for or against the motions may choose from amongst them one speaker on each side, and the matter is disposed of by voting a simple yes or no. (Ibid., p. 404.)

AUSTRIA.

"Austria also, in its independent houses of Parliament, has the cloture, which may be put to the vote at any time in both houses, and a small majority suffices to carry it. This is done, however, without interrupting any speech in actual course of delivery, and when the vote to close the debate is passed each side has one member represented in a final speech on the question. (Ibid., p. 409.)

BELGIUM.

"In Belgium they have the cloture, and if the prime minister and president of the Chamber are satisfied that there is need of closing the debate a hint is given to some member to raise the cry of 'La cloture,' after a member of the opposition has concluded his speech, and upon the demand of 10 members, granting permission, however, to speak for or against the motion under restrictions. The method here does not prevent any reasonable debate, but permits a termination of the debate by the will of the majority. The same rule is followed in the Senate of Belgium. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 420.)

DENMARK.

"In Denmark also they have the cloture, which can be proposed by the president of the Danish chambers, which is decided by the chamber without debate. Fifteen members of the Landsthing may demand the cloture. (Ibid., p. 422.)

NETHERLANDS.

"In both houses of the Parliament of Netherlands they have the cloture. Five members of the First Chamber may propose

it and five members may propose it in the Second Chamber. They have the majority rule. (Ibid., p. 461.)

PORTUGAL.

"In Portugal they have the cloture in both chambers, and debate may be closed by a special motion, without discretion. In the upper house they permit two to speak in favor of and two against it. The cloture may be voted. (Ibid., p. 469.)

SPAIN.

"The cloture in Spain may be said to exist indirectly, and to result from the action allowed the president on the order of parliamentary discussion. (Ibid., p. 477.)

SWITZERLAND.

"The cloture exists in Switzerland both in the Conseil des Etat and Conseil National."

Mr. GALLINGER. Has the Senator the rules or the law governing the Canadian Parliament?

Mr. OWEN. No; I have not.

Mr. GALLINGER. They have no previous question, I believe; they have unlimited debate.

Mr. OWEN. They have no need for it, as there is unanimity of sentiment and reciprocal courtesy in their comparatively small Parliament.

Mr. GALLINGER. They succeeded in defeating the reciprocity bill because of that fact.

Mr. OWEN. Oh, I think not "because of that fact," Mr. President. Now, Mr. President, I want to call the attention of the Senate to an editorial from one of the greatest journals of the country that I think is worthy of very respectful attention, the New York World of January 29, 1915:

SET THE SENATE FREE.

The Republican minority in the Senate which is attempting to talk the ship-purchase bill to death is also attempting to talk majority rule to death. If by its filibuster it can prevent action before the expiration of Congress on March 4, it will have defeated majority rule as emphatically as would gunmen at a polling place who drove intending voters away from the ballot box.

It is claimed on behalf of this minority that it is exercising the right of debate and merely asserting the time-honored privileges of the Senate. In truth, it is preventing reasonable debate, and the privileges to which it refers ought to be protected from abuse, as they have been by other legislative bodies. The British House of Commons, the mother of parliaments, exceedingly jealous of every real right and privilege, throttles those who would throttle it—

I commend that sentiment to the attention of the Senate of the United States—

The American House of Representatives has not once been coerced by a minority since the Reed rules were established 25 years ago.

Evidently the time must soon come when a courageous majority of the Senate will emancipate itself from a thraldom humiliating alike to itself and to the people. Every right properly belonging to minorities must be safeguarded, but no minority has a right to rule, no minority has a right to establish by indirection policies which it has not the votes to carry, and no minority anywhere in this country, except in the United States Senate, maintains such a pretense.

The seventeenth amendment, providing for the popular election of Senators, was a Democratic measure in its origin, and to the present Democratic administration fell the honor of proclaiming its adoption. Why should not the same party complete the reform by such a revision of the Senate rules as to strip of power those who obstruct the popular will lawfully expressed?

Now, Mr. President, I want to say just one or two words before I close. Some of our Democratic brethren in the South, still haunted by the old fear of a force bill led by the Senator from Massachusetts [Mr. LODGE], believe that it would be dangerous to abandon the alleged right of the minority to conduct an endless filibuster and thereby obstruct anything to which the minority seriously objects. What I want to call to the attention of the Senate is that under the change of the Constitution providing for the direct election of Senators by popular vote the Senate of the United States never can again be made the instrumentality of privilege or plutocracy or monopoly or organized greed; never can again, by a majority of this body, be controlled against the interests and the welfare of the common people of this country. The majority always in the future, till time shall be no more, will represent in truth the sovereignty of the common people of this country. That being so, I do not see how a man who is a heartfelt Democrat can reconcile it to his conscience to put in the hands of those who are at heart opposed to the sovereignty of the people the right to obstruct their will and prevent legislation which the people desire.

I have said on the floor to the Senator from New York [Mr. ROOT] that this filibuster was preventing the presentation of the rural credits bill. What is the use of a committee bringing forward a bill that has no possible chance of consideration? If that were possible now, if we had a reasonable cloture, the Banking and Currency Committee could get together and in all probability agree upon some measure acceptable to them, acceptable to the Senate, and acceptable to the country. But that is a small part of the terrible harm being done. This filibuster is not only preventing the rural credits bill from being considered; it is preventing this whole calendar, page after page, of listed bills that are important to the country, from receiving any consideration at all. This body is presenting the strange, unthinkable, sad spectacle to the country that a majority is willing to stay here all day and all night, night after night, in order to exercise the constitutional privilege of voting their wishes as representatives of the people of the United States, while an organized filibuster prevents the majority rule; prevents even a vote.

We can not consider rural credits, good roads, waterways, justice to labor, the employment of the unemployed, the public health, and the many vital questions affecting the conservation and development of human life and energy. We are paralyzed by partisan bigotry and ambition.

I say to the Senate that the people of the United States are not going to submit to this wrong any more. It is an outrage on justice; it is shameful; it is despicable; and no words within the scope of a parliamentary language are strong enough to express my condemnation of it.

I yield the floor, Mr. President.

ADDENDUM.

[From the North American Review of November, 1893.]

THE STRUGGLE IN THE SENATE.

II. OBSTRUCTION IN THE SENATE.

[By Senator HENRY CABOT LODGE, of Massachusetts.]

Parliamentary obstruction has of late years engaged public attention to a degree quite unusual for a subject so technical in its nature. When the Reed rules, which first brought the subject into prominence in this country, were under discussion, I pointed out in an article in the Nineteenth Century that the question was widespread and general and in no sense local or peculiar to the United States. At that time the Democratic orators and the Democratic newspapers seemed to think that the effort to do away with parliamentary obstruction in the House of Representatives was a malignant invention of the Republican Party and particularly of Mr. Reed. If they had taken the trouble to inform themselves—a form of mental exercise in which they rarely indulge—they would have discovered that it was nothing of the sort. They would have learned what is now evident to all men that the Republican reform of the rules of the House was but part of a general movement against an abuse which in the process of time had become intolerable. Not only in many States of the Union but in England also the matter of parliamentary obstruction had reached the proportion of a great and a very grave public question. This was neither accidental nor the result of partisanship. It was the outgrowth of conditions which had been slowly developed.

The English-speaking race are the originators of free representative government. Among them this great system has grown to maturity and by them its details have been gradually elaborated. The fundamental principles of popular representation and of free speech, of the control of taxation, and of public expenditures, were established long since as the result of many hard-fought battles. With this development of representative government there should have gone hand in hand a development of the rules by which the representative bodies transacted their business. This, however, did not occur. As so often happens in history, the substance of things changed, but the forms survived. While the power and the business of representative bodies both in England and the United States expanded enormously, the rules in accordance with which these powers were exercised and this business transacted remained unaltered. Ordinarily forms are not of much consequence provided the essence of things is preserved, but in this instance it happened that forms and rules were of vital importance, although it is only very recently that this fact has been fully and properly realized.

The rules and practices of the Congress of the United States and of the House of Commons were adopted under conditions widely different from those which exist to-day. They were formed for representative bodies, in this country at least, much smaller in number, and for the management of the public affairs of small populations, with industrial and commercial interests absolutely insignificant when compared with the vast volume of business to-day, quickened as it now is by the telegraph and the railroad, and beating with a pulsation which is felt in every corner of the globe within 24 hours. The result has been that the old rules and forms have not only proved inadequate for the transaction of business, but have furnished the means for indefinite resistance to action. When parliamentary rules were first formulated, the preservation of freedom of debate was rightly considered to be of the last importance, and, so far as these original rules, which were in great degree haphazard, could be said to have any principle, the protection of freedom of debate was their controlling purpose. All danger to freedom of debate in English-speaking countries at least has long since vanished, and the tendency of the old system is to encourage debate, of which there is now too much, and to prevent action, of which there is now too little.

The primary and the only proper and intelligent object of all parliamentary law and rules is to provide for and to facilitate the ordinary action of public business. When any set of parliamentary rules ceases to accomplish this object they have become an abuse—and an abuse of the worst kind. They not only prevent action, but, what is far worse, they destroy responsibility; for, if a minority can prevent action, the majority, which is entitled to rule and is intrusted with power, is at once divested of all responsibility, the great safeguard of free representative institutions.

This question has been fought out in the English House of Commons and the passage of the home rule bill is conclusive evidence that the system of enforcing action is not only necessary in England, but that it is finally and firmly established. The same battle has been fought out also, and the same result attained, in our own House of Representatives. The great reform which Mr. Reed carried through and which marks an epoch in parliamentary government in the United States has been in principle finally established. Received at the moment with much passionate oratory and many loud objurgations, such as always accompany the onward march and the ultimate triumph of a

great reform, it has at last prevailed. As the dust of that memorable conflict cleared away, it was discovered that Mr. Reed had only been enforcing principles which were accepted in nearly every other parliamentary body in the world and that he had not invented them himself for the mere gratification of a tyrannical spirit. Then it was further discovered that his methods, instead of being illegal and unconstitutional, had received the sanction of every judicial body before which they had been brought, and they were finally upheld by the unanimous decision of the Supreme Court of the United States.

The last stage, the acceptance of the reform by the opposite political party, has just been passed. Mr. Speaker Crisp, with a large Democratic majority at his back, has enforced Mr. Reed's principles by stopping dilatory motions and bringing the House to a vote. The only difference has been that Mr. Reed put his principles into practice under accepted methods and in accordance with parliamentary law, while Mr. Crisp very unnecessarily, because no such violence was required, enforced action with entire disregard of the usual and proper forms. He is not, however, to be too severely criticized for this. It was quite natural that the Democratic Party in the House should writhe at adopting the principles and carrying into effect the very methods which they had denounced so exuberantly only three years ago. They appeared to think that they could get around by some bypath to the Republican result, and thus escape a march through the valley of humiliation, if they discarded the forms under which their adversaries had performed the same work. Unfortunately such evasions are never possible and the valley of humiliation can not be avoided by those who have opposed what is righteous, and then, after a short interval, have accepted righteousness for their own purposes. In any event the result is the same. The right of the majority to rule, and to pass after due debate such measures as it sees fit, has been firmly established in the House of Representatives.

As a practical public question in the United States, parliamentary obstruction has now shifted to the Senate, where it has aroused lately the keenest public interest owing to the condition of business and the intense eagerness of the country for the passage of some measure of relief. The case in the Senate is very different in many particulars from what it was either in the House of Commons or the House of Representatives. The Senate of the United States is still a small body; it has great powers conferred upon it by the Constitution and weighty responsibility. It is properly very conservative in its habits and very slow to change those habits in any direction. There could be no better example of this than in its parliamentary procedure. The rules of the Senate are practically unchanged from what they were at the beginning. They are the same now to all intents and purposes as when they were first adopted more than a hundred years ago. There has never been in the Senate any rule which enabled the majority to close debate or compel a vote. The previous question, which existed in the earliest years, and was abandoned in 1806, was the previous question of England and not that with which every one is familiar to-day in our House of Representatives. It was not in practice a form of closure and it is therefore correct to say that the power of closing debate in the modern sense has never existed in the Senate.

The rules of the Senate are few and simple. Formed for the use of a body of 26 Senators, they have continued in force unchanged, until they now govern the deliberations of 88. That rules so simple should have worked so well during so long a period with an increasing number of Senators and an enormous growth in the volume of business is no slight tribute to the character of the body which has worked under them. But they are now beginning to show the same defects and abuses, arising from the same causes, which have produced such fundamental changes in larger representative bodies.

The rules of the Senate, providing for no form of compulsion, rest necessarily on courtesy. In other words, as there is no power to compel action, it is assumed that the need for compulsion will never arise. For this reason, obstruction in the Senate, when it has occurred, has never taken the form of dilatory motions and continual roll calls, which have been the accepted method of filibustering in the House. The weapon of obstruction in the Senate is debate, upon which the Senate rules place no check whatever. Practically speaking, under the rules, or rather the courtesy of the Senate, each Senator can speak as often and at as great length as he chooses. There is not only no previous question to cut him off, but a time can not even be set for taking a vote, except by unanimous consent. This is all very well in theory, and there is much to be said for the maintenance of a system, in one branch at least of the Government, where debate shall be entirely untrammeled. But the essence of a system of courtesy is that it should be the same at all points. The two great rights in our representative bodies are voting and debate. If the courtesy of unlimited debate is granted it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but, if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile. The difficulty in the Senate to-day is that, while the courtesy which permits unlimited debate is observed, the reciprocal courtesy, which should insure the opportunity to vote, is wholly disregarded.

If the system of reciprocal courtesy could be reestablished and observed, there need be no change in the Senate rules. As it is, there must be a change, for the delays which now take place are discrediting the Senate and this is something greatly to be deplored. The Senate was perhaps the greatest single achievement of the makers of the Constitution. It is one of the strongest bulwarks of our system of government, and anything which lowers it in the eyes of the people is a most serious matter. How the Senate may vote on any given question at any given time is of secondary importance, but when it is seen that it is unable to take any action at all the situation becomes of the gravest character. A body which can not govern itself will not long hold the respect of the people who have chosen it to govern the country.

No extreme or violent change is needed in order to remedy the existing condition of affairs. A simple rule giving the majority power to fix a time for taking a vote upon any measure which has been before the Senate and under discussion, say for 30 days, would be all sufficient. Such a change should be made and such a rule passed, for the majority ought to have and must have full power and responsibility.

On this point of the power of the majority, however, there is a great deal of popular misconception. It is customary to assail with bitter reproaches, as we have seen during the struggle over silver repeal, the minority who are resisting action. This is putting the blame in the wrong place. The minority may be justly censured for not conforming to a system of courtesy, but when that system has been overthrown, as is the case in the Senate in regard to voting and debate, the fault is no longer theirs. No minority is ever to blame for obstruction. If the rules permit them to obstruct, they are lawfully entitled to use those rules in order to stop a measure which they deem injurious. The blame for obstruction rests with the majority, and if there is obstruction it is because the majority permit it. The majority to which I here refer is the party majority in control of the Chamber. They may be divided on a given measure, but they, and they alone, are responsible for the general conduct of business. They, and they alone, can secure action and initiate proceedings to bring the body whose machinery they control to a vote. The long delay on the repeal of the purchasing clause of the silver act of 1890 has been due, without any reference to their internal divisions on the pending question, solely to the Democratic majority as a whole in full control of the Chamber and of the machinery of legislation. There never was a time when they could not have brought about a vote with the assistance of the Chair, whose occupant was also of their party, if, as a party, they had only chosen to do so.

No further argument is, I think, needed to show the necessity of some rule which, after allowing the most liberal latitude of debate, will yet enable the majority of the Senate to compel a vote. The prospects, however, of any such change are not very promising. It is not probable that any form of closure will be adopted by the Senate for some time to come. It will certainly never be attained unless the popular demand for it is not only urgent but intelligent. Newspapers and people generally have a way of rising up and demanding that filibustering be put down and closure enforced whenever some measure in which they are specially interested at the moment is obstructed. On the other hand, filibustering is often regarded as very patriotic by people who do not want a given measure to pass. Many of the newspapers, for example, which have been shouting themselves hoarse over the obstruction to silver repeal in the Senate, loudly applauded precisely the same methods of obstruction when directed against the Federal elections bill a few years ago. It is this fact which takes all weight from the demands of the most vociferous shouters for action at the present time. Obstruction must be always good and proper or always bad and improper. It can not be sometimes good and sometimes bad as a principle of action. If the power to close debate is righteous for one measure it is righteous for all; and until that principle is accepted there is no possibility of reform. For example, the Democratic majority in the Senate refuses to change the rules in order to pass silver repeal. They can not, then, go on and introduce closure to pass the Federal elections bill and the tariff. They must apply closure to all or none.

The only way in which proper rules for the transaction of business in the Senate can be obtained will be through the action of a party committed as a party to the principle that the majority must rule, and that the parliamentary methods of the Senate must conform to that principle. The change must also be made at the beginning of the session, so as to apply to all measures alike which are to come before Congress, and it must be carried and established on its own merits as a general principle of government and not to suit a particular exigency. Whenever this reform is made it will come and it can come only in this way.

HENRY CABOT LODGE.

Mr. STONE. Mr. President, I desire about 10 minutes of time to address myself briefly to the sole question of so changing the rules of the Senate as to enable the Senate to fix a time for voting on any question pending before it. It would be useless, I think, so far as results here are concerned, to spend further time in answering the objections to the shipping bill which Senators opposing that measure advance to justify their attitude. They have iterated and reiterated those objections until everyone is familiar with them, and they have been answered over and again by Senators who favor the bill, until now the merits of the controversy are fully understood by all Senators and by the country.

Whenever that situation becomes established, as it has been in this case, legitimate debate has served its purpose, and the natural and orderly thing to do is to bring the question at issue to the test of a vote. When legitimate debate has been exhausted, a further pretense of debate degenerates into a mere vocal obstruction of the public business in defiance of the will of the majority. Instead of debate, it becomes a filibuster. The proceedings here for the last few weeks would of themselves make it apparent that the enemies of the pending legislation are engaged upon a filibuster solely to obstruct legislation; but there is no need to speculate upon the motive actuating the other side, for it has been more than once openly admitted that they intend, if they can, to continue obstructive processes to the end of the session. This brings us squarely face to face with the question whether a rule, temporary or permanent, should be adopted under which a bald, defiant filibuster may be terminated.

Mr. President, until now I have looked with disfavor upon any form of cloture in the Senate. I know that the parliamentary practices observed in other countries and in the States of this Union provide for cloture; but I have wished the Senate might continue to constitute one legislative forum in the world where the right of debate could not be arbitrarily cut off. What I have seen here in the last month or more has shaken my attitude on this subject. Debate is one thing; a defiant filibuster, without pretense of legitimate discussion intended to enlighten the Senate or the country, is quite another thing. I believe as much now as ever in allowing a wide range for legitimate discussion on any question before the Senate; but when Senators band together merely to stop the wheels of legislation by processes only intended to prevent action by the Senate, then those engaged upon that enterprise are grossly abusing the privileges of debate.

Mr. President, if obstructive methods like those we have witnessed here through all the weary weeks of the recent past and upon which we are still engaged are to go on unchecked or are to remain permissible or possible then any well-organized minority—even a small minority—may stop the wheels not only of legislation but of the entire Government, and might leave the Government in a position of helplessness and despair. It will not do to say that in instances of especially grave concern, where the honor or life of the Nation was at stake, no contingent of Senators could be found who would resort to such methods as are now being pursued. Who can tell what might suddenly arise with respect to the disorders prevalent in Mexico or with respect to the war in Europe which might, in the opinion of the Government and of a large majority of the Congress, necessitate some urgent and important action, offensive or defensive? We have in this country, as we know, a powerful and widespread sentiment strongly sympathetic with Germany and Austria; and we have also, as we all know, a powerful sentiment favorable to the allies. I am afraid we have many men in public places who are imbued with this feeling of partisan sympathy, some for one side and some for the other. If, unhappily, it should become necessary, in the opinion of the President and the majority of the two Houses, to take or authorize some drastic action by our Government—an event I would deeply deplore and devoutly hope may not occur—but if it should become necessary to take some decisive action for the protection of American rights, I do not regard it as improbable that some public men—I will not particularize more definitely—who are either strongly pro-German or strongly pro-English might stand in the way of the Government. It is easy for gentlemen with strong sympathies or prejudices to find a reason upon which to base a justification of their conduct. At all events, as matters now stand, we are subject to that danger. Ought the Senate to have its hands so tied as to make it helpless in the face of any national emergency?

Again, Mr. President, the people may be so dissatisfied with the policies and conduct of a political party in power as to turn it out of power and put in another party to establish reforms and follow new lines of public policy. That was done two years ago. If proceedings such as have disgraced the Senate for the last month can be prolonged indefinitely, the party newly put into power could be blocked at any time, so far as legislation goes, by the minority. The Senate minority, led by Senators GALLINGER, SMOOT, ROOT, LODGE, and others, could not only laugh in the faces of the President and the Congress, but also could laugh in the face of the American people. That is what they are doing now.

Mr. President, what were these rules of procedure made for? What was the intention of those who framed and made these laws or rules for the government of the Senate? Is it to be presumed that there was an intention, open or concealed, to so frame the rules as to make them a means to prevent the transaction of business by the Senate? I scout the idea. Under the Constitution we know that the Senate is assembled to do business, not to prevent business being done, and we know that the people elect and commission Senators to transact business, not to obstruct it. Therefore the rules must have been made for the purpose of enabling the Senate to proceed with the transaction of its business in an orderly way. That is the spirit of the law under which we act. I repeat, that is the spirit of our Senate law. And now let me say that one of the cardinal principles underlying the construction of a law requires that it should be interpreted and administered according to its true spirit and intent.

I recalled to-day that when a youth I read Blackstone's Commentaries, and that I had read some cardinal rules of interpretation laid down by him. I sent for the books of the great commentator to refresh my memory about what he said. Among other things he said was this:

> The fairest and most rational method to interpret the will of the legislator is by exploring his intentions at the time when the law was made, by signs the most natural and probable. And these signs are either the words, the context, the subject matter, the effects and consequence, or the spirit and reason of the law.

This rule thus laid down has been followed by the commentators on English and American law and by all judges administering the common law. The great commentator from whom I have just quoted declared—now, here is the point—that the most universal and effectual way of discovering the true meaning of a law is by considering the reason and spirit of it, or the cause which moved the legislator to enact it. Commenting on the principles of interpretation which relate to the spirit of the law and to the effects and consequences of a law, he called attention to a Bolognian law which enacted "that whoever drew blood in the streets shall be punished with the utmost severity." And further to illustrate the importance of these rules of interpretation, he referred to a case arising under this Bolognian law, wherein "it was held after long debate not to extend to a surgeon who opened the vein of a person that fell down in the streets in a fit." Here the spirit of the law, and the effects and consequences of the law, prevailed to set aside its letter.

Blackstone referred to another law mentioned by Puffendorf, which forbade a layman to lay hands on priests; but it was adjudged, notwithstanding the letter of the law, that it extended only to him who laid hand on a priest to do him injury. If the letter of our Senate rules, technically construed, would forbid us to lay hands on the freedom of debate, the spirit of the law would justify us in laying on hands to prevent you committing a crime against the liberty of debate, the rights of the Senate, and the rights of the people. Not only would drastic action by the Senate be justified by the spirit of the law, but also because of the effects and consequences of a contrary course.

Blackstone also referred to a case, but by Cicero, where there was a law that those who in a storm forsook the ship should forfeit all property therein, and that the ship and lading should belong entirely to those who stayed with it. In a dangerous tempest all the mariners forsook the ship except only one sick passenger, who by reason of his disease was unable to get out and escape. By chance the ship came to port. The sick man kept possession and claimed the benefit of the law; but it was adjudged that the sick man did not come within the reason of the law, for the reason of making it was to give encouragement to such as should venture their lives to save the vessel. That case was properly decided, as the world admits. The reason of the law prevailed over its letter. But here, Mr. President, we have presented the reverse side of that case. The storm of 1912 drove Republicans from the old ship of State, while we Democrats stayed with her to save her. Under the letter as well as the spirit of the law we are entitled to man the ship; but since we have brought her to port the Republicans have hurtled back, threatening to scuttle her unless we surrender her into their hands. Shall we do it?

Mr. President, the spirit of the law should be observed as against its technical letter, when to observe the technical letter would be to bring about a result never intended by those who made the law. Which should have the greater weight—the technical letter or the spirit of law?

Mr. President, the best that can be said in defense of the filibustering tactics pursued by Senators on the other side is that they are within their technical rights under the letter of the rules. I do not concede that; but I might concede it and take the position, which I do, that the course they are pursuing is so grossly violative of the spirit and intent of the rules that the Senate itself, acting in defense of its own integrity, should observe and enforce the spirit of the rules and stop this outrageous abuse of its power, its rights, and its dignity. In face of the situation as we have it to-day, the Presiding Officer ought to be—and I hope is—brave and strong enough, despite any outburst of yells and whoops, to direct the Secretary to call the ayes and noes when they have been ordered and thus force the issue to a decision. If he should do that, he would receive the plaudits of the American people, even though the filibusters might be able to muster a majority to block him. In an emergency like this I believe Democrats, every man of us, should be on the firing line and fight it out at the point of the bayonet. For one, I want the test made, that we may see how many grenadiers of the guard are left.

Mr. President, having said this much, it is almost needless to add that I am now and henceforth in favor of a reasonable Senate cloture. The question immediately before the Senate is based on the resolution of my colleague [Mr. REED]. In view of the immediate circumstances in which we find ourselves, personally I would prefer to fight it out on the question as it now stands before the Senate without complicating it, at least so far as the Democrats are concerned. But this is something which addresses itself to us more as a matter of form and expediency than of principle. I would rather have the rule made permanent than temporary, but I fear to endanger the existing parliamentary status by a change of program. If we are to accomplish anything, we must have continuity of purpose and cohesiveness in action. We had a Democratic caucus this morning and we took a recess to hold another this evening if our friends on the other side will permit us by not prolonging this session beyond 8 o'clock. But again I say we must try it out, we must have a test of strength, and see whether, in fact, the power of the majority has been definitely transferred from this side to the other side of the Chamber.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. In view of the fact that our Democratic friends had a caucus this morning, and are going to have another caucus this evening, I fear they could not have been very harmonious this morning.

I listened with interest and attention to the address of the Senator from Oklahoma [Mr. OWEN], and it is a matter of regret to me that the Senator was so violent in his denunciation of some of us on this side of the Chamber. I equally regret that the Senator from Missouri [Mr. STONE] has found it necessary to say that our conduct has been disgraceful, and has even referred by name to certain Senators who have been somewhat instrumental in endeavoring to help our Democratic friends to perfect this bill.

Mr. President, it is interesting to me to hear the Senator from Missouri talk on this subject. The Senator will not have to hark back a great many years when he will find that a bill that was intended to restore the American merchant marine to the seas of the world passed this body, went to the other House, was passed by the other House with a slight amendment, I moved to concur in it, a filibuster was started on the other side, and when the late Senator from Tennessee [Mr. Carmack] was holding the floor the Senator from Missouri asked to interrupt him, having consent given him he opened a book and he proceeded to read in that book until the bill was defeated by this body.

Mr. THOMAS. Mr. President——

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

Mr. GALLINGER. I yield to the Senator from Colorado.

Mr. THOMAS. I should like to ask the Senator right there if he approved such conduct? [Laughter.]

Mr. GALLINGER. Well, Mr. President, that is a matter that I do not care to answer. I will say that had not the Senator from Missouri at that time done what he did, whether the conduct was reprehensible or otherwise, we would have had legislation then that would have made it unnecessary for the Senate of the United States now to be talking about the Government either buying or building ships.

Mr. HUGHES. Mr. President——

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

Mr. GALLINGER. I yield to the Senator from New Jersey.

Mr. HUGHES. Did anybody ever learn the name of that book?

Mr. SMITH of Michigan. Yes; it was The Pilgrim's Progress. [Laughter.]

Mr. GALLINGER. Mr. President, that is all I care to say. I am not going to get into any discussion with our friends on the other side who are now so anxious for cloture.

Mr. POMERENE. Mr. President——

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

Mr. GALLINGER. I yield to the Senator from Ohio.

Mr. POMERENE. As the Senator from New Hampshire seems to have condemned the conduct of the Senator from Missouri when the former filibuster was on, and the Senator from Missouri now condemns the filibuster that is in progress, does not the Senator think we who came in here later are justified in voting in favor of a reasonable cloture at any time?

Mr. GALLINGER. Mr. President, I have not condemned the conduct of the Senator from Missouri. I have called attention to a historical fact which has led me to think it most surprising that the Senator from Missouri should now be using the term "disgraceful," and should be charging those of us on this side of the Chamber who have been doing precisely what he did under the rules of the Senate at that time with committing a crime. That was my purpose in it.

Mr. President, I have noticed with a good deal of interest that the Senator from Missouri is in favor of the Presiding Officer violating the rules of this body, and that he is going to carry this bill through at the point of the bayonet if it is necessary. I do not propose to engage in a contest of that kind. I presume the Senator from Missouri would prevail, as between himself and me, if we should engage in a combat of that nature; but I think it is unnecessary and rather undignified for the Senator from Missouri to suggest a resort to physical means to accomplish a legislative result.

Mr. STONE. The Senator knows I did not say that.

Mr. GALLINGER. Well, I suppose it was a figure of speech; and yet the Senator lifted his eyes to high heaven, and put on his face that sanctimonious look which he sometimes assumes, and I really thought at the time that the Senator was ready for mortal combat to carry this bill through the Senate.

Mr. JAMES. Mr. President——

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

Mr. GALLINGER. I always yield to the Senator from Kentucky. I will say to him, however, that I do not propose to transfer him and put him in the place of the Senator from Missouri. [Laughter.] If we were to have a bayonet charge, I should retire at once.

Mr. JAMES. Mr. President, I am a thoroughly peaceable man. I do not want to engage in any sort of conflict; but I want to inquire of the Senator if he knows of any rule in this body that denies to the Senate the right to have a roll call upon the previous question?

Mr. GALLINGER. Why, I think there is no rule at all that warrants it.

Mr. JAMES. But is there any that forbids it?

Mr. GALLINGER. Oh, well, it does not follow at all that that is necessary. We have our rules. They are written in pretty good English and each of us can interpret them for himself. I know the Senator from Kentucky believes that this body can enforce a previous question. I have heard him say so. I do not believe there is any authority whatever for it.

Mr. JAMES. Is it not true that in the absence of a rule of the Senate, which the Senator admits the Senate has not, general parliamentary law gives every legislative body in the world the inherent right to do business?

Mr. GALLINGER. Not at all, Mr. President. General parliamentary law is always supplanted by the specific rules of a legislative body. That is a principle that the Senator from Kentucky ought to understand as well as I do.

Mr. JAMES. There is no doubt about that; but the Senator admits that there is no such inhibition in these rules against the previous question. Now, in the absence of it, my contention is that the Senate has the right to govern itself, to stop this filibuster. I have no hesitancy in saying that if I were the Presiding Officer of the Senate, and a Senator should rise and move the previous question upon this bill, I would submit it to the Senate upon a roll call; and I believe that action would be approved by the American people, and is in accord with the holding of every writer upon parliamentary law in the world.

Mr. GALLINGER. Mr. President, some of us have been afraid that might happen when the Senator from Kentucky gets in the chair.

Mr. JAMES. Well, it would happen if I were in the chair, I will say, and the motion for the previous question were made. I would submit it to a majority of the Senators upon a roll call of the Senate, without debate.

Mr. GALLINGER. When that does happen we will test that question.

Mr. President, I have said all I care to say.

Mr. JAMES. I would submit to a roll call of a majority of the Senate the right to rule itself; and I say that no Senator here and no citizen of America can take the position that a majority is not entitled to rule, even in the Senate of the United States, which has been so long the bulwark of greed and special privilege.

Mr. GALLINGER. Oh, well, Mr. President, we have gotten "greed and special privilege" now. I do not know what that has to do with this question. I presume the Senator from Kentucky does.

Mr. JAMES. The people of the United States know what it has to do with this question, if the Senator does not.

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 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 57 minutes p. m.) the Senate adjourned until Monday, February 15, 1915, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1915.

RECEIVER OF PUBLIC MONEYS.

Matthias N. Fegtly to be receiver of public moneys at Vale, Oreg.

REGISTER OF THE LAND OFFICE.

Frank P. Wheeler to be register of the land office at Eureka, Cal.

UNITED STATES MARSHAL.

Stanley H. Trezevant to be United States marshal for the western district of Tennessee.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Walter C. Gullion, Twelfth Cavalry, to be second lieutenant of Infantry.

Second Lieut. John B. Thompson, Fourteenth Infantry, to be second lieutenant of Cavalry.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Rev. Clifford Lore Miller to be chaplain, with the rank of first lieutenant.

MEDICAL DEPARTMENT.

Acting Dental Surg. James Francis Feely to be dental surgeon, with the rank of first lieutenant.

POSTMASTERS.

ARKANSAS.

Thomas C. Fleeman, Ozark.

ILLINOIS.

W. B. Barnum, Ridgway.
William M. Cannedy, Greenfield.
J. W. Clendenin, Monmouth.
Hazel L. Garvey, Blandinsville.
L. A. Kennedy, Chester.
Helen G. Longenbaugh, Moweaqua.
T. W. Medlin, Anna.
James Lafayette Molohon, Divernon.
J. C. Neal, Neoga.
Conrad Schweer, Crete.
George W. Spunner, Barrington.
Frank P. Williams, Carrollton.

INDIANA.

R. William I. Boggs, Veedersburg.

IOWA.

Eliza Ann Butler, North English.
Peter H. Goslin, Clarion.
S. M. Hutzell, Victor.
Maurice Moroney, Earlville.

KANSAS.

Harry M. Brodrick, Marysville.

KENTUCKY.

N. T. Mercer, Columbia.

MASSACHUSETTS.

Thomas F. Donahue, jr., Groton.
Benjamin P. Edwards, Topsfield.
Edward Gilmore, Brockton.
Aloysius B. Kennedy, Rochdale.
Thomas G. O'Connell, Wakefield.
W. S. Smith, Onset.
Maurice Williams, South Easton.

MINNESOTA.

Adolph C. Gilbertson, Ironton.
Henry F. Hopfenspirger, Morgan.
E. T. Vigen, Lake Park.

MISSOURI.

William H. Farris, Houston.
John T. Haley, Steelville.
George H. King, Birch Tree.
Edward F. Layne, Center.

NEW YORK.

William T. Vaughn, Sag Harbor.

NORTH CAROLINA.

Bartholomew M. Gatling, Raleigh.

OHIO.

Henry C. Fox, Coldwater.
Charles A. Lamberson, Coshocton.
Henry W. Streb, Canal Dover.
L. K. Thompson, Uhrichsville.
William A. Zellars, Freeport.

OKLAHOMA.

Frederick McDaniel, Bartlesville.

OREGON.

W. R. Hamer, Newport.
John T. McGuire, North Bend.

RHODE ISLAND.

John B. Sullivan, Newport.

PENNSYLVANIA.

William T. Benner, Saxton.
E. R. Benson, Mount Jewett.
G. E. Daugherty, Iselin.
James F. Drake, Hawley.
John J. Durkin, Scranton.
George J. Eppley, Hershey.
Jerome A. Hartman, Phoenixville.
George E. Hipps, Carrolltown.
William A. Irwin, Downingtown.
Norman D. Matson, Brookville.
David M. Means, New Wilmington.
Harry K. McCulloch, Freeport.

SOUTH DAKOTA.

James M. Holm, Pierre.

WASHINGTON.

John L. Field, Quincy.
Richard H. Lee, Wilsoncreek.
J. H. McCourt, Sequim.
Fenton Smith, South Bend.

WISCONSIN.

Philip B. Bartlett, Melrose.
E. F. Butler, Mosinee.
George H. Herzog, Racine.
Charles J. Janisch, Waterloo.
Henry B. Kaempfer, West Bend.
John J. Kaiser, Stratford.
John A. Kuypers, De Pere.

VIRGINIA.

Gertrude Blakey, Gordonsville.
J. D. Buchanan, Marion.
Robert P. Cummins, Abingdon.
Charles N. Davidson, Stonega.
Levi B. Davis, Roanoke.
Wirt Dunlap, Blacksburg.
Maurice A. Garrison, Cape Charles.
Roy Kilgore, Norton.
Clara Matheny, Fincastle.
George W. Sheppard, Glenallen.

VERMONT.

John J. Gallagher, Hardwick.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 13, 1915.*

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

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

Father in heaven, draw us by the unseen forces at Thy command into Thy nearer presence that our thoughts and acts may be dominated by Thy will, that with self-control, self-respect, and efficiency we may be the instruments in Thy hands for the furtherance of all good, and thus know the art of living together in harmony, working together in harmony to the glory and honor of Thy holy name, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROHIBITING CHILD LABOR.

Mr. LEWIS of Maryland. Mr Speaker, I ask unanimous consent to print a supplementary report from the Committee on Labor on the Palmer child-labor bill (H. R. 12292). I will say that when the bill was reported no full report was made, but the report that I now ask to file contains a complete discussion of the subject matter.

Mr. FITZGERALD. Why not withdraw the first report?

Mr. LEWIS of Maryland. In connection with that, Mr. Speaker, I will request unanimous consent to withdraw the original report.

The SPEAKER. The gentleman from Maryland asks unanimous consent to withdraw the report heretofore made on the Palmer child-labor bill and file a new report (No. 1400). Is there objection? [After a pause.] The Chair hears none.

NIAGARA FALLS.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to file minority views (H. Rept. 990, pt. 2) to the report on the bill known as the Niagara bill, controlling the power

companies at Niagara Falls (H. R. 16542). The majority report was filed some time ago, but by mistake the minority views did not accompany it.

The SPEAKER. The gentleman from Virginia asks unanimous consent to file minority views on the Niagara bill. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MONTAGUE, indefinitely, on account of illness.

To Mr. O'SHAUNESSY, indefinitely, on account of illness.

HOUR OF MEETING ON MONDAY.

Mr. UNDERWOOD. Mr. Speaker, next Monday is unanimous-consent day, and there may not be many opportunities for unanimous consent after that time. In order that there may be time to call the calendar through, if possible, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Monday next. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21318, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes.

Mr. MANN. Mr. Chairman, I move to strike out the last word. The item under consideration is the Department of Justice, and I wish to say a word.

On February 1 the Supreme Court handed down a decision holding that under the Criminal Code an indictment might be had against both the woman as well as the man for conspiring to violate the white-slave act. Under a headline of that date an article was published in the Chicago Tribune of February 2 referring to this decision, and in the course of the article the following statement was made:

The Department of Justice was greatly pleased with the decision. Ever since the Mann Act was passed the department has had its hands full of white-slave cases in which the men were punished, although they were the victims of scheming women. In fact, it has had more of these cases than those in which women were the victims of men.

While this article was published under a Washington date line, I do not feel certain whether this portion of the article was written in Washington or written in the newspaper office in Chicago, and I do not undertake to say. The inference from the statement was that the Department of Justice had, in fact, reported that there were more cases in which men were punished where they were the victims of women than there were of cases in which women were the victims of men. The assumption that this was reported from the Department of Justice was carried out in a newspaper editorial published in the Chicago Tribune on February 3, the next day, in which the Tribune editorially made this statement:

The Federal Department of Justice is said to regard the decision of the Supreme Court in the Clara Holte case as an effective check upon the abuse of the Mann Act for the purpose of blackmail. As the department reports more cases in which men are the victims of blackmailing conspiracies under this law than cases of real "white slavery," the need for some check is plain. That it comes through judicial interpretation rather than explicit amendment is to be regretted.

Of course from my standpoint the newspaper statement, to begin with, bore on its face the fact that it was erroneous. Everyone ought to know that the Department of Justice would not be prosecuting any case where they believed that the person accused, although a man, was the victim of some scheming woman. I say I think it bore upon its face the statement, but because I thought that the Department of Justice ought to be placed fairly before the country, and the country ought to know that the Department of Justice was not engaged in punishing men who were victims of scheming women, I wrote the Department of Justice asking for information, and sent the following letter to the Attorney General:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 5, 1915.

Hon. THOMAS W. GREGORY,
Attorney General, Washington, D. C.

SIR: In a news article published in the Chicago Tribune of February 2, commenting upon the recent decision of the Supreme Court relating to conspiracies to violate the white-slave act, the following statement is made:

"The Department of Justice was greatly pleased with the decision. Ever since the Mann Act was passed the department has had its hands full of white-slave cases in which the men were punished, although they were the victims of scheming women. In fact, it has had more of these cases than those in which women were the victims of men."

I inclose the article and beg to ask that the clipping be returned to me with your reply.

Is it true that since the Mann Act was passed the Department of Justice has had its hands full of white-slave cases in which the men were punished, although they were the victims of scheming women, and that it has had more of these cases than those in which women were the victims of men, and has the department made such a statement?

May I ask whether there have been any cases in which men were punished by prosecution of the Government under this act, although the men were the victims of scheming women? May I ask how many convictions have been had under the white-slave act, and how many of these were cases where men were convicted, although it was shown that they were the victims of scheming women?

An early reply will very greatly oblige,

Yours, sincerely,

JAMES R. MANN, *Member of Congress.*

The Attorney General replied to that letter as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 6, 1915.

Hon. JAMES R. MANN,
House of Representatives.

MY DEAR SIR: Answering your letter of the 5th instant as to prosecutions under the white-slave traffic act:

While this department has been confronted with occasional cases wherein the facts have made it more or less certain that the complaining women were influenced by mercenary considerations, or themselves arranged and planned to induce the man to transport them, it is not true that it has had its hands full of such cases; nor, much less, is it true that it has had its hands full of such cases in which the men were punished; nor is it true that such cases outnumber the genuine "women-victim" cases. Therefore the statement to that effect, quoted in your letter as appearing in an article in the Chicago Tribune, is entirely unfounded, and made without authority of this department.

There have been to January 1 of this year 1,014 convictions under the white-slave traffic act since its approval; 159 acquittals; 145 cases were dismissed; and 320 cases are still pending. There is no classification of cases along the lines referred to in the article in question.

It is the belief of the department that the cases in which convictions were had are cases in which the interests of justice were subserved thereby.

Very sincerely,

T. W. GREGORY,
Attorney General.

That is the letter from the Attorney General, and while it ought not to be necessary to say that the Department of Justice is not engaged, on the very face of it could not be engaged, in prosecuting cases where they believed the accused was a victim rather than a violator of the law, still, in view of the fact that the statement was made as it was in the Tribune and various other papers of the country, I think it is proper to make this statement.

Under leave to extend I append herewith the decision of the Supreme Court in the case referred to, together with the dissenting opinion of Mr. Justice Lamar:

SUPREME COURT OF THE UNITED STATES.

NO. 628—OCTOBER TERM, 1914.

The United States, plaintiff in error, *v.* Clara Holte, in error to the District Court of the United States for the Eastern District of Wisconsin.

[February 1, 1915.]

Mr. Justice Holmes delivered the opinion of the court:

This is an indictment for a conspiracy between the present defendant and one Laudenschleger, that Laudenschleger should cause the defendant to be transported from Illinois to Wisconsin for the purpose of prostitution, contrary to the act of June 25, 1910 (ch. 396, 36 Stat., 825). As the defendant is the woman, the district court sustained a demurrer on the ground that although the offense could not be committed without her she was no party to it but only the victim. The single question is whether that ruling is right. We do not have to consider what would be necessary to constitute the substantive crime under the act of 1910, or what evidence would be required to convict a woman under an indictment like this, but only to decide whether it is impossible for the transported woman to be guilty of a crime in conspiring as alleged.

The words of the penal code of March 4, 1909 (ch. 350, sec. 37), are "conspire to commit an offense against the United States," and the argument is that they mean an offense that all the conspirators could commit, and that the woman could not commit the offense alleged to be the object of the conspiracy. For, although the statute of 1910 embraces matters to which she could be a party, if the words are taken literally—for instance, aiding in procuring any form of transportation for the purpose—the conspiracy alleged, as we have said, is a conspiracy that Laudenschleger should procure transportation and should cause the woman to be transported. Of course the words of the penal code could be narrowed as we have suggested, but in that case they would not be as broad as the mischief, and we think it plain that they mean to adopt the common law as to conspiracy and that "commit" means no more than bring about. For, as was observed in Drew *v.* Thaw (Dec. 21, 1914), a conspiracy to accomplish what an individual is free to do may be a crime (Reg. *v.* Mears, 4 Cox. C. C., 423; 2

Den. C. C., 79; Reg. v. Howell, 4 F. and F., 160), and even more plainly a person may conspire for the commission of a crime by a third person. We will assume that there may be a degree of cooperation that would not amount to a crime, as where it was held that a purchase of spirituous liquor from an unlicensed vendor was not a crime in the purchaser although it was in the seller. (Commonwealth v. Willard, 22 Pick., 476.) But a conspiracy with an officer or employee of the Government or any other for an offense that only he could commit has been held for many years to fall within the conspiracy section, now section 37 of the penal code. (United States v. Martin, 4 Cliff., 156, 164; United States v. Bayer, 4 Dillon, 407, 410; United States v. Stevens, 44 Fed Rep., 132, 140; State v. Huegin, 110 Wis., 189, 246.) So a woman may consire to procure an abortion upon herself when under the law she could not commit the substantive crime and therefore, it has been held, could not be an accomplice. (The Queen v. Whitchurch, 24 Q. B. D., 420, 422; Solander v. The People, 2 Colo., 48, 63; State v. Crofford, 133 Iowa, 478, 480.)

So we think that it would be going too far to say that the defendant could not be guilty in this case. Suppose, for instance, that a professional prostitute, as well able to look out for herself as was the man, should suggest and carry out a journey within the act of 1910 in the hope of blackmailing the man, and should buy the railroad tickets, or should pay the fare from Jersey City to New York, she would be within the letter of the act of 1910, and we see no reason why the act should not be held to apply. We see equally little reason for not treating the preliminary agreement as a conspiracy that the law can reach, if we abandon the illusion that the woman always is the victim. The words of the statute punish the transportation of a woman for the purpose of prostitution even if she were the first to suggest the crime. The substantive offense might be committed without the woman's consent; for instance, if she were drugged or taken by force. Therefore the decisions that it is impossible to turn the concurrence necessary to effect certain crimes, such as bigamy or dueling, into a conspiracy to commit them do not apply. Judgment reversed.

Mr. Justice McReynolds took no part in the consideration and decision of this case.

SUPREME COURT OF THE UNITED STATES.

NO. 628.—OCTOBER TERM, 1914.

The United States, plaintiff in error, v. Clara Holte, in error to the District Court of the United States for the Eastern District of Wisconsin.

[February 1, 1915.]

Mr. Justice Lamar, dissenting:

I dissent from the conclusion that a woman can be guilty of conspiring to have herself unlawfully transported in interstate commerce for purposes of prostitution.

Congress had no power to punish immorality, and certainly did not intend by this act of June 25, 1910 (35 Stat., 825), to make fornication or adultery, which was a State misdemeanor, a Federal felony, punishable by $5,000 fine and five years' imprisonment. But when it appeared that there was a traffic in women to be used for purposes of prostitution, debauchery, and immoral purposes, Congress legislated so as to prohibit their interstate transportation in such vicious business. That there was such traffic in women and girls; that they were "literally slaves," "owned and held as property and chattels," and that their traffickers made large profits, is set out at length in the reports of the House and Senate committees (61st Cong., 2d sess.) recommending the passage of the bill. So that an argument based on the use of the words "slaves," "enslaved," "traffic in women," "business in women," "subject of transportation," and the like—which might otherwise appear to be strained—is amply justified by the amazing facts which those reports show as to the existence and extent of the business and the profits made by the traffickers in women. The argument based on the use of these words and what they imply is further justified by the fact that the statute itself declares (sec. 8) that it shall be known as the "white slave traffic act." In giving itself such a title the statute specifically indicates that while of right woman is not an object of merchandise or traffic, yet for gain she has by some been wrongfully made such for purposes of prostitution, and that trade Congress intended to bar from interstate commerce.

The act either applies to women who are willingly transported or it does not. If it does not apply to those who willingly go (H. R. 47, 61st Cong., 2d sess., p. 10), then there was no offense by the man who transported her or in the woman who voluntarily went, and in that event there was, of course, no conspiracy against the laws of the United States in her agreeing to go. The indictment here, however, assumes that the act applies not only to those who are induced to go but also to those who aid the panderer in securing their own transportation. On that assumption every woman transported for the purposes of the business stands on the same footing, and can not by her consent change her legal status. And if she can not be directly punished for being transported she can not be indirectly punished by calling her assistance in the transportation a conspiracy to violate the laws of the United States. For if she is within the circle of the statute's protection she can not be taken out of that circle by the law of conspiracy and thus be subjected to punishment because she agreed to go.

The statute does not deal with the offense of fornication and adultery, but treats the woman who is transported for use in the business of prostitution as a victim—often a willing victim, but nevertheless a victim. It treats her as enslaved and seeks to guard her against herself as well as against her slaver—against the wiles and threats, the compulsion and inducements, of those who treat her as though she was merchandise and a subject of interstate transportation. The woman, whether coerced or induced, whether willingly or unwillingly transported for purposes of prostitution, debauchery, and immorality, is regarded as the victim of the trafficker, and she can not therefore be punished for being enslaved nor for consenting and agreeing to be transported by him for purposes of such business. To hold otherwise would make the law of conspiracy a sword with which to punish those whom the traffic act was intended to protect.

The fact that prostitutes and others have used this statute as a means by which to levy blackmail may furnish a reason why that should be made a Federal offense, so that she and they can be punished for blackmail or malicious prosecution. But these evils are not to be remedied by extending the law of conspiracy so as to treat the enslaved subject of transportation as a guilty actor in her own transportation, and then punish her because she agreed with her slaver to be shipped in interstate commerce for purposes of prostitution. Such a construction would make every willing victim indictable for conspiracy. Even that elastic offense can not be extended to cover such a case.

There are no decisions dealing directly with the question as to whether a woman assisting in her own illegal transportation can be prosecuted for conspiracy. There are, however, a number of authorities dealing with somewhat analogous subjects. For example, in prosecutions for abortion "the woman does not stand legally in the situation of an accomplice, for although she no doubt participated in the immoral offense imputed to the defendant, she could not have been indicted for the offense. The law regards her as the victim rather than the perpetrator." (Dunn v. People, 28 N. Y., ——; Commonwealth v. Wood, 11 Gray, 86; State v. Hoyer, 39 N. J. Law, 608; State v. Murphy, 27 N. J. Law, 114; Commonwealth v. Follanbee, 155 Mass., 274; State v. Owen, 22 Minn., 244; Watson v. State, 9 Tex. App., 238. Keller v. State, 102 Ga., 510 (seduction). Contra apparently in England and Colorado. Queen v. Whitchurch, 24 Q. B. D., 240; Solander v. People, 2 Colo.) So, too, a person who knowingly purchases liquor from one unauthorized to sell it is not guilty of a criminal offense and is not an accomplice. (State v. Teahan, 50 Conn., 100; Commonwealth v. Pillsbury, 12 Gray, 126; People v. Smith, 28 Hun., 626; affirmed on opinion below; 92 New York, 661; State v. Roslin, 37 Minn., 212.)

Where the purchaser of liquor sold in violation of law was prosecuted for inducing the seller to commit a crime, the court said:

"Every sale implies a purchaser; there must be a purchaser as well as a seller, and this must have been known and understood by the legislature. Now, if it were intended that the purchaser should be subject to any penalty, it is to be presumed that it would have been declared in the statute, either by imposing a penalty on the buyer in terms or by extending the penal consequences of the prohibited act to all persons aiding, counseling, or encouraging the principal offender. There being no such provision in the statute, there is a strong implication that none such was intended by the legislature." (Commonwealth v. Willard, 22 Pick., 479.)

United States v. Dietrich (126 U. S., 667), though not directly in point, sheds light on the subject. There two persons were indicted under Revised Statute 5440 for conspiring to violate that law of the United States (Rev. Stat., 1781) which makes it a criminal offense to agree to give or to receive a bribe. The court held that agreeing to give or receive a bribe was the substantive offense and not a conspiracy. For when an offense, as bigamy or adultery, requires for its completion the concurrence of two persons, "the Government can not evade the limitations by indicting as for a conspiracy."

And in Queen v. Terryll (1 Q. B., 711), where a girl under 15 years of age was prosecuted for inciting a man to commit adultery with her, one of the judges considered that she could not be found guilty, because she was under the age of consent, and the other said that the statute did not apply because "there is no trace in the statute of any intention to treat the women or girls as criminals."

Applying these cases it appears that under the white-slave traffic act there must be a woman who is transported and a person who compels or induces her to be transported or who aids her in such transportation. "There is no trace in the statute of any intention to treat the women or girls as criminals" for being transported nor for agreeing that they will be transported, nor for aiding in the transportation. And if, as said in Commonwealth v. Willard (22 Pick., 479), Congress had intended that they should be subject to indictment for conspiracy, "it would have so declared by extending the penal consequences of the prohibited act to all persons aiding, counseling, or encouraging the principal offender." There being no such provision in the statute, there is a strong implication that none such was intended by the legislature.

To this may be added the practical consideration that any construction making the woman liable for participation in the transportation will not only tend to prevent her from coming forward with her evidence, but in many instances she will be in position to claim her privilege and can refuse to testify on the ground that she might thereby subject herself to prosecution for conspiracy in that she aided in the violation of the law, even though it was intended for the protection of her unfortunate class.

The woman, whether treated as the willing or an unwilling victim of such transportation for such business purposes, can not be found guilty of the main offense nor punished for the incidental act of conspiring to be enslaved and transported. Indeed, if she could be so punished for conspiring with her slaver, the fundamental idea that makes the act valid would be destroyed. She would cease to be an object of traffic; and instead of being the subject of illegal transportation would not be transported by a slaver as an object of interstate commerce, so as to be subject to regulative prohibitions under the commerce clause, but would be voluntarily traveling on her own account and punishable by the laws of the State for prostitution practiced after her arrival.

I am authorized to say that Mr. Justice Day concurs in this dissent.

True copy.

Test:

Clerk Supreme Court United States.

Mr. TAYLOR of Colorado. Mr. Chairman, by permission of the chairman of the committee, I ask unanimous consent to return for a moment to page 111 of the bill for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to recur to page 111 of the bill for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 111, after line 12, by inserting the following as a paragraph:

"Rocky Mountain National Park, Colo.: For protection and improvement, $8,000."

Mr. TAYLOR of Colorado. Mr. Chairman, a few days ago I reported and the House passed a bill creating the Rocky Mountain National Park in Colorado. The bill was approved by the President on the 26th of January. The Treasury Department and the Interior Department have made a report to the committee recommending an appropriation of $8,000 for the next fiscal year and $3,000 for the remainder of the current year. My understanding is that the $8,000 should go into this bill and that the $3,000 should be included in the emergency deficiency appropriation bill when it is brought in, in compliance with the recommendations of the Interior Department and the

Treasury Department, which have been approved by the President.

The estimates that I refer to are as follows:

ESTIMATE OF APPROPRIATION, ROCKY MOUNTAIN NATIONAL PARK.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 30, 1915.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication of the Secretary of the Interior of this date submitting two estimates of appropriations for the protection and improvement of Rocky Mountain National Park, Colo., under the act entitled "An act to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes," approved January 26, 1915 (Public, No. 238), as follows:

For the fiscal year 1916	$8,000
For the fiscal year 1915	3,000

Respectfully,

W. G. MCADOO, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1915.

DEAR MR. SECRETARY: The act of Congress approved January 26, 1915, to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes, sets apart certain lands in that State as a public park for the benefit and enjoyment of the people of the United States, and places the same under the supervision of the Secretary of the Interior. The act, however, makes no appropriation for administration of the park, but it provides (sec. 4) that no appropriation for maintenance, supervision, or management of the park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law.

With a view to carrying into effect the provisions of the statute requiring the Secretary of the Interior to supervise the management of the park I have to submit herewith two estimates for protection and improvement of the Rocky Mountain National Park in amounts, respectively, $3,000 for that portion of the current fiscal year between February 1 and June 30, 1915, and $8,000 for the fiscal year ending June 30, 1916, together with a memorandum as to the proposed expenditure thereof, and have to recommend that the same be transmitted to Congress for favorable consideration. These estimates have been submitted to the President and have received his approval.

Cordially, yours, FRANKLIN K. LANE.

The SECRETARY OF THE TREASURY.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1916, by the Department of the Interior.

Rocky Mountain National Park, Colo.—
For protection and improvement of Rocky Mountain National Park, Colo., Jan. 26, 1915 (Public, No. 238)..... $8,000

MEMORANDUM AS TO THE PROPOSED EXPENDITURE OF THE AMOUNT ESTIMATED FOR PROTECTION AND IMPROVEMENT OF ROCKY MOUNTAIN NATIONAL PARK FOR THE FISCAL YEAR ENDING JUNE 30, 1916.

One supervisor	$1,800	
Two permanent rangers, at $900 each	1,800	
Two temporary rangers, at $75 per month each, for six months, for fire protection	900	
		$4,500
Construction of 15 miles of telephone line from ranger station Bierstadt Lake, eastern side of park, over Flat Top Mountain, down North Inlet, to Grand Lake on western edge of park, including wire, poles, labor, and apparatus		1,000
Ranger cabins, repair of trails, rent of temporary office in Estes, telephone service, telegraphing, printing, and other miscellaneous expenses, including an edition of 5,000 copies of an administrative map of the park prepared in the Geological Survey		2,500
		8,000

Rocky Mountain National Park, Colo.—
For protection and improvement of Rocky Mountain National Park, Colo., Jan. 26, 1915 (Public, No. 238)..... 3,000

MEMORANDUM AS TO THE PROPOSED EXPENDITURE OF THE AMOUNT ESTIMATED FOR PROTECTION AND IMPROVEMENT OF ROCKY MOUNTAIN NATIONAL PARK FOR THE FISCAL YEAR ENDING JUNE 30, 1915.

One supervisor, 5 months, at $1,800	750	
Two permanent rangers, 5 months, at $900 each	750	
		$1,500
For improvements		1,500
		3,000

Mr. Chairman, I move the adoption of the amendment I have offered.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado.

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

The Clerk read as follows:

DEPARTMENT OF COMMERCE.

LIGHTHOUSE SERVICE.

General expenses: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals, and fog signals, the establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That any oil or carbide house erected hereunder shall not exceed $550 in cost; construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees and field force while engaged on works of general repair and maintenance, and pay of laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,775,000.

Mr. PARKER of New Jersey. Mr. Chairman, I move to strike out the last word. I make the motion as preliminary to a statement I desire to make leading up to a request for unanimous consent to recur to pages 112 and 113 of the bill to the items respecting Howard University, which were struck out of the bill on a point of order made by the gentleman from Mississippi [Mr. SISSON]. I do so in order that I may call to the attention of the Chair a law which seems to have escaped the attention of the chairman and the members of the committee, and which is to be found in Twenty-seventh United States Statutes at Large, page 327. This law also seems to have escaped the attention of the Secretary in drawing up the estimates, although it is contained in the United States compiled statutes. The Chair will, of course, realize that when there is in the appropriation "for maintenance of Howard University," the question instantly arises in everyone's mind as to whether that means maintenance for just that particular year or maintenance hereafter.

ANNUAL REPORTS AND ESTIMATES.

On those words alone it would be construed as applying only to that particular fiscal year, but I find that in the years 1891, 1892, and 1893 there was a provision for an annual report; that the officers of the institution should report annually to the Secretary of the Interior, and in the year 1892 those words were followed by the statement that the Secretary of the Interior should send in estimates for the next fiscal year. I desire to read the exact words which occur after the use of the words "for maintenance of Howard University," and also providing that part of the money should be paid by the United States and part by voluntary donations. The law of 1892 then reads as follows:

And the proper officers of said university shall report annually to the Secretary of the Interior how the appropriation is expended; and the Secretary of the Interior shall estimate in detail for the next fiscal year the items of expenditure provided for in this paragraph.

Mr. Chairman, I respectfully submit to the Chair that this House would never want to be governed, nor would the Chairman, by the decision which the Chair made without seeing a law which has been overlooked. I submit also that when the law says "annually" it defines the maintenance as being through a course of years and permanent, and not for that particular year, and when, after providing that the officers of the institution shall report annually how the appropriation was expended and that the Secretary of the Interior shall estimate in detail for the next fiscal year the items of expenditure provided for in the paragraph, it is in fact a direction permanently to include this institution in the estimates upon which appropriations are to be made, and therefore construes the words "for the maintenance of Howard University" as though it read "for the maintenance hereafter of Howard University."

I felt it to be my duty to bring this matter immediately to the attention of the committee. I want to say that I am somewhat embarrassed by the absence of the gentleman from Mississippi [Mr. SISSON], whom I do not see in the Chamber at the present time, but when he returns I desire to ask unanimous consent to recur to the items for the purpose of bringing the matter again to the attention of the committee.

Under the leave to extend his remarks, Mr. PARKER of New Jersey submits the following:

The question arises under Rule XXI, clause 2—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuance of appropriations for such public works and objects as are already in progress.

EDUCATION A PUBLIC WORK.

Argument may justly be made that education is a public object. A national university was urged by Washington. Schools are maintained and aided in all of our appropriation bills. This university is in the District of Columbia, a territory wholly sub-

ject to the jurisdiction of the United States, and any school or college within that District is doing a public work for the benefit of the people of that District and for the country.

Appropriations for that public work may be continued under the second clause of the rule.

The university was incorporated by special act of Congress March 2, 1867. (14 U. S. Stats., p. 438.)

It has done a great public work, not exclusively confined to the colored race, but especially among them, and its benefits are admitted by all.

MAINTENANCE IMPLIES CONTINUATION AND IMPROVEMENT.

The appropriation is for maintenance. This very word involves the continuance of previous appropriations.

Maintenance of Howard University means also permanent continuance of that institution. The first meaning of maintenance is "to hold or preserve in any particular state or condition; keep from falling, declining, or ceasing." It does not mean merely to pay expenses.

This appropriation has always included details for tools, book shelving, furniture and fixtures, improvement of grounds and repairs of buildings, and materials and apparatus for laboratories. All these are permanent.

The word "maintenance" is explained by this bill. We have maintenance of the Panama Canal, of the zone, of lights for shipping.

An appropriation to maintain or preserve an institution necessarily involves authority to continue to preserve it, or else it would not be maintained or preserved.

ANNUAL APPROPRIATIONS CONTEMPLATE FUTURE.

The act of 1892 (27 Stats., 372, Aug. 5, 1892) expressly provides for the future, as already quoted, that there shall be annual reports and annual estimates in detail for the next fiscal year. The language as to appropriation for maintenance is as follows:

And the proper officials of said university shall report annually to the Secretary of the Interior how the appropriation is expended, and the Secretary of the Interior shall estimate in detail for the next fiscal year the items of expenditure provided for in this paragraph.

If the officials of the university are obliged to report annually how the appropriation is expended, this certainly is a law authorizing such appropriation, and, if on receiving such reports, the Secretary is to estimate in detail for the next fiscal year, the authority to estimate implies the authority to appropriate.

Certainly the word "annually" ought to be as strong as the word "hereafter."

PERMANENT REGULATIONS "HEREAFTER."

By the sundry civil appropriation bill of July 1, 1898, there was a proviso that no part of that appropriation should be used for the theological department or be paid until the university should give to the Secretary of the Interior or his agents authority to visit and inspect such university and to control and supervise all the moneys appropriated, and then a permanent regulation is made.

The president and directors of the Howard University shall report to the Secretary of the Interior the condition of the institution on the 1st day of July of each year, embracing therein the number of pupils received and discharged or leaving the same for any cause during the preceding year and the number remaining; also, the branches of knowledge and industry taught and the progress made therein, together with a statement showing the receipts of the institution and from what sources and its disbursements and for what objects. (30 Stats., 624.)

Howard University then became a Government institution, with absolute Government control as to its expenditures; and by the sundry civil appropriation bill of March 3, 1899 (30 Stats., 1101), the magic word "hereafter" is used. It is provided that thereafter no part of the appropriation shall be used for the theological department or be paid until the university should give the Secretary of the Interior or his agents full authority and power to visit and inspect the university and control and supervise the expenditure of all the appropriations.

Provided, That hereafter no part of the appropriations made by Congress for the Howard University shall be used, directly or indirectly, for the support of the theological department of said university, nor for the support of any sectarian, denominational, or religious instruction therein: *And provided further*, That no part thereof shall be paid to said university until it shall accord to the Secretary of the Interior, or to his designated agent or agents, authority to visit and inspect such university and to control and supervise the expenditure therein of all moneys paid under said appropriations.

CONTROL WAS EXERCISED.

The institution thereupon became thereafter for all time such a public institution of the District of Columbia and absolutely subject to the control of the Secretary of the Interior, so far as appropriations were concerned.

The United States exercised such absolute power. By the sundry civil act of March 3, 1903 (32 Stats., 1113), a new Freedmen's Hospital building was authorized, the cost to be charged one-half to the District—

Provided further, That the trustees of Howard University shall be required to supply all medical and surgical service without cost to the United States or to the District of Columbia.

That requirement certainly treats them as a public institution, and by the sundry civil appropriation bill of April 28, 1904 (33 Stats., 488), a whole block of 11 acres was retroceded to Howard University on condition that they make to the United States a perpetual lease at $1 a year for the purposes of the Freedmen's Hospital.

Freedmen's Hospital: The appropriation of $50,000 made by the sundry civil appropriation act for the fiscal year 1904 is hereby continued for the fiscal year 1905: *Provided*, That the tract of land lying and being between Sixth and Fourth Streets and between Pomeroy and College Streets, in the city of Washington, D. C., containing approximately 11 acres of ground, be, and the same is hereby, retroceded to Howard University upon the condition that the said Howard University shall make and execute to the United States a perpetual lease for the nominal rental of $1 per annum, and that upon the execution of such lease to the satisfaction of the Secretary of the Interior said Secretary shall cause to be erected on the ground so retroceded and leased the new hospital for freedmen provided for by the act above referred to. (33 Stats., 488.)

By the act of March 3, 1905 (33 Stats., 1190), all moneys paid by the District for charity patients in the hospital shall go to the Secretary of the Interior.

I have confined myself to the statutes. It is hardly needful to go into the history of Freedmen's legislation, of their pay and bounties which remained in the United States Treasury, of the many committee reports urging that this money should be used for the education of colored youth, or of the good work done by this institution. The theological department has been abandoned; the moneys appropriated goes to manual training, schools in science, law, and medicine, and this last school furnishes the physicians for the Freedmen's Hospital free of cost to the United States. (Book of Estimates for 1916, p. 840.)

The statutes contemplate the maintenance of this great public work in the District, its continuance, and appropriation therefor. The institution itself is made subject to the visitation, inspection, and control of the Secretary of the Interior. In the face of all this, objection has been made there were no statutes authorizing the expenditure in this university and that there was no continuance of appropriation for a public work and object that is already in progress. Stranger still, these statutes are not recited in the Book of Estimates, although they are found in the public Compiled Statutes (p. 1278) and in the supplement (p. 384). Stranger still, this does not seem to be known to any member of the Appropriations Committee; and on this objection the paragraph was allowed to go out by default.

DISCONTINUANCE OF APPROPRIATION A GREAT PUBLIC CALAMITY.

It is in a way material to the point of order that the discontinuance of this appropriation would be a great public calamity; it is only such a calamity because it is the discontinuance of a great public work. I print, as an appendix, an editorial in a Washington newspaper of to-day which shows how this matter is regarded by the public:

[From the Washington Times, Saturday, Feb. 13, 1915.]

HOWARD UNIVERSITY.

Closing the doors of Howard University, or seriously impairing its work, will mean a serious backward step in the development of the colored race. One or the other of these effects will be the result of the withdrawal of the annual Government allotment of $101,000 to that institution. Congressman SISSON succeeded in having the House eliminate the item by making a point of order, in the face of open protest of other southern Members.

Howard University has long been criticized for not embarking upon industrial work, similar to that of Tuskegee. Many institutions are now giving such work. Howard is the only institution of its kind in the country affording virtually the same education for the colored students that white academic colleges give white students. Moreover, Howard University has not had the funds to develop its work beyond that outlined when it was founded. But within its present scope it has grown and kept abreast of the times. No one will deny the utility of its splendid medical school, which has sent forth physicians to minister among colored persons, splendidly equipped not only for their professional task but to be leaders among their people.

Congressman SHERLEY, speaking as a southerner, questioned the wisdom of crippling Howard University. He admitted, as will many of its faculty, that an enlargement of its work would be beneficial. But the way to such a growth is not by the withdrawal of Government funds which are practically indispensable to its maintenance.

The National Capital owes a peculiar duty to the colored folk. They are here in large numbers. It was a pointed coincidence that this assault upon the only opportunity afforded here for their higher education should have been made on the birthday of the Emancipator, whose action brought them to Washington in such large numbers. Whatever its limitations in curriculum, no one will deny that Howard University, and the men associated with it, have stood for the progress and betterment of the colored race, and such leaders as Booker T. Washington have frequently testified to its radiating influence among the colored race.

Mr. FITZGERALD. Mr. Chairman, I am in favor of the appropriations for Howard University, but it is contrary to the

practice of the House to grant consent to return to a paragraph taken out of the bill upon a point of order made by a Member unless he is present when the request is made.

Mr. PARKER of New Jersey. That is true. I have not made the request as yet, and I want to reserve the right to make the request when the gentleman from Mississippi returns.

Mr. FITZGERALD. I would not object, and I think the gentleman from Mississippi will be here shortly.

Mr. PARKER of New Jersey. I certainly would like to make the request, but I thought it my duty to bring the matter to the attention of the members of the Committee on Appropriations and to the attention of the Chair as soon as I could, although deferring the making of the request until the gentleman from Mississippi returns to the Chamber may involve repeating something that I have said.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. MANN. Mr. Chairman, before the Clerk reads, I move to strike out the last word. This is the item for lighthouses and lighthouse establishments, and carries an appropriation of $2,775,000. Two years ago I helped to pass through Congress a law reorganizing the Lighthouse Service, and it has been said by the department that that law resulted in a saving to the Government of in the neighborhood of a half million dollars a year. A few days ago the House passed a law reorganizing the Life-Saving and Revenue-Cutter Service and called it the Coast Guard Service. When that item of appropriation in reference to the Coast Guard Service came up in the House I stated that, based upon the figures in the bill, the new law would cost the Government $411,200 more for next year than would have been the case if the reorganization law had not passed. The gentleman from New York corrected me and stated that the exact additional expense by reason of the new law was $386,228. I find upon examination that we were both in error, and that the figures which I gave were not large enough; and as his figures were less than mine, he was still further away from the correct fact. The increased cost of the Coast Guard Service by reason of the reorganization is $414,028 for a year, as shown by the estimates.

The appropriation is not increased so much as that, because in making their estimate the department found that it could get along with making use of $7,800 on account of the dockage of cutters appropriation having been larger than necessary, and they could get along without using $20,000 of the appropriation under the act of 1882 as amended; but this had nothing to do with the reorganization. The reorganization of the service under the report of the estimates increased the expense by nearly half a million dollars, or $414,028, and it is an odd circumstance that in making their estimates they make the estimates for clothing allowance as follows: Clothing allowance, 1,997 surfmen, at 45 cents, $89,865. If the 45 cents were in figures with a decimal point, it would be easy to see how they might make a mistake, but as the cents are written out, it is not possible to understand how they could make a mistake, when they meant $45. Of course, clothing allowance, 45 cents to a man, would not amount to much.

Mr. FITZGERALD. The gentleman has been discussing the estimates submitted. The committee added to the amount carried in this bill last year, because of the mandatory provision of the Coast Guard bill, $386,000. If the gentleman can not find the figures in the estimates, I know it was added, because I added it.

Mr. MANN. Well, the gentleman is again mistaken.

Mr. FITZGERALD. No; I am not mistaken.

Mr. MANN. The gentleman added $326,228; his figures are correct; but the estimates state in language that is explicit, "Summary of additional expense, $414,028." From this should be deducted, dockage of cutters, $7,800, and of the items $70,000 for claims arising under sections 7 and 8 of the act of May 4, 1914, is deducted $20,000, which would have been unexpended in any event, because the appropriation was too large, and it was included in one lump-sum appropriation. Perhaps the appropriation is only increased by the amount named; but the additional expense of reorganization is nearly half a million dollars, which is quite in contrast with the half a million dollars which was saved by the reorganization of the Lighthouse Service.

The CHAIRMAN. The pro forma amendment of the gentleman will be considered as withdrawn.

The Clerk read as follows:

St. Johnsbury (Vt.) station and Holden (Vt.) auxiliary station: Superintendent, $1,500; foreman, $1,200; fish-culturist, $900; skilled laborer, $720; four laborers, at $600 each; in all, $6,720.

Mr. MARTIN. Mr. Chairman, I move to strike out the last word. I notice that the usual force for an ordinary fish-cultural station throughout the country seems to be a superintendent and a fish-culturist and two or more laborers. I notice that in some of these that in addition to that arrangement there is also a foreman, or, in some instances, two or more foremen, and an engineer. I would like to ask what is the difference in the requirement or system that necessitates a foreman to be appropriated for at some stations and not at others?

Mr. FITZGERALD. It all depends upon the size and character of the operations carried on. Some have small ponds, others have ponds and hatcheries combined. It depends upon the expensive character of the plant.

Mr. MARTIN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Fish hatchery, Louisville, Ky.: For addition to the Louisville (Ky.) fisheries station, including the construction of buildings and ponds, and for equipment, to be immediately available, $20,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee about this increase for fish hatcheries. They were established in the beginning at the amount of $25,000, and there is an increase I notice in some of them. Is that to enlarge the hatchery over the original intention?

Mr. FITZGERALD. I do not know what the original intention was.

Mr. FOSTER. What was the amount of the first appropriation?

Mr. FITZGERALD. Why, it is to provide these accessories necessary for a hatchery, to make workable and useful the hatchery. This is a combined ponds and hatchery.

Mr. FOSTER. Well, I notice on the next page there is one for Saratoga, Wyo., which is $18,000 more. Now, what I want to get at is, when we allow the amount of $25,000 for the establishment of a fish hatchery, is this an increase over the original amount or an enlargement? I mean, is it to complete what was intended to be done in the first instance or to increase the equipment?

Mr. FITZGERALD. When the original appropriation was made there was no limit of cost placed, and there was no limited plan as to what would be done. In the Louisville hatchery the State donated the ground, and the work of establishing a hatchery there was begun. It is estimated that $30,000 will be required to complete it. This bill carries $20,000 of the $30,000. Six thousand dollars is for a hatchery building, $2,000 for a hatchery equipment, then about $5,000 for four breeding ponds, and $7,000 for rearing ponds. This hatchery is so located that they have what is known as the combined hatchery—breeding ponds and hatchery buildings. Without additional facilities the plant can not be utilized in the manner which is desirable and necessary. These plants are not established as the result of some law or some special act, but they are established by items placed on appropriation bills which the House is compelled to accept in lieu of something more indefensible. It comes to a choice of evils, and these fish hatcheries, as they really accomplish some good, are a benefit to people generally, and are accepted in place of something else.

Mr. FOSTER. What I was trying to get at was that these fish hatcheries were established and were supposed to be at a limit of cost.

Mr. FITZGERALD. There never was a limit of cost.

Mr. SHERLEY. If the gentleman really desired information instead of desiring to call attention to the item because I happen to be on the committee, I will say to him that there never has been a hatchery that has been completed for $25,000, and no hatchery probably can be completed for that amount. And this item is two-thirds of the amount that was estimated by the department. The committee did not feel that it ought to allow the $30,000 they asked, and therefore cut it to $20,000. The purpose is to finish the buildings there, so as to have a complete hatchery and have complete breeding ponds for the purpose for which the hatchery was originally established.

Mr. FOSTER. I will say to the gentleman from Kentucky that I did not have a desire to talk about the one at Louisville, Ky., especially; but I wish to know that if the $25,000 is appropriated, it means the station is to be completed for $25,000?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Or whether that means the beginning and then any amount that Congress sees fit to appropriate in order to complete the station?

Mr. SHERLEY. I can only answer the gentleman by saying that in every instance I now recall the hatcheries have cost over $25,000 before they were permanently equipped. Many have cost many, many times that, according to the magnitude of them. I think it is well for the House to understand that a fish hatchery can not be completed for $25,000 if it is to be a hatchery of any magnitude sufficient to warrant its establishment.

Mr. FOSTER. That is the information I desired to have from the committee, so that it might be understood at the time these fish hatcheries are established.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MOORE. Mr. Chairman, I move to strike out the last two words.

I suppose I should not take advantage of the discussion that has just taken place between the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. FOSTER] with respect to the membership of one or the other of them upon any important committee of the House. I think any member of a committee has as much right to have his bills considered as any other member, and that we should all stand for equal rights in matters of that kind. Of course there should be no special privileges to anyone because he happens to be a member of a powerful committee.

But what interests me with respect to these fish-hatchery items is that whereas allowances are made for additions to plants, in that other very important work of making additions to buildings at arsenals, where the business of the Government is being carried on and where there is very great congestion both as to space for machinery and as to the labor facilities for the men and women who are employed there, it is very difficult—in fact, it is sometimes contrary to the policy of some large committees, like the Committee on Appropriations—to make any allowances at all. While in such cases there seems to be very great impropriety in coming in and asking for any additions or extensions which involve economy and a Government saving by reason of the waste resulting from inadequate facilities, the situation is different when it comes to fish hatcheries. Now, it may be more important to erect and to extend fish hatcheries for the purpose of propagating fish than it is to safeguard the lives of the Government's employees in the arsenals. I dispute the proposition, but the inference is drawn from the manner in which these appropriations are made. Probably $75,000 is allotted here to various fish hatcheries for the purpose of making additions and extensions. That $75,000 is intended to pay the salaries of men who are employed at these stations and to erect buildings in order that there may be more spawn and more fish on inland streams. It is all very well; we want the fish; but why should we not have erected certain very important additions to arsenals in certain sections of the country where there is sore need for more working space in order to safeguard the lives of the men and women who are employed in doing the business of the Government?

Apart from that, Mr. Chairman, it is interesting to note that while it is difficult to secure appropriations for these very needful purposes of the Government at the arsenals, we are able to make appropriations for additions and extensions at the hatcheries at a time when we might economize and thus save the administration from the pain of making up a deficit. It is also worth noting that while we can not spend money to safeguard lives and protect the property of the Government at the arsenals we are able to find money not only for the hatcheries but for the purpose of installing a cold-storage plant, apparently to preserve the fish, or fur seals, or something of that kind, in Alaska and on the Pribilof Islands. Now, this is a good thing to remember, when, in the heat and stress of a blistering summer's sun, men and women are forced to stand in the open in an arsenal and do the dangerous work of preparing the implements of war to protect the Government and at the daily risk of being blown into eternity, a part of the money that is being appropriated for hatcheries would give the arsenal workers the necessary relief and put the Government on a par with private employers in the treatment of faithful employees. I would not "carry coals to Newcastle" nor deny cold storage to Alaska. Perhaps they need it up there, but cold storage at Government expense in Alaska to preserve the fish or possibly our fur-seal skins ought not to prejudice the necessary buildings in our arsenals that would give the Federal employees proper protection against the dangers that beset them in their work.

Mr. SHERLEY. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] has just given an exhibition of as unfair and as ignorant a statement as to the facts as it is possible for any human being to give. It is unfair, because he undertakes to impute motives that he would resent if they were imputed to him and which he would not actually stand for and does not seriously mean to imply now. It is ignorant, because it shows a total lack of appreciation of the facts as they exist.

There never has been any disposition on the part of the Committee on Appropriations to deal unfairly with the arsenals of America, but not even the Treasury of the United States could keep pace with the appetite of the gentleman from Pennsylvania, and whenever he is not placated to the extent of 100 per cent of his demands he feels it in order to say something about the motives of other men. He also undertakes to get facetious about an ice plant in Alaska, and talks about the absurd waste of money for such a purpose when men's health and lives are in need or in peril in Philadelphia.

Now, if he had read the RECORD and knew anything about what he was talking about, he would know that the ice plant was for the purpose of preserving food for the people of Alaska, and that it was an absolute necessity for the health of the people there; and instead of its being one of these extravagant wastes that he facetiously talks about, it was just in the interest of humanity and life that the gentleman pretends such a solicitude about. Now, touching the Louisville fish hatchery, I am glad to say this—and I am glad that the gentleman's speech has afforded me an opportunity to say it—that I have been for 12 years a Member of the House, and I have been a member of the Committee on Appropriations for more than half that time, and no instance can be found where I have in any way sought to use my committee position for the special benefit of my district or against any Member or any district. There was put into the sundry civil bill while the Republicans were in control, as the result of a provision inserted in the Senate and concurred in by the House, an item for a hatchery at Louisville, Ky. There was appropriated $25,000 for it. The State of Kentucky gave the land for the hatchery adjoining the State fair grounds, and it is situated just outside the city of Louisville, with ample rail and river facilities, and the city of Louisville has recently built a boulevard around the city that passes through the edge of this property. It is so situated that it will supply conveniently and properly a very large area of the country.

I do not believe that because I happen to be a member of the committee any favor should be shown to this hatchery. On the other hand, I do not believe there should be any discrimination against it or that there is any reason for an attack upon the item because I happen to be a member of that committee. The committee, in considering all the items which go to make up the sundry civil bill, carrying over $100,000,000, of necessity have to reject some and grant others. It is very easy for gentlemen to pick some item that they are not in sympathy with or which they do not think is important and then contrast it with some item that they are concerned in, and undertake to reflect thereby upon the judgment and the motives of the members of the committee. I am always willing and glad to have the action of the Committee on Appropriations reviewed by the House, and the gentleman from Pennsylvania ought to be the last man in the House to make complaint. It so happens that I have been responsible for a greater enlargement of the arsenals of the United States and of the work that is done in the arsenals than any other man in Congress in the last five years, and I have shown no disposition to discriminate. But I repeat that not even the Treasury of the United States is able to keep pace with the appetite of the gentleman from Pennsylvania.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Fur-seal islands, Alaska, cold-storage plant: For purchase and installation of a cold-storage plant on the Pribil Islands, to be immediately available, $3,000.

Mr. MANN. Mr. Chairman, is that word "Pribilof" Islands spelled correctly there?

The CHAIRMAN. No. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF STANDARDS.

Testing of large scales: For investigation and testing of railroad track scales, elevator scales, and other scales used in weighing commodities for interstate shipments and to secure equipment and assistance for testing the scales used by the Government in its transactions with the public, such as post office, navy yard, and customhouse scales, including personal services in the District of Columbia and in the field, $40,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE. Mr. Chairman, while I made no direct reference to the gentleman from Kentucky [Mr. SHERLEY] nor to the Louisville item, so far as I recall, and had no intent to strike out the item, I did have in mind calling the attention of the committee to the fact that economy might be exercised on fishery projects, just as it is exercised upon arsenal projects.

It seems to me the comparison was fair and should not have evoked any special criticism from a member of the Committee on Appropriations. I have the highest respect for the gentleman from Kentucky, holding him to be one of the very ablest and best Members of this House. But he is human, like all other Members of this body, and he stands forcefully and heroically for those projects in which the people of his community are interested. He would be untrue to them if it were not so, and he ought to be thankful to me for having drawn attention to the hatchery matter, which has given him the opportunity to make one of the finest speeches of his career, a speech which was fired with the spirit of economy and a desire to serve the public weal. He did use the word "ignorant" in a manner that might have been regarded as offensive by one who does not love him as much as I do, but I take no exception to that, knowing how little he meant to apply that term to me, and knowing that when he comes to think it over and kneels him down by the side of his little bed to-night to ask forgiveness of his Creator for all his sins he will take it back. I think I know him well enough to say that I do not misjudge him in that regard.

However, Mr. Chairman, while we are discussing the matter of economy, desiring to save money by not erecting too many additions to arsenals and not maintaining the same policy toward the hatcheries, it seems to me we might call attention to one or two of these duplications of Government work that crop up occasionally in a bill of this kind. Here we have the Bureau of Standards, with an appropriation of $40,000 for the investigation and testing of railroad track scales, elevator scales, and certain other things.

In this connection it seems to me that the Bureau of Standards, a very important branch of the Government service, has been neglected, so far as its usefulness is concerned. The large committees of the House have not observed its usefulness with that care which they apply to appropriations intended to develop arsenals and to safeguard the lives of those who are employed therein.

What is the purpose of the Bureau of Standards? It is to do the work of ascertaining weights, measures, values, fixing standards, and so forth, for which we are constantly making appropriations to other departments, as, for instance, with respect to cotton and grain. We make separate appropriations to test, and fix standards for cotton and for grain. If we are going to economize, why have three or four branches of the Government service to do this one line of work? The Bureau of Standards was intended for that purpose. In the bill making appropriations to the Department of Agriculture, which passed the House a couple of weeks ago, we added to the general confusion on this subject. We provided a $5,000 appropriation to test and establish standards for naval stores. Now, when we are economizing with regard to fish hatcheries, and particularly with regard to the arsenals of the country, why do we not also economize with respect to the Bureau of Standards and draw in some of these various and extraneous avenues of employment for Government officials and concentrate the work where it ought to be, with the Bureau of Standards?

I do not know whether I will get a rise out of the gentleman from Kentucky for making this inquiry or not.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KONOP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

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.

The message also announced that the Senate had agreed to the reports of the committees of conferences on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 19545. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20562. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF LABOR.

IMMIGRATION SERVICE.

For enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; salaries and expenses of all officers, clerks, and employees appointed to enforce said laws, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation; refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; and including not exceeding $2,000 for operation, maintenance, and repair of motor-propelled passenger-carrying vehicles; all to be expended under the direction of the Secretary of Labor, $2,450,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. The Committee on Immigration and Naturalization frequently has before it questions relating to the deportation of Chinese who are unlawfully in this country. Here is an appropriation of $2,450,000 for the general purposes of the Immigration Service, which include—

preventing the unlawful entry of Chinese into the United States by the appointment of suitable officers to enforce the laws in relation thereto; expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation.

It would appear from that, and from the general powers conferred upon the Department of Labor and the Immigration Service, that about all the department desires for the treatment of the Chinese in the United States, including their immigration hither and their deportation from this country, is provided for; that is to say, we make an appropriation equal to all their requirements, or all their demands, and to cover this specific service.

Complaints are constantly made to the committee with respect to Chinese, and a number of bills are now under consideration looking to the further deportation of Chinese, to the registration of such Chinese as are in the country, and to the broader question of exclusion. There are some who would like to exclude all Chinese absolutely from the United States. But it would seem, as I say, that in appropriating $2,450,000 we appropriate about all the money that the Department of Labor desires for the purpose of dealing with this question. Yet in the act approved August 23, 1912, to create the Commission on Industrial Relations, which came to this House for an appropriation a few days ago, we find that a part of its province—I will not say its duties, because it was without any particular responsibility, but a part of the work which it has taken to itself—was to inquire into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of—

smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining said admission, and shall report to Congress as speedily as possible, with such recommendations as said commission may think proper to prevent such smuggling and illegal entry.

With respect to the Bureau of Standards, a moment ago I raised a question as to the duplication of Government work and the duplication of expenditure for Government work in these times of economy. It would appear that we have just appropriated $100,000 for the Industrial Relations Commission to do the exact work that has already been conferred upon the Department of Labor in the Immigration Service. It may be that the Industrial Relations Commission will stir up something or learn of some conditions somewhere of which the Department of Labor itself does not have knowledge. But so far as all we know in the Committee on Immigration and Naturalization, the Department of Labor is as fully informed upon this subject of the Chinese, and the existing Immigration Service is as fully informed as if there were a thousand industrial relations commissions going over the country at the expense of $500,000 for three years. The Department of Labor is in charge of this work, and yet we are called upon to make an additional appropriation of $100,000 to give a handful of men the opportunity to travel over this country, making an investigation at the public

expense of questions upon which the Government officials are already fully informed. While we are discussing economy, it would seem that we might also consider this palpable duplication of public work.

Mr. SMITH of Minnesota. Mr. Chairman, I move to strike out the last word. I wish to inquire of the gentleman in charge of the bill why it is that they have not given the department the amount of money asked for for this service? I notice that last year the department used $2,649,500, and that the appropriation this year is $2,450,000. I would like to know why there is less appropriated this year than last?

Mr. FITZGERALD. The department will not expend within $300,000 of the appropriation this year, and there is no prospect that conditions will so change in the next year that there will be any larger immigration. The European war has curtailed immigration to this country to such an extent that the department is furloughing its employees in very large numbers, and the committee were of the opinion that there was no prospect that there would be any change in the next year, and so the recommendation was reduced about $200,000. That gives them a margin of $100,000.

Mr. SMITH of Minnesota. Is it not true that on our northern and southern borders a larger force is required to keep immigrants out than there was last year?

Mr. FITZGERALD. They are using more persons there, but even under these circumstances they will not expend within $300,000 of the amount of the appropriation, and the committee recommends $200,000 less than last year, so that leaves them a leeway of $100,000.

Mr. SMITH of Minnesota. Is it intended to abolish the immigration stations?

Mr. FITZGERALD. Oh, no; but the number of immigrants determines to a considerable extent the size of the force. For instance, at New York the number of immigrants arriving has fallen off to practically nothing, so that the large force over there is being discharged or detailed in other places because they can not use all the employees. It is caused by existing conditions. If the conditions should change and there should be a large influx of immigrants, the department would have to have more money, and the committee would be prepared to give it to them.

Mr. SMITH of Minnesota. As I understand, the record shows that there are 60 to 70 per cent less immigrants coming in since the war began.

Mr. FITZGERALD. The falling off is very large.

Mr. SMITH of Minnesota. But that does not interfere with the Naturalization Bureau?

Mr. FITZGERALD. No; we have increased the appropriation for naturalization $25,000.

Mr. SMITH of Minnesota. The committee is of the opinion that the Naturalization Bureau should be given sufficient money so that they can do the work thoroughly?

Mr. FITZGERALD. Yes; we did not give all that they asked for, but we have given an increase of $25,000, which is an increase of 10 per cent.

Mr. SMITH of Minnesota. An increase over the amount given last year?

Mr. FITZGERALD. Yes; and every year we have given an increase for that work.

Mr. SMITH of Minnesota. Recognizing that it is a valuable work?

Mr. FITZGERALD. Yes; within reason such appropriations made as will enable them to be continued properly.

Mr. SMITH of Minnesota. Mr. Chairman, if my time has not expired, I would like to have the letter which I send to the Clerk's desk read in my time.

The CHAIRMAN. Without objection, the letter will be read.

There was no objection.

The letter is as follows:

MINNEAPOLIS, MINN., *February 9, 1915.*

Hon. GEORGE R. SMITH,
Washington, D. C.

MY DEAR JUDGE: As you know, I am not in the habit of writing letters to Congressmen regarding pending legislation, but I want to make an exception this time in respect to the present naturalization service established by Congress June 29, 1906. This service is a wonderful improvement from what it was under the old law and is getting more valuable every day. Applicants for citizenship are commencing to realize that the privilege of being an American citizen means something.

The service in Minnesota, under the direction of Mr. Robert S. Coleman, chief naturalization examiner, St. Paul, is extremely efficient and should by all means be continued.

I have been informed that in the sundry civil appropriation bill the committee in Congress has seen fit to cut the appropriation from that requested by the department and that this matter will be up for action in the House during the present week. I have been credibly informed that the request for the appropriation was cut to the bone by the department under direction of President Wilson and that any further cut, such as is contemplated by the committee, will interfere seriously with the service now instituted. I hope you can agree with this view and that you will be able to give us your help in seeing that the efficiency of this valuable department of the Government is not crippled for lack of funds. Citizenship is beginning to mean something more than it did years ago, when they were herded in at campaign time and rushed through at the expense of some campaign committee, and I feel that any attempt to cripple the department at this time can only be a step backward.

Yours, sincerely,

P. S. NEILSON.

Mr. FITZGERALD. Mr. Chairman, of course that letter was written at the instance of somebody in the Bureau of Naturalization. The man that wrote it does not know what is going on and does not know what he is talking about. Whoever sent it ought to be censured.

Mr. SMITH of Minnesota. It was not sent from the department. It was sent by the clerk of the district court in Minneapolis.

Mr. FITZGERALD. Yes; but the department wrote out there asking him to send the letter. They ought to stop it, and they ought to mind their own business. The gentleman says that he is reliably informed that the request for the appropriation was cut to the bone. He gets his information from the Bureau of Naturalization, who wanted to get more money than they ought to have. Instead of the estimate being cut to the bone, we gave them 10 per cent more than they had last year.

Mr. J. M. C. SMITH. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. J. M. C. SMITH. Can the gentleman tell us how many Chinese were deported last year?

Mr. FITZGERALD. I shall have to look that up.

Mr. J. M. C. SMITH. How much was the cost of deporting them last year?

Mr. FITZGERALD. I shall have to look that up also.

Mr. J. M. C. SMITH. Perhaps the gentleman can tell us, when Chinese come across the line from Mexico or Canada, are they merely sent back into those countries or are they sent back to China?

Mr. FITZGERALD. They must be sent back to the country from which they came.

Mr. J. M. C. SMITH. Sent back to Canada or Mexico. Suppose some steamship company brings then into the country, is there not a law compelling the steamship company to deport them, to take them back without expense to the Government?

Mr. FITZGERALD. Yes. They are compelled to take them back at their own expense and also to reimburse the Government for the cost of subsistence while in the custody of the Government.

Mr. J. M. C. SMITH. What was the sum used for the deportation of Chinese?

Mr. FITZGERALD. This is a consolidated appropriation. Some years ago we segregated the appropriation for Chinese exclusion, but a controversy arose because the entire fund was not expended every year. Then the Immigration Service requested Congress to consolidate the $500,000 for Chinese exclusion with the general appropriation. They said that frequently an immigration inspector at some particular place could very readily be assigned to a Chinese case, whereas if we maintained a force exclusively for Chinese exclusion, it did not permit as effective a force as if the force could be used for that purpose, and for that reason the Chinese exclusion service was consolidated with the general appropriation, so that the department can use all the employees that are necessary under this appropriation for Chinese work.

Mr. J. M. C. SMITH. Is the immigration from China increasing or diminishing?

Mr. FITZGERALD. There is very little Chinese immigration except those smuggled in. That is a profitable business, for it is worth $500 to $1,000 to smuggle a Chinaman into the country, and that is as good as gold bricks.

The Clerk read as follows:

NATURALIZATION SERVICE.

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stats, L., vol. 37, p 736), and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for such per diem, together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; not to exceed $5,300 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stats, p. 600), as amended by the act approved June 25, 1910, including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915; the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $275,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike all of the language after the word "ten," in line 12, page 151, down to the end of line 15.

The Clerk read as follows:

Amend, page 151, by striking out all after the word "ten," in line 12, down to and including line 15.

Mr. FITZGERALD. That language was inserted last year because a whole year had not elapsed and no allowance could be made for the county of Bronx, but it will not be necessary to continue it any longer.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MOORE. What is the condition in Bronx County now with regard to naturalization?

Mr. FITZGERALD. Bronx County was created only last year—on the 1st of January.

Mr. CALDER. The 1st of January, 1914.

Mr. FITZGERALD. The allowances to clerks of courts are based upon the receipts for the previous year, and it would have been impossible for the department to make a proper allowance on the half year's business, so that to enable the department to make a proper allowance for the current year this authority was given in the current law, but for next year they will have a whole year's work on which to make the calculation.

Mr. MOORE. In view of what the gentleman said a moment ago about the letter that was handed up by the gentleman from Minnesota [Mr. SMITH], I think it is fair to say that the Bureau of Naturalization has been very busy this past year.

Mr. FITZGERALD. That is true; but those letters are stimulated by the bureau, and the bureau should not do it.

Mr. MOORE. That may be; but they have taken a very deep interest in their work, and I think it is fair to say that.

Mr. FITZGERALD. That is all very well; but I am opposed to, and I condemn whenever it comes to my observation, the action of officials in the departments of the Government at Washington in sending letters to persons throughout the country to get them to write to Members of Congress to try and induce them to increase appropriations, making statements about the action of the Committee on Appropriations which are not true.

Mr. MOORE. I think the gentleman takes a proper committee stand on that question.

Mr. FITZGERALD. As a matter of fact, in 1910, $125,000 was appropriated for this service; in 1911, $150,000; in 1912, $175,000; in 1913, $200,000; in 1914, $225,000; in 1915, $250,000; and for the next year, $275,000. Because the committee did not recommend $307,000 instead of $275,000 these letters have been sent out. If these clerks who are sending this information or misinformation to the clerks of the various courts throughout the country devoted their time to the work of the bureau, they would not be behind.

Mr. MOORE. As to Bronx County, I understand the congestion there is over. Is that the situation?

Mr. FITZGERALD. No. They will make an allowance for clerk hire up there right along.

Mr. MOORE. If the limit is reached, then the question of additional help would come up?

Mr. FITZGERALD. They can allow up to only 50 per cent of their receipts.

Mr. MOORE. I understand; on a basis of $3,000.

Mr. FITZGERALD. Fifty per cent.

Mr. CALDER. Fifty per cent of their total receipts for the preceding year.

Mr. FITZGERALD. Yes.

Mr. MOORE. And the limit of salary taken from fees is $3,000, I think.

Mr. FITZGERALD. Formerly the clerk got a certain amount for himself.

Mr. CALDER. The clerk can now retain for himself one-half of the first $6,000. That makes $3,000 for the clerk.

Mr. FITZGERALD. The bureau makes them expend a certain amount of that for clerical service, and does not allow anything.

Mr. CALDER. Does not allow any more.

Mr. MOORE. That is the clerk of the Federal court?

Mr. FITZGERALD. The clerks of the State courts.

Mr. MOORE. There was a reason for putting this provision in the bill last year; and if I recall, it was that the clerk of the court in Bronx County——

Mr. FITZGERALD. The reason last year was this. The allowance is made on the receipts for the preceding fiscal year. Bronx County was created on the 1st of January, 1914, so that the allowance that could have been made for 1914 would have been based on the receipts for six months, and from the amount of work that was being done there, it would not enable the bureau to give as much assistance as it was believed was necessary, so that this permission was granted the bureau to give a larger allowance for this year than one-half of the receipts of the previous year, because those receipts were based upon a six-months' business.

Mr. MOORE. The whole question, then, is relegated to the department, so far as additional help is concerned?

Mr. FITZGERALD. Bronx County will now be in the same situation as any other county.

Mr. MOORE. The gentleman understands, of course, that in view of the renewed interest in naturalization, and the activity of the bureau, it would be necessary to make other provisions of this kind if we were to continue it with regard to Bronx County. I am seeking information along that line.

Mr. FITZGERALD. Bronx County will get an allowance, under the law, the same as New York County or Kings County or Queens County.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the last word in line 17 be spelled correctly. The word "Labor" is spelled "Labro."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

For fuel, oil, and cotton waste, and advertising for the power plant which furnishes heat and light for the Capitol and congressional buildings, $82,924. This and the foregoing appropriations shall be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the commission in control of the House Office Building, appointed under the act approved March 4, 1907, and without reference to section 4 of the act approved June 17, 1910, concerning purchases for executive departments.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

On page 153, after line 18, insert a new paragraph as follows:

"Panama-Pacific International Exposition. The appropriation of $30,000 made in the sundry civil appropriation act for the fiscal year 1915 for the copyright and patent branch office at the Panama-Pacific International Exposition is continued and made available for expenditure during the first half of the fiscal year 1916."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE.

PUBLIC PRINTING AND BINDING.

Office of Public Printer: Public Printer, $5,500; purchasing agent, $3,600; chief clerk, $2,500; accountant, $2,500; assistant purchasing agent, $2,500; cashier and paymaster, $2,500; clerk in charge of CONGRESSIONAL RECORD at the Capitol, $2,500; private secretary, $2,500 (now being paid from "Printing and binding"); assistant accountant, $2,250; chief timekeeper, $2,000; paying teller, $2,000; clerks—2 at $2,000 each, 7 of class 4, 13 of class 3, 8 of class 2, 5 of class 1, 10 at $1,000 each, 14 at $900 each, 1 $840; paymaster's guard, $1,000; doorkeepers—chief $1,200, 1 $1,200, 6 assistants at $1,000 each; messengers—2 at $840 each; delivery men—chief $1,200, 5 at $950 each; telephone switchboard operator, $720; 3 assistant telephone switchboard operators, at $600 each; 6 messenger boys, at $420 each; in all, $130,460.

Mr. HINEBAUGH. Mr. Chairman, the bill making appropriations for the sundry civil expenses of the Government carries in its appropriation for the Department of Justice an item of $300,000 for the enforcement of the antitrust laws, the total amount appropriated for the department for 1915 being $1,229,580.

The farmers and stock raisers of Illinois and Iowa and other States are interested in knowing what use the Attorney General will make of this item of $300,000, which is appropriated for the purpose of enabling him to enforce the antitrust laws.

That the antitrust laws have been and are now being violated shamelessly by the men who control the live-stock markets has been amply shown by the gentleman from Iowa [Mr. GOOD] and other Members of this House.

On the 29th of January the gentleman from Minnesota [Mr. ANDERSON] introduced the following resolution:

Resolution 715.

Whereas the foreign and domestic price of fresh beef and pork has been advancing during the past six months; and

Whereas such advance would naturally warrant an increase in the price paid for fat cattle and hogs at the stockyards of the country; and

Whereas the domestic price of wheat and other cereals, the sale of which is not controlled by powerful interests in this country, has advanced to the farmer in proportion to the advanced price commanded therefor in our home and foreign markets; and

Whereas the average price of fat cattle at the various live-stock markets in the United States has declined more than $1.20 per hundred during the past six months, and the price of fat hogs at such markets during that period has declined more than $2.20 per hundred, and to a point where the actual cost to our farmers and stock raisers to produce fat cattle and hogs, considering the present price of corn, is in excess of the present market price of fat cattle and hogs at the principal live-stock markets of the United States; and

Whereas there has been no overproduction of cattle or hogs during the past year, nor has there been during the past six months an oversupply offered for sale at the principal stock markets of the United States; and

Whereas it is perfectly evident to anyone familiar with the situation that such live-stock markets are being manipulated and controlled by some powerful interests that are able to depress the price of fat cattle and hogs, and at the same time increase the price of pork and beef to the consumers; that said unwarrantable, unreasonable, and unconscionable depression of such prices can only be effected by an unlawful agreement or practice in restraint of trade in the live-stock industry: Now, therefore, be it

Resolved, That the Attorney General of the United States be instructed to immediately make a thorough investigation of the causes for the unreasonable depression in the price of fat cattle and hogs at the principal stock markets in the United States during the past six months, and that the Attorney General further report to Congress what action has been taken, if any, by the Department of Justice of the United States to secure the conviction of any person or persons for the violation of the antitrust laws of the United States in effecting any depression in the price paid to our farmers and cattle raisers for fat cattle and hogs sold at the principal stock markets of the United States, and if the Attorney General shall find that there has been no violation of the Federal antitrust laws in depressing the price of fat cattle and hogs in such markets, that he report to Congress what additional legislation, in his opinion, is necessary to prevent the recurrence of the intolerable condition herein referred to.

This resolution calls upon the Attorney General to immediately make a thorough investigation of the causes of the unreasonable depression in the price of fat cattle and hogs in the principal stock markets of the country while the price of the finished product, fresh beef and pork, is steadily advancing to the consumer.

This administration has the opportunity of its life to prove that it means business in the enforcement of the laws to punish men for price fixing and illegal combinations, organized for the purpose of controlling the price of food supplies.

On January 1, 1914, the farmers of Illinois owned 1,017,000 milch cows valued at $59,189,000 and 1,216,000 other cattle valued at $43,654,000, or a total of 2,233,000 head valued at $102,843,000. Illinois farmers also owned at that time 4,358,000 head of hogs valued at $47,066,000.

Since the first of December the farmers of Illinois have suffered approximately 48 per cent of the total loss of the Nation on account of the foot-and-mouth disease. Surely, under these conditions they should be entitled to the protection of their Government against unlawful manipulation of the prices of their stock.

The farmers of Illinois feed approximately 85 per cent of their corn to their stock in maturing it. They must therefore look to the profits on stock sold for whatever earnings are to accrue. The answer does not lie in the statement that Illinois farmers should sell their corn and stop growing stock. The Department of Agriculture's table of corn cost shows that the price paid for fat cattle and hogs in Illinois does not cover the corn cost of their production, and yet fresh meats are sailing skyward.

Good farms in Illinois sell for $200 per acre or $32,000 for 160 acres. Add to this at least $3,000 for teams, stock, and farm machinery—making a total of $35,000—the interest on this amount at 5 per cent is $1,750. In addition to that the farmer must pay his running and living expenses. How much money will he have left to pay on his principal indebtedness?

The large sum of money required for the purchase of a farm in Illinois and the slight prospect of ever obtaining it is very discouraging to the average farm boy.

I submit, Mr. Chairman, the farmers of my State and of the Nation are entitled to the active and most energetic service of the department in bringing to justice the financial manipulators responsible for the outrage now being perpetrated against them.

There are 6,000,000 heads of families engaged in the farming business—representing approximately 30,000,000 people, or nearly one-third of our population. They are the food and wealth producers of the Nation and should not be dependent upon or subjected to the criminal operations of a class of men who manipulate the stock markets and food supply for personal gain.

Let this administration show its good faith by running down and driving out of existence this gang of high pirates who choose to add to their dishonest millions more dishonest dollars at the expense of the consumers and producers of the country.

The farmers of Illinois tried to kill the Grain Elevator Trust that for many years controlled the price of grain by going into the elevator business.

Farmers should be entitled to the fair profits on their grain and stock which legitimate demand and supply will create, unhampered by men who desire to grow rich by unlawful price juggling.

On March 3, 1914, in the hearing which was held before the Rules Committee of the House on grain exchanges, a Mr. Drake testified that the grain gamblers of the Minneapolis exchange could depress the market one-half cent by sending in selling orders for 50,000 bushels of wheat, and that the whole amount of the future transactions of these men totaled the enormous sum of $10,000,000,000 each year. In other words, for every bushel of real wheat more than 50 bushels of phantom wheat was sold, and every bushel of future grain sold tended to fix the price received for cash grain.

On page 159 of the hearings above referred to appears the statement that the Board of Trade of Chicago practically controls the Illinois Legislature and the Illinois courts, and that the farmers and shippers of Illinois are powerless. On page 78 of the hearings a written statement by Mr. Greeley was submitted to the committee, which, among other things, contains this language:

Is it to be believed that Congress will not continue to discuss legislation hostile to so-called "legitimate speculation," when the Chicago public warehouse monopoly stands equipped with a passive governor, attorney general, State attorney, railroad and warehouse commission, board of trade directory, board of trade membership, board of trade clearing house, Illinois inspection department, warehouse receipts, possibly free elevators and banking assistance, with an army of so termed "suckers" furnished by an endless system of private wires and blackboard quotations, together with millions of grain raisers scattered in almost every town and hamlet in the country from which to secure dividends? Is any Congress free from censure which will not try to land such a conspiracy in restraint of trade, and will it not be justified in placing such conspirators behind the bars if the commerce so affected is interstate? Is trade in cash grain to suffer because of the lack of honest efforts to eliminate rascality?

Mr. Chairman, in my judgment, this language might well be applied to the men who are now controlling, regardless of the law of supply and demand, the live-stock markets of the country by reason of their vicious and unlawful manipulation of prices. The consumer is required to pay ever-advancing prices for fresh meats, while the farmers and producers are required to sell in a market which does not reflect a proportionate advance.

Who says that fat hogs on February 3, 1914, shall be $8.55 per hundred and on February 2, 1915, $6.85 per hundred in the Chicago market? Who sets the price for this live stock? Does the farmer? Indeed, he does not. The price, as every farmer knows, is fixed by these men who control the live-stock markets of the country, acting in concert and overriding the economic law of supply and demand.

The corn crop of Illinois for the year 1913 was, in round numbers, 282,000,000 bushels. The 1914 crop of the State of Illinois is estimated, in round numbers, at 300,000,000 bushels. The price of the corn which Illinois farmers fed their stock in 1914 was 66 cents on the Chicago market, whereas cash corn on the Chicago market in February, 1915, sold at 79¾ cents a bushel, making a difference of 13¾ cents a bushel on every bushel of corn fed by Illinois farmers in maturing their cattle and hogs.

It does not require an expert mathematician to demonstrate that Illinois farmers who feed their corn to cattle and hogs have lost many millions of dollars by so doing.

In February, 1914, an Illinois farmer received 66 cents a bushel for his corn in the Chicago market and $8.55 per hundred for his hogs. In February, 1915, the same Illinois farmer could get 79¾ cents for his corn and only $6.85 per hundred for his hogs, while at the same time good native steer carcasses and dressed hogs were selling to the consumer at a cent and a half a pound more than they were a year ago.

I submit, Mr. Chairman, that the Anderson resolution should be adopted forthwith by this House and the Attorney General instructed to investigate the live-stock markets of the country and prosecute criminally all offenders against the antitrust laws.

Mr. BARNHART. Mr. Chairman, I move to strike out the last two words, in order to ask a question. I would like to ask the chairman of the committee what provision is made for the medical director at the Government Printing Office?

Mr. FITZGERALD. He is paid out of a lump appropriation.

Mr. BARNHART. Now, Mr. Chairman, I desire to offer an amendment, in line 21, page 153, after the word "Printer," to strike out the figures "$5,500" and insert instead "$6,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 153, line 21, strike out "$5,500" and insert "$6,000."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. GILLETT. Mr. Chairman, I make a point of order.

Mr. BARNHART. Will the gentleman please reserve the point of order for just a moment?

Mr. GILLETT. All right; I withdraw my point of order temporarily.

Mr. BARNHART. Mr. Chairman, after much investigation and extensive hearings the Committee on Printing and the Joint Committee on Printing unanimously decided that it would be

well to increase the salary of the Government Printer from $5,500 to $6,000 and to reduce the salary of the Deputy Public Printer from $4,500 to $4,000. That would harmonize exactly with the salaries paid in the Bureau of Engraving and Printing. It seemed to the committee which had these hearings and which went into the investigation that a readjustment of those salaries was necessary. The salary of the Deputy Public Printer was increased from $3,600 to $4,500 some years ago, when there was a series of disturbances in the Government Printing Office, whereby, as I recall, there were about four different Public Printers appointed and discharged within the period of some 16 or 17 months. The Deputy Public Printer must necessarily be a man of considerable accomplishment; and yet, Mr. Chairman, his salary is so much more than other deputies in offices of the Government, and the salary of the Government Printer is so much lower than the salaries of other Government officials with like responsibilities, that the new printing bill, which passed this House without a dissenting vote, carried a provision that this readjustment of salaries should be made. Now, if a point of order is not made against this amendment to increase the salary of the Government Printer $500, I shall then offer another amendment providing that the salary of the Deputy Public Printer shall be reduced $500, which will leave the appropriation as it is and adjust the salaries so that I think it will be more generally satisfactory and more in harmony with the eternal fitness of things.

The CHAIRMAN. Is a point of order made against the amendment?

Mr. MANN. I make the point of order.

Mr. GILLETT. I make the point of order. The gentleman from New York reserved the point of order, and I supposed he was going to make it.

The CHAIRMAN. The Chair, of course, sustains the point of order, as it changes existing law.

The Clerk read as follows:

For public printing, public binding, and paper for public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving, for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures; bicycles, electrical vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including the maintenance, repair, and operation of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding $1,500); freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not stamps, and other machines of similar character; machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, $4,400,000.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 155, line 8, after the word "Commission," insert the words "the Federal Trade Commission."

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

Mr. PARKER of New Jersey. Mr. Chairman, I see the gentleman from Mississippi [Mr. SISSON] is now in the Chamber, and I desire to ask——

Mr. SISSON. Mr. Chairman, I think we had better finish the bill first.

Mr. PARKER of New Jersey. All right, at any time.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, $1,587,520. Printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, we are now reading the printing item, and one of the items is that for printing for the Interstate Commerce Commission, and that reminds me of a recent decision of the commission which is of very great importance to the people of the intermountain West. I am not given to recklessly criticizing judicial bodies or decisions. I am not chargeable with any fault in that regard, and I do not want to be understood now as unreservedly criticizing the decision to which I shall refer, and yet I profoundly regret it. I am not convinced that it is based on equity or that it is fair to the people of the intermountain country. I do not believe it is. The decision to which I refer is one handed down a few days ago by the Interstate Commerce Commission, authorizing the transcontinental railroads to grant shippers from Chicago and points eastward reduced rates on shipments through to the Pacific coast, without at the same time reducing in the same proportion their rates to intermountain points. Now, the intermountain country already suffers from a great many handicaps. It is a handicap to be 1,500 miles from tidewater or from any navigation by water. It is a handicap to be in a country where nature is not as kindly as she is in some other localities. If a community is handicapped somewhat by nature and locality, it certainly should not be further handicapped by those agencies which are established for the purpose of establishing and maintaining transportation conditions that are fair, equitable, and just. The Interstate Commerce Commission bases its decision in this case upon the necessity, as the commission sees it, of reducing the rate between eastern points and Pacific points in order to enable the railroads to compete with the Panama Canal. Now, we of the intermountain West were in favor of building the Panama Canal, and we have done our share to help pay for it, but I do not think that the building of that great waterway should be made the vehicle and means of adding to our burdens. The commission justifies its action by saying that the rates they now make will cover all of the actual outlay, and therefore they are justified in making those rates——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, in order that gentlemen may understand the tenor and effect of this decision, I shall place in the RECORD a clipping from the Washington Star of day before yesterday, as follows:

LOWER RATES DUE TO CANAL TRAFFIC—TRANSCONTINENTAL CARRIERS PERMITTED TO ESTABLISH NEW TARIFFS TO PACIFIC—EXPLANATION OF ORDER IS GIVEN BY THE INTERSTATE COMMERCE COMMISSION—RAILROADS WOULD BE UNABLE TO COMPETE WITH WATER LINES—LOWER THAN TO INTERMEDIATE POINTS.

To meet new traffic conditions which have arisen with the opening of the Panama Canal, the Interstate Commerce Commission to-day permitted transcontinental railroads to establish certain commodity rates from eastern points to Pacific coast terminals lower than those to intermediate points in intermountain territory.

This explanation of the order, which brings into prominent notice the revolutionary effect of the Panama Canal on transcontinental transportation, was made at the commission's headquarters.

"Under the original order in the intermountain case, carriers were required from the Missouri River westward not to charge more to an intermountain point than to a Pacific terminal. East of the river the stringency of the rule was somewhat abated.

"From Chicago to intermountain points the excess charge permitted over the rate to the Pacific terminals was 7 per cent; from Pittsburgh, 15 per cent; from the Atlantic seaboard, 25 per cent.

EFFECT OF SHRINKAGE IN RATES.

"The shrinkage of rates via the canal from New York to San Francisco put the transcontinental carriers in serious straits. On certain heavy commodities, largely moving by water, if the carriers reduced their rates to the Pacific to compete with the lowered water rates, a serious shrinkage in through earnings was inevitable. In addition to this loss on through revenue the carriers would have had to take a double loss on revenue to the intermountain points: First, because the intermountain rates would have to be lowered; and, second, because the percentage over the terminal rates would have been calculated on a lower base.

"Had no additional relief been afforded on intermountain points, an abandonment of much rail carriage from the Atlantic-seaboard territory was imminent, and had additional relief on intermountain traffic not been granted, there was grave reason to think that the Atlantic seaboard in the future would have supplied, by water, the Pacific coast with the commodities in question, and that many industries in the neighborhood of Chicago would have either lost their Pacific customers or have been compelled to migrate to near the Atlantic seaboard.

"In this emergency a greater degree of relief on certain commodities to intermountain points has been accorded by the commission, but only on the commodities in question. The net result of the greater relief is that industries in the Chicago and middle-west section will continue in the business of supplying consumers on the Pacific."

CHANGES IN THE RATES.

The order permits railroads to carry carload freight from Chicago, Buffalo, and New York to intermediate points, 15, 25, and 35 cents higher than from the Missouri River to the same destination, and less-than-carload commodity rates from Chicago, Pittsburgh, and New York to intermediate points may exceed those from the Missouri River to the same destinations by 25, 40, and 55 cents, respectively.

Carload rates on coal and pig iron may be less to the Pacific coast than to intermediate points, but the rates on such articles to the higher rates intermediate points must not exceed 5 mills per ton-mile.

"The Pacific coast terminals to which these rates will apply," says the explanation, "are the points at which the Atlantic-Pacific steamships deliver their freight."

"It is evident from the whole record," says the commission's opinion, "that whatever may have been the degree of competition in the past

between the rail carriers and the water carriers as to the rates on these articles, concerning which additional relief is now sought, we are witnessing the beginning of a new era in transportation between the Atlantic and the Pacific coasts.

RATES MUST BE LOWER.

"To secure any considerable percentage of this coast-to-coast traffic rates on many commodities must be established by the rail lines materially lower than those now existing. As we view it, the Panama Canal is to be one of the agencies of transportation between the East and the West, but not necessarily the sole carrier. If the railroads are able to make such rates from the Atlantic seaboard to the Pacific coast as will hold to their lines some portion of this traffic with profit to themselves, they should be permitted to do so.

"The acceptance of this traffic will add something to their net revenues, and to that extent decrease, and not increase, the burden that must be borne by other traffic. It will also give the shippers at the coast points the benefits of an additional and a competitive service.

"We are of the opinion that these carriers should be permitted to compete for this long-distance traffic so long as it may be secured at rates which clearly cover the out-of-pocket cost."

The commission says that few, if any, of the intervening interests really opposed the petition of the carriers, but that the intermountain territory protested.

The commission suggests that the railroads themselves readjust the so-called "back-haul" rates from the Pacific coast to points inland.

Mr. MONDELL. Now, Mr. Chairman, we all know that if all railroad rates were placed so low that the rates would simply cover the actual outgo, the actual expenditure in carrying the traffic, that the roads would eventually go into bankruptcy, because there must be a fair interest made on the investment. The interest must be paid on the stocks and bonds and other obligations, and to fix a rate on the basis of simply covering and paying for the actual outlay means fixing a rate that burdens some other traffic. And in order to help the Pacific coast, having already all the benefits of tidewater communication, in order to help Chicago and eastern shippers, in order to make it possible for some railroad manager to keep up his volume of business in coast-to-coast traffic, rates are allowed to be made which in the last analysis are a burden on the people who live in the intermountain region. We not only pay for the haulage of our freight and at high rates under present conditions, but we must be further burdened, because the Panama Canal has been built, in order that some one already having the advantage of ocean transportation may have other advantages. We are to be burdened because shippers not willing to adjust themselves to changed conditions want to make us pay for the losses railways sustain in hauling their traffic. It is not fair, it is not just, it is not equitable, in my opinion, and I hope and trust that eventually, and the sooner the better, this decision will be overturned. The commission suggests that not all of those affected by the rates protested, but the intermountain region protested vigorously and protested in vain. Our situation was bad enough, heaven knows, before this last decision, for, like the darky's 'coon trap, the rates heretofore in force caught us coming and going.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. McKENZIE. The decision of the Interstate Commerce Commission has not raised the rates affecting your country, has it, or the intermountain States?

Mr. MONDELL. The decision of the Interstate Commerce Commission has not raised our rates.

Mr. McKENZIE. Then you are in no worse position than you have been heretofore?

Mr. MONDELL. We are, for this reason: That every ton of freight hauled on this new lower rate from Chicago and points farther east to the coast is hauled at a loss, and the only place where that loss can be made up is in the rates into the intermountain region. Why, we are already paying a burden with regard to that, because under decisions heretofore made shippers are allowed to charge more for hauling to the intermountain country than a thousand miles farther to the coast.

The rates to the intermountain country are high. Our people have frequently attempted to secure a reduction, but generally in vain. Not only must we prove that a certain rate is unfair and inequitable and that another and lower rate is fair and reasonable and sufficient for the service, but it must also be proven that these lower rates we seek are not unreasonably low or confiscatory when considered in connection with the income from other rates—from these low through rates. If we have had difficulty in securing reductions in the past, how much more difficult will it be to secure reductions in the future with the low, unremunerative rates extended and rendered more unremunerative by this recent order? Further, the more tonnage secured by these low rates the more the loss to the railroads. Some one must make good that loss. It will come out of the intermountain country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. FITZGERALD. How much more time does the gentleman desire?

Mr. MONDELL Five minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the paragraph and the amendments thereto close in five minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, if we make a shipment from any eastern point into the intermountain country, we pay as much as though we lived on the coast and from 7 to 25 per cent more, and under this new rule from 15 to 35 per cent more. If we desire a shipment from the Pacific coast, in some cases we pay more on freight hauled only 1,500 miles than is paid on freight hauled clear across the continent.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. The railroads are allowed to burden us both ways. We not only lack the benefits and advantages of water transportation, but a burden is placed upon us because other communities do have the benefits of water transportation. In order to make the benefits of water transportation more beneficial, more helpful to other communities, than they would ordinarily and naturally be, the interior is taxed in order that the shipper may have even greater advantages than his naturally advantageous location gives him.

Now I yield to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. In view of the fact of these injustices the gentleman speaks of, does he not feel that it would be wise for him to join with me on the Government ownership of railroads, so that we can regulate these rates at Washington, the National Capital, and prevent these injustices, and have authority over them?

Mr. MONDELL. I sometimes, no doubt, get a little foolish on some things, but I hope I have not gotten foolish enough yet to imagine that you can secure better freight rates under Government ownership than you may secure under private ownership and Government supervision.

Mr. BRYAN. Does not the gentleman think it would be wise from a legislative standpoint to prevent this phony competition between the railroads and the steamboats, to allow traffic to take its natural course, and to go by water if it can——

Mr. MONDELL. The very thing I am complaining about is action by an agency of the Federal Government, and the gentleman wants more action by the Government.

Mr. BRYAN. But the gentleman is complaining in Congress, and he is acting on the part of the Federal Government.

Mr. MONDELL. Well, I do not want to enter into a controversy with the gentleman in regard to the merits and demerits of public ownership of railroads. I do not think there is an argument that any sane man ought to give consideration to in favor of Government ownership of railroads.

Mr. BRYAN. Of course I addressed the gentleman from Wyoming. I did not refer to anything about sanity.

Mr. MONDELL. I was not especially referring to the gentleman from Washington. If the gentleman from Washington wants to apply my words, of course that is his affair and not mine. But what I am complaining of is this, that this system of allowing lower rates for long haul than for the short haul, a system questionable in its wisdom and in its equity under any circumstances and conditions, as now extended by this decision of the Interstate Commerce Commission tends to lay a burden on the intermountain country, which is already burdened beyond most of the Union in the matter of freight rates. We now pay more per mile for freight coming to us than most sections of the country, and here is a decision which will eventually result in our paying still greater, considering the services performed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. Under the order all time has expired.

Mr. J. R. KNOWLAND. Mr. Chairman, in view of the remarks just made by the gentleman from Wyoming [Mr. MONDELL], I ask unanimous consent to extend my remarks by quoting extracts from the decision of the Interstate Commerce Commission on the matter of commodity rates to Pacific coast terminals and intermediate points. These extracts will answer some of the gentleman's criticisms. I commend the reading of the full decision, which goes into the whole subject thoroughly.

The CHAIRMAN. The gentleman from California asks unanimous consent to print in the RECORD certain statements. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

[Extracts from decision of Interstate Commerce Commission.]

COMMODITY RATES TO PACIFIC COAST TERMINALS AND INTERMEDIATE POINTS—IN THE MATTER OF APPLICATIONS FOR RELIEF FROM THE PROVISIONS OF THE FOURTH SECTION OF THE ACT TO REGULATE COMMERCE, AS AMENDED JUNE 18, 1910, WITH RESPECT TO COMMODITY RATES FROM EASTERN DEFINED TERRITORIES TO PACIFIC COAST TERMINALS AND INTERMEDIATE POINTS.

[Submitted Nov. 23, 1914. Decided Jan. 29, 1915.]

It is evident from the whole record that, whatever may have been the degree of competition in the past between the rail carriers and the water carriers as to the rates on these articles concerning which additional relief is now sought, we are witnessing the beginning of a new era in transportation between the Atlantic and the Pacific coasts. To secure any considerable percentage of this coast-to-coast traffic rates on many commodities must be established by the rail lines materially lower than those now existing.

It has been suggested that the construction of the Panama Canal by the Government of the United States is indicative of a governmental policy to secure all of this coast-to-coast business for the water lines, and that no adjustment of rates by the rail lines should be permitted which will take away traffic from the ocean carriers which normally might be carried by them. This suggestion, however, loses force under the consideration that the Panama Canal is but one of the agencies of transportation that the Government of the United States has fostered between the Atlantic coast and the Pacific. The Government has from the beginning of railroad construction in the United States encouraged their construction and operation by private capital and enterprise. Some of these transcontinental lines would not have been built had it not been for the liberality the Government extended to them at the time of their construction. As we view it, the Panama Canal is to be one of the agencies of transportation between the East and the West, but not necessarily the sole carrier of the coast-to-coast business. If the railroads are able to make such rates from the Atlantic seaboard to the Pacific coast as will hold to their lines some portion of this traffic with profit to themselves, they should be permitted so to do. The acceptance of this traffic will add something to their net revenues, and to that extent decrease, and not increase, the burden that must be borne by other traffic. It will also give the shippers at the coast points the benefits of an additional and a competitive service.

Few, if any, of these intervening interests are really opposing the petition of these carriers for relief. The intermountain territory, however, is earnestly protesting against the request of the carriers for relief as to the coast rates without adequate provision at the same time for fair, just, and reasonable rates to intermediate intermountain points.

We are of the opinion that these carriers should be permitted to compete for this long-distance traffic so long as it may be secured at rates which clearly cover the out-of-pocket cost. The lowest proposed rate from Atlantic seaboard territory is 65 cents per 100 pounds, applicable on cast and wrought iron pipe in carloads of 40,000 pounds. This gives a per car earning of $260, and upon a basis of a 3,200-mile haul yields a car-mile revenue of 8.1 cents and a ton-mile revenue of 4.05 mills. Since the average ton-mile revenue of these carriers is approximately 9 mills on freight traffic, it is probable that a rate which produces 45 per cent as much as the average pays more than the out-of-pocket cost and therefore does not impose a burden upon other traffic. None of the rates proposed appear, therefore, to be open to the charge that they pay less than the out-of-pocket cost. Many of them are low as applied to the total haul from the Atlantic seaboard, but they are not for that reason low as applied to the haul from the Missouri River. Omaha is nearly 1,500 miles west of New York City, and it is urged that rates that yield some profit over a haul of 3,200 miles must yield a good profit when the traffic is hauled but 1,800 or 1,900 miles. The Union Pacific-Southern Pacific line from Omaha to San Francisco is 1,786 miles in length. The line of the Santa Fe from Kansas City to Los Angeles is 1,809 miles; the Northern Pacific line from St. Paul to Seattle is 1,911 miles. The average haul from the Missouri River territory to the Pacific coast is approximately 1,850 miles.

* * * * * * *

These coast cities always have had, and in all probability always will have, a marked advantage over many of the interior points by reason of their geographical position on the sea and the competition of water carriers from the Atlantic coast and other points. The new situations which have resulted by reason of the building of the Panama Canal gives to these points, however, a still greater advantage that is not natural, but artificial. The United States has provided a waterway across the Isthmus that has resulted in materially decreasing the rates, shortening the time, and increasing the efficiency of the water carriers to and from the Atlantic seaboard. In so far as any reasonable and lawful relation of rates will permit, the benefits of this increased service should be extended to all of the people. It may be said also that a policy of greater liberality on the part of the rail carriers to these interior towns will result in benefit to themselves. Every carload of freight brought from the East and distributed from these interior cities instead of from the coast will effect for the carriers a saving in expense and an addition to their net revenues.

The present coast-to-coast rates of the rail lines and the problem of holding a reasonable proportion of the business to these interior points to the rail lines can only be met on the part of the carriers with rates which will afford the interior points reasonable opportunity to distribute merchandise in contiguous territory.

Will the establishment of such rates lower than the maximum amount the carriers can possibly secure for the traffic produce discrimination against points farther east to which higher rates apply? It is obvious that the low water compelled rates to the coast terminals will inevitably affect the rates to a strip of territory lying along the coast from 200 to 300 miles in width. The adoption of any scheme of rate making that will permit cities lying within this zone to more effectively compete against the coast cities may permit these interior cities to distribute merchandise a little farther east than they would under the present plan, but that apparently will not result in unjust discrimination, for the same rule will apply to all points. That is to say, the rates to all these points will be adjusted on a uniform plan, and the rates will be increased with distance from the coast until they equal the maximum rates permitted to intermountain points. For example, iron articles on which, as heretofore stated, maximum carload rates have been permitted to intermountain points of 75 cents from the Missouri River, 90 cents from Chicago, $1 from Pittsburgh, and $1.10 from New York, bear a rate from Missouri River and many points east thereof to the Pacific coast of 55 cents. Upon the assumption that proportional rates from the terminals are established on this commodity which are, for example, 25 per cent less than the local rates when traffic does not in fact move to the terminals, the rate from the Missouri River to these back-haul points would be reduced by the coast combination wherever 75 per cent of the local rate from the coast terminal to destination is less than 20 cents. The rate from Chicago to the back-haul points would be reduced in all those cases where 75 per cent of the local rate from the terminal is less than 35 cents. The rate from Pittsburgh would be reduced to all points to which 75 per cent of the rate from the terminal is less than 45 cents. Where the carload rate on some of these commodities is 75 cents or more from the Missouri River, it is applied as a maximum to intermediate points. The rates on such commodities from the Missouri River to the back-haul points are therefore unaffected by coast combination. The rates from Chicago, Pittsburgh, and New York would be affected by coast combination to only those points to which 75 per cent of the local rate from the terminal is less than 15, 25, and 35 cents, respectively.

The maximum-rate points would thus be moved a little farther east than if the full local were applied. This would widen the zone affected by the coast rates and extend the benefit of the low rates thereto to territory farther east than at present. The differences by which rates to points on the eastern side of the back-haul territory exceed the rates to points on the western side would be less marked and discrimination against the eastern points be thereby decreased. The same result could be accomplished by the publication of basing rates on these commodities from the territories of origin to the Pacific coast terminals. These basing rates, added to the local rates from the terminals, would determine the rates to back-haul points. It is obvious that there is now, and will be under any scheme of rate making that may be devised to the back-haul territory, some discrimination against points farther east in intermountain territory. This discrimination, however, under the plan suggested, does not appear to be unjust. Each interior point will be given the benefit of its geographical position and rates which apparently are not unjustly discriminatory. The extent to which carriers are hereby relieved from the operation of the rule of the fourth section by this order shall not exceed the degree of deviation permitted herein as between the terminal rates herein approved and the maximum intermediate rates herein authorized, nor shall the aforesaid degree of deviation be exceeded by any changes made in the future unless under further order of the commission.

The method of constructing the rates to the back-haul points above suggested involves necessarily reduction in the rates to such points to a level lower than the carriers have anticipated by their application. The record in this case is not sufficient to afford a basis warranting the commission in prescribing the exact measure of these rates. We shall therefore make no order in regard thereto at this time.

No evidence has been presented in this case to show that it is necessary to apply the coast terminal rates to any points except the ports of call on the Pacific coast at which the Atlantic-Pacific steamship lines deliver freight. We shall authorize these carriers to establish the rates proposed to these ports upon all the articles in the list, excepting those to which exceptions have been noted.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an analysis made by the Minneapolis Journal of the rate decision recently rendered by the Interstate Commerce Commission.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to print in the RECORD a certain analysis made by the Minneapolis Journal on the recent Interstate Commerce Commission decision. Is there objection?

There was no objection.

The following is the article referred to:

RAILROADS TO MEET CANAL COMPETITION WITH LOWER RATES—INTERSTATE COMMERCE COMMISSION GRANTS PERMISSION FOR CUT IN THROUGH TARIFFS—MIDDLE WEST BUSINESS TO PROFIT BY DECISION—ATLANTIC SHIPPERS THREATENED TO ACQUIRE ALL PACIFIC COAST TRADE.

WASHINGTON, *February 11, 1915.*

To meet new traffic conditions which have arisen with the opening of the Panama Canal the Interstate Commerce Commission to-day granted transcontinental railroads vital relief by permitting them to establish certain commodity rates from eastern points to Pacific-coast terminals lower than those to intermediate points in intermountain territory.

EARLIER ORDER CHANGED.

This explanation of the order was made at the commission's headquarters:

"Under the original order in the intermountain case carriers were required from the Missouri River westward not to charge more to an intermountain point than to a Pacific terminal. East of the river the stringency of the rule was somewhat abated.

"The shrinkage of rates via the canal from New York to San Francisco put the transcontinental carriers in serious straits. On certain heavy commodities, largely moving by water, if the carriers reduced their rates to the Pacific to compete with the lowered water rates a serious shrinkage in through earnings was inevitable.

DOUBLE LOSS A HARDSHIP.

"In addition to this loss on through revenue, the carriers would, under the original order, have had to take a double loss on revenue to the intermountain points—first because the intermountain rates would have to be lowered, and, second, because the percentages over the terminal rates would have been calculated on a lower base.

"Had no additional relief been afforded there was grave reasons to think that the Atlantic seaboard in the future would have supplied by water the Pacific coast with the commodities in question and that many industries in the neighborhood of Chicago would have either lost their Pacific customers or have been compelled to migrate to near the Atlantic seaboard. The net result of the greater relief is that industries in the Chicago and Middle West section will continue in the business of supplying customers on the Pacific."

NEW TARIFFS OUTLINED.

The order permits railroads to carry carload freight from Chicago, Buffalo, and New York to intermediate points 15, 25, and 35 cents

higher than from the Missouri River to the same destinations, and less-than-carload commodity rates from Chicago, Pittsburgh, and New York to intermediate points may exceed those from the Missouri River to the same destinations by 25, 40, and 55 cents, respectively.

COAL AND IRON RATES LOWER.

Carload rates on coal and pig iron may be less to the Pacific coast than to intermediate points, but the rates on such articles to the higher-rated intermediate points must not exceed 5 mills per ton-mile.

"The Pacific coast terminals to which these rates will apply," says the explanation, "are the points at which the Atlantic-Pacific steamships deliver their freight."

CANAL CHANGES SITUATION.

"It is evident from the whole record," says the commission's opinion, "that, whatever may have been the degree of competition in the past between the rail carriers and the water carriers as to the rates on these articles, concerning which additional relief is now sought, we are witnessing the beginning of a new era of transportation between the Atlantic and the Pacific coasts.

ENTITLED TO PART OF TRAFFIC.

"To secure any considerable percentage of this coast-to-coast traffic, rates on many commodities must be established by the rail lines materially lower than those now existing. As we view it, the Panama Canal is to be one of the agencies of transportation between the East and the West, but not necessarily the sole carrier. If the railroads are able to make such rates from the Atlantic seaboard to the Pacific coast as will hold to their lines some portion of this traffic with profit to themselves, they should be permitted to do so."

The commission says that few, if any, of the intervening interests really opposed the petition of the carriers, but that the intermountain territory protested.

The Clerk read as follows:

For the Smithsonian Institution: For printing and binding the Annual Reports of the Board of Regents, with general appendixes, the editions of which shall not exceed 10,000 copies, $10,000; under the Smithsonian Institution: For the Annual Reports of the National Museum, with general appendixes, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, $37,500; for the Annual Reports and Bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, $21,000; for miscellaneous printing and binding for the International Exchanges, $200; the International Catalogue of Scientific Literature, $100; the National Zoological Park, $200; the Astrophysical Observatory, $200; and for the Annual Report of the American Historical Association, $7,000; in all, $76,200.

Mr. MANN. Mr. Chairman, I reserve a point of order on the language in lines 5 and 6, rating the editions that shall not exceed 10,000 copies. What is the result of that language?

Mr. FITZGERALD. It increases the number of copies. I think the number now is 7,500. The Committee on Printing agreed to this.

Mr. MANN. It does increase the number?

Mr. FITZGERALD. It does increase the number. It increases it by 2,500 or 3,000 copies.

Mr. MANN. I withdraw the point of order, then.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

Provided, That if, in the opinion of the Secretary of War, it should be to the best interests of the United States, not to exceed $50,000 of the foregoing appropriation may be expended for the erection of a building for the installation of machinery to be used in the manufacture of projectiles.

Mr. McKENZIE. Mr. Chairman, I make a point of order on the proviso beginning with line 8 on page 170.

Mr. FITZGERALD. If the gentleman makes the point of order on the proviso, this appropriation would not be of any benefit.

Last year, in making appropriations for ammunition for seacoast-defense cannon, it was pointed out by Gen. Crozier that at the rate at which appropriations were being made $50,000 was required for certain additional facilities, and the fortification bill carried certain sums on the understanding that that matter would be taken up and included in the sundry civil appropriation bill. When the sundry civil bill was under consideration Gen. Crozier was very ill, and the matter escaped everybody's attention. It is connected with this particular item because it is in connection with this character of ammunition that this building is needed. The failure to provide these facilities will simply mean a very considerable delay in the acquisition of very necessary ammunition in connection with our seacoast defenses.

Mr. MANN. This building that is referred to in this paragraph is not a building on the Canal Zone?

Mr. FITZGERALD. Oh, no. It is for a building at one of our arsenals; at one of the arsenals in the United States. It is not on the Canal Zone.

Mr. MANN. Upon what theory is it appropriated for here?

Mr. FITZGERALD. We pay for these tools and appliances and the like out of the appropriation for the ammunition. At first it was suggested that a separate appropriation be made for the building, but afterwards it was included in this way.

Mr. MANN. I can not understand the purpose. I supposed this was a building on the Canal Zone.

Mr. FITZGERALD. Gen. Crozier, when he appeared before the Committee on Appropriations last year, stated that if an appropriation for ammunition was made at a certain rate he would require additional facilities and would ask that $50,000 be provided for the building. He said that would be taken up on the sundry civil bill. When the sundry civil bill was reached Gen. Crozier was very ill, and the matter escaped our attention. He came before us this year and called our attention to it, and said that it could as easily be paid out of this appropriation as out of a similar appropriation in the fortifications bill, and that the facilities are necessary.

Mr. MANN. Why should it be charged to the Panama Canal?

Mr. FITZGERALD. It will not be charged to the canal.

Mr. MANN. Certainly. Here is the appropriation.

Mr. FITZGERALD. No; the fortification items are eliminated from the cost of the canal items.

Mr. MANN. Well, it is for the fortification of the Panama Canal.

Mr. FITZGERALD. If the gentleman wishes it to go out, I have no objection.

Mr. McKENZIE. Mr. Chairman, I would like a moment in which to give my reasons.

Mr. Chairman and gentlemen, I might say that as a member of the Committee on Military Affairs I have joined very heartily in the plan of building up a reserve, not only of arms but of ammunition, for the protection of our country in case of an attack, and I said in that committee that I thought that one of the things that we ought to do was to provide for buildings and equip them with machinery for the manufacture especially of field and coast artillery ammunition; that it would be a better investment and would give us a better reserve than to manufacture and keep on hand such a large amount of ammunition.

I am in favor of that, but I am also in favor of constructing these additional new buildings at the Rock Island Arsenal. And I want to say that that is not because I am one of the Representatives from the State of Illinois, but because I believe that the great central arsenal of our country should be located far into the interior, and I will be glad to see it built there.

However, that is not my principal objection to the item as it now stands. My principal objection is to our giving the power to the Secretary of War to determine where this building is to be constructed or erected.

Mr. FITZGERALD. It is to be constructed at the Watertown Arsenal. The reason for that is that this is the best metallurgical plant. The furnaces and parts of the plant are there already, and this is to provide some additional facilities for that plant.

Mr. McKENZIE. Will the gentleman allow me to ask him this question: If it is to be built at Watertown Arsenal, why not say so?

Mr. FITZGERALD. I have no objection to saying so. There was no desire to conceal it. I say that to the gentleman so that he will have the information.

Mr. McKENZIE. With all due respect to the Secretary of War, I think it is the part of Congress to determine rather than allow him to determine where buildings shall be constructed.

Mr. FITZGERALD. If we provided $50,000 for this building at the Rock Island Arsenal, it would be of no benefit, because they would have to provide a number of additional facilities that are not now at Rock Island but which are at Watertown. It would be useless to put part of the plant at Watertown, Mass., and another part of the plant at Rock Island, Ill., and then expect anybody to manufacture under any conditions.

Mr. SHERLEY. Mr. Chairman, the gentleman should remember that all of these arsenals have distributed among them a certain character of work. That has been a matter of evolution, and the Ordnance Department is infinitely better able to determine where it can do a particular kind of work than this Congress can be. As a matter of fact, Rock Island ought to complain least, because there has been more enlargement of Rock Island and there will be more enlargement there than at any other arsenal. That is due to two facts. One is that there you have unlimited power, practically, and the other is that you have land, and the other arsenals are crowded for land and have a less economic power in some cases. But they make up in other particulars, some of them by the skilled mechanics that they have available for certain types of work. But to undertake to place a building, without regard to the work that the arsenals are now doing, would simply be to waste your money.

Mr. McKENZIE. I might say to the gentleman from Kentucky that I do not consider it would be a waste of money. I think it would be well to have more of these buildings, and to have them equipped with the machinery.

Mr. SHERLEY. But this building is for a concrete purpose, and it is needed now.

Mr. McKENZIE. I understand, and my recollection is that Gen. Crozier stated before our committee, when we discussed this very question——

Mr. FITZGERALD. Your committee did not discuss this question, because it has not jurisdiction over the kind of projectiles that are to be made. These are for coast-defense guns.

Mr. GILLETT. Does the gentleman think he is as impartial a judge of what is for the best interests of the country as the Secretary of War?

Mr. McKENZIE. I will not put that up to myself.

Mr. GILLETT. I understand the reason of your objection is that it ought to go to Rock Island.

Mr. McKENZIE. If the majority of the Members of Congress felt that way, then it ought to go to Rock Island.

Mr. GILLETT. Does not the gentleman think the Secretary of War is much more apt to determine it impartially, than even the Members of this House, as to what is best for the country?

Mr. FITZGERALD. Is the gentleman from Illinois going to make the point of order? If he wishes to do so, I hope he will.

Mr. McKENZIE. If you want to amend, and state where it is to be built, I might withdraw the point of order.

Mr. FITZGERALD. The department wants it at the Watertown Arsenal.

Mr. McKENZIE. If you want to put in an amendment, and submit to the House the question where is shall be built——

Mr. FITZGERALD. If the gentleman does not want it to go there, it ought not to go anywhere.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. FITZGERALD. It is useless to provide a building at some other arsenal, when part of the plant is located there.

Mr. MADDEN. He says amend it, and put in Watertown.

Mr. McKENZIE. If you will amend it, I will withdraw the point of order. I am opposed to giving the Secretary of War or the Secretary of the Navy such power.

Mr. FITZGERALD. After the word "building," in line 11, on page 170, I will offer an amendment to insert the words "at the Watertown Arsenal."

That is where the building is designed to be located, and that will meet the gentleman's objection.

Mr. SHERLEY. Mr. Chairman, I desire to say that I have no objection to that amendment, but I have very serious objection to the viewpoint of the gentleman from Illinois [Mr. McKENZIE] as to Congress determining these matters. If any abuse has been pronounced, it has been the abuse of individual Members of Congress undertaking to have Government plants established in their districts or their localities, not because the plant ought to be put there but because it was to the interest of a particular community. We have had constant illustrations of that kind in connection with Army posts that ought never to have been built and never would have been built if it had not been for the political power of individual men in connection with the making of appropriations for the Army. Now, to undertake to say here in Congress that we are the judges, and that we are capable judges of where various manufacturing operations should be carried on, is to say what I do not believe. I undertook to point out yesterday, in connection with the Alaskan railroad, what I believed to be the true rule. Congress, by virtue of its very size, is best able to determine questions of policy; but Congress, by virtue of its very size, is unable properly to determine matters of administration pure and simple; and for us to undertake to determine where a given thing shall be made, where the seacoast cannon shall be made, where the rifles shall be made, where the ammunition shall be made, is to undertake to determine what we are incompetent to determine and what we never would determine purely on its merits, but it would become a proposition of one section bidding against another and offsetting an appropriation for one part of the country with an appropriation for another part of the country. The trouble is that men insist on looking on these things as local when they are national. The country is interested in having the work done properly and as cheaply as it may be.

Mr. McKENZIE. I want the gentleman to understand that I do not represent the Rock Island Arsenal. It is not in my district. I have no personal interest in the matter whatever, but I want to ask the gentleman from Kentucky [Mr. SHERLEY] if he does not believe it would be good policy to have our greatest arsenal in the interior of our country, far removed from any possible attack by an enemy?

Mr. SHERLEY. Yes and no. I think it is of value to have the Rock Island Arsenal, and I think it is of value to develop it. I have undertaken to help in that movement, but I do not think it follows that because it is in the central part of the country it should be given always the preference over others. There are certain kinds of work that should be done on the coast rather than in the interior because of the saving of freight.

Mr. McKENZIE. I want to say to the gentleman from Kentucky that I agree with him perfectly in the matter of political pull. I am opposed to it all along the line, and I know the simple fact that a man is Secretary of War or Secretary of the Navy does not make him immune from influence any more than anyone else.

Mr. SHERLEY. I thoroughly agree with that statement, but there is nothing in the history of the Ordnance Department that warrants the belief that they are going to expend money at one arsenal as against another because of any ulterior purpose.

Mr. CURRY. Mr. Chairman, I have no objection to the manufacture of projectiles at the Watertown Arsenal. I think there ought to be two Government manufactories of projectiles—one on the Atlantic and one on the Pacific coast. I believe the manufacture of projectiles on the coast to be for the best interests of the Government, on account of the saving of the transportation cost of the projectiles. It has been stated that the Watertown Arsenal is the only arsenal that has a sufficient amount of land.

Mr. SHERLEY. No one has made that statement. I said it had more land, and therefore would go through a larger development than the others.

Mr. CURRY. The Benecia Arsenal and Barracks have 339.7 acres.

Mr. SHERLEY. I hope the gentleman will not undertake to develop any plea for Benicia Arsenal, for it might require statements about that arsenal that would not be very flattering.

Mr. CURRY. I am prepared to answer any questions the gentleman may ask, and to go into details regarding the economic reasons for the development of Benicia Arsenal. So far as power is concerned, while the Benicia Arsenal has not its own power, it has cheaper power than any arsenal or public plant in the United States except, possibly, Rock Island. We pay 1 cent a kilowatt, and that is about as cheap as you can manufacture it. The Benicia Arsenal ought to be developed. It is the only arsenal on the Pacific coast, and the failure of Congress to develop that arsenal and properly care for it has cost the United States millions of dollars in the past and will cost it millions of dollars in the future if it does not take care of it.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Chair can not entertain an amendment until the point of order is disposed of. The Chair understood the gentleman from Illinois to withdraw his point of order.

Mr. McKENZIE. I do withdraw it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 170, line 11, after the word "building," insert the words "at the Watertown Arsenal."

The CHAIRMAN. The question is on the amendment.

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

The Clerk read as follows:

In all, specifically for fortifications and armament thereof for the Panama Canal, $2,639,048.30.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Last year we carried a provision with reference to the disposition of moneys received from rents, fees, fines, and various other things. What has become of that?

Mr. FITZGERALD. We discontinued that and practically add the estimated amount to one of the appropriations.

Mr. MANN. That money is to be covered into the Treasury?

Mr. FITZGERALD. Yes.

The Clerk read as follows:

SEC. 2. That until the close of the fiscal year 1916, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

Mr. COOPER. Mr. Chairman, I reserve a point of order against that section. I want to ask if that is in the existing law?

Mr. FITZGERALD. It has been carried several years and is in the current law. It was found that certain equipment

used in the Government work on the canal could be disposed of by negotiation with persons who are engaged in construction work of different kinds in South American countries much more advantageously than it could if advertised and sold at public auction.

Mr. MANN. This is practically asking for a selling agent—to send somebody around to see if they can not sell it?

Mr. FITZGERALD. Yes; and it has resulted in getting beneficial terms. Instead of making it permanent, we have carried it from year to year, so that when the time comes when the bulk of the equipment has been worked off the authority will no longer be given. As the gentleman knows, all the equipment has been charged into the cost of the canal and the more that can be obtained for it now the more credit there is. The matter is very carefully guarded.

Mr. COOPER. Mr. Chairman, I would not like to see a similar policy adopted in regard to other property owned by the Government of the United States.

Mr. FITZGERALD. This is only for the fiscal year.

Mr. COOPER. This provides that equipments heretofore or hereafter purchased or required for the construction of the canal may be sold, and so forth. It may be entirely serviceable, it may be just as good as when it was new, and yet here is an authority to sell it by private sale. If that sort of thing should obtain generally, it would open a way to all sorts of improper things and frauds.

Mr. MANN. Will the gentleman yield?

Mr. COOPER. Yes.

Mr. MANN. I think we will all agree thoroughly with what the gentleman from Wisconsin says, but this was the situation on the canal: We had a large lot of equipment there—railroad equipment and otherwise—that might be useful somewhere. It did not pay to bring it back to the United States and advertise it for sale. They could not get anybody to go down there and examine it for bids to any extent, and it was proposed to pass a law giving the President authority to employ some one to go all over the world and sell it without restriction as to time. That was not thought desirable, but it was thought desirable two years ago to put in this temporary provision and see how it would work out, and if there were any objection to it it would automatically cease. As a matter of fact, they have railroad machinery that is worthless down there, worthless up here, because it is not of the standard size, and they have other things there of that kind. They have been able to get some one to watch out where they are adding new improvement work at different places in the world, sending to people who want the machinery and who are willing to take it at a higher price than could be obtained in any other way.

Mr. FITZGERALD. Among this is a large number of locomotives.

Mr. MANN. As I understand, there has been no abuse of it. Of course it would not do at all to apply it to the general Government service. We are all agreed about that, and it seemed more desirable to carry it here from year to year than it was to give permanent authority.

Mr. COOPER. I understand the force of the gentleman's statement, yet it does not convince me at all as to the desirability of this sort of legislation. Here are locomotives, here is valuable material which may be in condition for long use, and we propose to permit its disposition at private sale. It is said that the President will take care of it. The President is thousands of miles away from the Panama Canal, and he must depend upon the statements of somebody.

Mr. MANN. Mr. Chairman, if the gentleman will permit, it is practically a question of trying to sell it for something for a particular use or selling it for old junk. It saves money, that is all.

Mr. COOPER. I do not think so, with all due respect to the gentleman from Illinois. That statement would apply anywhere else. There is no more reason, in my judgment, why the man who will buy this at private sale would not bid for it if there were an advertisement of public sale any more than there would be in any other case in the disposition of public property.

Mr. FITZGERALD. Mr. Chairman, there are a large number of locomotives that no one would purchase for use as locomotives, because the gauge is 6 feet.

Mr. COOPER. Then advertise them and say here are a lot of locomotives at such and such a price.

Mr. FITZGERALD. They would be bought for scrap. They are holding them, and as construction is being undertaken in various South American countries they suggest to the people that if they will build instead of the standard-gauge track a track of 6-feet gauge they could make arrangements to sell locomotives to them at a price that would be profitable to the canal and profitable to the people doing the work.

Mr. MANN. They say that it has been very profitable.

Mr. FITZGERALD. I will ask the gentleman to either make the point of order or let us proceed.

Mr. MONDELL. Mr. Chairman, if the gentleman will permit, I would suggest to the gentleman from Wisconsin [Mr. COOPER] that the last time I was in Panama I talked with Col. Goethals and some of the other canal officials in regard to this very matter. I saw great lines of these worn engines and cars, a lot of rails, and other material of one sort and another. I became convinced that if we were to advertise all that stuff for sale we would get very few bidders and low bids. There would be very few buyers, but it did seem to me that if we had the stuff all listed and people going down there could see the material and buy such part as they desired and could secure it without having to wait for a sale, we might sell quite a quantity of it and at a very good price. As a matter of fact, I understand they are getting fair prices for what they have sold, considering the value of the material. My own opinion was that under the conditions in Panama they would get more for the material at private sale than they would if they were to advertise it.

Mr. COOPER. Mr. Chairman, that same argument would apply to any other material for which the Government of the United States does not have immediate use. The same argument would apply to material in the United States proper.

Mr. MONDELL. Oh, no.

Mr. COOPER. Certainly it would.

Mr. MONDELL. Panama is a good many miles away and not easy to reach.

Mr. COOPER. If the Government of the United States has not immediate use of property, and it will list it, according to the gentleman's statement, people would come and look at it and buy it, or say what they would give for it.

Mr. MONDELL. If the material were where people could reach it and see it without traveling a great distance at a considerable cost and spending a lot of time, it would be entirely proper to advertise, and that would be the way to do it, but this involves a five-day trip down to Panama and a five-day trip back. People may not be able to go at the time of the sale.

Mr. COOPER. The man who buys this at private sale goes and looks at the property, and he must make that five-day trip down and five-day trip back.

Mr. MONDELL. If he does, he can buy the material right then and there, the minute that he arrives. He does not have to wait for a 30-day advertisement and all that sort of thing. But it is not absolutely necessary for a purchaser to go there at all.

Mr. COOPER. No; but if you advertise, he would make the five-day trip at the proper time. I object to this provision.

The CHAIRMAN. Does the gentleman from Wisconsin make the point of order?

Mr. COOPER. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

SEC. 3. That in measuring vessels for the purpose of imposing and collecting tolls at the Panama Canal and for other purposes the measurement shall be determined in all cases by the Panama Canal rules, and the maximum and minimum tolls for vessels of commerce prescribed in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, shall be based on net tonnage as determined by said Panama Canal rules.

Mr. J. R. KNOWLAND. Mr. Chairman, I make the point of order on the provision that it changes existing law as to the levying of tolls.

This proposed legislation is an attempt to legalize the levying of a toll upon deck loads of vessels, thus discriminating against Pacific coast shipping interests. The Panama Canal act provides that the tolls when based upon net registered tonnage for ships of commerce "shall not exceed $1.25 per net registered ton." The President, by proclamation, fixed the toll rate for vessels of commerce at $1.20 per net registered ton. This toll has been collected and in addition an added charge has been made for deck loads, which is clearly contrary to law.

Lumber vessels do not load to their full capacity below decks, because of the convenience, particularly in the handling of long lengths, in utilizing the deck space. It requires less time to load and discharge. For this reason they do not load to a full capacity below. It should be borne in mind that a vessel is charged upon its full net registered tonnage, whether it is loaded to its full capacity or only carries half a load. Say a half of a load was carried below. It would be possible, should this authority be given—an authority now being illegally exercised—to collect a toll for the full net registered capacity of the ship and for the deck load in addition. It is bad enough for the owners of American ships to pay a toll through this Amer-

ican waterway, without being compelled to pay an amount greater than the law contemplated. Under the Suez Canal rules it is specially provided that "deck loads" are not comprised in the measurement. The navigation laws of the United States provide that nothing shall be added to the gross tonnage for any sheltered space above the upper deck, which is under cover and open to the weather—that is, not inclosed. (R. S., 4153, Mar. 2, 1895.)

The charge has been made that unsafe freak ships might be constructed. This could be easily regulated. The Suez Canal rules prohibit the overloading of decks. For these reasons I insist on the point of order.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. FITZGERALD. Mr. Chairman, it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That the Joint Land Commission established under article 15 of the treaty between the United States and the Republic of Panama, proclaimed February 26, 1904, shall not have jurisdiction to adjudicate or settle any claim originating under any lease or contract for occupancy heretofore or hereafter made by the Panama Railroad Co. of lands or property owned by said Panama Railroad Co. in the Canal Zone, and no part of the moneys appropriated by this or any other act shall be used to pay such claims.

Mr. DIXON. Mr. Chairman, I make the point of order that this is new legislation.

The CHAIRMAN. Does the gentleman from New York care to be heard?

Mr. FITZGERALD. No; but I will offer an amendment in lieu of it.

The CHAIRMAN. The point of order is sustained, and the gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 171, in lieu of the section stricken out insert:

"SEC. 4. No part of the money appropriated by this act shall be used for the payment of salaries or expenses of the joint land commission established under article 15 of the treaty between the United States and the Republic of Panama in adjudicating or settling any claim originating under any lease or contract for occupancy made by the Panama Railroad Co. in the Canal Zone or for the payment of any award made by said commission on account of any such claims."

Mr. DIXON. Mr. Chairman, I make the point of order on the amendment.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling. I think it is a limitation on the appropriation.

Mr. SIMS. Mr. Chairman, I would like to submit an inquiry to the gentleman from New York.

Mr. FITZGERALD. I wish the Chair would rule on the point of order first.

Mr. SIMS. It is concerning this very proposition.

The CHAIRMAN. The Chair is of opinion that the amendment is a limitation, and overrules the point of order.

Mr. SIMS. Mr. Chairman, I think I know, but I would like to have the gentleman from New York [Mr. FITZGERALD] give the reasons why he thinks this amendment proper, so that it may go into the RECORD at the point where the amendment is offered.

Mr. FITZGERALD. Mr. Chairman, in the depopulation of the Canal Zone, due to raising the water, the Panama Canal Railroad has made certain leases at Gatun and Cascades, and when the order was issued to depopulate the zone those leases were revocable at will. The persons who had them—the natives there—had erected temporary shacks, some places with a little patch, and were declining to move unless they were compensated. There was no legal obligation upon the part of the Government, but the attorney for the Panama Railroad Co. found it was easier and better to pay some trifling sums to these persons and have them move out. A short time ago the joint land commission decided it should have jurisdiction of all those cases, and insisted on their being brought before the commission for adjudication rather than be settled in this way. The result will be that a number of claims upon the zone, with no foundation whatever, which could be adjusted and cleaned up by some trifling payment, must be brought before the joint land commission. They must sit there and hear the statements and review each case, and then determine if they have any claim. Well, the members of this commission receive $15 a day and $10 for expenses. They will get enough of these claims so that it will be a very profitable undertaking, so far as the commission is concerned, but a very expensive and useless proceeding, so far as the Government is concerned.

Mr. SIMS. The gentleman has also considered the question in connection with the Panama Canal treaty. Does the gentleman think there is anything in that——

Mr. FITZGERALD. All of these claims, if they are brought before the commission, will be decided against the claimants, and the only effect of the ruling of the commission is that it will stimulate the presentation of a great volume of claims they have to pass upon. It is notorious there is no foundation for claims against the Government, but it will lengthen the life of the commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

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

The Clerk read as follows:

SEC. 5. That in prescribing regulations under the provisions of section 5 of the sundry civil act of August 1, 1914, the President shall provide that in lieu of furnishing to the auditor individual detail collection vouchers, not provided for in said regulations, two competent persons, one from the office of the Auditor for the War Department, designated by the auditor, and one from the office of the Comptroller of the Treasury, designated by the comptroller, shall be sent semiannually, at such time as may be designated by the comptroller, to the Canal Zone to examine the accounts and vouchers and verify the submitted schedules of collections and report in triplicate to the Auditor for the War Department, the Comptroller of the Treasury, and the auditor of the Panama Canal; and such persons shall make such other examination into the accounts of the Panama Canal as may be directed by the comptroller, and for all such purposes they shall have access to all records and papers pertaining thereto. Such examination and inspection shall be made for the period covered by the persons designated as soon as practicable, and the report of such persons shall be promptly filed. Such persons shall be furnished their transportation going and returning, including meals, and be paid a per diem of $4 from the day of sailing from the United States until return thereto, both days inclusive, in lieu of subsistence on the Isthmus and all other expenses, out of such appropriation for the Panama Canal as may be designated by the governor.

Mr. SMITH of Minnesota. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Illinois [Mr. MANN]——

Mr. COOPER. Mr. Chairman, I reserve a point of order on the section.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. SMITH of Minnesota. I wish to ask the gentleman from Illinois [Mr. MANN], knowing that he is familiar with the conditions on the Panama Canal Zone, whether or not it is possible to use any considerable portion of the equipment on the Panama Canal Zone in the construction of the railway in Alaska?

Mr. MANN. I do not think it is possible to use very much, and they do not think so.

Mr. SMITH of Minnesota. During the debate last summer on the Alaskan railway bill it was asserted, as I remember, that that was quite possible and feasible.

Mr. MANN. My recollection is—I am not sure I am right about that—that when the Isthmian Canal Commission reported upon this subject, as they did, men who had been engaged in construction work down there reported in the neighborhood of a million or a million and a half dollars' worth of equipment which possibly might be used for the Alaskan railroad. I should doubt it would be as much as that, yet it might be. Most of the equipment down there is either iron railway locomotives or cars which are not of standard gauge. The standard gauge is 4 feet and 8 inches, whereas the Panama Canal gauge is 5 feet in width; but, still, some of them can be readjusted, and would be valuable. Now, the other machinery that they have down there is largely excavation machinery of a kind and character that will not be worth anything at all in Alaska. Of course, some incidental things they could use.

Mr. SMITH of Minnesota. I thank the gentleman.

The CHAIRMAN. Does the gentleman from Wisconsin make the point of order?

Mr. COOPER. Mr. Chairman, I reserve a point of order. Before I speak to that, however, I would like to ask the gentleman from Illinois if there are not a considerable number of dredges down there which could be used in work in this country?

Mr. MANN. Well, they have a good many Bucyrus steam dredges with large shovels that would be of use in this country or elsewhere, although most of the dredges they have there with the large shovels can not be used in very many places. The 3-yard dredge is fairly good in various places. They have some now with 15-yard dippers. Of course, they would not be of use anywhere else in the world except there. The 5-yard is not so good in most places in this country; but those dredges which could be used are a valuable asset.

Mr. COOPER. I have heard it said by one who ought to know that some of these dredges and some of the excavating machinery could be used to great advantage in the improvement of the Mississippi River at a very great lessening of the expense and with very great benefit, and expedite, if I may use the word, the project for the lower river.

Mr. MANN. If the gentleman will permit, some of the dredges that are in the water and work under water might be

of advantage with reference to some of the river and harbor improvements of this country; but they have a demand for them down there, and it will be a long time before they are through. In those places they are using them to excavate the slides, and the slides will be with us, I expect, until the gentleman from Wisconsin and myself are laid on the table.

Mr. FITZGERALD. Those are for maintenance purposes.

Mr. COOPER. Some are to be retained for maintenance purposes, but I do not think all are to be retained.

Mr. MANN. They use them in connection with the slides.

Mr. FITZGERALD. And they will be used on the coast channels and other parts. They are proposing to buy a new one now.

Mr. COOPER. I want to ask the gentleman from New York as to why this change is proposed in section 5?

Mr. FITZGERALD. The Comptroller of the Treasury decided that the audit of the accounts of the transactions on the canal, the papers and other transactions, should be sent to Washington, to be passed on here. That is practically impossible; so Col. Goethals and the Comptroller of the Treasury took the matter up and worked out this system by which the original audit will be made by the auditor for the Canal Zone. And then twice a year a representative of the office of the Comptroller of the Treasury and a representative of the Auditor for the War Department, under whom these accounts come, shall visit the zone and make an examination, just like an examination of accounts in a commercial business. It was a matter in which it was difficult to determine just what should be done. The comptroller at first thought that on every commercial transaction a voucher should show the cost to the Government and the profit. There was no possible way that could be figured out. And to transmit all of the papers in connection with every transaction would so multiply the work connected with the canal it would not only be expensive but very unnecessary. So the Comptroller of the Treasury and Col. Goethals, when he was here last month, went over this matter and worked out this arrangement, that the auditing might be done by the auditor on the Canal Zone; and in order that there might be a proper check, one representative of the Auditor of the War Department and one representative of the comptroller should twice a year visit the Canal Zone and check over these accounts.

Mr. COOPER. Col. Goethals was of the opinion that this was the better way?

Mr. FITZGERALD. That this was the only practicable way they could work it out, and they have gotten together on the matter and agreed to it.

Mr. COOPER. I am disposed to yield to the opinion of such a man as Col. Goethals, reenforced by the gentleman from New York [Mr. FITZGERALD], but, generally speaking, I do not believe in auditing things 2,000 or 3,000 miles from the seat of government.

Mr. FITZGERALD. The advantage really is to audit a transaction at the place where it occurs, the same as with a great commercial business.

Mr. COOPER. We compel postmasters and collectors and all that sort of people to send their accounts here to Washington to be audited.

Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the copy therefor is furnished to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, or the Comptroller of the Currency.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I intended to ask a question in reference to the preceding paragraph, as to sending auditors to the Isthmus. The language reads:

Such persons shall be furnished their transportation going and returning, including meals, and be paid a per diem of $4 from the day of sailing from the United States until return thereto, both days inclusive, in lieu of subsistence on the Isthmus and all other expenses.

Upon what theory do we furnish transportation and meals to a man going from New York to Colon and then pay him $4 a day for subsistence besides, or, when we furnish his subsistence in kind, why do we pay a commutation for it in addition?

Mr. FITZGERALD. I do not think we should pay it while they are on the boat, except there are some additional expenses on the boat. I do not believe they should get the per diem while they are on the boat.

Mr. TOWNSEND. Is there ever a bridge whist game on the boat?

Mr. STAFFORD. There would be if the gentleman were there.

Mr. MANN. This will not amount to a great deal, probably, but there are a great many cases in the Government service where we furnish either subsistence in kind or a per diem, and I would hate to see us start in on the plan of furnishing both at the same time, because that would amount to a good deal in some cases.

Mr. FITZGERALD. It only amounts to about $50.

Mr. MANN. I know it does not amount to very much here, but you can not make a precedent of this kind and stop. I am not going to offer an objection at this time, however.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 8. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1916, and all laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 33 to offer an amendment in connection with a matter about which the gentleman from Illinois inquired.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 33 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 33, line 12, strike out the word "notes" and insert in lieu thereof the word "currency."

Mr. FITZGERALD. Mr. Chairman, I inquired of the Bureau of Engraving and Printing, and this corrects the matter that the gentleman from Illinois called attention to.

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. FITZGERALD. Mr. Chairman, I offer another amendment in connection with the same matter.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 38, in line 5, strike out the word "securities" and insert in lieu thereof the word "currency."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 61 to provide for a motor-propelled vehicle at the Chickamauga National Park.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to return to page 61 for the purpose of offering an amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 61, line 7, after the word "of," insert the words "one motor-propelled and one."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. FITZGERALD. Mr. Chairman, on yesterday we passed a provision in the Reclamation Service until to-day. A provision has been prepared, after consultation with the Reclamation Service, which I think is acceptable to the gentleman from Wyoming [Mr. MONDELL] and acceptable to the gentleman from Missouri, who demurred, and acceptable to myself, a neutral. If the gentleman from Wyoming [Mr. MONDELL] will withdraw his amendment, I will offer this amendment to strike out the paragraph and insert the following.

Mr. MONDELL. Mr. Chairman, I withdraw the pending amendment to the paragraph.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] withdraws his amendment to page 106, which was passed over, and the gentleman fram New York [Mr. FITZGERALD] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph beginning with line 1 and ending with line 5, on page 106, and insert in lieu thereof the following:

"No work shall be undertaken or expenditure made for any lands for which the construction charge has been fixed by public notice, which work or expenditure shall, in the opinion of the Secretary of the Interior, increase the construction cost above the construction charge so fixed, unless and until a valid and binding agreement to repay the cost thereof shall have been entered into between the Secretary of the In-

terior and the water-right applicants and entrymen affected by such increase cost, as provided by section 4 of the act of August 13, 1914, entitled 'An act extending the period of payment under reclamation projects, and for other purposes.'"

The CHAIRMAN. The Chair would like to state that the gentleman from New Jersey [Mr. PARKER] has a unanimous-consent request which the Chair will put to the committee. The gentleman from New Jersey asks unanimous consent to recur to page 112, to the items concerning Howard University, which were stricken out on a point of order. The gentleman asks that that ruling of the Chair be vacated, and that the committee return to that item and reconsider it. Is there objection?

Mr. SISSON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Mississippi objects.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. J. R. KNOWLAND. Mr. Chairman, pending that, I ask unanimous consent to extend my remarks in the RECORD in explanation of the point of order made against a paragraph of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent to extend my remarks on the subject of Howard University.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent to extend his remarks in the RECORD on the subject of Howard University. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 21318) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, had directed him to report it back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

DESIGNATION OF SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. Before the Chair puts that question, he desires to designate Mr. WALSH, of New Jersey, to preside to-morrow.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 21161, the pension appropriation bill.

Mr. GREENE of Massachusetts. Mr. Speaker, pending that I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BARTLETT. And pending my motion, Mr. Speaker, I would like to inquire of the gentleman from Illinois [Mr. HINEBAUGH], who is the ranking minority member, if he desires to enter into any agreement about general debate on the bill? I have a good many requests for time on this side of the House, without taking into consideration any time for myself to explain the bill or make any remarks about it, for about three hours. I have requests for about two hours and five minutes, not including members of the committee or including the time I would like to occupy myself, so that it seems to me that almost three hours on this side is requested.

Mr. HINEBAUGH. Three hours would be satisfactory to this side.

Mr. BARTLETT. That would be six hours of general debate. That is the gentleman's suggestion—three hours to a side?

Mr. HINEBAUGH. Yes.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to six hours, three hours to a side.

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union, the gentleman from Georgia [Mr. BARTLETT] asks unanimous consent that general debate on this bill be limited to six hours, one-half of the time to be controlled by himself and the other half to be controlled by the gentleman from Illinois [Mr. HINEBAUGH]. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion to go into the Committee of the Whole House on the state of the Union for the consideration of the pension appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Indiana [Mr. CLINE] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21161, the pension appropriation bill, with Mr. CLINE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21161, the pension appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 21161) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1916, and for other purposes.

Mr. BARTLETT. Mr. Chairman, the bill is short, but I ask unanimous consent that the first reading of it be dispensed with.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, just a word in reference to the bill.

Mr. MANN. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman a question. It is now a quarter to 3 o'clock. I am not sure that all the time in general debate will be used, but I take it that it is quite certain that the gentleman will not have the bill ready to-night for amendment.

Mr. BARTLETT. Yes. The gentleman can go on that assumption that we will not.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. STAFFORD. How long does the gentleman contemplate running to-night?

Mr. BARTLETT. I am not disposed at this time in the week, after the continuous attention that the House has given to the business during the past week, to press the bill to an unusual hour, because, in my judgment, we have ample time to pass the appropriation bills in the House. If there were any necessity to keep the House in session to an unusual hour I would not object, but there is nothing to be accomplished by it.

Mr. STAFFORD. There will be no question but what the bill will be gotten out of the way by Tuesday next?

Mr. BARTLETT. I apprehend the gentleman understands that Monday will not be occupied by this bill. I have no question that the bill will be finished some time during Tuesday. There are some amendments to be offered by gentlemen of the committee which will probably provoke some discussion. Otherwise I do not know that there is any reason to take very long after the general debate is over.

Mr. STAFFORD. Then we are to understand that the committee will not run very late this afternoon?

Mr. BARTLETT. Down my way even plowhands are entitled to some part of Saturday afternoon off, and I think Members of Congress ought to be entitled to as much.

Mr. Chairman, I started to say that I would not occupy the time of the committee in any detailed explanation of this bill at the present time. The bill carries $165,000,000. Since the hearings were had before the committee further investigations have been made, and I have a letter from the Secretary of the Interior which will justify us in reducing that amount to $164,000,000 at least, and that amendment will be offered.

I now yield one hour to the gentleman from Texas [Mr. DIES].

[Mr. DIES addressed the committee. See Appendix.]

Mr. HINEBAUGH. Mr. Chairman, I yield 25 minutes to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS of Maryland. Mr. Chairman, I am not vain enough to think that I can add anything of value to the general philosophy applicable to the subject of the remarks of the distinguished gentleman from Texas [Mr. DIES]. Nor am I vain enough to think that I can even restate the form of such philosophy to improve its application this afternoon. There are a few things, however, that I wish to say, not in defense of socialism, not in defense of individualism, not in defense of communism, for none of these principles in their proper field of application needs any defense at all. I know it is the habit of superficial talkers, if not superficial thinkers, to classify themselves and others as socialists and individualists or communists, and then in a word and in a moment determine and solve every problem before society. I want to say that in any real sense there are no socialists, there are no communists, there are no individualists in this Congress to-day, or, rather, to state it more accurately, every one of us is a combination of all three.

There is not a man here who would assign the farm and the factory and the grocery store to socialistic action. There is not a man here who would assign the public school and the public road to the field of individualism. I hope there is not a man here who would take from the post office the functions that it has so beneficently discharged in the last hundred years all over the world.

Socialism represents the Postal Department, communism the roads and the public schools. The maxim of communism is, "To every man according to his need; from every man according to his power"; and so the bachelor and the childless taxpayer is taxed to maintain the public schools. The same maxim is applied by the State to the public roads, and it collects the cost of their maintenance from the taxpayer whether he has automobiles or wagons to run over the roads or not. In the post office the socialistic maxim, "To every man according to his deed" is applied, and there we pay for what we get, and the worker is supposed to be paid according to the value of his service.

The rule of individualism implies the field of individual initiative and capital, with no interference from the State except to enforce contracts and protect the citizen in the enjoyment of what he calls his own. Now, organized society has never been able to get along successfully as a one-idea or one-fingered institution, and has had to employ all three of these principles and doubtless will always continue to do so. It is for the publicist and political economist to decide from time to time after careful examination and analysis of the particular facts and circumstances whether an activity which the citizen can not conduct for himself, according to the rules of private finance, shall be conducted by society under the rules of public finance.

Around each of these principles is a set of shibboleths and aphorisms which were designed as battle cries of their partisans to characterize themselves or their foes. What I protest against this afternoon is the inconsiderate use of these sayings, that really start nowhere and get nobody anywhere—this light aphorist, the man with the mouth full of maxims and apothegms, which he shoots out at you upon all occasions, which are mere substitutes for thought by statesmen, mere short cuts to conclusions, which only avoid particular labor, work, and study of political problems, so essential for their wise solution. A favorite aphorism among the class active this afternoon is "the least government is the best government." If you can say that "the least government is the best government," then you have disposed of all progressive problems for a hundred years. You will leave the Government just where Jefferson left it, completely crystallized and with no development, utterly oblivious of the complete change of social relations and the revolution in human affairs. Can not such gentlemen understand that what may be a philosophy in one age may become a mere prejudice in another age? Can not gentlemen understand that the idea of "the least government is the best government" applied to France before the Revolution represented, in a brief statement, the most magnificent philosophy of human freedom, but applied to our day has become a mere prejudice and often a mere barrier in the way of human progress? [Applause.]

The man who invented the aphorism, when he invented it, performed some service to society and enabled groups to think and express themselves with facility; but the man who applies it indiscriminately to our problems, and in these days, is only standing in the way of progress and employing it as a mere substitute for investigation of particular problems.

Let us take, for example, the shipping bill the immediate incitement, I presume, for the most witty address you have just heard. You can settle that question very readily if you will just think of the right apothegm, the right aphorism, and that happens to be "the least government is the best government," which is on the lips of every monopolist and exploiter of special privilege. But, good God, what would it mean so applied, gentlemen of the House? Here are the rates on the ocean to-day that run five to ten times the normal rates. Suppose the transportation agencies inside the country were to suddenly raise their rates five or ten times, would you have a filibuster and the aphoristic statesman on your hands, or have a revolution of the most dangerous character? [Applause.]

But because it happens to be out on the ocean, invisible to the provincial eye, is it to be dismissed? Let us see. Transportation, after all, has been recognized for centuries as representing a field in which the Government found one of its first duties. It went so far as to adopt the communistic principle in order to put a road to every man's door. Is that duty to be utterly neglected on the ocean? Let us analyze the case. We can not regulate ocean rates through the Interstate Commerce Commission, unfortunately, because the carrying property is not the property of citizens of this Republic, and because representing alien property, as it mostly does, its right to do commerce, its right to bring shipments here and take them away, is protected by innumerable treaties. We are unable to use the instrumentality of regulation, therefore, in that field as we have done with the railroads.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield for a question?

Mr. LEWIS of Maryland. Yes.

Mr. HUMPHREYS of Mississippi. To what treaty provision does the gentleman refer that would prevent the Federal Government from regulating oceanic rates?

Mr. LEWIS of Maryland. I am unable to refer now to any special treaty. I am giving my opinion that the treaty relations of the country would prohibit it at this time.

Mr. BRYAN. The gentleman will remember that the subsidy, so called, given under the Underwood tariff bill could not be put into effect because of treaties with foreign nations.

Mr. LEWIS of Maryland. I am convinced there are complications, diplomatic and probably economic, which prevent this Government employing regulation as one of the instruments of relief. What are we to do? Here are transportation rates ten times normal. The hog is in the garden of our commerce, and this Democracy, now responsible to the people, in some fashion ought to get that hog out. She is going, perhaps, to tangle her skirts and muss up the aphoristic statesmen in doing it, but the duty is present, and this administration ought to be applauded for the courage with which it meets problems so presented instead of impliedly being denounced as the author of all kinds of fantastic, irresponsible socialism.

Mr. Chairman, the gentleman saw fit in his omnibus characterization of governmental action to take up the subject of the telephone and the telegraph, a subject with which my own labors here in the House have been peculiarly associated. It is true that every country in the world, democratic, monarchical, republican, and what not, has treated the electrical communication the same as the letter communication, and that that function has been postalized throughout the world. Let me make a sensational statement this afternoon. I do not usually indulge in that habit, but I am going to take the liberty to do so now.

The business man of the United States has to pay as much to ship a long-distance telephone communication over the wires of our country as he has to pay to ship a ton of freight over the rails. I mean that the scale of telephone charges for long-distance purposes amounts to 6 mills a mile, while the railroads get 7 mills a mile for carrying an average ton of freight, so gentlemen can see how very weighty their conversations sometimes are—over the telephone, at least.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. STAFFORD. If that long-distance telephonic charge is unreasonable, why does not the Interstate Commerce Commission under the powers vested in it under the Mann Act exercise those powers and make a reasonable rate?

Mr. LEWIS of Maryland. Why, gentle shepherd, tell me why. Why? Because the whole theory of regulation is nearly worthless, applied to certain kinds of monopoly, and you can not secure through the theory of regulation—in the postal field—the kind of rates and the kind of service that the postal function can give you if it is allowed to do so. Regulation is not a substitute for competition or postal action. Why do the express companies to-day not carry a pound parcel for a nickel? Because they can not do it. They are losing money on 21 cents, the low-

est rate fixed by regulation. I can give the gentleman the facts about these things, if the House would have the patience to listen to them, but my purpose in rising this afternoon was, so far as least as one member of the majority party is concerned, to express an emphatic dissent to this implied denunciation of the administration.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield further?

Mr. LEWIS of Maryland. Yes.

Mr. STAFFORD. But in the case of express companies the Interstate Commerce Commission, though laggard for many years, did exercise that power and reduce the rates, and it did lower the exorbitant charges and make reasonable charges.

Mr. LEWIS of Maryland. It reduced the 25-cent rate to 21 cents, and Postmaster General Burleson reduced his rate to a nickel. He is making money at a nickel rate, and the express companies to-day are losing money at a quarter.

But that is the trouble with this whole problem. I am not implying that the gentleman from Wisconsin [Mr. STAFFORD] illustrates it. These gentlemen who have their stock aphorisms and apothegms can not ever be gotten to investigate particular facts. The votary of that easy philosophy does not need to examine facts. He never needs to discriminate or distinguish human conditions and circumstances. He has an aphoristic arrow that he can shoot straight to the star of the ideal solution any moment you give him a chance to talk. Take the telegraph business, for example. Of course Government operation must be uneconomical. That is fundamental with the aphorists. Well, in Australia to-day the cost to the Government of shipping a telegram, over a country as large as our own, is just 27 cents on the average. It costs the American companies 48 cents.

I am not speaking of rates; I am speaking of cost of service to the companies that conduct it. And, moreover, the number of telegraph stations in that country are about seven to one as compared with this. I want to say that while it may not always be true, when a private financier is given a complete monopoly of the field you are going to have two results in all probability. One result is the highest rates, rates that will cut down the traffic and service to society. The other is uneconomical service, the lowest product per dollar expended—and our telegraph agencies illustrate this very principle. This means low operative efficiency. I mean in the work done by the employees engaged therein. The private monopoly does not get as much product out of the employee as postal monopolies are getting, and that is true of the telephone monopoly and of the telegraph monopoly as well.

Mr. CAMPBELL. Will the gentleman yield?

Mr. LEWIS of Maryland. I will.

Mr. CAMPBELL. Upon what authority or information does the gentleman make the statement that the telegraph operatives of this country are less efficient than the operatives in other countries?

Mr. LEWIS of Maryland. I will give the gentleman the specific facts. The function of telegraphic institutions is to handle telegrams, and the number handled per year per telegraphic employee in New Zealand amounts to 4,000. The number handled per year per telegraph employee in the United States amounts to 2,900. The number of telegrams per office in the United States, upon which the operative had a chance to make a record, was some 41 per day. It was only 12 in New Zealand. The telegraph monopoly of the United States is absolutely reeking with functional inefficiency, while it charges rates that run from two to four times those of other countries.

Mr. CAMPBELL. Have the investigations of the gentleman led him to inquire as to the number of telegraph offices per capita of Australia and the United States?

Mr. LEWIS of Maryland. Seven times as many there as here. [Applause.]

Mr. CAMPBELL. Seven times as many offices?

Mr. LEWIS of Maryland. Yes, sir; compared to population. I know these facts sound incredible to gentlemen, and they will sound incredible to any school that has been instructed by an aphoristic school-teacher. Of course the Government can not do anything efficiently; of course it can not do anything economically, he thinks. It is against all the philosophy of the aphorist. Our point of view in these matters ought not to be determined by aphorisms that ought to be in the grave with the heroes who made them 100 years ago.

A Member of Congress, responsible to the Nation, ought to be willing to dig into the facts for conclusions and not merely doctor the great American patient with cheap aphorisms. [Applause.] Take the Bell system. Nobody denies its magnificent development. It collects nearly half of the telephone revenue of the world. I have no prejudices against it; but it is a fact at the same time that the postal telephone systems of the world, with rates about one-half per message, are getting nearly twice as much product out of their employees as the Bell system is getting out of its employees. Why? Because its rates are so high that the machine can not be fully utilized. On the long-distance lines abroad the rates run from one-fourth to one-eighth what they are here, and the result is those lines are utilized 10 per cent of their maximum potentiality. Here we utilize only 4 per cent of the possible maximum. Of course the aphorist has no time or need to take into account mere humble facts and human circumstances like these. Now I want to say to gentlemen who think they are going to shut off the progress of humanity with shining claptrap and characterization that there is growing up in this country some protestants. The responsible radical has come. He has no simple rules by which everything can be solved, but he studies the field and examines the facts and circumstances, and from that examination constructs his conclusions. He reports to the president of the company that a bridge is rotten and ought to go down. The aphorist would burn it down and take his time to build a new one, but the responsible radical will leave that bridge stand until a new bridge is constructed, so that traffic will not stop for a moment.

Now, I want to say that kind of a man is coming into the field of government the world over. His idea is to march forward. His philosophy embraces all men. I have no patience with the philosophy that fits only the strong man, the fine man, the man with superior mind or muscles. It is the philosophy of the jungle, that does not take into account the weak brother whom every moral system, and especially our own Christian system, takes into account, and whom our own social aspirations and our own fundamental laws as well take into account, as inseparable members of society. The gentleman said that he was utterly opposed to the doctrine that the Government owed any man a job. Of course, stated in that way here, we all would be opposed to it. But at the same time it is immutably true that the jobless, houseless, farmless, landless man is entitled to an opportunity to earn his bread and keep from starving. That is an inevitable implication from his membership in society and his right to live.

I know this truth is written in every conscience here this afternoon. Now, we have not been able so far to define this ethical right in terms of law. It is our misfortune and his misfortune, too. But the ethical right exists, and future generations of statesmen will write it in the form of law despite the aphorist and his easy philosophy.

Now, gentlemen of the House, I am for the administration in this matter. [Applause.]

Mr. GORDON. Will you let me ask you a question right there?

Mr. LEWIS of Maryland. Yes.

Mr. GORDON. Where do you find any warrant in the Constitution of the United States to engage the people of the United States in the business of carrying goods, wares, and merchandise for hire upon the open sea?

Mr. LEWIS of Maryland. The Supreme Court a half dozen times has affirmed it.

Mr. GORDON. The Constitution, I said.

Mr. LEWIS of Maryland. I will let the Supreme Court be my witness. They are pretty safe researchers in constitutional law. Half a dozen times, I will say to the gentleman from Ohio, the Supreme Court has decided that the Government can take all instruments of interstate and foreign commerce, condemn them, and operate them for its own purpose. The legal authority would seem to be the least questionable feature of the subject. The economical side of it is new and might be questioned, but the legal authority is clear.

Mr. GORDON. Of course, you do not answer me the question. I ask you to point it out in the Constitution. On what clause of the Constitution does the Supreme Court base all this authority?

Mr. LEWIS of Maryland. On the clause which provides for the regulation of interstate and foreign commerce.

Mr. GORDON. Would you cite that case?

Mr. LEWIS of Maryland. The last case is the case of Wilson against Shaw, who was then Treasurer of the United States, and may be found in Two hundred and fourth United States Reports, page 24, decided within the last 10 years.

Mr. WEBB. It is Wilson against Shaw, in the Two hundred and fourth United States Reports.

Mr. PLATT. Does the gentleman imply that gives the Government of the United States the right to condemn a ship?

Mr. LEWIS of Maryland. If it is an instrument of interstate commerce and American property——

Mr. PLATT. But if it is an instrument of foreign commerce?

Mr. LEWIS of Maryland. Equally so. If it were not used in interstate or in foreign commerce, the right might be questioned.

Mr. CALLAWAY. One question. You compared the necessity for highways by saying that the Government, first realizing that necessity, provided public roads over which the people could carry their stuff.

Now, there can be no comparison at all between undertaking to carry their freight in bottoms and merely preparing roads over which people could carry their stuff. The high seas would be the equivalent of the roads over which the stuff goes. To carry freight in bottoms would be equivalent to furnishing them transportation to haul their stuff over roads on land.

Mr. LEWIS of Maryland. Well, the physical comparison may be somewhat inexact, but the gentleman should remember that in nearly all other countries the State has provided not only the roads, but the vehicles themselves.

Mr. CALLAWAY. There is one further question that I want to ask the gentleman, and that is if he has gone into the facts so that he is able to compare this Government with that of Germany? I understand there are fundamental differences between the formation of this Government and that of other Governments, and I wanted to know if the gentleman had looked into that, so that he could give the House when he discusses that thing later a dissertation on our Government, formed as it is, as compared with other Governments, taking into consideration the voter, who is interested in drawing his salary and retaining his job here, as compared with like employment of similar men in other countries.

Mr. LEWIS of Maryland. I will say that I have heard that question discussed. In Germany, for example, it was said there was a class accustomed to command and another class accustomed to obey, and they could secure efficiency in those matters when we could not. I have tested that out in only one respect, and that is in comparing our postal establishment with theirs. Our postal establishment takes as its unit of service the number of mail pieces, and when you take the number of employees and divide them into the number of mail pieces handled in the United States in 1912 we find they averaged some 60,000 per employee. Our postal employee ranked away ahead of all other nations in that respect, including Germany, so that the supposition that our postal establishment is economically inefficient in comparison with that of other countries is not sustained.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from South Dakota?

Mr. LEWIS of Maryland. Yes.

Mr. MARTIN. Do I understand the gentleman to say that the Supreme Court of the United States in numerous cases has held that the power exists in the Federal Government under the Constitution to take over and operate the instrumentalities of interstate commerce?

Mr. LEWIS of Maryland. Yes.

Mr. MARTIN. Will the gentleman have the kindness to attach a list of those cases to his remarks?

Mr. LEWIS of Maryland. Yes. Another case is that of the Monongahela Navigation Co. case, 148, page 34. The cases are given in Nichols on Eminent Domain, section 23.

Mr. LEVY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. LEVY. Do I understand that the Interstate Commerce Commission has no control over our shipping?

Mr. LEWIS of Maryland. None over foreign shipping.

Mr. LEVY. I understood the gentleman to say that, and I wondered, because the Interstate Commerce Commission has control over commerce.

Mr. SISSON. Mr. Chairman, will the gentleman yield to me for one question?

Mr. LEWIS of Maryland. Yes.

Mr. SISSON. As to the efficiency of our Postal Service as compared with that of Germany, what about the cost of handling the packages and the salaries of the employees?

Mr. LEWIS of Maryland. Our salaries are somewhat larger, but not so much so as is supposed. Because of the fact that the telegraphs and telephones are added to the postal service in Germany some of the fiscal comparisons can not be made.

Mr. SISSON. Can the gentleman make a comparison as to the cost per package? Of course, you would have to take into consideration the distance, because it is so much greater here than in Germany. But has the gentleman made a comparison as to the cost per package per employee?

Mr. LEWIS of Maryland. Germany does not happen to report postal expenses as distinguished from telegraph and telephone expenses, and therefore a comparison can not be made.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BARTLETT. Mr. Chairman, does the gentleman from Illinois [Mr. HINEBAUGH] desire to use some time now?

Mr. HINEBAUGH. No more to-night.

Mr. BARTLETT. Then I will yield 10 minutes to the gentleman from Ohio [Mr. SHERWOOD].

The CHAIRMAN. The gentleman from Ohio [Mr. SHERWOOD] is recognized for 10 minutes.

Mr. SHERWOOD. Mr. Chairman, I desire to make a few remarks of a practical nature touching pensions. A magazine called the World's Work has been publishing a series of articles by an unworthy son of a distinguished sire of Massachusetts on my dollar-a-day pension bill, and these articles have all been based on the estimate by the former Commissioner of Pensions, Mr. Davenport, to the effect that the bill carried $75,000,000.

I made an investigation of that question in company with the gentleman from Indiana [Mr. ADAIR], and the gentleman from Missouri [Mr. RUSSELL], both members of the Committee on Invalid Pensions. We made an estimate as to what the bill would cost if enacted into law, notwithstanding the estimate fo the Commissioner of Pensions, and that estimate of ours was proclaimed by your humble speaker on the floor of the House when the bill finally passed on the 10th of May, 1912. That estimate was $21,000,000. The report of the Commissioner of Pensions for the year succeeding the passage of that law gave the amount of money that had been paid out in pensions under that law at $20,800,000, so that was less by $200,000 than the estimate made by the members of the Pension Committee. And now, in February, 1915, the World's Work magazine—and I am not rising now to a question of privilege, because I do not care what the World's Work says about it, one way or the other—has an editorial in which I am designated as "a pension fanatic," and so forth. It does not seem to be understood that we had a great war in this country; and notwithstanding the present war in Europe I still claim that the war in the United States from 1861 to 1865 was the fiercest, the bloodiest, and the longest-enduring war of modern times.

Let us take the leading characteristics of these two wars for a moment. I carried a musket that was estimated to kill at 800 yards. I would load that musket by five motions. I carried 40 rounds of ammunition, every round done up in brown paper; and the man who passed the examination then as a volunteer had to have a good set of front teeth in order to tear the brown paper from the cartridge. Now, a European soldier can pass an examination if he has no teeth at all. They are now carrying a gun that will shoot to kill at 2,000 yards. That gun will shoot 10 times as frequently and is 10 times as destructive as the guns the Volunteers carried 50 years ago.

Our field cannon—the largest that we carried—was a 20-pound Parrot gun. Now they are using a gun that will carry for 6 miles. Our guns were all muzzle-loaders. Now the man who operates a machine gun is behind armor plate; he is protected. Our trenches were thrown up overnight. Now they are having trenches built from 5 to 6 feet deep, and they are covered with an impervious substance to prevent the havoc of exploding shells. Our armies on both sides were in clear view of each other. Now the armies on both sides are all out of sight, not to be seen.

Let me call your attention to this fact, that to-day the two armies confronting each other in France and Belgium and the two armies confronting each other on the Russian border have not practically changed their positions for two months. What was the truth about our Army in the great Civil War? Take the army of Gen. Sherman, whose base of supply was at Louisville, Ky. It fought its way first to Nashville, from Nashville to Chattanooga, from Chattanooga to Rocky Face Mountain, from Rocky Face Mountain to Atlanta, from Atlanta to Savannah, from Savannah up the coast to Raleigh, to the close of the war. How many miles did that army march? Eleven hundred and twenty-five miles. In the Atlanta campaign of 110 days we made an advance of 1 mile a day—110 miles from Rocky Face Mountain to Atlanta in 110 days.

Here is another consideration. How many distinguished major generals and brigadier generals have lost their lives in this war? I am talking now to a very select audience, who are supposed to read the newspapers and the cablegrams. Is there

a gentleman on this floor who can name a single brigadier or major general who has been killed in battle in this gigantic European war? They have a line over 100 miles long in the army of the west and over 100 miles long in the army of the east. They have a battle line of over 209 miles, and we read of desperate bayonet charges every day. There can not be any successful bayonet charges when they carry guns that will kill at a mile, because every column would be annihilated before it reached half a mile. If I were a betting man, which I am not, I would bet my month's salary against a Panama bond that you can not find five soldiers in any field hospital in France, or Germany, or England, or Russia, or Hungary who are wounded with bayonets. We read of the terrible destruction in these battles. They have fought 40 great battles, according to the reports. I venture the assertion that they have not lost 25 per cent of their armies in battle.

Why, my friends, at the Battle of Franklin, where I happened to be; just at the right of the Franklin Pike, in a battle line of two and one-half miles, 12 Confederate generals were killed or mortally wounded—all on the front line of battle—in five hours' fighting. Do you know of any general being killed while leading a charging column over in this European war? There is quite a characteristic difference therefore between the commanders of our Armies in the Civil War and of those over across the ocean.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERWOOD. Will the gentleman give me five minutes more?

Mr. BARTLETT. I yield to the gentleman five minutes more.

Mr. SHERWOOD. At the Battle of Resaca, on the 14th of May, 1864, I saw Gen. Hooker, in the full uniform of a major general, with his yellow sash across his breast, magnificently mounted, right on the skirmish line. I commanded the Union advance at Pine Mountain, at the right of Kenesaw, about a mile, the day that Bishop Polk was shot. I was mounted and near the cannon which fired that shot, and saw the explosion of the shell that killed Bishop Polk, a former bishop of the Episcopal Church, then a major general, and he was killed right on the Confederate front line. I saw Gen. Jack Logan, mounted on that magnificent black horse, "Black Jack," after McPherson was killed in front of Atlanta, when Logan rallied the staggering battalions of our Army and saved the left wing. I saw Gen. Pat Claiborne at Franklin, mounted on a magnificent chestnut horse, in that fearful charge of November 30, 1864. I saw him ride diagonally across the line between the two armies. These were generals who led. Have you heard of any such gallant leadership in this great European war?

My time is limited, and I want to say a few words about this bill.

In my judgment, the item of $100,000 for medical examiners might be reduced. I am an economist on everything but pensions. [Laughter.] For instance, under the bill known as the Sherwood bill, the act of May 11, 1912, a soldier is pensioned on account of his service and his age. Disability has nothing to do with it. Now, 370,000 soldiers, in round numbers, have been pensioned under that law. What excuse is there for any medical examination for these 370,000 soldiers? They are on the pension roll not on account of disability but on account of their age and their service. There is no use making an argument on that proposition. It is apparent that they do not need any medical examination.

Who are the rest of the pensioned soldiers? Soldiers who lost an arm or a leg, and who are drawing pensions on account of that loss—pensions specifically provided for by law. They do not need any medical examination. I can not see what necessity there is for an appropriation of $100,000 for that purpose, and, with the consent of the chairman of the committee, I shall offer an amendment to reduce the amount to $25,000, thereby saving $75,000.

There is another characteristic of that war. Every soldier who stood behind the gun whether he wore the blue or the gray, knew what he was fighting for. The French soldier upon one side of the Rhine and the German soldier on the other side of the Rhine belong to the same class, but they do not either of them know what they are fighting for. The only excuse I ever saw was given by an Englishman, in a couplet, to show what he was fighting for:

My name is Tommy Atkins and I am a husky chap,
My comrade is a Cossack, and my partner is a Jap;
And with all the blooming virtues for which you know we shine,
We are carrying civilization to the people on the Rhine.

[Laughter and applause.]

Mr. AUSTIN. Will the gentleman yield?

Mr. SHERWOOD. I will.

Mr. AUSTIN. In regard to the $100,000 for medical examination, does not the gentleman think that the department may need that amount for the examination of soldiers who served in the Spanish-American War?

Mr. SHERWOOD. Very possibly that might be so.

Mr. BARTLETT. Mr. Chairman, I will ask the gentleman from Illinois if he wants to consume any time now on that side?

Mr. HINEBAUGH. I have no one ready to go on at this time.

Mr. BARTLETT. Has the gentleman any more Members who want to speak on that side?

Mr. HINEBAUGH. Oh, yes; there are quite a number of gentlemen.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21161, the pension appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3419. An act admitting to citizenship and fully naturalizing George Edward Lerrigo, of the city of Topeka, in the State of Kansas;

S. 2304. An act for the relief of Chris Kuppler;

S. 1880. An act for the relief of Chester D. Swift;

S. 1703. An act for the relief of George P. Chandler;

S. 2334. An act for the relief of S. W. Langhorne and the legal representatives of H. S. Howell;

S. 3925. An act for the relief of Teresa Girolami;

S. 2882. An act for the relief of Charles M. Clark;

S. 3525. An act for the relief of Pay Inspector F. T. Arms, United States Navy;

S. 5092. An act for the relief of Charles A. Spotts;

S. 5254. An act authorizing the Secretary of the Interior in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club;

S. 5497. An act authorizing the issuance of patent to Arthur J. Floyd for section 31, township 22 north, range 22 east of the sixth principal meridian, in the State of Nebraska;

S. 5970. An act for the relief of Isaac Bethurum;

S. 5695. An act for the relief of the Southern Transportation Co.;

S. 5990. An act to authorize the sale and issuance of patent for certain land to William G. Kerckhoff;

S. 1060. An act fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy;

S. 1304. An act authorizing the Department of State to deliver to Capt. P. H. Uberroth, United States Revenue-Cutter Service, and Gunner Carl Johannson, United States Revenue-Cutter Service, watches tendered to them by the Canadian Government;

S. 926. An act for the relief of the Georgia Railroad & Banking Co.;

S. 1377. An act for the relief of Alfred S. Lewis;

S. 1044. An act for the relief of Byron W. Candeld;

S. 604. An act for the relief of Sarah A. Clinton and Marie Steinberg;

S. 543. An act to correct the military record of John T. Haines; and

S. 145. An act for the relief of Charles Richter.

ADJOURNMENT.

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Sunday, February 14, 1915, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Zerilda Brodie, widow of Robert Brodie, deceased, *v.* The United States (H. Doc. No. 1594); to the Committee on War Claims and ordered to be printed.

2. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of

John D. Spurgeon *v.* The United States (H. Doc. No. 1595); to the Committee on War Claims and ordered to be printed.

3. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John T. Small *v.* The United States (H. Doc. No. 1596); to the Committee on War Claims and ordered to be printed.

4. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John D. Shofstall *v.* The United States (H. Doc. No. 1597); to the Committee on War Claims and ordered to be printed.

5. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles A. Schimpff *v.* The United States (H. Doc. No. 1598); to the Committee on War Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Richard C. Perkins *v.* The United States (H. Doc. No. 1599); to the Committee on War Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Levi S. Warren *v.* The United States (H. Doc. No. 1600); to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James H. Lyman *v.* The United States (H. Doc. No. 1601); to the Committee on War Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George H. Beers *v.* The United States (H. Doc. No. 1602); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Daniel N. Dressler *v.* The United States (H. Doc. No. 1603); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Giles R. Leonard *v.* The United States (H. Doc. No. 1604); to the Committee on War Claims and ordered to be printed.

12. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Similde E. Forbes, widow of Seloftus D. Forbes, *v.* The United States (H. Doc. No. 1605); to the Committee on War Claims and ordered to be printed.

13. Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Reuben R. Lyon, executor of James R. Allen, deceased, *v.* The United States (H. Doc. No. 1606); to the Committee on War Claims and ordered to be printed.

14. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Ohio River at or near Elizabethtown, Ill. (H. Doc. No. 1607); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11694) providing for the construction of a public building at Binghamton, N. Y., reported the same with amendment, accompanied by a report (No. 1401), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11291) for the purchase of a site and the erection of a public building at Blytheville, Ark., reported the same without amendment, accompanied by a report (No. 1402), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEWIS of Maryland, from the Committee on Labor, to which was referred the bill (H. R. 12292) to prevent interstate commerce in the products of child labor, and for other purposes, reported the same with amendment, accompanied by a report (No. 1400); which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 21315) to authorize the construction of a bridge across the Suwanee River in the State of Florida, reported the same with amendment, accompanied by a report (No. 1403), which said bill and report were referred to the House Calendar.

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7949) to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge acros the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio, reported the same without amendment, accompanied by a report (No. 1404), which said bill and report were referred to the House Calendar.

Mr. CANTRILL, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 20340) to increase the appropriation for a public building at Elkins, W. Va., reported the same with amendment, accompanied by a report (No. 1406), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DEITRICK, from the Committee on Military Affairs, to which was referred the bill (H. R. 16223) for the relief of Warren V. Howard, reported the same without amendment, accompanied by a report (No. 1405), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of California: A bill (H. R. 21440) providing for the construction of naval auxiliaries and for their operation as merchant vessels in time of peace; to the Committee on Naval Affairs.

By Mr. WEBB: A bill (H. R. 21441) to amend section 260 of the Judicial Code; to the Committee on the Judiciary.

By Mr. FARR: A bill (H. R. 21442) authorizing the President of the United States to issue a provisional embargo upon wheat and wheat flour; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER: A bill (H. R. 21443) to reimburse owners of cattle exhibited at the National Dairy Show at Chicago, Ill., in November, 1914, and since then detained in said city because of the quarantine established by the United States Government; to the Committee on Agriculture.

By Mr. PLATT: A bill (H. R. 21449) to regulate the filling of vacancies in the Corps of Cadets at the United States Military Academy not otherwise provided for by existing law, and for other purposes; to the Committee on Military Affairs.

By Mr. NORTON: A bill (H. R. 21450) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes; to the Committee on the Public Lands.

By Mr. WATSON: Joint resolution (H. J. Res. 421) to authorize the Legislature of the Territory of Alaska to apply and expend certain license taxes of said Territory after July 1, 1915; to the Committee on the Territories.

By Mr. PADGETT: Resolution (H. Res. 732) for consideration of S. 5259; to the Committee on Rules.

By Mr. GREGG: Resolution (H. Res. 733) to amend H. Res. 591, Sixty-third Congress, second session; to the Committee on War Claims.

Also, resolution (H. Res. 734) to amend H. Res. 532, Sixty-third Congress, second session; to the Committee on War Claims.

By Mr. CAMPBELL: Memorial of the Legislature of the State of Kansas, protesting against the proposed establishment of two Federal judicial districts in the State of Kansas; to the Committee on the Judiciary.

By Mr. CONNOLLY of Iowa: Memorial of the Legislature of the State of Iowa memorializing Congress to investigate the origin of the foot-and-mouth disease; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21444) for the relief of the Johnstown Building & Loan Association Co., of Johnstown, Ohio; to the Committee on Claims.

Also, a bill (H. R. 21445) for the relief of the Home Building Loan & Savings Co., of Coshocton, Ohio; to the Committee on Claims.

By Mr. CARR: A bill (H. R. 21446) granting an increase of pension to Nancy S. McKelvey; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21447) granting an increase of pension to John Hundley; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 21448) for the relief of Abraham B. Lewis; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODBECK: Petitions of York County Branch of the German-American Alliance, protesting against export of war material; to the Committee on Foreign Affairs.

By Mr. COOPER: Petitions of C. Buenger and other residents of Kenosha; M. L. Geubert and other residents of Clinton; William Rust and other residents of Mukwongo; Albert Wald and other residents of Burlington; German Catholic Young Men of Racine; St. Michael's Society, Racine; St. Kasmer's Society, Racine; German-American Alliance, Watertown; German-American Alliance, Wausau; Bower City Verein, Janesville; Lutheran Aid Association, Ableman, all in the State of Wisconsin, asking that legislation be enacted to prohibit the sale of arms, ammunition, and munitions of war to any of the belligerents of the present European conflict; to the Committee on Foreign Affairs.

Also, petition of the Kenosha (Wis.) Branch of the Socialist Party, asking that Congress authorize certain Government work looking toward the employment of the unemployed; to the Committee on Labor.

Also, petition of Waukesha County (Wis.) Guernsey Breeders' Association, favoring appropriation to reimburse exhibitors of cattle at the National Dairy Show at Chicago in November last for expenses incurred because of the quarantine established by the Government; to the Committee on Appropriations.

Also, petition of the Waukesha County (Wis.) Holstein-Friesian Breeders' Association, favoring an appropriation to reimburse exhibitors of cattle at the National Dairy Show at Chicago in November last for expenses incurred because of the quarantine established by the Government; to the Committee on Appropriations.

By Mr. DAVENPORT: Petition of citizens of Kitchum, Okla., protesting against passage of House bill 20644, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. DONOHOE: Petition of citizens of Philadelphia, Pa., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. DOOLING: Petition of Liberty Council, No. 296, C. B. L., New York City, favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. EAGAN: Petitions of sundry citizens of the State of New Jersey, favoring citizens of the State of New Jersey, favoring the passage of bills to prohibit export of war materials; to the Committee on Foreign Affairs.

Also, petition of the Union Hill (N. J.) Emanuel Church, favoring all nations joining in world federation; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, Mass., favoring passage of resolution to prohibit the export of war material; to the Committee on Foreign Affairs.

By Mr. GARRETT of Tennessee: Petitions of Methodist Missionary Society of Dresden and Woman's Missionary Society of Ripley, Tenn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of citizens of Brockton and Rockland, Mass., relative to unemployment; to the Committee on Labor.

By Mr. McCLELLAN: Memorial of St. Peter's Sick and Aid Society, composed of 170 members, urging legislation to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of C. A. Borst and 268 citizens of Kingston, N. Y., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

Also, petition of St. Peter's Sick and Aid Society, of Kingston, N. Y., favoring exclusion from the mails of the Menace, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of Rand Study Club, of Kingston, N. Y., relative to unemployed; to the Committee on Labor.

By Mr. MAGUIRE of Nebraska: Petition of 5 citizens of Plattsmouth, Nebr., favoring bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. MAHAN: Petition of Mr. Barnard Wundulick, of Norwich, Conn., favoring passage of bills to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. PARKER of New York: Petition of J. W. Walters and other citizens of Glens Falls, N. Y., favoring passage of resolution to prohibit export of war material; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of the United States Butchers' Association of America, Chicago, Ill., urging law to prevent the slaughter of any calf weighing less than 150 pounds live weight; to the Committee on Agriculture.

Also, petitions of W. E. Davis and J. J. Johnston, of You Bet; George Flessa, of Nevada City; F. J. O'Keefe, of Placerville; and F. M. King, S. D. Lombard, and J. C. Hussey, of Chicago Park, all in the State of California, favoring House joint resolution 377, to forbid export of arms; to the Committee on Foreign Affairs.

By Mr. SABATH: Petition of Garden City Branch No. 11, National Association of Letter Carriers, Chicago, Ill., protesting against reduction in salaries of letter carriers in the Chicago post office; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS: Petition of sundry citizens of Lewisburg, Ky., protesting against the Fitzgerald amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Bowling Green, Ky., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Petition of Paul Goldade and others, protesting against export of war material; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 14, 1915.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore [Mr. WALSH].

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

We bless Thee, Almighty God, our heavenly Father, for the desire down deep in the human heart which inspires to intellectual, moral, and spiritual attainments which distinguishes men and fits them for leadership in the onward march of civilization, and for that appreciation which accords to others gratitude for those attainments.

We meet here to-day that we may render fitting tribute to a Member of this House who, though his service was cut short by the hand of death, has left a record worthy of such recognition by his faithful, intelligent service wherever he was called in State or national affairs. He has passed on to the great beyond, but still lives in his deeds and in the hearts of those who knew him. We thank Thee for that faith in the immortality of the soul which, through hope and love, enables us to look forward to a reunion of those we love, where all our longings, hopes, and aspirations may find their full fruition in a service to Thee. Be this our comfort and the comfort of those bound to him by the ties of kinship. May our lives be worthy of the tribute which is accorded to the faithful, in the name of Him who taught us how to live and to pass on with perfect faith in our God and our Father who doeth all things well. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal.

Mr. HART. Mr. Speaker, I ask unanimous consent that the reading of the Journal may be postponed until to-morrow.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that the reading of the Journal be postponed until to-morrow. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the special order.

THE LATE REPRESENTATIVE LEWIS J. MARTIN, OF NEW JERSEY.

The Clerk read as follows:

On motion of Mr. HART, by unanimous consent, *Ordered*, That Sunday, February 14, 1915, be set apart for addresses on the life, character, and public services of the Hon. LEWIS J. MARTIN, late a Representative from the State of New Jersey.

Mr. HART. Mr. Speaker, I ask unanimous consent that Members may be permitted to print their remarks in the RECORD on the life, character, and public services of Hon. LEWIS J. MARTIN.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent that Members may have the privilege of printing their remarks in the RECORD on the life, character, and public services of Hon. LEWIS J. MARTIN. Is there objection? [After a pause.] The Chair hears none.

Mr. HART. Mr. Speaker, I send to the Clerk's desk the following resolution.