By Mr. BEALES: Evidence in support of House bill 13352, granting a pension to Charles C. Cooper; to the Committee on Pensions.

By Mr. BRUCKNER: Petition of Dr. Robert P. Knapp, of New York City, favoring preparedness; to the Committee on Military Affairs.

Also, petition of members of the Custodian Mutual & Benevolent Welfare League, favoring the Nolan minimum-wage bill; to the Committee on Labor.

Also, petition of Paramount Knitting Co., of New York, favoring passage of the Army bill with Senate amendments; to the Committee on Military Affairs.

Also, petition of Westbrook Farm, Oakdale, Long Island, N. Y., against House bill 16307, for registration of pure-bred live stock; to the Committee on Agriculture.

Also, petition of Oakcrest Association, Brooklyn, N. Y., favoring investigation relative to high price of anthracite coal; to the Committee on the Judiciary.

By Mr. DOOLING: Petition of sundry citizens of the United States, relative to program of constructive peace; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petitions of Seggerman Bros. and Rockwood & Co., of New York, against amendment to the general revenue bill ceasing drawbacks during the war; to the Committee on Ways and Means.

Also, petition of Technology Sales Co., of New York, favoring the Senate Navy bill; to the Committee on Naval Affairs.

Also, memorial of New York Produce Exchange, favoring adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of market committee, American National Live Stock Association, favoring Borland resolution, relative to marketing live stock, etc.; to the Committee on the Judiciary.

By Mr. EAGAN: Petition of New York Produce Exchange, relative to adequate merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of executive committee, National Association Union Volunteer Officers, relative to Volunteer officers' retired-list bill; to the Committee on Military Affairs.

Also, memorial of Association to Resist British Domination of American Commerce, relative to restrictions on American citizens, etc.; to the Committee on Foreign Affairs.

Also, petition of Order of Railway Conductors, Brotherhood of Locomotive Engineers, etc., relative to wage controversy between railroads and employees; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of New York Produce Exchange, favoring adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Wisconsin Retail Clothiers' Association, favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Memorial of New York Produce Exchange, favoring adequate American merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOUD: Petition of R. D. Cobb and 32 other citizens of Riverdale, Gratiot County, Mich., regarding Senate bill 5677; to the Committee on the Judiciary.

By Mr. McARTHUR: Memorial of directors of the Portland Chamber of Commerce, favoring the Shields water-power bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of members of Freight Agents' Association of South Chicago, Ill, urging legislation to empower the Interstate Commerce Commission to investigate the threatened railroad strike; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Memorial of the Philadelphia Bourse, favoring reference of railroad difficulties to Interstate Commerce Commission; to the Committee on the Judiciary.

By Mr. PARKER of New York: Petition of sundry citizens of Glens Falls, N. Y., favoring passage of a bill for a Federal motion-picture commission; to the Committee on Education.

By Mr. RAKER: Memorial of Chamber of Commerce of Redlands, Cal., relative to arbitration between railroads and their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Narragansett Lodge, No. 478, Brotherhood of Locomotive Firemen and Engineers, favoring passage of House bills 1668 and 15950; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Providence, R. I., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. YOUNG of North Dakota: Resolution adopted at union meeting of Brotherhood of Locomotive Engineers, Order of Railroad Conductors, Brotherhood of Locomotive Firemen and Enginemen, and Brotherhood of Railroad Trainmen, at Grand Forks, N. Dak., on July 2, 1916, protesting against legislation to establish compulsory arbitration, and protesting against the reference of labor disputes to the Interstate Commerce Commission; to the Committee on the Judiciary.

SENATE.

SATURDAY, *August 5, 1916.*

The Senate met at 10 o'clock a. m.

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

Almighty God, we call upon Thy name and invoke Thy blessing upon us as we address ourselves to the tasks of this day. We come to Thee lest we should lose the least opportunity to serve our fellow men. We come to Thee lest we should neglect to use the greatest power that Thou hast committed to us in this same service. This day may we be directed by Thy grace in the performance of the duties that are before us, and at its close may we have the comfortable satisfaction of having done our best to aid the world to higher and richer and nobler things. For Christ's sake. Amen.

THE JOURNAL.

On request of Mr. CHAMBERLAIN and by unanimous consent the reading of the Journal of the proceedings of the legislative day of Tuesday, August 1, 1916, was dispensed with, and the Journal was approved.

MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes, 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 3, 5, 6, 7, and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, and 15; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add at the end of said amendment the following: ": *Provided further*, That the present manager of the cadet store shall, on his own application, after 40 years' service as clerk, superintendent, and manager of said store, be entitled to be placed on the retired list of the Army with the pay of a retired pay clerk, Quartermaster Corps, of the same period of service"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That whenever a cadet shall fail to pass any required examination because deficient in any one subject of instruction he shall have the right to apply for a second examination regarding such subject by making written application therefor to the Academic Board within 10 days after being officially notified of such failure. The examination demanded shall be held within 60 days from the date of such application, and if the cadet being otherwise qualified shall pass the same by compliance with the requirements existing at the time of the first examination, he shall be readmitted to the academy: *Provided further*, That this proviso shall apply to those former cadets who failed in not more than two subjects during the current year who shall make application for such examination within 20 days after the approval of this act: *Provided further*, That any cadet who fails to pass any required examination shall have no more than one reexamination: *And provided further*, that nothing contained in section 1325 of the Revised Statutes shall render ineligible any former cadet honorably discharged from the Military Academy for deficiency in studies, if otherwise qualified, as a civilian candidate for appointment to any vacancy in the grade of second lieutenant under class 6 of the national defense act approved June 3, 1916"; and the Senate agree to the same.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of War is authorized and directed to appoint three officers of the Army, whose duty it shall be to investigate and to make report to Congress on the first Monday in December, 1916, what is necessary to be done in the way of buildings and other improvements to accommodate and care for the increased corps of cadets as provided by the act of May 4, 1916, together with the probable cost thereof.

And the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

JAMES HAY,
S. H. DENT, Jr.,
J. C. MCKENZIE,
Managers on the part of the House.

The report was agreed to.

WATERS OF THE PLATTE RIVER (S. DOC. NO. 523).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th ultimo, certain information relative to the water supply of the Platte River in western Nebraska, in relation to the Pathfinder Reservoir, which, with the accompanying paper and illustrations, was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15048) 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKE, Mr. SHOUSE, and Mr. LANGLEY managers at the conference on the part of the House.

The massage also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15957) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14576) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13620) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 16699) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1917, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 3069. An act to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce,"' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915; and

H. R. 12197. An act authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew.

PETITIONS AND MEMORIALS.

Mr. SMITH of Georgia. I have received from the moderator and stated clerk of the General Assembly of the Presbyterian Church in the United States a letter requesting that I present a petition of the General Assembly to the Senate. It is a short address, which I send to the desk and ask to have read.

The petition was read and referred to the Committee on the Judiciary, as follows:

[General Assembly of the Presbyterian Church in the United States of America.]

PHILADELPHIA, PA.,
July 31, 1916.

To the Senate of the United States:

We, the commissioners of the General Assembly of the Presbyterian Church in the United States of America, in session assembled at Atlantic City, N. J., May 25, 1916, as representatives of 1,500,000 members who are citizens of the United States, do respectfully petition you that you use all of the lawmaking powers vested in you by the Constitution to pass a bill submitting a constitutional amendment for the total prohibition of the traffic in alcohol for beverage purposes to the people of the several States for their action.

Respectfully submitted.

JOHN A. MARQUIS, *Moderator.*
W. H. ROBERTS, *Stated Clerk.*

Mr. MARTINE of New Jersey presented a telegram in the nature of a memorial from William H. Campbell, of New York, N. Y., remonstrating against the passage of the so-called revenue bill, which was referred to the Committee on Finance.

Mr. WORKS. I present a telegram in the nature of a memorial from the Pacific Coast Steamship Co., protesting against certain provisions in the shipping bill, which I ask may be printed in the RECORD.

The telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

SAN FRANCISCO, CAL., *August 4.*

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

This company, operating American-built vessels in the coastwise trade on the Pacific coast, respectfully but most earnestly protests against section 9 of House bill 15455 as reported by the committee to the Senate, permitting foreign-built vessels to engage in the United State coastwise trade. This company and the other regular coastwise lines have built up their trade at great expense and are giving a high-class service on regular schedule at low rates, not only with suitable cargo steamers but also with combination passenger and freight steamers, thereby furnishing a facility greatly needed by the traveling public. It would work a great hardship and a grave injustice upon these lines and tend to destroy their passenger and freight service to subject them to the competition of these cheaper built and cheaper operated foreign freighters, for the present increased selling prices and building costs of foreign vessels are undoubtedly merely a passing phase of the extraordinary conditions temporarily existing because of the war. Such vessels when in the foreign trade—and presumably the same privilege would be granted them when engaged in both the foreign and coastwise trade—could employ under the Executive order of September 4, 1914, foreign-licensed officers and would not be subject to either United States inspection or measurement when trading foreign at rates relatively much higher than the coastwise rates; and, calling at two or more American ports, these steamers could afford, whenever having unfilled space, to carry freight between such American ports at abnormally low rates, with which the American coastwise steamers depending exclusively on coastwise business could not compete. There is now ample American-built tonnage to promptly and satisfactorily handle all traffic now offered or likely to offer in the direct coastwise trade also in the intercoastal trade, as soon as the offshore rates become normal. Moreover, the recent testimony of the Commissioner of Navigation before the committee shows that to-day there are building in American yards 372 steamers, aggregating 1,147,534 gross tons, equivalent to over 18 per cent of all the present tonnage in the coatswise trade, and there can be no doubt that a large percentage of this new tonnage and of the heavy additional tonnage

that will undoubtedly be constructed will eventually find its way into the coastwise and intercoastal trade. What element, therefore, of necessity, of justice, or of prudence is there in permitting these foreign-built vessels or other vessels acquired under this act to invade the coastwise trade that now almost everywhere has to meet the competition of railroads and the constantly increasing expenses of operation, with practically no opportunity, because of competition already existing, for any corresponding permanent increase in rates? May we not ask you to lend your best efforts to have section 9 so amended as to exclude not only foreign-built vessels but all vessels acquired under this act from the coastwise trade, thereby maintaining our traditional governmental policy under which our coastal fleet has grown to be the largest in the world?

PACIFIC COAST STEAMSHIP CO.

Mr. WORKS presented a memorial of the employees of the Hercules Powder Co., of Hercules, Cal., remonstrating against a tax on munitions of war, which was referred to the Committee on Finance.

Mr. DU PONT. I present resolutions adopted by the City Council of Wilmington, Del., which I ask may be printed in the RECORD and referred to the Committee on Commerce.

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

WILMINGTON, DEL., *July 27, 1916.*

Whereas we regard the acquisition of the Delaware & Chesapeake Canal by the United States Government as one of the most vital projects that the Government could consider. The needs of commerce demand it, and in case of war the value of the canal can not be overestimated: Therefore be it

Resolved by the Council of Wilmington, That as a body we desire this work done and urge upon Congress to take speedy action for the purchase and improvement of the canal.

—

WILMINGTON, DEL., *July 27, 1916.*

I, Homer C. Simmons, hereby certify that the foregoing is a true and correct copy of a resolution adopted by the council of Wilmington in regular session this date.

[SEAL.] HOMER C. SIMMONS,
Clerk of the Council.

Mr. PHELAN presented a petition of the Board of Trade of Oxnard, Cal., praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. SHEPPARD presented a petition of sundry citizens of Gonzales, Tex., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. JOHNSON of South Dakota presented a petition of Local Union No. 68, Brotherhood of Railway Carmen of America, of Huron, S. Dak., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Fort Pierre, S. Dak., praying for an investigation into the conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. BRADY. I present a telegram I have received, signed by the mayor and other prominent citizens of Pocatello, Idaho, 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:

POCATELLO, IDAHO, *August 3, 1916.*

Hon. JAMES H. BRADY,
United States Senate.

DEAR MR. BRADY: We wish to enter our strongest protest against the unlawful seizure of United States mail by the British Government. We beg to ask you to use your utmost influence among our Senators and Congressmen to provide measures that will prevent the British Government from such unfriendly actions. We strongly favor dispatching of mails by United States warships.

D. W. CHURCH,
WILLIAM WALLIN,
DAVID DANIELS,
T. H. GATHE,
GEORGE WILLIAMS, *Mayor,*
J. B. BISTLINE,
OSCAR SONNENKALB,
C. E. WHITE,
(And 50 more citizens.)

Mr. OLIVER presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit interstate transmission of race-gambling odds and bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the adoption of an amentment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit sectarian appropriations, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit Sunday work and business, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for the enactment of legislation to prohibit mailing liquor advertisements in newspapers in dry territory, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Tabernacle Presbyterian Congregation, of Pittsburgh, Pa., praying for national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 6715) to amend an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913, reported it without amendment and submitted a report (No. 763) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 6748) providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil reported it without amendment and submitted a report (No. 765) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10989) making appropriation for the preservation, improvement, and perpetual care of Huron Cemetery, a burial place of the Wyandotte Indians, in the city of Kansas City, Kans., reported it without amendment and submitted a report (No. 764) thereon.

Mr. CHAMBERLAIN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5515) to consolidate certain forest lands in the Oregon National Forest, in the State of Oregon, reported it with amendments and submitted a report (No. 766) thereon.

BUREAU OF WAR-RISK INSURANCE.

Mr. CLARKE of Arkansas. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill as follows:

Be it enacted, etc., That section 9 of an act establishing a Bureau of War Risk Insurance, approved September 2, 1914, be, and it is hereby, amended so as to require the suspension of the operations of the act within three years from the date said act was approved.

SEC. 2. That all moneys received from premiums and from salvage shall be covered into the Treasury to the credit of the appropriation made for the payment of losses and be available for the purposes thereof.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

DAMS ACROSS ST. CROIX RIVER, ME.

Mr. NELSON. From the Committee on Commerce, I report back favorably without amendment the bill (S. 5202) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me., and I submit a report (No. 756) thereon. I call the attention of the Senator from Maine [Mr. JOHNSON] to the bill.

Mr. JOHNSON of Maine. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

The preamble was agreed to.

BRIDGE OVER RED RIVER, N. DAK.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16891) granting the consent of Congress to Traill County, N. Dak., and to Polk County, Minn., to construct a bridge across the Red River of the North, and I submit a report (No. 760) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

MAHONING RIVER BRIDGE, OHIO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16912) granting the consent of Congress to Trumbull County, Ohio, to construct a bridge across the Mahoning River in the State of Ohio, and I submit a report (No. 761) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

SUSQUEHANNA RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill H. R. 16764) to authorize the commissioners of Northumberland and Union Counties, in Pennsylvania, their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the borough of Watsontown, Northumberland County, Pa., to White Deer Township, Union County, Pa., and I submit a report (No. 758) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

BRIDGE ACROSS RED LAKE RIVER.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16380) granting the consent of Congress to the Board of Supervisors of Highlanding Township, Pennington County, Minn., to construct a bridge across Red Lake River, and I submit a report (No. 757) thereon. I ask for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

FLINT RIVER BRIDGE, GEORGIA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 16875) granting the consent of Congress to Crisp County, Ga., to construct a bridge across the Flint River, Ga., between Crisp and Sumter Counties, and I submit a report (No. 759) thereon. I ask for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

MATTHEW C. BUTLER, JR.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 6740) to correct the military record of Matthew C. Butler, jr., and I submit a report (No. 762) thereon. I call the attention of the Senator from Tennessee [Mr. SHIELDS] to the report.

Mr. SHIELDS. Mr. President, I ask unanimous consent that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That Matthew C. Butler, jr., deceased, who was a major in the Sixth Regiment United States Cavalry, and who was nominated by the President for appointment as lieutenant colonel of Cavalry, to rank from the 1st day of July, 1916, said nomination being confirmed by the Senate before the death of said Butler, which occurred on the 20th day of July, 1916, before the issue to him of a commission evidencing his advancement, shall hereafter be held and considered to have become a lieutenant colonel of Cavalry in the service of the United States on the 1st day of July, 1916, and to have held that office until the date of his death; and the President is hereby authorized to issue a commission as lieutenant colonel of Cavalry in the name of Matthew C. Butler, jr., with rank to date from July 1, 1916.

Mr. SHIELDS. Mr. President, the proceeding proposed in this bill has been the course pursued in other cases where an officer of the United States has died or been killed after he was nominated but before his commission was issued. In the last Congress I observed the case of Capt. Hains, in whose behalf a bill was enacted some time in 1915. Capt. Hains was promoted to the rank of major, but before the Senate acted upon that nomination, and, of course, before the commission issued, he died, and relief was granted similar to that which is proposed in this bill, which is for the benefit of the officer's wife and infant child. Maj. Butler left a wife and a child of tender years residing in my State. Maj. Butler left a splendid record behind him, and his death was a loss to the service. The bill is meritorious, and I hope it will pass.

Mr. CLARK of Wyoming. Mr. President——

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

Mr. SHIELDS. I do.

Mr. CLARK of Wyoming. It is not my present purpose to object to the immediate consideration of the bill, but I wish to ask the Senator from Tennessee, as the bill is somewhat involved, when was this promotion to take effect?

Mr. SHIELDS. On July 1.

Mr. CLARK of Wyoming. When was the officer to become a lieutenant colonel? That is what I am trying to ascertain.

Mr. SHIELDS. I will explain. Maj. Butler was entitled to this promotion under the recent act passed in June in regard to the personnel of the Army. The President sent his nomination to the Senate in accordance with the statute. As I understand, his promotion was to take effect as of the 1st day of July. The Senate confirmed the nomination, but he was shot before his commission was signed and issued. With that statement of the facts, Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

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

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

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. JOHNSON of Maine:

A bill (S. 6754) to provide for the purchase of a site for and the erection of a public building at Brunswick, Me.; to the Committee on Public Buildings and Grounds.

A bill (S. 6755) for the relief of William L. Ross; to the Committee on Military Affairs.

A bill (S. 6756) granting an increase of pension to Charles E. Collins (with accompanying papers);

A bill (S. 6757) granting an increase of pension to Hiram N. Brann (with accompanying papers);

A bill (S. 6758) granting a pension to Louise M. Runnels (with accompanying papers);

A bill (S. 6759) granting an increase of pension to John R. Sparrow (with accompanying papers);

A bill (S. 6760) granting an increase of pension to Ivory D. White (with accompanying papers);

A bill (S. 6761) granting an increase of pension to Reynold D. W. Campbell (with accompanying papers);

A bill (S. 6762) granting an increase of pension to James M. Treat (with accompanying papers);

A bill (S. 6763) granting an increase of pension to Louisa A. Atherton (with accompanying papers);

A bill (S. 6764) granting an increase of pension to Ezekiel P. Rowell (with accompanying papers);

A bill (S. 6765) granting a pension to Minerva C. Knapp (with accompanying papers);

A bill (S. 6766) granting an increase of pension to Anna Thurston (with accompanying papers);

A bill (S. 6767) granting an increase of pension to Henry G. Mitchell (with accompanying papers);

A bill (S. 6768) granting an increase of pension to William L. Holmes (with accompanying papers);

A bill (S. 6769) granting an increase of pension to Thomas Gannon (with accompanying papers);

A bill (S. 6770) granting a pension to Arthur H. King (with accompanying papers);

A bill (S. 6771) granting an increase of pension to Llewellyn Hanson (with accompanying papers);

A bill (S. 6772) granting an increase of pension to Benjamin F. Goodwin (with accompanying papers);

A bill (S. 6773) granting an increase of pension to Joel H. Grout (with accompanying papers);

A bill (S. 6774) granting an increase of pension to Alvah Babbedge (with accompanying papers);

A bill (S. 6775) granting an increase of pension to Stephen H. Goodridge (with accompanying papers);

A bill (S. 6776) granting an increase of pension to John A. Patterson (with accompanying papers);

A bill (S. 6777) granting a pension to Charles H. Bachelder (with accompanying papers); and

A bill (S. 6778) granting an increase of pension to Philander W. Danforth (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6779) granting an increase of pension to John W. Sperry (with accompanying papers); and

A bill (S. 6780) granting an increase of pension to Luther B. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6781) granting a pension to Cordelia H. Lathrop; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6782) granting an increase of pension to David Liddell; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6783) for the relief of William F. Carter; to the Committee on Public Lands.

By Mr. PAGE:

A bill (S. 6784) granting an increase of pension to Edward F. Griswold (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6785) granting a pension to John M. Abney (with accompanying papers);

A bill (S. 6786) granting an increase of pension to Joseph W. Cunningham (with accompanying papers); and

A bill (S. 6787) granting an increase of pension to H. H. Frampton (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6788) for the relief of William Mattson (with accompanying papers); to the Committee on Military Affairs.

By Mr. CHILTON:

A bill (S. 6789) granting a pension to James E. Ratliff (with accompanying papers);

A bill (S. 6790) granting a pension to James Richards (with accompanying papers); and

A bill (S. 6791) granting a pension to Abner A. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 6792) to prevent and punish willful interference, or attempted interference, or conspiracy to interfere with the exportation of articles from the United States to foreign countries;

A bill (S. 6793) to prevent and punish willful injury or attempted injury to, or conspiracy to injure any vessel, engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosives, or otherwise;

A bill (S. 6794) to empower the President to better enforce and maintain the neutrality of the United States;

A bill (S. 6795) to authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes;

A bill (S. 6796) to require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes;

A bill (S. 6797) to regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof;

A bill (S. 6798) to prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or Government commission; and

A bill (S. 6799) to amend section 13 of the act "To codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr. WARREN:

A joint resolution (S. J. Res. 161) authorizing the printing, in book form, of the manuscript on the Antietam campaign (with accompanying papers); to the Committee on the Library.

THE REVENUE.

Mr. SHERMAN submitted four amendments intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the bill (H. R. 16763) to increase the revenue, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and to be printed.

PUBLIC-LAND STATUTES.

Mr. MYERS submitted the following resolution (S. Res. 243), which was read and, with the accompanying papers, referred to the Committee on Printing:

Resolved, That the publication entitled "Public Land Statutes of the United States" be printed as a Senate document, and that 3,000 additional copies be printed for the use of the Senate folding room, and 1,000 additional for the Committee on Public Lands.

HEARINGS BEFORE THE COMMITTEE ON FINANCE.

Mr. SIMMONS. Mr. President, I submit a resolution authorizing the Committee on Finance, or any subcommittee thereof, to send for persons and papers, to administer oaths, to employ a stenographer, and also to sit during the sessions of the Senate. There is always a resolution of this sort passed during the session. There was one passed in the last Congress; but I understand that that resolution has expired by limitation and that it will be necessary to pass a similar resolution. I ask unanimous consent for the present consideration of the resolution.

The VICE PRESIDENT. Does the resolution call for the expenditure of money?

Mr. SIMMONS. Yes; to pay a stenographer; that is all.

The VICE PRESIDENT. Then it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. Mr. President, I have been listening attentively and have not heard one word of what has been said. I ask that the resolution be reported.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 244) was read as follows:

Resolved, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fourth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

Mr. GALLINGER. The resolution will have to be referred to the committee, of course.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

THE RURAL-CREDITS ACT (S. DOC. NO. 524).

Mr. POMERENE. I have before me a copy of an address delivered before the Ohio State Bar Association at Sandusky, Ohio, July 6, 1916, by the distinguished junior Senator from Montana [Mr. WALSH] on the subject of the rural-credits act. It discusses not only the provisions of the act, but especially the constitutionality of that act. I think it would be a matter of very great interest to all who are interested in this subject, and I ask unanimous consent that it may be printed as a Senate document.

Mr. SMOOT. I did not hear who the author of the article is.

Mr. POMERENE. The Senator from Montana [Mr. WALSH].

Mr. SMOOT. I have no objection.

The VICE PRESIDENT. It will be so ordered.

THE PANAMA CANAL ZONE.

Mr. SHIELDS. Mr. President, recently a very important action was decided in the district court of the Canal Zone, Balboa division, relating to the salary and expenses of William H. Jackson as district judge of the Canal Zone.

The opinion was delivered by Judge Clayton, of Alabama, who was designated to go to the Canal Zone and hear the case. The opinion is a judicial construction of what might be called

the organic act of the Canal Zone, and it is one of great importance. The questions involved are treated with great ability, and I am satisfied that the information if put in convenient form would be widely read and would be very valuable, especially to Members of Congress in considering similar questions. I ask that it be printed as a public document.

Mr. SMOOT. I will say to the Senator that if I am not mistaken it has already been printed. I ask the Senator, further, to have it referred to the Committee on Printing and see whether it was not printed in the House. I think it was printed in the House.

Mr. SHIELDS. The Senator is mistaken in supposing that it was printed as a public document. It was printed in the RECORD.

Mr. SMOOT. Then, if it has been printed in the RECORD I object to its being printed as a public document.

Mr. SHIELDS. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. That action will be taken.

INTERNATIONAL ARBITRATION AGREEMENTS.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that there be printed as a public document a letter written by Mr. Oscar T. Crosby. I wish to state that Mr. Crosby is a graduate of the West Point Military Academy, and he is very much interested in all questions with relation to arbitration agreements between nations. It was at his instance that I introduced an amendment to the naval appropriation bill which provided for disarmament in the event that arbitration agreements were entered into between the nations of the world. That amendment was incorporated in the naval appropriation bill.

I introduced another amendment with relation to amending the Constitution so that a certain amount of sovereignty could be yielded by all nations that entered into an agreement by which a court to enforce its decrees could be established among the nations of the earth. Mr. Crosby has written a very able letter explaining the reasons why, in his judgment, that ought to be done. He is a very able writer, and I ask unanimous consent that this letter be made a public document.

Mr. SMOOT. In accordance with the notice I gave some time ago, I object to the printing of it as a public document unless it is first referred to the Committee on Printing and they pass upon it.

Mr. SHAFROTH. Then, I ask that the letter may go with the resolution which it purports to explain to the Committee on Printing for the purpose of having it made a public document.

The VICE PRESIDENT. That action will be taken.

Mr. FLETCHER. I ask the Senator whether any estimate has been made as to the cost of the printing?

Mr. SHAFROTH. Oh, no; it consists of only nine pages.

Mr. FLETCHER. Let it go to the Committee on Printing.

Mr. SHAFROTH. The cost would be quite small.

DISTRICT EXCISE BOARD.

Mr. JONES. Mr. President, a few days ago I discussed the excise conditions in the District of Columbia. I stated that some charges had been made against Mr. Cummings, who had been lately appointed by the President as a member of the excise board, and that, if those charges were true, they were sufficient to warrant his rejection by the Senate. Such investigation as has been possible has been made; and in view of the statement I made the other day, I think it but fair that I should state in the open Senate that those making such charges have not furnished ample evidence of the truth of the charges; at least not sufficient has been found to warrant further opposition to his confirmation, as I do not think the Senate would reject him upon the evidence available.

Mr. Cummings is not the sort of man who, I think, ought to have been nominated for this position, but under the circumstances I feel that further opposition would not be justified.

Furthermore, Mr. Cummings has made every assurance that a man could make that in the administration of this law he will administer the spirit and letter of it in the interest of morality, temperance, and good citizenship in the District of Columbia. For these reasons I shall myself not interpose further objection to his confirmation. I hope he will make good. If he does, there will be no opposition to his reappointment. If he does not make good, it will be his own fault, and if his course does not meet with the approval of the moral forces of this District he alone will be to blame.

PUBLIC UTILITIES COMMISSION OF THE DISTRICT.

Mr. GALLINGER. Mr. President, I wish to give notice that on Monday next, at the conclusion of the routine morning business, I shall occupy a few minutes in the discussion of the powers, duties, and responsibilities of the Public Utilities Commission of the District of Columbia.

TONNAGE DUTIES.

Mr. JONES. Mr. President, on March 16 of this year I submitted a resolution directing the Secretary of the Treasury to furnish certain information with reference to discriminating tonnage duties which have been paid. I do not know whether or not the attention of the Secretary of the Treasury has been called to the resolution. At any rate, no response, as I understand, has been made to the Senate. It seems to me that a resolution of the Senate passed last March ought to have had attention by the Treasury Department; and I simply want to say that if the officers of the Senate whose duty it would be to advise the Secretary of the passage of the resolution have not done so, I hope they will do it immediately.

CONCENTRATION AND MANEUVER CAMP IN WASHINGTON.

Mr. JONES. Mr. President, on the calendar day of May 26 [legislative day of May 18] a resolution was also passed directing the Secretary of War to furnish copies of certain papers to the Senate. No response, apparently, has been made to that resolution. I do not know whether or not the officers of the Senate have called the attention of the Secretary of War to that resolution; out, if they have not done so, I hope that that will be done promptly, because it seems to me that two or three months is sufficient time to make copies of a few papers which the Senate desires for its information.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 4, 6, 9, 10, 12, 13, 16, 17, 19, 22, 23, 24.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 8, 11, 14, 18, 20, 21, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amount named, insert "$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the amount named insert "$24"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Dennie Dixon, late of Company L, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"The name of Williamson S. Wright, late first lieutenant Fourteenth Company United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of $12 per month."

And the House agree to the same.

WILLIAM HUGHES,
T. TAGGART,
REED SMOOT,
Managers on the part of the Senate.

EDWARD KEATING,
CARL VINSON,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5914) granting pensions and increase of pensions to certain soldiers

and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 3, 4, 6, 9, 10, 12, 13, 15, 16, 17, 18, 19, 21.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 5, 7, 8, 11, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment, as follows: In lieu of the matter stricken out, insert the following:

"The name of Charles Groves, late of Company D, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment, as follows: In lieu of the matter stricken out, insert the following:

"The name of Lilias E. Knapp, widow of John J. Knapp, late captain, United States Navy, Regular Establishment, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving."

And the House agree to the same.

WILLIAM HUGHES,
T. TAGGART,
REED SMOOT,
Managers on the part of the Senate.

EDWARD KEATING,
CARL VINSON,
SAM R. SELLS,
Managers on the part of the House.

The report was agreed to.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15048) 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 requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON of Maine. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, 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. JOHNSON of Maine, Mr. HUGHES, and Mr. SMOOT conferees on the part of the Senate.

CHARLOTTE M. JOHNSTON.

Mr. WORKS. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 7883) for the relief of Charlotte M. Johnston.

Mr. SMITH of Georgia. Mr. President, I hope we will be able to take up the calendar where we left off when it was last under consideration.

Mr. WORKS. I have been hoping so for some time, I will say to the Senator.

Mr. SMITH of Georgia. I was about to ask unanimous consent to consider the calendar.

Mr. WORKS. This is a very urgent matter.

Mr. SMITH of Georgia. There are a great many urgent bills on the calendar.

Mr. WORKS. In this case the son of the old lady who is the beneficiary of the bill was postmaster at a little town near the Mexican line. The post office was raided by bandits, and he was shot and killed. His mother is in need. I have been patiently waiting to have this bill considered, and I think it is a matter that can be disposed of in a moment.

Mr. SMITH of Georgia. If I can get an opportunity to do so, I will ask that the calendar be taken up commencing with Order of Business No. 593, where we left off when it was last under consideration, and then the bill to which the Senator from California refers will be reached in a few moments.

Mr. WORKS. It will take no more time to act upon it now than it will then.

Mr. SMITH of Georgia. I will not object to the Senator's bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7883) for the relief of Charlotte M. Johnston. It directs the Secretary of the Treasury to pay $1,000 to Charlotte M. Johnston, mother of Frank Volney Johnston, postmaster at Tecate, Cal., border line of Mexico, who was killed in the discharge of his duty.

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

PENSIONS TO WIDOWS OF CIVIL-WAR SOLDIERS.

Mr. JOHNSON of Maine. I move that the Senate proceed to the consideration of the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes.

Mr. SMITH of Georgia. Mr. President, morning business has not been closed as I understand. I did not hear the Chair so announce.

The VICE PRESIDENT. Morning business has not yet been closed.

Mr. SMITH of Georgia. I object to the consideration of this bill. One objection carries it over, as I understand.

The VICE PRESIDENT. Are there any further resolutions? [A pause.] If not, morning business is closed.

Mr. JOHNSON of Maine. I renew my motion, Mr. President.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine to proceed to the consideration of House bill 11707, to increase pensions, and so forth.

Mr. SMITH of Georgia. Mr. President, I understand the motion is not debatable; so I can not urge my suggestion that the Senate proceed to the consideration of bills on the calendar.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine. [Putting the question.] The Chair can not decide the question on a vote of that kind.

Mr. TOWNSEND. I ask for a division.

After a division the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes, which had been reported from the Committee on Pensions with amendments.

CHILD LABOR.

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

Friday, Aug. 4, 1916.

Mr. THOMAS. Mr. President, I have paid close attention, and have listened with much interest, to the discussion of this very important subject. It is involved in considerable difficulty. Consequently I have been anxious to secure as much information as possible regarding both the purpose of the bill and the power of Congress to legislate upon the subject. So the discussions which thus far have taken place have been both interesting and illuminating. At the same time they have increased my difficulties.

Mr. President, as regards our inherent power under the Constitution I very much question whether we have the authority to enact this and kindred subjects of legislation. On the other hand, if we are to take several decisions of the Supreme Court, which recognize progressive extensions of the power of Congress over legislation, and then assume that this progress will continue, I must concede that, in all probability, the legislation will be sustained. In other words, the constitutional arguments against our power to enact this legislation are most convincing. But the attitude of the Supreme Court, especially in its recent decisions concerning the power of Congress to regulate commerce between the States, leads me to believe that it will sustain this bill. Between these two situations I hesitate, and the more so because the party with which I affiliate in its recent declaration of faith has indorsed this identical bill. The Republican platform contains a similar declaration; so that from the attitude of the two great national parties upon the subject, it may be considered as a closed one. Both parties are pledged to the enactment of child-labor legislation, and good party men on both sides upon the face of things will be expected to observe these party obligations and to discharge them as best they can. So, with the party declarations and the trend of the Supreme Court decisions upon the one hand, and my own view of the constitutional power of Congress over the subject upon the other, I may take refuge in the not very creditable course of not voting at all, a course to which I am unaccustomed and

which does not commend itself either to my judgment or to my sense of duty.

Mr. President, in the short time that I shall detain the Senate in the discussion of the bill itself I shall endeavor to give some of the reasons which convince me of our constitutional inability to enact this law. The bill provides:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which, within 30 days prior to the time of the removal of such product therefrom, children under the age of 16 years have been employed or permitted to work—

And so forth.

And the authority which is invoked by some for this legislation is the well-known interstate commerce clause of the Constitution and by others the national police power incidental to that clause.

Mr. President, I think it is safe to say that the great proportion of power in legislation which is exercised in latter days by Congress finds its support under that provision of the Constitution. Since the organization of the Government our commerce has increased enormously, not only in volume, but in character. We are the greatest commercial Nation in the world. We have the largest export and import trade in the world; and yet that trade is only about 5 per cent of our intrastate commerce, the enormity of which can be faintly imagined from that statement. Of course, as this commerce has grown diversified and extended, the importance of the interstate commerce clause has been equally expansive, and, as the powers of Congress have been exercised in meeting emergencies and new conditions, it is not at all surprising that so much of our authority and so much of our legislation finds shelter under the provisions of that very simple clause of the Constitution.

I think, Mr. President, it has been unduly extended. If you take that clause, together with the fourteenth amendment to the Constitution of the United States, you have practically everything under and through which constant and continued invasions by the Nation upon the power of the States have been carried on, the one through an actual extension of power, and the other through the extension of the jurisdiction of the Federal courts. If the policy continues, which seems entirely probable, it is my humble conviction that in the course of a quarter of a century the States will become provinces, and their original rights, or rather those rights which were not expressly or by necessary incidence granted to the Government of the United States, will have practically been absorbed by the central authority.

Take, for illustration, the modern jurisdiction of the National Government over the watercourses of the country. Since the case of Gibbons *v.* Ogden the authority of the Federal Government has steadily and inexorably marched from the tidewaters to the very sources of all the streams of the Nation; so that today the Secretary of War has greater jurisdiction over the headwaters, however insignificant, of the great rivers of the country than the States in whose boundaries those headwaters are found, and all upon the assumption that for the purposes of navigation and in the interest of interstate commerce this control has become essential.

It is the same, Mr. President, in many other directions to which it is not necessary to refer. This extension and expansion of authority and of jurisdiction, frequently challenged in Congress, and sometimes by the Supreme Court, has been one of practically constant progression. Macaulay, in one of his essays referring to the constant growth and progress of the development of free institutions in England compares it to the incoming of the tides. A wave will advance a little beyond the one preceding it, then seems to recede farther; yet the next reaches a little beyond its immediate predecessor, and so on till flood tide is reached. The extension of the Federal power to which I am calling attention may be similarly illustrated.

It was, perhaps, inevitable that the National Government should increase its activities, and therefore its power, that it might properly discharge its supreme functions. But, Mr. President, another cause has powerfully contributed to this expansion, and that is the constant surrender by the States of first one and then another and yet another function in exchange for appropriations from the National Treasury. I do not know of any right so sacred, I do not know of any sovereign function, the invasion of which 50 or 60 years ago would have been defended with all vigor of the States whose right was imperiled, that has not been or can not in these days be exchanged for adequate appropriations, in the making and distribution of which the National Government takes them over. Having once assumed them, it continues their exercise, and, of course, the appropriations required for their exercise continue. So, Mr. President, by this practice, coupled with laws for the regulation of commerce, the decisions of the Supreme Court—beginning with the original-package case—and changing commercial conditions resulting from first one and then another development, it is confidently and ably contended by distinguished Senators that we may not only regulate commerce between the States but as well the methods of its production. They will do this successfully, for parties have been convinced and so the Senate will unquestionably pass this measure. Every Senator voting for it will do so with the sincere conviction, justified by these decisions, that the subject is entirely within the power of Congress.

We have had, commencing with the so-called Lottery case, and which was the exercise of a very questionable power, apparently essential to doing away with a great national evil, and which seemed at the time to be an undue extension of the authority of Congress under the commerce clause, down to the decision of Hoke against the United States, where an act aimed at an unquestioned evil, prohibiting under severe penalties the use of the transportation agencies in interstate commerce for the conveyance of women from one State to another for immoral purposes, which was sustained by the Supreme Court by a line of reasoning which logically, to my mind, leads to the contentions of the Senator from Idaho; and, of course, it is upon the doctrine of that decision and similar ones that this bill was framed and upon which it is defended.

I quite agree with the Senator from Connecticut [Mr. BRANDEGEE] that it is not fair, either to ourselves or to the country or to the Supreme Court of the United States, that we, as a legislative body, should pass some doubtful proposition up to the Supreme Court as an easy alternative to the assumption by ourselves of the responsibility of saying that we do not believe we have the power to dispose of it; but the practice spreads all over the country. It infects the State legislatures as well as the Congress; and I fear, Mr. President, that it will continue, since it offers an easy means of complying with pressure in one direction and avoiding the direct and positive expression of our convictions in the other. I do not reflect upon any man supporting this bill, because, as I have stated, my conviction is that every vote cast in favor of this bill will be cast by Senators who are thoroughly convinced of the need for it and the power of Congress to enact it. But I perceive a fundamental difference between the purpose sought to be effected by this bill and that sought to be accomplished by preceding legislation.

This bill proposes to prohibit the channels of interstate commerce to articles perfectly unobjectionable in themselves, entirely free from any taint, not inimical to the health, the morals, or the welfare of the Nation, not differing from other articles of similar character manufactured by other forms of labor, but because they are produced by a class of labor the use of which Congress proposes to prohibit because the general welfare demands it. In other words, it is not the thing transported that is offensive; it is the manner in which the thing transported has been produced that is offensive, and because of which the embargo of prohibitive Federal legislation is to be laid upon the articles themselves. The Government in effect proposes to use this great power of regulating interstate commerce to boycott and blacklist articles which are unobjectionable, per se, in order to enforce what seems to be, what is claimed to be, a national labor requirement deemed requisite to the welfare or the morals or the health of the Nation or to all of them.

Mr. President, it may be we possess this power; but if we do, then I am unable to perceive any limitation beyond congressional discretion that can be placed upon its exercise. It is defended as the exercise of a national police power—a power said to be inherent in and incidental to the exercise of those other powers which are expressly conferred, and about which our authority is beyond question.

Speaking broadly, I think there is no such thing as a national police power. Of course, there may be, in the carrying out of a given authority, an incidental police power essential to the operation of the express authority; the possession of a power, in other words, measured and limited by the thing to which it is incidental.

Mr. OVERMAN. Mr. President, is not that a grant of power, rather than the police power?

Mr. THOMAS. It must be a grant of power, of course; though not an express one; but, if it is a necessary incident, to the extent to which it is necessary, I think there can be no question of its exercise. But what is this police power? If the contention for it be sound, the incidental police power is far greater and more formidable than the express commerce power from which it springs.

The Senator from Idaho [Mr. BORAH] read from a recent decision by Mr. Justice Holmes, speaking for the entire court, to the effect that the police power must be regulated by public sentiment, and that it extends to all public needs. Of course, it is a power which can not be specifically defined. In the con-

sideration of the Clayton antitrust bill the Senator from Iowa [Mr. CUMMINS] demonstrated to my satisfaction, and with the most remorseless logic, that the only term which could be safely used in the legislation there proposed was the general term "unfair competition"; and so with the proposed definition, or any attempted definition, of the police power. The police power, in other words, is something which comes into existence and must be commensurate with the thing at which it is aimed. In other words, as Mr. Justice Holmes said, it extends to all public needs.

Now, what is public need, and what is public sentiment? It must be which at the time controls. If it be true that such legislation as this is only justified by an incidental police power of the National Government consequent upon its possession of certain well-defined powers, and if it be further true that this police power extends to all public needs and is regulated by public sentiment, then, of course, the power changes with the public needs and with the public sentiment; and that which is to-day an overwhelming public sentiment or an obvious public need may be to-morrow something either forgotten or discarded or succeeded by some other overwhelming sentiment reaching in some other direction and prompted by some other need.

They have a Japanese problem out in California, said to be one which menaces the morals, the health, and the welfare of the people of the United States, and particularly of California. The competition of the oriental with the American is said to be exhaustive and overwhelming. The moral notions, practices, and customs of the oriental are degrading to the mind and to the sentiment of the American; not only so, but immoral in themselves, and consequently it is a public need that the alien people should be excluded. If that be so, then the question should be easy of solution, provided this proposed legislation be within the power of Congress, by merely providing that hereafter articles manufactured by or to which there has been a contribution of manufacture in whole or in part by Japanese labor shall be excluded from the channels of interstate commerce. In other words, the oriental Gordian knot can be cut, not by an immigration law but by merely translating into law the police power of the Government of the United States which arises from and is coincident with our power to regulate commerce.

Mr. President, there are an infinite number of subjects to which public sentiment relates and around which it sometimes gathers in overwhelming volume. There is and has been for some time, I will not say a contest, but friction between organized and unorganized labor. Organized labor never speaks of unorganized labor during their controversies, at least, in any but terms of reproach, and doubtless the feeling is reciprocal. I do not know. But suppose organized labor becomes so strong in this country as to dominate the national sentiment and demand the exercise of the police power in excluding from the channels of interstate commerce all articles manufactured in whole or in part by unorganized labor. We would then have a bill reading:

> That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity, the product of any mine or quarry situated in the United States, in which, within 30 days prior to the time of the removal of such product therefrom, unorganized labor has been employed or permitted to work—

And so forth.

If public sentiment be in favor of it, the public need will require it, and the police power which springs from and is regulated by that sentiment is behind the legislation needed for its enforcement. Now, how can it be possible to distinguish between that which is before us and that which I have supposed?

Now, let us further suppose that the sentiment may be the other way; that it will become adverse to organized labor and in favor of unorganized labor, and that sentiment therefore demands a reversal of the proposition. Then a bill may be introduced reading:

> That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity, the product of any mine or quarry situated in the United States, in which, within 30 days prior to the time of the removal of such product therefrom, organized labor has been employed.

Suppose that in the interest of morals and the public welfare—which may be as indefinable as the police power—Congress is called upon to enact such a measure of legislation. It could be defended, it would be defended, nay, it could be consummated along the same lines upon which this bill has been so ably defended.

But, Mr. President, there have been such things in the past as ostracism for religious beliefs. This sort of fanaticism has not entirely passed away. It appears sometimes in fitful flashes, and sometimes in more formidable shape in these times, and frequently is well organized. Something of the kind exists in the country to-day. Suppose that a sentiment prevailed in some parts of the country against Catholicism which seriously believed that it was a menace to the institutions of our country, and that all those professing it owed a higher allegiance to the Pope than the Government of which they were citizens, and that to rid ourselves of that menace a bill should be offered—

> That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry situated in the United States in which, within 30 days prior to the time of the removal of such product therefrom, Catholics have been employed or permitted to work.

Here again we might have a controlling sentiment behind the measure which, as I say, is both the measure and the limit of the exercise of the police power, and which, in the interest of the public welfare, would clamor for the enactment of this legislation to the end that the evil existing or apprehended may be either minimized or removed.

Now, in the mutations of time it may be that the Catholics would get the upper hand in public sentiment, and that their attitude toward the Protestants of the country would be quite as vindictive, quite as sincere, and quite as dangerous; and suppose they should invoke the power of the Nation to regulate commerce in order to do away with, or to cripple this menace to the Nation's welfare. A similar bill could be introduced and passed, Mr. President, to accomplish that purpose.

We have a great many immigrants in America. Many of them persist in "flocking together," as the saying is. They do not learn our language. They know nothing of our institutions. They are constantly competing with American labor. Some regard them as a menace now, and that feeling is by no means a local or a limited one. We have an immigration bill which is designed to meet, in part at least, that evil and remove some of its consequences, by restricting immigration and making certain tests as qualifications to entry. But the situation is here. It has been here for some time. It is drastic and it is powerful, and after the end of the war it will probably increase. Now, why do we need an immigration bill if, under the provision of the Constitution, giving us power to regulate commerce, we can exclude from shipment all articles produced by this foreign labor, by this alien population, when they contribute in whole or in part to its production?

Mr. President, I sincerely believe that the presence of these large masses of immigrants, who either decline or fail to amalgamate with the general population, who continue their aloofness, cling to their own language and their customs, and repudiate everything American, are a danger to the morals and to the welfare of the people of the United States; and I fear that this is one of the internal conditions which menace the future of this country far more seriously than any imaginary invasion by a foreign foe.

I am unable to determine, Mr. President, if we have the power that is here invoked, where we are going to draw the limit, particularly as the legislation finds its force and its warrant in the exercise of a power that must always be subservient to the public needs and to harmonize with the public sentiment of the times. If we have the power—and I have no doubt of its existence in a limited degree—and if it be the only one upon which legislation like this can be based, it is impossible to place any limitation whatever upon the legislation of Congress under the provisions of the interstate-commerce law.

Mr. President, it must not be forgotten that what Congress may enjoin it can command and that it may enforce. Consequently I see no objection, on the theory upon which this bill is to be supported, to the enactment of legislation commanding the manufacturers in the States to use certain kinds of labor, and use certain kinds of labor only, or to provide their mills with certain methods of sanitation, or to remove immoral surroundings from them, upon the peril of being excluded from the channels of transportation if the mandate is not complied with. There is no State regulation of the land having opponents in sufficient numbers who can not for that reason create a public sentiment and, by the exercise of the congressional power, supplant by national legislation practically every feature of local self-government.

Mr. President, these conclusions of mine may be entirely erroneous, but I am unable to escape them, notwithstanding, as I said, I believe the Supreme Court will sustain this sort of legislation. In one of his inimitable contributions to the humor of the last decade Dooley discussed the insular decision of the Supreme Court. Hennessey asked him if he thought the Supreme Court always followed the Constitution. Dooley said, "I don't know, but I notice they follow the elections mighty close," which is another way of saying that the court, like others, is human and largely controlled by public opinion whenever its manifestation seems to be undoubted. Consequently, the public opinion is

undoubtedly behind this measure, manifested by the official announcement of both the great parties on the subject, and, founded upon a system of reasoning that has heretofore become official, will promote its passage and sustain its validity.

Mr. President, I am unable to imagine the existence of anything going into the manufacture of perfectly legitimate articles of commerce, either by way of labor or raw material, which can not be made the basis of legislation by Congress for the exclusion of such manufactures from our interstate commerce. Of course, if we control all the ramifications of interstate trade and can dictate the terms and conditions on which all articles of commerce are to be produced, then we can control intrastate trade as absolutely as though the Constitution by express enactment invested the National Government with jurisdiction over it.

This principle can perhaps be applied to a condition maintained in my own and the neighboring State of Wyoming. Under the laws of the State of Colorado no divorced person can marry until a year after the decree, but the good city of Cheyenne is only a hundred miles from Denver, and a custom has arisen whereby as soon as a decree is rendered, the law to which I referred is easily evaded by divorcees, who quietly take a train for the city of Cheyenne, where a new nuptial knot is tied and the newly wed return with safety to the old home. I do not think that practice is confined entirely to us. It prevails elsewhere. It is a bad practice; it tends to gross immorality; and it is certainly inimical to public morals.

Can not Congress destroy this evil by excluding all articles from the channels of interstate commerce manufactured by men and women whose matrimonial records are such as I have outlined? Why not? Can they not also exclude the offspring of such marriages from the lines of transportation in the exercise of their police power and in the interests of the general welfare? Why not? Where are you going to draw the line?

Under the rules of the Senate, Mr. President, we work boys as pages here 12 and 13 hours sometimes. I do not suppose we shall enact legislation against ourselves, but is not that a transgression as well of the principles contended for here which requires legislation for its correction?

Mr. President, I believe I have as great sympathy for the abuses of child labor as any man in this country. I know they exist in many places. I want it to cease. I know that children have been exploited and abused, and after the enactment of this law they will still be exploited by mercenary employers, sometimes by parents, in a manner shocking to the humane sentiment of every well-constituted man and woman. It is deleterious to the health of the child and certainly opposed to the general welfare and morality.

The same is true of adults, and in a less degree perhaps than it used to be in regard to women in the United States. With the exception, I think, of two, every State in the Union has its child-labor laws, and they ought to be enforced, and because they are not enforced, or because it is said they are enforced only here and there, partially enforced, possibly not enforced at all at times, a national scheme of legislation is deemed essential.

Mr. President, if that be true, then many State enactments, equally faulty and equally nonsusceptible of enforcement, demand the exercise of the national authority for a similar reason. Can we afford to yield to the tendency of the Government to embrace in its all-encircling arms every power and function of government, centering them here, and administered through commissions and bureaus in manner drastic, irritating, unsuccessful, to say nothing of the enormous expense which the attempt to enforce them entails?

Mr. HARDING. May I ask the Senator, Suppose this principle is established and a factory in a State requires certain raw material from another State in order to continue business in intrastate trade, could the application of this law forbid the shipment of raw material to a factory of that sort?

Mr. THOMAS. Mr. President, that gives rise to a most interesting feature of the bill and one which had not occurred to me, but I think I can say that if the bill does not cover the suggestion, and we have the power to enact such legislation, it will be enacted.

Mr. HARDING. It is very interesting to me. It seems that if that were true Congress would have authority to confiscate the business itself, even though it were limited to intrastate commerce.

Mr. THOMAS. I think the conclusion suggested by the Senator would inevitably follow the exercise of such an authority. I do not think Congress has that power, but I do not see how we can escape from its exercise if Congress sees fit to do so, if the proposed legislation is in our power to enact. I can see how this measure and kindred measures might by their operation have just the result that the Senator suggested. I do not know that the inhibition of child labor in factories would cripple some of them, but I can see how the application of the principle to other features of the industrial system would have precisely that result, and some of them I have attempted to use by way of illustration.

Now, Mr. President, I have said upon that subject more than I perhaps intended to say. My real purpose in taking the floor was to discuss an amendment which I submitted this morning and whose insertion into this measure, should it be passed, I think is of great importance.

Saturday, August 5, 1916.

Mr. THOMAS. Mr. President, at the time of the adjournment of the Senate yesterday I was discussing some features of the child-labor bill and had reached a point where it seemed appropriate to present my reasons for offering an amendment to that measure.

Mr. TOWNSEND. Mr. President, will the Senator yield for a moment?

Mr. THOMAS. I yield.

Mr. TOWNSEND. I should like to ask the Senator from Colorado if he will not defer his speech on the child-labor bill until the pending bill granting pensions to the widows of Spanish-American War veterans has been disposed of? It can be acted upon very quickly, I am sure.

Mr. THOMAS. No, Mr. President, I can not do that for two reasons, one being my necessary attendance upon the meeting of the majority members of the Finance Committee at an early hour, and the other being the fact that objection would be made to the consideration of that bill in any event by other Senators. The first, however, is the controlling reason why I am unable to yield the floor, and must insist upon finishing my remarks on the child-labor bill.

Mr. TOWNSEND. May I further suggest that my reason for making the request is that the Senate has already expressed its desire to consider this particular bill by a vote of the Senate.

Mr. JOHNSON of Maine. Mr. President, let me, before the Senator from Colorado proceeds further, suggest to the Senator from Michigan that he is mistaken as to the bill which the Senator from Maine has moved to take up. It is a bill which relates to the increase of pensions of the widows of veterans of the Civil War of 70 years of age and over.

Mr. THOMAS. Mr. President, if this were a bill having nothing whatever to do with pensions I should feel obliged, under the circumstances which I have mentioned, to proceed with my remarks upon the subject before the Senate as the unfinished business. The amendment which I have introduced reads as follows:

On page 5, line 24, after the word "meridian," strike out the colon and insert a comma and the following words: "or any article or commodity the product of any farm which is the material for the product of any mill, cannery, workshop, factory, or manufacturing establishment in the United States upon which children under the age of 14 years have been employed or permitted to work or children between the ages of 14 and 16 years have been employed or permitted to work more than 11 hours a day."

The amendment as originally prepared, Mr. President, limited the labor of children in the first instance covered by the amendment to eight hours. The change is due to the fact that many children are employed in farm work in a perfectly legitimate manner, and to limit their hours of employment to eight, instead of eleven, would seriously interfere with the manner of their employment and in no sense protect them or provide against any possible or real injury.

I take it that there is a fundamental reason for this proposed legislation, that abuses of child labor are so widespread and so extensive as to be beyond the power of the States to prevent or control, making it necessary for the activities of the General Government to extend themselves to correct, if not to eradicate, the evil. That must be the assumption, and if I do not err, Mr. President, in my estimate of the purposes of the bill, then it will fail to perform its purposes if it is not itself sufficiently broad to embrace all phases of the subject.

So far as the effect of the employment of child labor in the factories is concerned, as I said yesterday, I grant that it has led to a great many abuses in some sections of the country, and that the local or State legislation designed to remedy the evil is either ineffective in substance or inoperative through the indifference or the connivance of those who should enforce it, or both; and, if the difficulty were confined to that particular phase of child labor, then it would follow, as a matter of course, that the bill as drawn is sufficiently comprehensive to include and, therefore, to provide against it.

Mr. President, I do not admit that the abuses of child labor are confined to the mill and the factory. On the contrary, I challenge the assertion. There are departments of industry where the same evil is painfully apparent, if the information

which has come to me is at all reliable. I had occasion to call attention to this subject during the discussion of the bill which provided for the repeal of the provision of the Underwood tariff law placing sugar upon the free list on the 1st of May, 1916.

Mr. JOHNSON of Maine. Mr. President——

Mr. THOMAS. I yield to the Senator from Maine.

Mr. JOHNSON of Maine. If the Senator will yield to me, I should like to ask if he will not defer his speech upon the child-labor bill until that is reached, after the close of the morning hour?

Mr. THOMAS. Mr. President, I would do almost anything to accommodate my friend the Senator from Maine; but, as stated before, the engagements which I have in committee work are such that I must either neglect that work or finish my remarks at present. I do not propose to neglect it if I can help it; and if the Senator will bear with me, I think I will get through a great deal quicker if uninterrupted than if these requests are renewed.

On that occasion, Mr. President, I called the attention of the Senate to an article in the Rocky Mountain News published on the 12th of March, 1916, entitled "Labor in fields retards pupils. Child-labor committee report estimates 5,000 children work in beet industry."

The Rocky Mountain News under its present management is Republican in politics. It is a champion of what are known as the beet-sugar interests. It has, therefore, no motive of a partisan character in giving to the public the information to which I shall now address myself. I think I have the right to assume its accuracy for the additional reason that I presented it to the consideration of the Senate on the 10th of April, since which time I have seen no refutation of it in the press and have heard none upon the floor of this Chamber.

The article reads as follows:

Five thousand children are reported to be working in the beet fields of Colorado during the growing season of each year, according to figures given out last week by the national child-labor committee. School-teachers and the national child-labor committee, as well as other authorities, have been gathering information on this subject for some years, a part of which has been made into reports.

The committee declares that the children are overworked in the fields, so much so that their progress in their studies is seriously hampered.

The children are used principally in caring for the beets while they are growing. The farmer who contracts with the beet-sugar factory to grow a certain number of acres is told that he must place a proportionate number of persons upon the tract. If he has 20 acres, he will require a certain number of laborers; if 40 acres, he must have twice the number. The work of thinning, cultivating, topping and irrigating the beets is done by contract, the head of a family being paid a certain price per acre—from $18 to $20—for the work.

The first subhead of the article is:

Six-year-old children work.

Six-year-old children work! Children of half the age which is fixed as the limitation upon child labor in this bill.

Russian men usually contract to do the work, and when the farmer looks about for some one to engage for the summer, he inquires for a family with the number of members to correspond with that required for the work. Ordinarily the contract is made for a father, mother, and children to make up the required number.

The age of the children is said to be taken into consideration under the contract, and those of tender years are not expected to do any of the field work. But the real working of the system is declared, both by teachers in the Denver public-schools and by others who have investigated the matter, to be that the children of 6 years are sent into the fields. Those *from 8 to 10* are said to be employed constantly during the weeding, thinning, and topping seasons.

An investigator states that he had found the practice has been for work to commence in the fields as early as 3 o'clock in the morning, when the first sign of day begins to peep in from the east.

At that high altitude the temperature in the early morning is very low in the spring and, comparatively speaking, very low during the summer months. Consequently, the altitude is itself very unpropitious to the health of the child, to say nothing of the fact that his sleep is disturbed and his rest interfered with at an hour when it is most beneficial to him.

The next subhead is:

SEVENTEEN HOURS OF LABOR.

At 7 o'clock the workers have breakfast, sometimes going to the "Russian house" for it and sometimes it being served in the fields, so that the labor does not cease. Again at noon the workers are fed in the same way, being allowed a half hour for that purpose. They take their supper at about 6 o'clock and return to their labors, staying out in the fields until 8 o'clock at night, or even later.

From 3 o'clock in the morning until 8 o'clock at night embraces a labor period which the most stalwart workman can not very long endure.

I proceed with the reading:

The average hours of work for children in the fields is declared to be about 17 during the busiest seasons.

One abuse of the system that investigators say they have discovered results in a charge of peonage.

Here, Mr. President, is a dual evil, the one being the consequence of the other.

The article proceeds:

This is that if the family desiring to take a contract for the handling of the beets upon a farm is not as large as required under the rules, the head of the house hires children from other families.

Now, Mr. President, it will be observed that this is not a system of work where the children of farmers and farm owners are engaged, and who would naturally be protected by the love and affection of the employer. It is a system of contract work. The beet-sugar companies keep knowledge of, if indeed they do not constantly employ, large numbers of people in order to furnish them to the farmers as they may need work in the more drastic and strenuous stages of beet growing; and consequently these are furnished by contract through the agency of the companies, directly or indirectly.

The article proceeds:

Sometimes the farmer does the managing himself, hiring men, women, and children to do the actual labor.

I am told that is only occasionally. When that is done, there is no danger to the child. When that is done, the maximum fixed by the amendment I have proposed is ample for the purposes of the employer and for the benefit of the employed. It is the contract system which is now the subject of censure, and at which this amendment is aimed.

The article proceeds:

The work of thinning and weeding is done on the knees, usually in soil that was irrigated the day before or maybe only a few hours before, and is wet and cold.

Of course, it is generally known that moisture is furnished growing crops in this section of the country by an artificial system. It is the best system in the world for the culture of the beet, because the peculiar requirements of the plant can be ministered to by the beet-grower through the agency of his irrigating ditches. In other words, water can be supplied when needed, and can be shut off when it is not needed; but it leaves the ground in a damp and moist and cold condition at the time when these children are called from their beds and put to work, and into which they must kneel for the purpose of performing this work of thinning, and crawl upon their hands and knees along the row from one end to another in accomplishing the purpose for which the work is secured.

I can conceive of no mill conditions, however obnoxious and repulsive, that are worse than the physical conditions attendant upon this exploitation of child labor. How they can escape the contracting of disease that will be permanent in character and injurious, if not ruinous, to their physical systems passes comprehension.

Denver teachers who have had charge of children used in the fields during the summer state that the work keeps the youths out of school during two months of the year set apart for their education. The teachers also say that children come in from the fields so worn out as to be unable to do satisfactory studying for several weeks. The effect is that they practically lose about four months of the school year, and are kept in grades twice as long as those who are able to attend regularly.

One teacher in the Denver schools received the following letter from a pupil who had been hired from a city family to do work in the fields during the summer:

"DEAR TEACHER: It is rainy to-day so I could write you a letter. We was working very, very hard the last two weeks, and we did work last Sunday, too, because beets grow so fast.

"We get up in the morning 3 o'clock every day and we work till 12 o'clock, then we have our dinner about half an hour, and then we go to work till 7.15, so we worked about 15 or 16 hours. Oh, it's too hard! I wish I didn't have to go any more to work beets and could spend my time in school. School is what I like, but I have to make my living to work so hard."

The next subhead of the article is:

Walks 80 miles on knees.

And then the article proceeds:

Four of us worked 60 acres of beets, and in this month I have to walk on my knees 80 miles and thin the beets at the same time, and to hoe that 80 miles; it takes me to do it about 34 days. I get $6 an acre to block and thin, so I make $90. But it's too hard to walk that 80 miles on your knees on hot summer days. I get sleep about six hours a day, and you know it isn't enough for that kind of job.

Soon as I lay in a bed I am sleeping in about three minutes, and I never wake up until our clock strikes to alarm. I am glad it's raining to-day so I could rest a little. I am going to make our dinner now, and after dinner I am going to sleep.

I tell you everything about hard work when I come to Denver.

That is the end of the letter. The article proceeds:

The report of the National Labor Committee says that the children between 7 and 15 employed yearly in the sugar-beet fields of Colorado, according to estimates made by the superintendent of schools, lose two or more school months as a result.

The next subhead is:

SCHOOL WORK SERIOUSLY AFFECTED.

That the loss of schooling seriously affects the progress of the beet workers in school is shown by the fact that the average per cent of retardation among the beet workers is 53 per cent as compared with an average of 20 per cent for the nonbeet workers, says the report.

The work the children do in "pulling" and "topping" the beets involves great physical strain when continued for 12 hours a day throughout the harvesting season.

The report states that compared with the total number of persons engaged in beet culture, the number of children under 14 employed is small, and that therefore the industry would not suffer if they were eliminated.

The compulsory education law is not enforced in the beet sections, and the report recommends the reorganization of the school system on a county unit instead of a district basis to secure enforcement of the law by removing it from local influence, and thus control the employment of children in the beet fields.

Mr. SMOOT. Mr. President——

Mr. THOMAS. At this point, if the Senator will permit me, I was interrupted in my former speech by the Senator from Utah.

Mr. SMOOT. I should like to ask the Senator now if I understood the report to say that the children pulled the beets and topped them?

Mr. THOMAS. That is what the report says.

Mr. SMOOT. Why, the Senator knows very well that no beet is ever pulled in the world. It is always plowed out of the ground and topped by men.

Mr. THOMAS. Why, Mr. President, the plow, of course, runs along, just as it does in a potato field, and then the beet is taken from the ground as potatoes are. Of course, the child is not *obliged* to take hold of the top of the beet and exert all of his physical strength in an effort to pull it from the ground; no.

Mr. SMOOT. I have been in thousands of beet fields, and I never saw a child top a beet in my life. I never saw a child in a beet field using a knife for the topping of a beet; and I know that all of them are plowed, and the beets are lying in the ground as they are plowed out of the earth.

Mr. THOMAS. The Senator, of course, knows more about beet culture than I do, because he has been interested in and identified with it personally. I think the Senator is very largely interested in the beet-sugar factories of his State.

Mr. SMOOT. I have 173 shares of beet stock, worth $10 a share. That is $1,730 as the extent to which I am interested in the industry, and that came to me through a trade. That is all that I have ever been personally interested in the beet industry in the United States; so the inference that the Senator makes is not right.

Mr. THOMAS. I intended no reflection on the Senator in that statement. He has a perfect right, as everyone else has, to invest in matters of that kind. Indeed, I am very sorry I did not make an investment last April a year ago——

Mr. SMOOT. So am I.

Mr. THOMAS. When Great Western common stock was selling at $45 a share, and its last quotation is $295. The Senator, in obtaining 174 shares, evinced much more business wisdom and perspicacity than I possessed; and if the Senator thinks for a moment that my statement was designed either as reflecting upon his interruption or the substance of his interruption or upon his own business conduct, I want to assure him to the contrary. I was merely stating a fact which sustained the accuracy of his assertions regarding the manner of extracting beets from the ground. But certainly the Senator knows that in the process of thinning the beets in the early stages of the crop, work which no American will do if he can help it, these children—Indians, Mexicans, Bohemians, all classes and conditions of rude, ignorant labor—go into the fields, and on their knees work and progress at the same time, performing a task whose demands upon the physical system can not be overrated.

If this be true, and I think it is, when young children from 6 to 14 years of age are required to do that sort of work during any season in the progress of the beets, from the planting of the seed to its gathering, it is unjust, it is wrong, and it is inhuman, and any law that is designed to protect child labor which is not sufficiently broad to cover that condition and remedy it must necessarily fail of successful operation. It only reaches a part of the difficulty.

Now, let me read what the Senator said regarding his own State during this discussion:

Mr. SMOOT. Who is the author of the letter? Will the Senator say?

Mr. THOMAS. This is taken from the Rocky Mountain News of March 12. It is attributed to "Inquiries made by the national child-labor committee of school-teachers as well as other authorities."

Mr. SMOOT. I do not know how it is in Colorado or the other States, but I do know that the laws in my State compelling children to go to school are absolutely enforced.

Mr. THOMAS. Mr. President, of course I accept the Senator's statement, and yet I think he will admit that children are employed to work long hours in the beet fields of Utah, just as they are in the other beet-sugar States of the West.

Then there was an interruption from the Senator from South Carolina, and then I yielded to the Senator from Utah, who said:

Mr. SMOOT. I will simply say to the Senator, in answer to what he has stated, that the children in the State of Utah do work in the beet fields for the thinning of beets only. It is the easiest work that a child can do. It is the most healthy work that a child can do, because he is out of doors. They are all paid so much per row. I have never heard anybody, either a parent or anyone else in the State, complain of the work; but I do know that it is a most profitable work for a child, and has done a great deal of good toward keeping children off the street, and has brought in a fair income to the child; and in many cases it is the means of starting a savings account that grows each year.

Mr. THOMAS. Will the Senator inform me how many hours the children work in his State?

Mr. SMOOT. I do not think they work over eight or nine hours a day, Mr. President—none that I know of.

Mr. President, I accepted then, as I accept now, the statement of the Senator with regard to these conditions in his own State, and largely because of that fact I changed the limitation of hours in this proposed amendment.

I agree with the Senator there is no work so helpful, no work so healthful, to a child as outdoor work on a farm, provided it is accompanied by those limitations as to hours and character which it is the purpose of this bill to enforce.

Mr. President, I sometimes think we are going too far in our schemes of economic legislation. The work is good, the motive is good, the motive is beneficent, but to my mind the crowning danger to the child in his years preceding adolescence is the absence of that employment which inevitably leads to practices and habits that may result in his ultimate corruption and undoing. There is no saying more true than the old one that Satan finds mischief for idle hands to do. It is inevitable that the unemployed, through the exercise of those mental faculties which keep children busy as well as men, will find their vent through improper sources when free from occupation. I venture the statement that if the Senate of the United States were polled one-half its Members when they were children, before the age of 14, were engaged in occupations and many of them wage earners.

Mr. SMOOT. Ninety-five per cent of them.

Mr. SHERMAN. Mr. President——

Mr. THOMAS. I think it is largely due to that fact that they were able to so sustain themselves and to rise in the scale of life as to represent their respective constituencies on the floor of the Senate. I yield to the Senator from Illinois.

Mr. SHERMAN. I wish to inquire of the Senator if the amendment as it is read on page 5 of the bill as amended as reported out by the Senate committee prevents a member of a farmer's own family within the ages named and with the products named from performing certain prohibited service?

Mr. THOMAS. It does not, neither does it prohibit a farmer from employing children, either his own or those of other people, for not to exceed 11 hours each day.

Mr. SHERMAN. I want to get it right, because I am in favor of the child-labor bill as it passed the House and so far as it has been reported by the Senate committee. Suppose the material produced in the field should be sent to a factory or cannery, would the farmer bring himself within the limitations?

Mr. THOMAS. No.

Mr. SHERMAN. Would the child——

Mr. THOMAS. But the product of the factory in which that raw material is produced by the work of children employed over 11 hours a day will be prohibited from transportation and use in interstate commerce. In other words, it operates precisely as the law operates in its present form except that it is extended to certain conditions of farm labor.

Mr. SHERMAN. In other words, it can be made, but could not be marketed. If manufactured, it can not find a market through interstate commerce.

Mr. THOMAS. As I read the bill as drawn, it not only could not be marketed but it could not be shipped.

Mr. SHERMAN. If it could not be shipped in interstate commerce, it would be deprived of the larger part of a profitable market.

Mr. THOMAS. Certainly; that is the intention of the bill.

Mr. SHERMAN. Let me ask this question. The Senator was referring to the duties of a Senator in a State to his constituents.

Mr. THOMAS. No; I do not think I did that.

Mr. SHERMAN. Suppose, without regard to color or race——

Mr. THOMAS. I did not say that.

Mr. SHERMAN. Suppose, without regard to color or race, within the prohibited age in my own State or in the State of the Senator from Florida a child, so called, within the limited age, should work in a field or an orchard or a truck patch or garden and the product of that field or garden ultimately would reach a cannery or factory, be it cotton or strawberries or apples or citrous fruits or what not, could the product manufactured or canned thereafter be shipped into interstate commerce and reach a market through interstate transportation?

Mr. THOMAS. Not if produced in whole or in part by children within the prescribed age working over 11 hours.

Mr. SHERMAN. I am assuming it to be your amendment as printed. It may be that it has been changed since it has been offered.

Mr. THOMAS. I will answer the Senator yes, if the children are employed in the production of the material for a longer period than 11 hours a day.

Mr. SHERMAN. If under 14 years of age?

Mr. THOMAS. Yes.

Mr. SHERMAN. And between 14 and 16?

Mr. THOMAS. I say nothing about that in the amendment.

Mr. SHERMAN. The limitation does not apply?

Mr. THOMAS. No.

Mr. SHERMAN. In that event, as there were about 10,000,000 people engaged in agricultural occupations of various kinds in the United States in 1910 or 1900——

Mr. THOMAS. Yes.

Mr. SHERMAN. There are about 6,500,000 farmers in the United States.

Mr. THOMAS. Yes.

Mr. SHERMAN. That includes all the farmers in the corn-and-wheat belt; all of them engaged in the production of orchard or fruit products north or south; all of them engaged in the cotton fields or plantations of the country.

Mr. THOMAS. Yes.

Mr. SHERMAN. Now, in that event under the Senator's amendment does he think it would be the duty of a Senator living in any State to so regulate matters, for instance, in the corn belt, and I have more raising corn than any other single cereal of the field, that a boy under 14 years of age could not work more than 11 hours a day in corn husking or wheat harvest? We have a considerable product of wheat.

Mr. THOMAS. Is that the question?

Mr. SHERMAN. Yes, sir.

Mr. THOMAS. I will answer that question Yankee fashion by asking another. If it is injurious for a factory man to employ a child under the age of 14 years longer than eight hours, why should the farmer claim exemption from that rule if it is also injurious to work the same class of labor 11 hours?

Mr. SHERMAN. The Senator answered in the form of a question, and it is certainly within his privilege. Because there is a very wide difference economically, socially, and physically between working in the open air and working in the closed walls of a factory with limited advantages for health, and for the general police regulations that belong to large numbers of people working together in a dense population and a very small area. The farmer or the farmer's family does not labor under that limitation, nor do the same economical or social reasons apply to those engaged in farm occupations that apply to manufactures or those in canneries.

Mr. THOMAS. If the Senator will permit me, let me ask him if work in quarries is not in the open air?

Mr. SHERMAN. It is work in the open air, but an entirely different kind of work from work in an orchard or work in a cornfield.

Mr. THOMAS. It is not very different from grubbing stumps. I do not see any difference at all.

Mr. SHERMAN. I wish to say to the Senator that I have not yet attained the three score and ten years named in the Scriptures——

Mr. THOMAS. I hope the Senator will live far beyond that period.

Mr. SHERMAN. I thank the Senator sincerely for his kindly wish, and I join with him and return to him the like felicitations and hopes. But since the age of 10 years myself and every associate that I know raised in the township in southern Illinois, from the time we had to climb up on a manger to buckle the collar on a horse, have been—far below the age of 14 years and far below the age of 16—working at something, and I do not know of a healthier crowd of boys that was ever produced any place in the country than those who have gone out. Some of them are in Australia; some of them are Scotch, and, following their nomadic instinct to emigrate, have gone around the world. As I said, some have gone to Australia. Some of them are in the trenches in Germany, because I was raised among a polyglot population of all races and all creeds. Those boys grew up until they are as healthy men as I know in the world.

Mr. THOMAS. I do not want to interrupt the Senator, but I only yielded for a question.

Mr. SHERMAN. I asked the Senator a question and he asked another and I was answering it.

Mr. THOMAS. The Senator's answer, I think, is very illuminating.

Now, Mr. President, the Senator's experience is the experience, as I stated, of a majority of the Members of the Senate. If the Senator lives, as I hope he will, far beyond the allotted three score years and ten and retain his seat here, my prediction is that he will be called upon to enact legislation that will prevent the boys of the next generation from doing the very thing that he says is the foundation of his physical and intellectual growth.

Mr. SHERMAN. May I make an inquiry? Does the Senator think the boys under 14 years of age on the farms, on the cotton plantations, without regard to their color or race, or the farmers in the North and Northwest, in the Mississippi Valley, and the wheat fields and corn fields—that boys under 14 years of age are so depressed and unhealthy and overworked——

Mr. THOMAS. No; I do not.

Mr. SHERMAN. As to require a measure of this kind?

Mr. THOMAS. No; I do not, Mr. President.

Mr. SHERMAN. Then, why do you include it in your amendment?

Mr. THOMAS. I will proceed, if the Senator will permit me, to give the reason for it.

Mr. President, I contend that if it be true that 8 hours is an essential limitation for the preservation and protection of the youth of the land in labor indoors, 11 hours is a very liberal allowance for labor of the same kind out of doors, and if I could segregate the particular evil at which this amendment is aimed from a general classification, I would be glad to do so. My only purpose is to perfect the bill along the lines that it is designed to operate in order that it may include flagrant instances of child exploitation, which will continue, notwithstanding this bill, if this amendment is defeated.

Mr. SMOOT. Mr. President——

Mr. THOMAS. I yield.

Mr. SMOOT. The Senator must recognize the fact that child labor in a mill is generally for 12 months in the year while child labor in the fields is not to exceed in some cases 30 days, in other cases 60 days, and I doubt very much whether in any case it is more than 90 days in a year.

Mr. THOMAS. Then, does the Senator approve of working children of 6 years of age, up to 8 and 10, 17 hours a day for 30 days in the year, but would object to it were it for 12 months?

Mr. SMOOT. No; I have never heard of a 6-year-old child working in the fields until I heard the Senator read this report. I never saw it in my life. I do not believe in it, and no other living soul could believe in it who has a heart in him worthy of being called a heart. I do not believe in children working 17 hours a day, but I do believe that where a father has a boy 12 or 13 or 14 years old and, in the stress of gathering a crop, he himself works 13 hours or 12 hours, it would not hurt the boy a particle to work a day or two under those circumstances.

Mr. THOMAS. I agree with the Senator fully.

Mr. SMOOT. That is my position exactly; but I think a State that would allow children 6 years old, in the field or anywhere else, to work 17 hours or 12 hours or 10 hours ought to be—I will not say what I think, but I will say that they are very derelict toward their citizens and their laws ought to be amended. That is the least I can say.

Mr. THOMAS. I think if a State permits that it is subject to any censure which the Senator sees fit to express, and I think that if the National Government, because of such permission, proposes to take the whole subject over and still permits it, it is subject to the same censure.

Mr. SHERMAN. Will the Senator yield?

Mr. THOMAS. Yes; but I want to get through pretty soon. I will yield for a question.

Mr. SHERMAN. What would be the effect on the farmers of the corn and wheat belt or of the cotton country if during cotton picking or harvest or corn husking a farmer's own family, his boys, could not work beyond 11 hours if they were under 14 years of age? What would happen in harvest time?

Mr. THOMAS. Mr. President, when we are enacting a great piece of legislation like this what difference does it make what the effect may be. We are not concerned with the effect. The Senator from Idaho [Mr. BORAH] a day or two ago said if this bill did not hurt somebody, there would be no opposition to it. Irrespective of the effect, if it is our duty to protect child labor the way we propose to do it, the legislation which we enact should be comprehensive enough to remedy the evil. If the effect is bad, it is unfortunate; but we must do this because it is essential to the interests and welfare of the race.

Mr. President, I do not want to be misunderstood. I sympathize with the purpose of this act. I know that there have been gross exploitations of child labor, and I am sorry to say that one of them seems to prevail in my State.

Now, because I am trying to reach that, influences will be affected whose products ought not to be affected. That is the misfortune of those interests and not my fault. Of course I know that the very moment it is suggested that this measure shall be extended so as to take in the comprehensive industries very naturally it meets with strenuous opposition.

I know this amendment of mine has little prospect of being adopted here, but I want to focus the attention of the country upon the fact that the legislation will need amendment if it is going to be effective, and it must be extended so as to take in some lines of occupation which are not now included within it.

I do not think there is a better training in the world for a boy than on the farm. I do not believe that if he worked 15 hours a day it would injure him very much. It has been the making of a great many boys.

Mr. VARDAMAN. Mr. President——

Mr. THOMAS. But, Mr. President, is it not possible to abuse that system of occupation just as much as others, and if nation-wide legislation is essential, should it not be nation-wide? I yield to the Senator from Mississippi.

Mr. VARDAMAN. I want to ask the Senator if, in the history of this country or any other, he has knowledge of a system of agriculture which required the child to work on the farm in such a way or to such an extent as to interfere with the proper mental and physical development of the child? I have always regarded the farm as the breeding place of the highest order of men and women.

Mr. THOMAS. No; except in instances like those to which this amendment is directed.

Mr. VARDAMAN. The Senator has doubtless observed and will admit the fact that the child on the farm, as a general rule, works with his parents, under the direction and kindly care of his mother and father. He is not subjected to the inconsiderate, selfish domination of the boss in a factory, whose sole aim and effort, without regard to the mental and moral well-being of the child, is to make money out of the child's labor. The hot, dust-laden, mephitic air of the mill everyone knows is unhealthy, and especially to a child of tender years. It retards his physical growth, saps his strength, undermines his health, and stunts his moral and mental being—just the opposite effect from the pure, stimulating air, sunshine, and moderate employment which the boy on the farm enjoys. Really I do not know of anything that contributes more to the physical, mental, and moral development of the child than life upon the farm. The farm is the nursery of American greatness and from it will come the men and women who will save our civilization.

Mr. THOMAS. I have no quarrel with the Senator on that proposition at all. I think he is right.

Mr. VARDAMAN. Then why does the Senator want to interfere with a system that is so benign in its influences and that time has demonstrated is only for the benefit of the human race? Why not let well enough alone?

Mr. THOMAS. Some of the greatest men the country has ever produced have begun their lives working in the mills and working in the mines. The first head of one of the main labor organizations of America, and the organizer of it, began his work as a boy in the mines. So far as that is concerned the argument is not effective. Now the reason, and the only reason, why this bill was not made sufficiently comprehensive to take in the class of labor I mentioned is that it would present new features and arouse angry opposition. The Senator is a young man comparatively. He will live to see, if he stays in this body long enough, a measure far more drastic than the one I have offered.

Now, Mr. President, I have said far more than I intended. I think that this is a meritorious amendment, which ought to be adopted; and I hope it will be.

Mr. SHERMAN. Mr. President——

Mr. THOMAS. I yield to the Senator from Illinois.

Mr. SHERMAN. Before the Senator begins upon some other part of his address, I should like to inquire what will the boy under 14 years of age do the remainder of the 24 hours?

Mr. THOMAS. I do not know that the Senator from Illinois heard my earlier remarks.

Mr. SHERMAN. I did not hear that part of them.

Mr. THOMAS. I made the statement that the idleness of the youth during his period of immaturity was the worst thing that could happen to him. The Senator and I will have no disagreement with regard to the useful nature of this sort of employment nor as to the baneful effects upon the youth of the country of idleness and unemployment. That, however, as I said, must be beside this question if the evil to be guarded against is greater than that which may be accomplished by the application of the remedy.

Mr. LEWIS obtained the floor.

Mr. WILLIAMS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Bankhead	Gallinger	Overman	Smith, Ga.
Brady	Husting	Page	Smoot
Brandegee	James	Penrose	Taggart
Bryan	Johnson, Me.	Phelan	Thomas
Chamberlain	Johnson, S. Dak.	Pittman	Thompson
Clapp	Kenyon	Ransdell	Tillman
Clark, Wyo.	Kern	Reed	Townsend
Clarke, Ark.	Lane	Robinson	Vardaman
Culberson	Lewis	Saulsbury	Wadsworth
Cummins	Lodge	Shafroth	Walsh
Curtis	Martine, N. J.	Sheppard	Weeks
Dillingham	Myers	Sherman	Williams
Fall	Nelson	Shields	Works
Fletcher	Norris	Simmons	

Mr. CLARK of Wyoming. The senior Senator from Missouri [Mr. STONE] desired me to announce that he has been called from the Chamber on official business.

Mr. MARTINE of New Jersey. I rise again to announce the absence of the Senator from West Virginia [Mr. CHILTON], who is absent on official business. He is paired with the Senator from New Mexico [Mr. FALL].

I also desire to state that the Senator from Louisiana [Mr. BROUSSARD] is absent owing to illness. I make these announcements for the day.

Mr. MYERS. I desire to announce that the Senator from Arizona [Mr. ASHURST] is necessarily absent for the day on account of his physical condition. This announcement may stand for the day.

Mr. FLETCHER. I am requested to announce that the Senator from Maryland [Mr. SMITH] is absent on official business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

REPLY TO MR. HUGHES'S ACCEPTANCE ADDRESS.

Mr. LEWIS. Mr. President, I rise to speak to the challenge of patriotism sent forth in the address to the American people by Judge Charles Evans Hughes in his acceptance at the city of New York of notification of his nomination as President of the United States by the Republican national convention held at Chicago. *I address myself to the shams and shames of the pretense of patriotism.* As I am not speaking the sentiments expressed to me by anyone, I wish it known that I alone am responsible for my utterances of this day.

Here this day I put the responsibility for the death of every American soldier killed on the border of Mexico in the year 1916 upon the heads of the generals of the Republican Party.

I charge that not until the captains of the Republican Party shot at the President of the United States did the Mexican outlaws shoot at the soldiers of the American President.

MEXICO AS THE ISSUE.

It is proclaimed by the message of the candidate and in the declarations of his directors that *Mexico* shall be the issue in the present political campaign. The chairman of the Republican national committee announces with formality on July 28 that Mexico is the issue. Candidate Hughes on July 31 confirms the issue by reasserting it in his official position. Let the country know that the statement is *that Mexico is the issue.* Not that there is a principle to be enforced in behalf of Mexico; not that there is justice to be asserted in behalf of Mexico; not that there is an American right to be vindicated in behalf of the United States as to Mexico. No! The statement is, *Mexico is to be the political issue.* Prejudices to be awakened in America, hatreds awakened against the Democracy, insurrection to be invoked and denunciations to be called down upon the head of the Democracy and its leader, merely that an issue is to be brought forth. Every man in the Republican Party is to be allowed his own expression of anything that in the locality wherein he speaks may serve to accomplish the issue. It is sufficient if it is Mexico.

The cry has gone forth—*let Mexico, in some phase, without regard to facts or justice, and in defiance of truth and honor, be the issue.* Summon the citizenship of the United States to war against its constituted authority—that is the issue. Revolt against the Government at Washington as to Mexico—that is the issue. Denounce the President as to Mexico—for that is the issue. Make contemptible your own country before the world whenever you can—for that is the issue. Humiliate your own fellow man by holding his country and his President up before the world as unworthy the support of his countrymen or the respect of foreigners. Cry "Mexico" and the "outrage" upon America from somewhere, somehow, in some way, through the administration of affairs by the United States in Mexico. *Summon from every-*

where anyone who by any charge, any slander, can induce an American to make issue against his own country as to her policy in relation to foreign countries. Summon the public enemies from every darkened place, from every unhallowed ground. Bring them forth—those with hopes of reward; those with itch for notoriety; those with dreams of place and position, and those who would vent their revenge upon their own country because they could not use it to enrich a guilty purse and debase the principles of freedom to reward robbery.

At last the army is summoned: "Hang the banners on the outer walls, the cry is—still they come." The mercenary—the concessionaire who pollutes the government in power to wrest the rights from the defenseless. The European bondholder, who casts his water-engorged securities in the face of America, demanding of the sovereign United States that she shall send her sons to die that their blood may give value to that whose creation was born of robbery and whose existence is maintained by fraud. The mining buccaneers of the mountains, the land pirates of the plains, pillagers of the peons, oppressors of liberty, murderers of justice, come all of you; at last there is found for you a house in which ye are worshipped as gods and at whose altars the innocents are to be sacrificed for you to make an election holiday. It is your father's house—the Republican Party. There you shall burn incense to the worship of despots and despoilers, the new high priests of modern Republicanism, headed now by the newly anointed chief of this political hierarchy—the nominee of a Republican convention for President of the United States—Charles Evans Hughes.

How long has been the quest for some issue! How wailing has been the cry from the wilderness for some deliverance! Never did Diogenes grope more helplessly among the grottoes of Greece with a lantern looking for an honest man than did these pursuers explore the purlieus of politics with false lights to find a dishonest issue. Mr. President, let us examine the sincerity of the pretension of "relief for Mexico" and "rights to Americans," which in its newborn announcement is to be the declaration upon which the multitudes are to be summoned. The cry is "Hughes! Up with Hughes! Down with Wilson! Up with the Republicanism that is new! Down with the Democracy that is true!"

PRESENT STATUS OF MEXICO.

Mr. President, what is the history of the political status of Mexico and the United States? Let America recall that there was Mexico, with 23 revolutions in one form or another since the American Civil War—the struggle for liberty, the fight for justice, the effort to be free from the yoke of masters and to rise from the iron heel of oppressors. All encouraged by Lincoln, when the fight was led by Juarez—Lincoln, in his announcement to the officials of that distracted country, gave them the assurance that the interests that were attempting then—50 years ago—to cast Mexico back to the ages of darkness and who, under the cry of "intervention," "peace," "rights of America," were bent on using America to slay republics and pledge the power of the United States to give assured value to possessions which had been wrung from the defenseless by the fraud of men and the crime of robbery. Since then every American President has patterned after Lincoln, offering aid to Mexico wherever possible, but refusing to oppress its people with power, however profitable to speculating finance or party politics.

These conditions of revolt and revolution, devastation and death, continued in this unhappy land through the years, while America stood by, hoping Mexico would build itself out of its misfortune and rise upon the wreck of empire to the grandeur of a republic. America wished for Mexico to survive as giving liberty to its humblest, doing justice to the highest, and in all establishing a government of its people by their free will, modeled after the mother Republic of the Western Hemisphere—the guardian United States of America.

In the administration of President Taft so severe had conditions become in Mexico that from 1910 to 1912, inclusive, 47 Americans were killed. The administration of Woodrow Wilson came into power in March, 1913, to find these deplorable conditions prevailing in Mexico, accented by the murder of Madero, concerning which the American Government had received the audacious announcement from Huerta, "I have deposed Madero and assumed authority." Quickly in the shadow of this dark communication flashed the light from the weapons that had sent the life from Madero and laid his family in death through the assassin's stroke. What could America do? With this information and with knowledge communicated to her officials could she palliate the murder by giving approval to the perpetrators by honoring the chief actor with the crown of authority? Only in the history of Rome do we find the parallel, when the Roman triumvirate, red with the blood of the ruler Pertinax, rushed out in the ramparts of Rome to auction the world off to the highest bidder.

"RECOGNITION" OF HUERTA.

Mr. President, when had America steeped her hands in the blood of murdered rulers as the ceremony of recognition of the perpetrators? Few indeed have been the instances she has been called upon to consider as parallels or precedents. Yet the leaders of the Republican Party say it was America's duty to have recognized Huerta. That Wilson had committed an offense to the relations due Mexico when he failed to acknowledge Huerta. In what provision of the platform made at the convention in Chicago has the Republican Party made that assertion of a right and a duty upon the part of the Republic of America to have acknowledged Huerta as equal in authority and honor to the President of the United States? Where is the declaration of Republican authority that was dared be proclaimed before a Christian civilization or God-fearing people of America? It does not exist. There were none so courageous in their audacity as to write the assertions in the platform as a duty of Wilson or as the right of Mexico. *Yet Judge Hughes says we had no concern with the morals of Huerta.* He would exclaim with the chief of the murdering Borgias:

Stand not on morals, but on power—'tis bloody, but hath rewards.

Let me ask: If the charge made 50 years past, that John Wilkes Booth killed Abraham Lincoln at the demand of those who represented Jefferson Davis, was true, and had Jefferson Davis assumed command at Washington, which of these will now announce that they would have recognized Jefferson Davis? If you believed the charges which were then made, would you have recognized Jefferson Davis as de facto President of the United States?

Let it be remembered that Vice President Andrew Johnson, who came to the position of authority in the stead of murdered Lincoln, was already indicted in the hearts of many of the leaders of America in the Republican Party, and most of them, through their representatives in the United States Senate, bided their time to vote his impeachment for no greater charge than that he stood in the shadow of the approval of the policies which led to the murder of Lincoln.

In 1903, in Serbia, King Alexander and his Queen met the fate at the hands of murderers as befell Madero and his wife in Mexico. It was charged that Peter Garegovitch was a party to the murder, and when an attempt was made to make him King—though by assembly of a legislative body—the charge was openly asserted by those in Serbia that those who were making him ruler had incited the murder of King Alexander, and that therefore no such recognition to Peter should be accorded by the United States as would serve in this Republic as an approval by her civilization of such methods to obtain power. The United States under Secretary of State John Hay took cognizance of the offense. More than a year elapsed before this Government, under Roosevelt, gave recognition to Peter. During the delay the United States was satisfying its conscience that there was not the crime existing as against Peter as charged against those who were sponsoring his cause. This country gave to the world in that instance ample evidence of its intent to have disclaimed Peter had the proof disclosed any such condition as was evidenced to America in the affair of the assassination of Madero through the machinations of Huerta.

There was no other course for President Wilson to take than that which he did in declining to recognize Huerta under the circumstances as they then prevailed and were accepted. President Taft, who was in office when Huerta came to power, and who through the agencies of his administration existing for four years could have had the most complete and assured information, did not recognize Huerta or have his administration give to him official acknowledgment. That there must have been in the mind of President Taft facts that caused him to feel that he could not take such awful responsibility is evident from his own statement "that he was going out, and he did not wish to put responsibility upon the incoming administration by his act."

Mr. President, *if the recognition of Huerta would have been an act, sustained by all its surrounding circumstances, that any American President could have ordered, there would have been no reason to pass this recognition to a successor and pass out in silence as did President Taft.* The changes in the Governments of China, Japan, and the last in Portugal, within the same period of time, were not deferred but promptly accepted, as is the custom of countries living in comity and dealing in honor. And yet, shall it be said that Wilson should have accepted the government of Huerta, then, under these circumstances? And why now shall it be said that because in the imagination or in the calculation of certain interests that things under Huerta might have been better than they have developed under others; that for that speculation it were nobler to have chosen Huerta?

VILLA AS AID TO UNITED STATES.

Mr. President, then we have it that the very officers of the administration who were in Mexico, the agents of commerce, the consuls of the United States, who were best informed and best constituted to be informed, gave to President Wilson and his Secretary of State their judgment that Villa at the time represented the abilities best calculated to bring forth order and establish peace in Mexico. Villa's platform and performances sounded as of the virtue of American doctrines—liberty for the humble, justice for the poor, the lands as homes for the people and not as the private possessions of landed princes.

Here let it be remembered that so powerful was that force of Villa that against the army of Porfirio Diaz and the best forces he could command in Mexico at the time of his greatest power Villa was able for 22 years to hold his army in opposition and to oppose successfully the conquering of him or his cause by Diaz. Was it not natural that President Wilson could conceive from these evidences that this commander had power as represented? The effort was honestly made by the President and every aid for peace that could be given without the violation of our duty was afforded. The object of the United States was to keep the hands of power off of Mexico; to let it work out its own destiny through the agencies of its own creation, as was the process of the government of republics. Villa was not acquiesced in by all of Mexico. He was opposed in his own land. Frustrated by those whose assumption of control he sought to dispute, and which he claimed had for its object the robbing of the poor, for whom he spoke. The ruling classes of Mexico and certain business interests all combined against him—under what righteous claim I know not. But this I do know, that had the leaders of the Republican Party in Congress given to the Democratic President support in this foreign policy and announced that as the President had recognized Villa as a test and trial to bring forth through him order, and had they demanded united obedience in America to this effort of the President as one from the highest authority and from the only authority that was vested with privilege of deciding the question, there would have been a different result from what ensued. Mexico would have seen that all the United States was behind the President.

The forces opposing Villa would have seen that all the United States supported the American President. Obstructionists in Mexico and opponents of the United States and the enemies of Villa would have all seen that there was union in America in the support of an American President when he was dealing with a foreign country and then would have subsided the opposition. There would have followed the acquiescence in the trial of the strength of Villa to enforce peace, and from it we would have been able to test the result and to have obtained relief from the conditions which were cursing Mexico and bewildering America. But no. Upon every occasion, in public place and in the Senate, denunciation of the President for his act was hurled forth. Senators would rise to condemn the President, hold his judgment up to contempt, his course to derision, while they frustrated and obstructed the execution of his every undertaking. This it was that gave license to those in Mexico who were opponents of the cooperation of America, and those in Europe who were the enemies of our welfare, and those in Mexico who for their own reasons, selfish or sincere, were opposing Villa—all joined in their opposition to America, being encouraged to their action by the leaders of the Republican Party in America, who certified by their conduct that anything that would oppose a Democratic President was by them approved.

That any depredation and outrage visited upon their own countrymen would be indorsed as penalty for obedience or respect to anything the Democratic President had done as to Mexico. These Republican masters divided their owr countrymen in America, incited opposition in Mexico, infused treason against the head of their Republic by the selfish interests who served their own objects by destroying the success of the United States in restoring peace or order in Mexico.

RECOGNITION OF CARRANZA.

Then, Mr. President, hen as a result of the contribution of the efforts of a shouting and obstructing minority in the United States Senate and in the United States of America—encouraged by such agencies as spoke for interests that were served best when America was served worst—the efforts to bring forth order through the agency of Villa failed. What was the President to do? Should he sound the note of hopelessness? Was he to send forth the cry of despair? Was he to proclaim failure? No. It was then that he was informed that the growth of power enforced under control of Carranza gave promise that through him peace and order, which had failed through others, might be established. The President of the United States still struggled to avoid the clash of arms. He was anxious to present to the world America's continuing example of an encouragement to a Republic, and in anxiety sought the counsel of those whose interests were in union with the hopes of Mexico, whose welfare was the welfare of Mexico. They were those who by theory of government and creed of church were brothers to Mexico—children of the same mother. From these he sought his direction, and from their patriotic ardor, born from their own achievements through the long years of struggle against insurrection, oppression, and revolution before they reached their destiny of a Republic—Argentina, Brazil, and Chile—these, not the monarchs of Europe, nor the despots of imperial finance, were the advisers to the American President. Upon their advice, their unselfish counsel, through the solicitude of their affections, through the hope that they bore for Mexico, feeling that only through the same slow steps of their progress could Mexico prevail, Carranza was accepted.

The destiny of Mexico was theirs—her fate their fate. By that which she should rise they would remain a risen and established thing in the world of government. By that which Mexico should fall, they would be stricken, and, tottering, wither and die. To what source could the President have gone more assuring in its aid, more sincere in its friendship, than these? Therefore, under these, through these, he turned to cooperate with them and recognized Carranza. Then was given to Carranza the test and opportunity to establish that peace and order for Mexico necessary to the welfare of all government established upon law. Let it be remembered that at this time Carranza had been recognized by the principal Governments of Europe—Britain, France, Spain, Germany, and Russia—and all of South America. Who shall say that under such conditions the trial of Carranza was not wise and the only thing expedient and justified in that hour?

Now, therefore, it was Carranza we asked aid for. It was Carranza we acknowledged as chief, for the object of quelling disorder. It may be that this was not the wisest nor the surest course, as all government speculates upon the chance of things. We know, Mr. President, how many things enter into the disposition of the affairs of men which can not be calculated upon and unsettle or contribute to the end. What events interceded between the time of the acknowledgment of Carranza up to the division between his forces and our own Government that were neither his making nor our own, but which served to undo the results sought by each, we can not say. We can only recognize that our duty was to reckon with the most serious that could be anticipated, assured with the philosopher that—

> Since the affairs of men still rest uncertain,
> Let us reason with the worst that may befall.

The United States prepared to treat with that which had befallen, the worst that could befall—lawlessness where should be order, oppression where there should have been freedom, robbery and injustice where there should have been righteousness and equity. But, again, the Democratic President was destined to inherit at the hands of the minority obstruction in his undertaking and defeat wherever possible to his designs. In every other country in the world there could be unity given to those who were the ruling powers in all conflicts with foreign nations and foreign people. Even in Japan we have lately seen how its Parliament passed a resolution, as a policy of its Government, "that in matters of foreign complication the policy once asserted by those in power should be the will of the whole pending its execution." It is in America, the civilized and refined Government of perfected accomplishment and of established patriotism, that no such poor privilege could be accorded to the President of the United States—merely because he was a Democrat. It was assumed by Republican captains that any humiliation put upon him, any dishonor to his undertakings, any defeat to his adventures, however embarrassing to the country, was justified because this President was a Democrat. Sir, to them the fact that the will of the people had placed him in power, had commanded the American citizens to give him cooperation, that he might give to his Government the best that the intelligence of his mind and his inheritance from God afforded, was of no consequence. To them this was of no effect nor influence. Their policy was to indict and defeat, discredit and dishonor the administration in power before Americans and before the world. All this but to achieve a party advantage in being able to point out to their fellow citizens a "failure." Sir, that this failure would be the result of treasonable design and disloyal opposition on the part of those who profited by the failure, as they converted it into capital upon which to invest their political future, was of little appeal to their sense of honor. These marplots could not even be shamed by the consciousness of the infamy of this in-

justice to their country or the spectacle of dishonor to their own countrymen.

So, Mr. President, we find ourselves in January, 1916. Notwithstanding these multiplied oppositions, it seemed at last as if Mexico was working out in harmony. That peace was soon to brood over her distracted sections and order was to heal her rived and sundered sides. This could not be permitted. It would not serve the purposes of those who survive in confusion and prosper in lawlessness. But their designs had not yet been disclosed. To the great mass of the Republican Party it was believed the long-looked-for issue had failed.

TARIFF HAD BEEN DECIDED AS ISSUE.

The Literary Digest of December, 1915, produced the facts, showing that it had inquired of all the editors of the leading Republican press and the leading men of the Republican Party as to what the issue must be or should be for 1916. Now, remember, at this time all of these conditions before detailed as to Mexico had prevailed—discord, dissension, insurrection, revolution, outrage, and murder—the offsprings of despotism and tyranny. All were known to the leaders of the Republican Party. All were understood as a fixed fact in the history of Mexico. But these leaders well knew that these things could not be charged to any party. That neither the government of President Taft nor that of President Wilson could be rightfully charged with these consequences. The American people were not to be fooled, its citizenship not to be deluded, nor its patriotism beguiled into absurd judgment to gratify political resentments or to achieve political advantage for any whose whole quest is office, without regard to right or justice. So it never dawned as any light of hope that Mexico, with all its confusion, could be an issue. In Mexico appeared the prospect of peace—at least there was the promise before the people that union and united effort in America behind the Democratic President under the new régime would settle upon Mexico peace and quiet and that she would work her own problems out as had America been compelled to do in the trying years from 1776 to 1812.

But, sir, there must be issue. So we find that in the last of the year 1915 and the beginning of the year 1916, with all of these conditions of Mexico writ in history as established facts; the sense and intelligence of the great midde-class Republicans—those of equity and justice—laid aside the preposterous idea that the conditions in Mexico could be charged to the United States, far less to any one political party. The party masters cried out their appe l then to those who looked for privileges in America and for the increase of tariff bounties and tax filchings. The tariff was hailed as the issue. The Globe-Democrat, one of the great Republican papers of the Southwest, spokesman of the Republican Party for the whole Southwest, said that the "supreme issue of the campaign will be the tariff." Remember, if there had been any part of our country where the Mexican question would have appealed as an issue to the intelligence of those on the borderland, such as in the great city of St. Louis, Mo., it would have been the first to scent it. Thus it is that this great paper of the Republicans stands as expression of the viewpoint of those who were on the very trench of Mexico, scorched by the flames, rocked by its volcano. But we find from the publications that 451 Republican editors out of 685 in response hail the tariff as the dominant feature of the Republican platform for 1916. And in the city of New York, the State of Judge Hughes, 45 Republican editors out of 50 assert that "common sense means that the issue of 1916 will be protective tariff." This was the issue then. More privileges to the barons of monopoly, higher taxes to those who could exact them from the powerless and appropriate them from the defenseless. There was no Mexico. But, ah! day by day the country grew prosperous without this high protective tariff that was to be proclaimed as a nation's necessity. There was no distress. Mills hummed, industry multipled, labor was content, riches increased—harvests became abundant, wealth distributed, and in every part of America the greatest prosperity prevailed that had blessed our land since the republican form of government had settled upon it.

The prophesied panics, the disasters, the hoped-for distresses, the prayed-for destructions had not realized. God in heaven and the Democracy on earth in America settled the destinies of the people of the United States. No longer the kings of vicious finance or the slayers of honest industry were in power. America was America, as dreamed of by the fathers who founded it. The declaration upon which our land was established was fulfilled. This was a Republic of "life, liberty, and the pursuit of happiness." The hope of an issue builded upon distress and arraigning class against class, the poor against the rich, and crying out to the poor that it was Democracy that made them poor, all went by, and the last spark flashed for the moment in the hope and died—in the borning.

'Twas desolate to behold the retreat
From false light to sure darkness.

Mr. President, something must be done. An issue must come forth. It must be born of something from somewhere, somehow. That it should be the offspring of truth or falsehood is immaterial. That it should be created from fact or fancy is indifferent. That it should be fair or foul would not matter. All is beside the necessity. "An issue! An issue!" is the cry. Office is the desire, power the object. Masters wring their hands in anguish in their disappointment that they no longer coil the lash over the souls of toil and dictate the destinies of freemen. This former reign must be restored. The kings must be put on the throne. There must be an issue by which they must be returned.

NOW MEXICO.

Sir, at this time there broke out in Mexico an explosion of lawlessness among the bandit followers of Villa, aroused now to resentment by having been supplanted by Carranza. These desperadoes assaulted American citizens who were then in Mexico conducting mining operations at Ysabel. Unhappily these Americans were killed from that race hatred through which Chinese miners were killed in Wyoming by Americans; from which Italians were killed in Louisiana; and negroes killed in the Republican States of Ohio and Illinois through no fault of any government but through race hatreds. Ah! This massacre at Ysabel gave the clue. Hear these Republican masters muttering, "Could not something be made of it? Could not the blood of our countrymen be coined into political advantage?" Hear them ask, "Could we not from the fallen forms of the murdered dead bring forth the spirits of a resurrected political hope?"

Mr. President, the unhorsed monarch exclaimed, "My kingdom for a horse"; but these issue inventors cry out, "My country and my honor for an issue." They reasoned that America, quick to resent an injury to her people, quick to avenge a wrong to her countrymen, need only be appealed to in the name of the outrages in Mexico while the Democratic administration is in power in America. This might give the issue. The councils were called, and when the State of New York was on the eve of its State convention. The first of the great agencies of Republican politics to declare its policy met. Then, as chairman, Senator Root announced Mexico as the issue, building upon the unfortunate conflict between the American miners in Mexico and the Mexican murderers at the mines. Senator Root, once Secretary of State, remembered as having traveled through the South and Central American countries, pledging the administration of Theodore Roosevelt to every just measure for their people, was at once taken as authority—not only as Senator and former Secretary of State but as the probable President. He was an announced candidate. As such joint power he was accepted as speaking the popular will of America as condemning whatever the Democratic administration was doing in Mexico.

Following this assault and political sortie, Senator LODGE—long the comrade in arms of Senator Root—on March 16, at Lynn, Mass., opened his campaign for the Senate, repeated the charges of Senator Root, and, as the ranking member of the minority of the Foreign Relations Committee, amplified them. Senator LODGE charged President Wilson with refusing to recognize Huerta because he had a "personal dislike," and sneeringly insinuated that while it was the President's privilege to ignore or decline to acknowledge, that it was not the office of diplomacy or statesmanship to do so for "personal dislike." No one knew better than Senator LODGE that the reason of President Wilson was founded upon higher ground. Whether true or false is beside the question. The learned Senator from Massachusetts knew it was not a personal dislike, but because of the charge that Huerta's hands were red with the blood of his predecessor.

What could this exhibition of joint denunciation mean to those in Mexico who had become quiet, who apart from the disaster at Ysabel seemed to take pattern after the course and quiet of America—those who had confided in the appearance of a united America at last behind the President in Mexico. It meant that these captains-general of the Republican masters had sounded their bugle note of opposition and obstruction, of defeat and disaster to anything the Democracy was then attempting in Mexico, to serve the design which was now to make Mexico an issue.

INCITED OPPOSITION TO PRESIDENT.

Then, sir, every interest that brooded revenge upon the United States for approving those who they felt would no longer give privilege to pillage her helpless land was awakened

anew. Every bandit on the mountain side, every murderer summoned from the mountain gorges, every creeping assassin in the shadow of the cactus awakened to the knowledge that something had happened to their profit in America. To them it meant that the United States was turning against the President of the United States; that it had withdrawn from Wilson all support; was repudiating his cooperation with Carranza; that America now no longer presented a common front or united support for Wilson's policy in Mexico.

Again, by this false display to Mexico the Republican masters licensed every marauder, every murderer, every interest, small and powerful, to feel privileged to assail that which represented Wilson or his policy. These knew that they would have the confidence and support of a great party in America which had for years been successful in electing a President and was now giving them aid and comfort through the mouth of those they had been given to understand by flattering press would be the next President. They felt now justified in these assaults, if such assaults could but serve to defeat Wilson and destroy his policy of peace in Mexico, and overturn the promised order that seemed on the eve of establishment under the Democracy in America. Then it was that by this license given by these Republican masters—this summons and call, the marauding murderers of Villa took hope—not content now with the mere assault in Mexico upon Americans that mined in Mexico, they grew courageous, they felt invited into America by such leading Americans who were Republican prophets. They heard the invitation saying, Go burn, plunder, murder—behind you are your new allies, the masters of the Republican Party, their captains being the keynote strikers upon the lute that whistled "Mexico" as the issue. Then it was that these murderous marauders, with this license from the Republican masters—on March 19, just a month following the speech of Senator Root striking this "keynote" of opposition and disaster to a Democratic President as an "issue"—went out, crossing Mexico into Columbus, N. Mex., and in the pursuit of their raid, in the dawn of the morning, looted the stores and the post office; set the torch to the homes, shooting the occupants as they ran for life. These assailed were Americans. The first reward to the first announcement of Republican masters of *Mexico as an issue.* The first compensations for the disloyalty of Americans to an American President—the first booty to the treason of politics against patriotism in the United States of America.

Then, say I, it was not until these Republican generals shot at the President of the United States did the murderers in Mexico shoot the soldiers of the President and kill the Americans in America. Surely these Republican captains can say that they sowed the dragon's teeth, and the pack sprung forth to devour.

Mr. President, after this, everywhere in the United States that Republican leaders could, through insurrection, continue attacks upon the policy of the President and license the assault upon Americans, it was continued. All of those in Mexico who would defeat America saw that they were welcome in their design and multiplied their efforts. They embarrassed the Republic, defeating our purposes, and inviting the outrages of Glenn Springs and the further atrocities following on the border. One followed the other faster and faster. The flame had been lighted. Hot-footed murder was on the road. Those who had longed for the hour when they could have behind them the great political party of America to justify their insurrection against the President, their disloyalty to America, their assault and murder of Americans, had at last been rewarded. The bandits of Villa had found their allies in the captains of the Republican Party. All were for the destruction of an American policy of an American President, by any method through which it was achieved, though it meant, when done, the death of our country's sons, the murder of America's own children.

Then it was that the slanderers of the administration and the American inciters of its enemies in Mexico had been so successful in bringing about the murder of American soldiers and American citizens that there was nothing left for the administration to do but to promptly proclaim a punishment of those who had assailed America through the murder of her citizens. *The punitive expedition was then sent forward in the form of the soldiers of the United States.* It was sent with the object and purpose of punishing those who had outraged our citizenship and to do so without regard to consequences, even if these consequences now meant war. Now, let America remember that on the border there were 2,000 soldiers who had been there since the administration of President Taft and were continued by the administration of Wilson. Yet the attempt by Republican masters to mislead the American people to the conclusion that no steps had been taken that might under ordinary circumstances have been a guardianship for the conditions of the border is a deliberate deception. Our soldiers then under order of Wilson moved in to consummate their purpose. Let America reflect upon the deplorable situation these soldiers were now put in. In a foreign country—a fever-stricken land—to fall by disease, to suffer with thirst, to want in hunger, to be victim of the stealthy murderer, to be shot at from mountain fastnesses, surprised and besieged from hidden places impossible of discovery. On they moved, many to fall, never to see their homes nor their kindred. *Yet with this enemy before them, hidden or around them—inspired by the enemies of the United States who for political purposes incited their own countrymen to the hatred of any course that would be taken by an American administration headed by a Democrat*—these soldiers had at the rear of them the awakened resentments in America, the withdrawal of sympathy, the withholding of approval, because in every public place and from every press that could be misled through misinformation, the soldiers were arraigned with being on an unholy mission and an unnecessary one, and the country began ringing with the charge made from Republican masters that America was *interfering in Mexico.*

THEN MEXICO ASSAILED SOLDIERS.

Mexico began to view the soldiers as invaders. It was educated to do so by these masters of the Republican Party; these captains of the Republican army. They were assured by these assailants of America—who for political purposes were dishonoring their own country—that America did not approve the movement of the soldiers, the object of the mission, but condemned the proceeding as one of injustice and wrong. Naturally, these Mexicans took license and felt encouraged, as they now knew that in America there was a political party that approved of every assault they made upon anything, anywhere, that was directed by a Democratic President. Quite boldly did these bandits and assailants accept the invitation of these Republican masters and began their assaults anew. They felt reenforced with courage drawn from the applause for their depredations that they received from these masters of the Republican Party, who gleefully snickered with joy that at last they had awakened an "issue," though they were writing it with the trickling blood of the murdered sons of their own country. "These were neither men nor women. They were neither beast nor human. They were ghouls." Here let us remember the contrast in the administration of President McKinley when he was called to send his punitive force to Cuba. The Democracy, which had been cursed and defiled, and in the South oppressed and abused; in the West ignored and denounced; or held up as unworthy and unpatriotic, and this for years, all laid their grievances aside, forgot their wounds. The son of the man who had worn the gray linked arms with the son of the soldier in blue, and enrolled themselves under the flag of their reunited country, and to the cry of "My country, and nothing but my country," they moved on, though they knew it was to sicken, to fall, to die. All over the Nation the leaders of the Democracy joined in one union of echo in support of the President, a vindication of America. From no point in the Nation was a Democrat to be found so despicable in character, so wanting in patriotism, and so low in intrigue as to open backfire upon the President that he might accomplish a political object at the expense of the defeat of his country and the dishonor of his Nation. All were a union then; they had but one object; it was to do and die if need be, but to serve.

The action was that of an American President and against a foreign foe. It was an American policy declared. A Democrat was a patriot; he asked no further. He obeyed in honor, and with the patriots from the Republican plain ranks they served to sustain the American President. Before the world they indorsed by voice and action the final decision of their country. Theirs was but one voice, *strength to our President, victory to our arms.* How different was the spectacle now presented when the punitive expedition was sent into Mexico with the same object as that of McKinley into Cuba—though this into Mexico was under a Democratic President. Now a political party in America speaks, through its leaders, its contempt for its President in his efforts to maintain his country in peace, his countrymen in life and honor. See how these Republican masters all over the Nation proceeded to arouse conflict at home that they could awaken assaults upon America from abroad—all for votes and for office. These masters sent encouragement to the assailants of America, calling to them to destroy by death or disaster the sons of America as penalty for obedience to the orders of their President because he was a Democrat.

If this is called patriotism, God save the name from ever being profaned again by the mention in this Temple. May its

name be forbidden to human speech as were the names of the despoilers of the temple of Ephesus.

INVITATION OF REPUBLICAN CONVENTION.

Then, sirs, the Republican convention assembled in Chicago. Our soldiers were in the field. They were moving to punish the Mexican soldiers and the murderers of Americans. Carranza had been aroused by the Republican denunciation of a Democratic President to the knowledge that the action of Wilson did not meet the approval of a great political party in the United States. He saw that he could protest against the action of sending the soldiers across the border into Mexico and be sustained by the Republican Party of America. He could then strengthen himself with his own forces in Mexico and awaken sentiment of support, bringing the possibility of unity of all other forces in Mexico to him to the accomplishment of his own object. All Mexico turned to see if America now was with the action of the President. It seemed now that the soldiers were but the pickets and advance guard of a further following army for war. Mexico listened; watched to note if we were supported by a united country. If so, no Mexican faction would dare to oppose; they knew it would mean death to their assailant and prompt retribution upon their country. But the Republican masters were looking for the issue. *The convention assembled and, pursuing the course that had been prescribed by its leaders, wrote as its doctrine in the platform, for the world to read, its condemnation of America and her course then being pursued in Mexico. It told Carranza that it was against our sending those troops. With every word of its platform sounding to Mexico it condemned our sending the soldiers to rescue American citizens. The platform proclaimed that we were interfering*, and wrote an indictment of their country in that critical hour in the statement:

We denounce the indefensible methods of interference employed by this administration in the internal affairs of Mexico and refer with shame to its failure to discharge the duty of this country as next friend to Mexico.

EFFECT OF DENUNCIATIONS.

What could this mean except to certify to Carranza and to Villa that the Republicans asserted that our entering into Mexico with the soldiers at that date though wholly for the purpose of rescuing our own children was "indefensible." That it was "interference." Interference, Mr. President—that we were proceeding to punish the bandits; interference—when we were seeking to rescue our own sons; interference—when we were seeking to protect the honor of our country? Interference—when we were seeking to punish the murder of our own citizens. Then it was that Carranza drew license and encouragement from this indictment by the Republican Party, giving evidence and testimony that the combined judgment of that party was that our conduct was "*indefensible*" and "*interference*." That we were invaders. From this Carranza felt his opposition justified. It revived Carranza's charge. It gave approval to his accusations and invited him to treat us as convicted of *interfering* in the internal affairs of Mexico in a manner "indefensible" and in violation of what it charged to be "our duty as the next friend to Mexico." Thus Carranza and his people were aroused to their sense of justification for any assault they would make upon our soldiers by this, the declaration of the Republican Party in its platform, announcing to the world its impeachment of its own country—this summon to its country's enemies to kill the children of America as *interfering* invaders, "*indefensible*" and in violation of their duty before the world as the friend to Mexico. Now, to add to this, that they might summon Villa and his band of murderers to join secretly and in common cause with Carranza, they added with adroitness and craft that our other offense for which they justified any assault upon us by Mexico, was that the United States offended Mexico—

*By lending influence * * * through recognition of one of the factions.*

What did that mean except to inform Villa that our recognition of Carranza was, to the Republican Party, an offense unjustified and which anyone had a right to resent, which a great political party in America was resenting and protesting? Thus, Villa had his new license to renew his assaults upon our people, multiply his outrages upon our citizens.

PRODUCED JOINDER OF VILLA AND CARRANZA.

Now, here it is that I summon America to behold this flaming truth, that when this summons to Carranza and Villa to revenge the entrance of the American soldiers into Mexico and the "interference of America in the internal affairs" and the "wrongful recognition of Carranza"—it was then Carranza and Villa combined; then it was they were in union; then it was for the first time in the history of all the proceedings they braved so far as to perpetrate the atrocity at Carrizal, and under Trevino, the officer of Carranza, surrounded our soldiers after the habit of Indian massacrers, and there slew them when they were powerless. All this in response to the echoes ringing in their ears from a Republican convention which summoned them to the deed. Villa and Carranza felt invited and approved by that unpatriotic band of political head-hunters assembled in convention at Chicago, who were content to sound any alarm to their own countrymen, to awaken resentment against a Democratic administration, though its effect must be to call a foreign foe to murderous assault upon the children of America and bring death upon the soldiers of the United States of America. *It was the Republican convention which slew the soldiers in Carrizal. By the doctrine of the law which holds responsible those who set in motion the machinery that ends in the murder of a man, the Republican convention in Chicago, these platform builders who denounced their President and their country for punishing the murderers of Americans, to awaken an issue wherever they could, these were the perpetrators of the death of these Americans*—these of this Republican convention must be brought to the indignation of our countrymen of America and to the punishment by a just vengeance in the hearts of humanity of all America.

Here this day I pronounce the doom upon these captains of the Republican Party. I charge that when these generals shot at the President of the United States they commanded the followers of Carranza and Villa to kill the soldiers of the President of the United States. On the heads of these Republican generals I put the blood of every soldier who has suffered and bled in Mexico at the hands of Carranza and Villa. On the heads of these Republican captains I launch the curse of every suffering mother in America.

JUDGE HUGHES ENCOURAGES OPPOSITION.

Now, sir, upon this platform the nominee was named. It was Justice Hughes, who now in his announcement touching Mexico says in his acceptance:

We have not commanded the respect; we have made enemies, not friends.

Who made these enemies for America? I answer, it was the captains of the army now generaled by Candidate Hughes. Who is it that deprived us of respect? I answer, it was those traitors to the doctrine of patriotism that should have commanded from every honest heart faithful obedience to an American President when he was serving his country against a foreign foe. Judge Hughes is nominated, and, Mr. President, what is interesting to note is the proof of a conspiracy, which kept its subterranean trail following the order of the snake that puts its head out of the sands just before it strikes after its long course of creeping through the underground. We note the further proof of this hidden conspiracy to use Mexico as the issue by inviting in every indirect way that could be adopted the assaults from any agency of Mexico upon either property or men of America, by assuring them that the judgment of our country was that we were *intruders and "interfering."* Interfering! Note the word. *First used by Mr. Root at New York, then by Senator Lodge at Lynn, Mass., then the exact expression duplicated in the platform, and after 35 minutes of time* had elapsed from the time of the announcement of the nomination to the time of the automatic sending of the telegram of Justice Hughes accepting his nomination we find the prepared exactness of long dwelt over phraseology and much slept over composition, artfully devised, and brazenly following the design which had been constructed and now executed to the object in hand of awakening revolt and insurrection in Mexico—murder and death if need be. Judge Hughes indicted this country as *interfering* and multiplied the charges of *interference* from the highest possible sources, that Mexico may feel that all of this country justified her in resisting the intruder who was *interfering*. Mexico felt approved in driving back the trespasser, by death if necessary, for invading his country. See the expression on June 10 of the telegram of Justice Hughes to Chairman HARDING, saying:

We *interfered* without consistency and sought to dictate *while we were not concerned* and utterly failed to appreciate and discharge our plain duty.

Shall Justice Hughes, an eminent jurist, say that in crossing the border and entering upon pursuit of these bandits we were interfering? We might expect these expressions from those unlearned in the law or of the rights of the law when inspired to them through small political purposes, to misrepresent and misstate, but Justice Hughes must know that by treaty, suggested in 1882, approved in 1885 under Mexican Minister Manero Romero—here at Washington—there was provided the right to cross the border with our soldiers and pursue the bandits and punish those who had violated the sanctity of our soil through crime. How could this eminent officer so carelessly fall into the conspiracy of the adoption of accusations that had been conceived and constructed for uses most effective because of the

method of their employment, and how could he say we were "*not concerned*"? Has patriotism fallen so low and politics descended to so despicable a depth that for the purpose of craving political support of the concessionaires, land pirates, and murderous marauders, and those who are their indorsers and sponsors that any man of high position, one of presumed credit or standing, would say that America "*was not concerned*" *in the death of her own children, in the murder of her own soldiers, in the dishonor to her own soil, in the insult to her flag?* Yet we are told that this clause was the spot of attraction in the Republican platform. Then we cry: "Out damn'd spot—out!"

Is it possible that Justice Hughes believes that by thus joining his party and condemning the efforts of America to rescue her children and punish their assailants he could gather political support to himself and his party? Is it conceivable that America, once awakened to the object, would not resent it by every honorable method at its command and repudiate the authors of the purpose, as they would conspirators who betray the Republic when in the defense of the Nation? *Who in the Nation, upon beholding the truth, would not turn upon the perpetrators and lash them from the temple of the Republic*, as Christ did the conspiring gamblers of fortune from the temple of his holy Church? Mr. President, history never has approved, history never will approve, and mankind has never rewarded the condemnation by a party of its own country, and the repudiation of the deliverers of its own sons only in order to achieve political profit from the disloyal act.

Gladstone was a powerful man in England in 1884–85; Gordon and his followers in Egypt had moved toward the Sudan. Soon they were closed in at Khartoum, and the Mahdists, led by their chief dervish, imperiled their lives. An expeditionary and punitive force was ordered forth from England to rescue them, but obstruction so retarded the relief and the condemnation of the followers of Gladstone of the undertaking, multiplied the difficulties—aided by the censure of those in the design charging "failure of duty"—as bringing upon the country the result of Gordon's critical predicament. This defeated unity of rescue. Gordon was killed. Gladstone was powerful. But this course of his followers so awakened the indignation of England when she realized what had been the effect in the Sudan of the obstruction and censure by the political followers of Gladstone that it turned upon Gladstone and visited upon him the only humiliating punishment his great life was compelled to endure. He was driven for a while from power, as Justice Hughes and his allies will for all time be kept from power as a punishment for the unholy course they have taken through which to obtain power and exalted situation.

CANDIDATE REFUSES APPROVAL OF AMERICA.

And now, sir, that one may see to what degrading depths ambition may send noble natures, note the indifference of patriotism or affection to the United States of America of these political speculators on blind chance; these who hope to make of Mexico and its miseries and of America and her complications a bridge over which they could pass to the temple of power through party success. Mr. President, *the exigencies for the protection of the border demanded of the President of the United States—the Commander in Chief—that he order his citizen soldiery, the National Guard, to the border. The order went forth. It seemed as if war was on us. It seemed as though, should the prisoners not be promptly released and Carranza not heed the wisdom of the just conciliation, that all Mexico would be upon the front and back of the young sons of America. These sons had demanded to go.*

The President had commanded them to march on June 19. Under that order they went forth. From thousands of homes young men leaped forth adorned in their new uniforms—some with saber at side, some with gun on shoulder, all with knapsack upon their back, honor throbbing through their hearts and patriotism burning through their bodies. Music played upon the air, the national anthems were trumpeting to the American. The national spirit of our countrymen was aroused; our children were going forward again, as they had in 1776, in 1846, in 1898, in the cause of humanity. The leaders of public opinion and eminence were asked their opinion of the order. All gave approval. All delighted to shout their farewell and "God bless you." *Justice Hughes is now the candidate of his party; he is at New York City; he is on an errand to meet Chairman Willcox and his political advisers. He is asked what he has to say as to the calling out the Guard and the mission. His response, "Nothing to say." Nothing to say! Is it true, oh, God in heaven, that a political aspiration could so overwhelm the nobility of a Christian soul living in America, who, beholding his country on the verge of war with a foreign nation, could not rescue himself from the contemplation of what might be the political loss by approval of the course of a political opponent, sufficient to cry out as an American, "It is well; the cause is the cause of our country; victory to its arms, honor to its flag." No; Justice Hughes had not a word! Before all the world, with civilization listening for the verdict of mankind, when union of America would have been hoped for by every patriotic soul of any man, the candidate of the Republican Party, who had been honored by his country, could not find it compatible with his political hopes to utter one word of encouragement to his country, one hope for its welfare, or a prayer for its success when it was on the way before the world to oppose a foreign foe. And this when public press had announced that the foreign foe had been incited to its resentments against America by other foreign foes in Asia and in Europe—and Villa asserting that he now had Germany and Japan as allies. Sir, it is beside the question whether the accusation be true or not.*

The exhibition to the world at such moment that there was no division between Americans as to the cause of America against a foreign enemy would have done all to have made impossible that there could ever be cooperation from foes without, as well as from the political conspirators within. But Justice Hughes, who in his declaration on Monday night presents himself as the ultra-American, throbbing with ardor for his country and burning with patriotism, when tested in the moment of his country's peril—if his course should be partyism or patriotism—claimed the privilege through the advantage of silence of refusing contribution of patriotism in any expression of an indorsement of the action of his native land.

But if Justice Hughes were so restrained in the fear of losing political advantage that he could not approve the order of the Commander in Chief of the course of his country as it moved on to a foreign foe, surely he might have observed these young men. They were leaving their homes. They were departing from school. They were bidding good-bye to mother, and grasping the hand of father in farewell. They may never see home again. They may fall under a sniping assassin. They may linger in fever and wither in disease. They may sink to unknown graves and their bodies decay in unkown spaces with nothing to mark the holy place save the streaming tears of mother dropping upon the imagined spot where her dreams tell her her son sleeps. Surely to these he could have had a word; a "God bless you," some cry of success to arms, some encouragement to their noble purpose. They were patriots and in their first sacrifice for country. It was not for them to reason whether Wilson was right or wrong, whether the Democracy or the Republicans were right or wrong, theirs was "not to reason why, but to do and die."

NOT A WORD FOR THE SOLDIERS.

Justice Hughes had his gallant son then at camp in Plattsburg. Surely out of the affection he bore him and the wish for his well-being that was in the soul of him, as well as the tender affection he bore to the mother of the boy—surely by this standard applied to all other sons and mothers he might have sent one word of cheer. *To the mother and father of these boys he could have sent some thought that could have consoled their grief, and to the boy some word of praise that could have strengthened the daily march, with its hideous sufferings, which lay before him. But no, not a word said Justice Hughes; when asked, "Not a word to say." Is there anyone who feels that Justice Hughes is not a man of heart? Such a one does not know him. Is there anyone who thinks he is not a man of feeling? Such a one has failed to observe him. Would there be anyone who could fancy that there was not in the heart of him all sympathy, and in the life of him all hope, there was in the heart and the soul of any man who was a true patriot? Certainly not. We grant him this in the justice that Democracy extends in her equity ever given to all mankind. It is because of this fact that we stand bewildered for reason and palsied at the exhibition, compelled as we are to contemplate how a great man who had held exalted situation, when called upon to anticipate the possibility of winning the highest office in America, by refusing to approve his country or breathe a blessing on her sons; strangled every emotion, choked every sensation, and bade farewell to every impulse of duty, that he might not lose political support from any quarter which might resent his exhibition of fairness on the one hand or his exclamation of patriotism on the other.* Here we note that one of his friendly critics said his "bearing on the occasion was like a Roman," to which every American replies, "*I would rather be the dog that bays the moon than such a Roman.*"

CONDEMN PUTTING GUARD ON BORDER.

Mr. President, now, Justice Hughes, following along the course of his predecessors in condemnation and malediction of sending the soldiers of the guard to Mexico, said that taking

them from their homes and their business was inexcusable. What would Justice Hughes do? What would he have done in the matter of Mexico? Now, we propound to Justice Hughes: *Would you have recognized Huerta? What would you have done in Mexico at the time under the circumstances? Why is it that nowhere in your declaration you say what should have been done, what you would have done, what your party would have done, what it will do, what it expects to do? Why not give to the country what remedy you would have enforced, what method you would have taken, or now, with all the evidence that could not have been seen by our administration, but is plainly seen by you, what now will you do? Whom will you recognize in Mexico? Will you withdraw the soldiers sent in by President Taft? Will you refuse to protect the border, and if you withdraw the guard before order is restored what will you put in its stead? What do you tell your countrymen you will offer as a substitute for the maintenance of peace?* Justice Hughes criticized the sending of the guard. He says that they were unprepared. Who says so? The Republican Party. What would they have—that there should have been a perfect Army—a standing Army of such numbers as to have been promptly sent into Mexico to have made it unnecessary to send the guard? Then the reply is that *there was no such army in existence. The Republicans had been in power for 16 years preceding the advent of Wilson. They expended thirty thousand millions of dollars under the pretense of national defense. If there was no army which could have been sent into Mexico, who was responsible? And why this false pretense of responsibility for its absence hinted to be put upon the Democratic Party of three years in power? But we will not charge the Republican Party with misfeasance in failing to have such an army.*

Every country was at peace, with few indeed willing to incite it to war, and if it is true that "Wilson changed his mind," as is charged, and brought his country to the realization of the necessity for increasing defenses, let it be understood that this was made necessary by the increased perils which were upon the country, not to be seen or apprehended when the President sought to have his country removed from the possibility of an "armed camp." *And if any man shall ask what brought about these increased perils and the necessity for the change of position, I reply that it was these Republican captains, who, anxious for issue on militarism against Americanism and willing to sponsor militarism against Americanism, continually cried out to every foe America had, "Come forward; our country is helpless; we will show you where to strike; we will lay our finger upon the vital spot that you may behold the signs. We testify to you if you have any grievances now wreak them.* We betray the confidence of our country to you. We reveal her secrets. *We show you the spot that is vital, that is uncovered and defenseless. This is your hour to strike. We invite you for that in the striking down of our country we can point to it as the fulfillment of our prophecy that militarism was necessary to America and that she was 'unprepared'."* They were willing to have their land despoiled by the invader, their ports blockaded, their cities laid waste, their fields aflame, their children strewn upon every hillside and valley dead, to have justified the charge they made before the world against their own country *that it was helpless and powerless.*

IF "UNPREPARED"—WHO RESPONSIBLE?

If it were helpless in its defenselessness, *the Nation will remember who was responsible for it. That the Republicans were in power for 16 years unbroken and had 16 years to achieve that which, if necessary, was necessary before their eyes, clear as it would have been before the Democracy or before any citizenship; and, if not necessary, it was an imposition and crime upon the citizen and taxpayer to cry the danger to force taxes from him whose burdens already had become so great as to overcome him in his march of life, put on him by Republican administrations of profligacy and political pillage. These it is who cry patriotism, national defense*—who it is now that condemn us for sending the soldiery into the country, where before they said our offense consisted in not sending them earlier and in greater number. While pretending to patriotism they condemn every exhibition of courage, and hope to invite the indignation of mothers and fathers against the Democracy because their sons have been called to duty. Those who left the country helpless against invaders and enemies now would leave it defenseless if by doing so it could increase the Nation's embarrassments and awaken political following to its new doctrine of hypocrisy.

Now these announce themselves—the patriots of peace and unity—and yet with our Nation once again composed in peace, her citizens of every nationality forgetting the differences that once divided them, and all turning their faces to the call of love and the demand of patriotism, we find that before them is the leader of the Republicans, who as though he were a shouting dervish, now in the name of "Belgium" and the "horrors of the *Lusitania*," summoning his followers to madness, howling them to frenzy, demand that they tear at each other until they rip apart the healing wounds, that he may drabble his hands in the spurting blood, and by waving them in their dripping redness, summon his countrymen to the fury of internal dissension, race conflict, and human hatred. Their children to be pitted against each other. The women to be torn from friendships and the homes to be blackened again with the shadow of darkness and despair. *Where peace was, he will light a flame, and where there was the beauty of love, he will set a festering blister. No love, no peace, no union. All shall be conflict and hatred, and our citizens in riot that he, amidst these hatreds and reawakened conflicts, could be forwarded by the* impact and rush to place and power.

TRYING TO AROUSE PARENTS AGAINST UNITED STATES.

Now, these also would awaken the resentments of every mother, the retaliation of every father, because their son is upon the border bearing the burdens of a national patriot to secure peace and to avoid war. You Republicans cry out the injustice, as you claim, of having these young men in such condition of "inconvenience and vicissitude"; you exaggerate the conditions of distress, and magnify what are the possible sufferings they could endure. And yet you now pronounce through your candidate with a *message to the world* that had you had your way in making war against Germany and declaring war with the world for the "vindication of Belgium" *you would have sent these young men, huddled like cattle, upon the board of every raft and vessel upon the raging seas, expiring with sickness on shipboard, hungering for want of food, crammed in polluted places* infested with vermin, and when landed on the opposite side of the American world, in Europe, *to be met with the combined armies of Europe,* the ship bearing them shot to fragments, America's sons killed in legions, or, if ever landed, to be marched to hills and valleys, where they were to *lie down in death, unmarked in grave, where their mothers and fathers would know them no more nor hear their last cry as they breathed out their young lives in sacrifice to the barbarism of those who would have established America upon the doctrine of militarism and send her children in millions to die in foreign lands for conquest of foreign countries.*

Surely America will hurl upon you the malediction of St. Matthew upon the Pharisees:

> Ye are likened to whitened sepulchres, which appear beautiful outward, but within are filled with all uncleanliness and unrighteousness—

and cry unto you, "Ye Pharisees and hypocrites, how shall ye escape the damnation of hell?"

THE PEOPLE UNDERSTAND.

Mr. President, this Nation is not deceived. Her people will not be deluded in foolishness or deceived in fraud. The truth has awakened to them. The American citizen knows of the burdens that have been laid upon this administration. He knows the days of care and nights of agony borne by that man in the White House during those critical hours when the Nation trembled in the balance of war with the world or peace with earth. The citizen saw how this captain of the Democracy stood at the head of his ship, with his eyes scanning the distant seas, knowing the treacherous rocks ahead and that on every side were the reefs and all around him the pirates who would wreck his ship that they might feed and fatten upon its stranded cargo of liberty and justice. Still he stood steady, unafraid, the storm blowing about him, the winds howling against him, all earth trembling in terror around him; but true to the single star of "Peace on earth good will to men" he steered. Seemingly this captain had God for a pilot. And to-day we are in harbor, in the haven of peace. Malice could asperse him, slander could calumniate, disloyalty could wound him, and treason at times obstruct him; but all of the combined powers of his opposition could not defeat him.

> He was one, momently by error's host assailed,
> Stands strong as truth in greaves of granite mailed;
> And tranquil fronted, listening over all the tumult
> Hears the angels say, "Well done."

MEXICO UNDER WILSON.

Sir, there, too, stands Mexico. As she has been, so shall she remain, the stepdaughter of our Republic. Though prostrate by oppression, stripped by her despoilers, and profaned by her ravishers, she shall *still be the charge and care of this her protecting mother.* We take her by the hand, we bring her to her feet, bid her take new hope to the days when through our aid, by the agency of humanity, and through the sancity of religion, she shall inherit freedom as her state, liberty as her

justice, and to her children transmit the blessing of a free country, we ordain that she shall live under a constitution guaranteeing the freedom of press, the freedom of man, and the freedom of worship. Upon these she will build anew to the splendor of her future, and be welcomed in the family of nations as a republic purified by sacrifice, and through the aid and friendship of the United States to be at peace with her children and sovereign to her people.

This is the blessing for Mexico to enjoy through America's decree—administered in the dispensation of justice and liberty by the people's great Democrat, America's Christian gentleman, Woodrow Wilson. [Loud applause from the galleries, checked by the Vice President.]

During the delivery of Mr. LEWIS's speech,

The VICE PRESIDENT. The morning hour has expired, and the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

After the conclusion of Mr. LEWIS's speech,

Mr. FALL. Mr. President, I have just listened to the most remarkable political harangue which in my limited experience I have ever heard upon the "stump," and which certainly I had never expected to hear in the legislative halls of the Congress of the United States. I shall detain the Senate only a very short time. I shall not attempt to make a speech, Mr. President, and to reply to this remarkable outburst would be to dignify it. But there are some passages in it which I desire to emphasize in the RECORD and to which I shall refer for that purpose, and that purpose only.

We have been told not only by the Senator [Senator LEWIS, of Illinois] through his notice given here but also through the newspapers of the country that the Senator from Illinois intended to deliver a speech in which he proposed to reply to the Republican candidate's notification address, particularly with reference to foreign affairs. We have been told even through the press that the Democratic campaign committee would use hundreds of thousands of copies of this speech in the present campaign.

Mr. President, understanding the issue, which the Senator does not even refer to, as I think I do, and as I think it will be presented to the people in this campaign, I will say frankly to him, first, that if I were conducting the campaign for Mr. Hughes and I could not obtain copies of the Senator's speech from him or from the Public Printer I would expend every cent in the publicity fund of the Republican Party for disseminating the speech throughout the United States, and without an answer to it, letting it go, except as it had been answered by the President of the United States himself and by his Secretary of State. Without an answer, as I said, except to take the words of the President and the other officials of this Government and of Carranza himself. Without an answer, I say, I would trust to this speech alone if I was thinking only of partisan results to achieve those results and elect Mr. Hughes as the President.

The Senator belongs to that recent school of statesmen in this country developed during the last three years, developed since the minority party was successful in the last campaign, who are teaching the doctrine that patriotism means servility and subserviency to your party leader. Exactly, in more respects than one have the Democracy of this country or their leaders placed themselves upon an equality with those who are now ruling Mexico.

Do you hear the word "patriotism" in Mexico? In what terms is it phrased? "Yo soy Carranzista"—I am a Carranzista; "Yo soy Villista"—I am a Villista; "Yo soy Zapatista"—I am a Zapatista.

The old boast for the last 35 years in Mexico upon public occasions made by their orators was not "Long live Mexico, my country," but "Yo soy hijo de Porfirio Diaz"—I am a son of Porfirio Diaz.

This class of statesmen who constitute the leaders of the Democracy of this country would assure their followers that the campaign cry is not "I am an American," but "I am for Woodrow Wilson"—"Yo estoy para Wilson." Anyone who speaks of Americanism is against America. Any speaker who dares to present to the American people the facts on the Mexican question, because in presenting such facts necessarily those facts themselves condemn Woodrow Wilson, then that speaker is a traitor in the eyes of the Senator from Illinois and his class of statesmen, and his mouth should be closed.

Sir, I may say to the Senator I can see more resemblance than one between his Democratic Party and the party of Carranza, between the leader in his political views and the political views announced by Carranza.

I have here on my desk a decree of Mr. Carranza just issued referring to the election which is called. Oh, how happy would be the Senator from Illinois could Woodrow Wilson promulgate and enforce such decrees. On the 2d of June in this body I made a speech upon the Mexican question, in which I detailed from Carranza's own mouth the kind of "government" which existed in Mexico; that he was the legislative, the judicial, and the executive, the head of the army, legislating solely by decree, and enforcing his decrees by guns, passing upon them by court-martial.

Now, I may say for the information of the Senator, that telegrams were sent to the Carranza so-called government, calling attention to the criticism delivered here in this body which was, in turn, reflecting presumably, or would so reflect upon the administration now in power in this country, and the demand was made as I am informed that elections be called in Mexico. They were called; and I have here the decree; and the qualifications of electors and the qualifications of office seekers as fixed by Mr. Carranza's decree at the elections to be held in the month of September are, that neither the electors nor the office seekers should have given either armed or tacit assistance to anyone else than Mr. Carranza. The Villistas, the 20,000 Zapatistas armed and controlling four States in Mexico, the Felicistas controlling five States in Mexico, the millions of people throughout the Republic who have acquiesced in any attempt of anyone to resist the outrages of Carranza's bandits, those who have hidden away an ear of corn for the purpose of feeding their starving children, are disfranchised, and only Carranzistas shall vote.

He appoints the judges of election, he appoints the officers of election, he prescribes the qualifications of voters, he overturns the constitution of the union, he sets aside the constitution of the State, he abolishes the election laws fixed by the constitution, he ignores the State laws and State lines, he appoints municipal election officers, he names the municipal election candidates, he prescribes the qualification of voters (that they shall be Carranzistas).

If Mr. Wilson could enforce a decree at this election to provide that only followers of Woodrow Wilson should vote, how grateful would be the great statesman from the State of Illinois.

Mr. President, I am now taking more time than I had expected to take. The Senator says there is no issue, that it is merely "Mexico." The Senator knows in his heart what the issue is. The Senator is a Senator of the United States, and he knows that one of the issues which will be presented to the people and upon which they will pass will be an issue which was made when government was born, an issue lying at the very foundation of government itself.

May I ask the Senator what his idea is of the duty of government to its citizens? You will be compelled to answer some questions, sir. You will be compelled to declare your position. The people of the United States will want to know what this Government was formed for. Why does the citizen or individual surrender his inherent right to self-protection to society of which he becomes a part, if not in consideration of a reciprocal promise that if he will support this Government, coming to its assistance as the Serbs and Greeks and Roumanians and Bulgarians and the French and the Germans have gone to the assistance of their respective countries from Asia, from Patagonia, from the coal fields of Colorado, from the farthest corners of the earth at the call of their stricken country in time of need, that in turn his Government will support and protect him?

Sir, I am told that Serbs and Bulgarians and Greeks and Germans and French and English have gone to the assistance of their country. Why? Not because of the love of Kaiser Wilhelm, not because of partisan fealty to some crowned head or some elective President, but because of patriotism, the love of country; and the very foundation stone of patriotism, of love of country, is the mutual obligation that the citizen must protect and assist his country in time of danger, and his country must take over the protection of the citizen when he is in danger.

The very foundation of government itself is the issue involved in the Mexican question in this campaign, and you will meet it at every crossroads and in every street and in every paper. You will meet it from the White House to the humblest hut left standing at Columbus, in my State. Do not think you will escape it. The American people will be called on to know whether they will hold you responsible for the violations of your platform pledge that you would protect citizens in Mexico.

I say here and now, and I defy you to deny it, that the pledge of the protection of American citizens and their constitutional rights on the border and in Mexico was made in 1912 with a desire to create an issue for the administration.

Your returning delegates made those statements and attempted to secure votes upon the platform pledge. What you claimed was an issue with the Republican administration, and upon that you conducted the campaign in the border States—in Arizona, New Mexico, Texas, and California; upon the plank in your platform promising that you would protect our citizens in Mexico. Now, in the result of the recent primaries in Texas you have felt their resentment at your abandonment of the issue which you made, or attempted to make. You carried all the southwestern States along the border upon this issue, and then when I, a Senator in this body, offered your platform pledge as a resolution, without crossing a "t" or dotting an "i," your caucus leader objected even to its consideration.

My desire was to take it out of politics and make it the declaration of the united parties standing for Americanism in this body. Your caucus leader objected to its consideration and your statesmen spoke against it. Your colleagues were against its consideration, and referred it by the majority of your votes, by all your votes I may say, by your power, to the Foreign Relations Committee, where your Democratic plank still rests undisturbed, forgotten from that day to this—lost among the secret archives of the Foreign Relations Committee, just as you have lost American honor on the plains, in the deserts, and in the mountains of Mexico.

Sir, the issue is the platform pledge. Here is your President speaking to Mexico, a telegram sent by him August 27, 1913, as furnished me several months ago by the State Department, in which the "consul general was instructed to notify all officials, military or civil, exercising authority that they would be held 'strictly responsible' for any harm done to Americans or for injury to their property." Further, the consul general was instructed that, as he might have difficulty in reaching the consuls in the northern States, they would be reached directly from this department. I have here a copy of the telegram sent to those northern consulates. You would have never enforced or endeavored to follow up the threat that you proposed to hold every official throughout the Republic of Mexico, civil or military, "strictly responsible" for any harm done to an American citizen or for any injury to his property. You will be confronted with that promise, with that statement, by thousands of American fugitives driven from Mexico, their wives outraged, their children murdered, their companions killed by their side, forming an organization now, not political, but to tell the truth to the American people.

You will be confronted with the fact that Germany had her consuls in Mexico, that she had an ambassador in the City of Mexico, that this telegram was posted in front of the American Embassy and in front of every consulate in the Republic. Germany knew the threat which you had made. You had used the words "strict accountability" or "strictly accountable." Germany knew, sir, without the necessity of an intimation from your Secretary of State that when, on February 10, prior to the sinking of the *Lusitania*, she was told by you that if she did pursue her underseas warfare, and thereby an American citizen was harmed, that this Government would hold her to "strict accountability." She knew that it was a lie. You will later, I think, change your opinion that there is no issue involved in this Mexican question.

Mr. President, I am not going into this matter at this time at any great length. I may warn the Senator now that in the future he and other Senators here and the administration had better be a little careful how you attack American interests or Americans having interests in Mexico.

I may say to you, sir, that congratulating himself, and being congratulated by his leaders upon his Mobile, Ala., speech referring to concessions in Latin America, the President of the United States insulted every Latin-American country on this continent. These countries knew, however, that he was simply entirely ignorant upon the subject; they know that those of you who speak of grafting concessions, oil concessions in Mexico, are simply ignorant. Every Mexican knows, and every lawyer who has had anything to do with a Mexican oil concession, so-called mining concession, railroad concession, or any other so-called concession in Mexico, knows that there is no such word as "concession," first, and, second, that the contract entered into between the party asking the contract and the Government generally is simply an exemption from the import duties on machinery.

A contract entered into between such a party and the secretary of the interior, as he is called, the secretary of fomento in Mexico, that that contract after being entered into, after he has placed a bond in the treasury for his compliance with it, must be submitted in full to the Mexican Congress, must be debated in that body, and must receive the approval of a majority of both branches of the Mexican Congress. Then upon certification made by the speaker of the House, the president of the Senate, the secretary of the Senate, and the secretary of the House must go back to the President. He communicates it to the department with instructions that it be printed and promulgated. The Senator may go to the country with that issue.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from New Mexico yield to the Senator from New Hampshire?

Mr. FALL. I do.

Mr. GALLINGER. The Senator from New Mexico lives on the border and has acquainted himself very thoroughly with the situation in Mexico. I will ask the Senator if he can approximately state—leaving out the marines that were killed at Vera Cruz and the soldiers who have been killed since our troops went into Mexico—how many Americans have been killed in that country, and whether or not reparation has been demanded or received for the murder of American citizens?

Mr. LEWIS. Mr. President, may I say that the observations——

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

Mr. LEWIS. I was only going to ask that the observations of the Senator from New Hampshire, always interesting——

Mr. FALL. I yielded to the Senator from New Hampshire for a question.

Mr. LEWIS. I was only going to ask the Senator from New Hampshire to speak a little louder. I should love to hear what the Senator from New Hampshire says; the Senator's observations are always interesting and sometimes informing, and I am delighted to hear him.

Mr. GALLINGER. I was troubled during an hour and a half to understand what the Senator from Illinois said.

Mr. LEWIS. I am not responsible for the obtuseness of the Senator.

Mr. GALLINGER. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New Mexico [Mr. FALL].

Mr. GALLINGER. With the permission of the Senator from New Mexico I will tell the Senator from Illinois what I said.

I asked the Senator from New Mexico if he could approximately state to the Senate, he having been in Mexico and on the border, how many American citizens had been killed in Mexico, leaving out the marines who were killed at Vera Cruz and the soldiers who have been killed since our troops went into Mexico, and whether or not reparation has been demanded and whether or not adequate reparation has been made for the murder of American citizens?

Mr. FALL. Mr. President, briefly answering the Senator's question, I will state that 267 Americans have been killed in Mexico, as per the list which I have verified myself. It is claimed by others, however, who have taken more pains possibly and had better opportunities to obtain the information, that there have been over 500 Americans killed; at any rate, 267 I think I can safely vouch for. As to whether there has been any demand for reparation, Mr. President, of course not; none whatsoever. No demand for reparation has been made for any of them. Even when the Santa Ysabel massacre occurred, when 18 Americans were shot down, when their clothes were stripped from them, when they were mutilated most horribly—and I can present to Senators privately the report of the surgeons' examination of the corpses—even then, sir, when the attorneys for the heirs of those people came here, and the department was asked if an attempt could not be made to secure some measure of damage or some reparation, they were refused any aid or assistance by this Government. That has been the course of this administration from its inception, never to present any such demand, except in one instance; that being the case of Mr. McManus in the city of Mexico; and Mr. Villa—outlaw bandit under the decree of the President of the United States recognizing Carranza—Villa himself paid 20,000 pesos for the death of McManus. This is the only instance in which the matter has ever been taken up or referred to.

Mr. President, if I had not intended to refer to the Senator's remarks at all upon any other point, I want to extend to him my political thanks for the statement which he has made to the Senate that this Government—his administration—was just about to recognize Pancho Villa as the governing force in Mexico, when by the efforts of these traitors to the United States—that means the opponents of Woodrow Wilson in the vocabulary of the distinguished Senator from Illinois—when these Republicans prevented the recognition by this Government, which he assures us was just about to be made, of a man whom Mr. Lansing denounces, even as late as June 20, 1916, as a bloody-handed murderer, whose career of crime was known

from one end of Mexico to the other, whose reputation as an assassin has gone throughout the broad confines of the earth. I am politically grateful to the Senator for the statement—which I knew to be true, but of which I did not until he spoke have proof—that this Government was just on the eve of recognizing as the head of the de facto government, Pancho Villa, horse thief, murderer, liar, assassin for hire, his character known to the State Department at the time that this Government was just on the eve of recognizing him as the governing power in Mexico, when these traitorous Republicans, by their clamor and denunciation, prevented it. Politically I thank you for that statement; as a citizen, as a Senator, I bow my head in shame that any administration should have fallen so low as to have made an associate and have attempted to make a copresident of Villa, whom the Senator from Illinois apparently admires.

Mr. President, I shall only refer to one other matter. The Senator knows about as much about what has gone on in Mexico as anyone else on his side; and that is nothing, except possibly that Pancho Villa was going to be recognized. He knows *nothing more* about the subject generally than he does about the specific subject, for instance, of concessions.

He criticizes the Republican platform because the Republican platform on Mexico says that the United States has not done its duty to Mexico and that it has not done its duty to the other countries of the world. Why, sir, I may inform the distinguished and learned Senator that those words in the Republican platform are copied from Woodrow Wilson's message to the Congress of the United States on August 27, 1913!

Mr. LEWIS rose.

Mr. FALL. I can not be interrupted now, if the Senator will excuse me.

In his message to the Congress of the United States Woodrow Wilson in proclaiming his intention not to recognize Huerta did not himself deal with the protection of Americans, did not proclaim the rights of American citizens, did not proclaim the rights of this Government with reference to Mexico; but he only relied for authority for his action, and only cited to the Congress of which the distinguished Senator was then a Member, I believe—he only cited to them as his reasons for his action the interest of Mexico; and the fact that he said the other countries of the world had placed their interests in our hands. Read his message and then undertake to criticize the Republican platform upon the subject.

Ah, Mr. President, the Senator, of course, as a court jester rather than as a statesman, undertakes to saddle responsibility for the murder of Americans at Columbus and for the murder of our soldiers at Carrizal upon the Republican Senators and upon the Republican candidate. That is worthy of the Senator, possibly, as an actor, but it is unworthy of the Senator's great attainments and his position in the Senate of the United States.

Sir, I will not undertake to encumber the RECORD nor to detain the Senate with a recitation on the massages backward and forward between Mr. Carranza and the President of the United States, nor between the generals in command preceding this incident, this murder and massacre at Carrizal—the generals of Carranza in command on one hand, and of our generals on the other—except to detail rapidly this: Trevino, the general in command of the department of the northwest or of the north, notified Pershing in writing that the latter could only move his soldiers north; that he should not move them south, east, or west. Pershing immediately notified Trevino—and his note to Trevino was published in the daily press, and it can be found, I presume, in the War Department—that he had no orders from his Government not to move his troops east, south, or west; that, until he received such orders, he would move them where he pleased; and that if Trevino undertook to carry out his threat by attacking his detachments, he would hurl the whole American Army at Trevino's army. This was the brave message of a brave American soldier in command, attempting to protect the soldiers under him. He did send a detachment under Capts. Boyd and Morey and Lieut. Adair. He did send those detachments, in accordance with his instructions from this Government, in pursuit of bandits, and they were shot down at Carrizal by Trevino's men. Pershing did not resent their death; he did not carry out his threat to Trevino; and the bodies of those boys were lying sweltering in the hot sun—it may be said that they were only "niggers"—he did not carry out his threat to hurl his army against Trevino. Still, no one questions for a moment the reputation of Pershing as a brave, courageous American soldier, who makes no bluffs.

I will ask the Senator the next time he appears in public to answer why Pershing did not resent the attack upon his detachment at Carrizal? I ask the Senator to answer why no soldier of the American Army has ever gone into Carrizal from that day to this, and why the wounded were allowed to wander on the plains, famishing with thirst, a hundred miles from water, the wounded negro soldiers who were fighting for their country? I ask you why they were allowed to wander until some were rescued by charitable Mexicans, others found their way into the houses and homes of charitable American ranchers, and others died, and their bones were cleaned by the coyotes? You, a Senator, dare to attribute these things to those who would criticize a policy that sends to their death American men and to worse than death American women, sends starvation to millions of Mexican children, and sends to their death, without hope of revenge even, brave American soldiers and brave American officers! Why, Mr. President, I am hesitant for words, because I say to you, sir, that if I pronounced my judgment upon the so-called speech to which we have listened here to-day my words would not be parliamentary.

Now, sir, I am not going to say anything more; but as the Carrizal matter has been referred to, I want to read a tribute by Dean Collins, published in the Portland Oregonian on the day of the funeral of Lieut. Henry Adair:

ADAIR OF CARRIZAL.

[By Dean Collins.]

I had thought that our hearts would leap, Adair,
  That our hands would clutch at the sword and gun;
I had thought that our spirit of old would flare
  At the tale of the deed that you have done.
But silent we walk and silent you lie,
  And "peace" says the bishop above your pall;
But the blood you shed is red—how red—
  Red on the sands of Carrizal.

I had thought we would rise on the wings of fame;
  That a river of swords would southward flow,
And voices of battle would cry your name
  As they cried the name of the Alamo.
But we mutter our prayers for the rest of your soul;
  And how shall rest on your spirit fall
When we bow the head, while the blood you shed
  Cries from the sands of Carrizal?

I had thought—but my thoughts were lies, Adair,
  For my heart was not with that art imbued
That fashions a diplomatic snare
  To throttle a Nation's gratitude.
The statesmen build up the forms of peace,
  Where words look large and where lives look small,
While my hot cheeks flame with the blush of shame
  For the cry—unanswered—from Carrizal.

The funeral honors are done, Adair,
  And under the earth your body lies;
Thrilling and sweet on the vibrant air
  That last long wail of the bugle dies.
Well was your duty done, Adair,
  And duty to us alone may call;
And the blood you shed—how red, how red—
  Cries like a bugle from Carrizal.

And I may say that "form of peace" built with words—words from the White House, words from the Senate Chamber, words from your national committee, words from your public speakers, words from your partisan press—that "form of peace" built up by you as a fetich for the people of the United States to worship, will be torn to shreds when the issue which you so much fear confronts you upon every stump and every platform in the United States in the coming campaign. We will let the red sands of Carrizal cry to the people, and the mighty hosts of true Americanism will answer that cry and, like a great flame, will avenge the death of Adair at Carrizal.

You and your colaborers in the political vineyard undertake to befoul the issue by appealing to the American people upon the ground that some Americans are interested in Mexico; you undertake to cover your acts of omission and commission in refusing, except with words, to protect American citizens; you undertake to cover your retreat, to cover your trail, first, by appeals to the peace sentiment, and, second, by the denunciation, not of the murderers in Mexico, whom you refuse to hold responsible, even when you have them in your hands, but of Republicans who have done their duty. You refused to hold Castillo responsible when he was in your jail in El Paso and in your military prison. He was deported by you to Habana, Cuba, although he was a man who at the Cumbre tunnel sent to their death by fire 15 Americans, including an American woman with her five children. Castillo was denounced by you; his surrender was demanded of Huerta; and when he came across the border of his own volition and you arrested him, you sent him in safety to Cuba, from whence he has returned to join Carranza, with the avowed intention of fighting the United States in the event of war.

Why, sir, you served notice—and you have found before now that I make no statement that the records will not substantiate—you served notice on Randal, the governor of the State of Sonora, under these circumstances: You allowed Obregon to bring troops through the United States to attack Villa, and you

are responsible for the murder of Americans at Columbus because Funston was told that Villa would visit his wrath on America. Villa had made a speech when he disbanded his army of 12,000 men, stating that he would no longer fight Mexicans, that he would no longer spill Mexican blood, but from that time on, as the United States had recognized Carranza, he would devote his attention to killing Americans and raiding the American border. The American consul or vice consul, speaking Spanish and understanding the Spanish, conveyed that speech to Funston, and warned him of the intended raids on our border. Furthermore, sir, I may say to you now that I warned the State Department and the President of the United States three years ago not to allow the troops of one faction to be sent across our border, because it would result, as it had resulted before, in the death of American citizens. I may say to Senators that my warning was not even acknowledged.

Under these circumstances, Randal notified the Government of the United States: "If you allow Obregon's troops to pass through American territory I will not protect American citizens." And he posted notices at Cananea, at Hermosillo, and all over the State of Sonora, and the facts were reported to the State Department verbatim by the American consul. The department answered, directing its agent to notify Randal, in effect, that if the life of one American citizen in Sonora was lost, this Government would hold him—Randal—personally responsible. What happened? Beltran, Randal's general at Cananea, shot down Bean, an American. The American consul, or consular agent, took the matter up with the Government at once, and a few days after Randal was driven from his home by the victorious troops of his opponent across the border, and surrendered to the American military authorities. The civil authorities attempted to get him on this side, but could not do so. The Mexican general stood on the other side and said: "You have said that you would hold this man responsible for murder. He is responsible for Bean's murder. Turn him over to me and I will kill him." The American consul, who stood by his side, telegraphed that to the State Department, and suggested that if we did not want to take steps to punish Randal he should be turned over to Obregon, who was standing there waiting for him. However, you refused to do it, and Beltran enlisted under Villa, and was the leader, with Pablo Lopez, a little later, of that band which shot down Watson and his 18 companions at Santa Ysabel.

You will have issues enough, sir, in this campaign. Mr. President, I am through.

Mr. LEWIS. Mr. President, may I ask the Senator from New Mexico for his attention for one moment?

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from New Mexico yield to the Senator from Illinois?

Mr. FALL. I am through. The Senator may have the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LEWIS. Mr. President, I desire the attention of the Senator from New Mexico for just a moment. Knowing the Senator desires that the premises from which he draws his conclusions shall be accurate, I beg, first, to have him understand that there was never an expression from me about the United States Government recognizing Villa as a government, but recognizing Villa as a force to bring about peace and order.

Mr. FALL. No; I did not misunderstand the Senator. The reporter's notes will show what the Senator said.

Mr. LEWIS. The Senator from Illinois did not make the statement. The Senator from New Mexico was simply drawing the deduction from the word "recognition," and I wanted to let him know the exact sentence, so that he would not do himself an injustice.

Mr. FALL. The Senator alluded to it more than once, and that was what brought me to my feet, for I wanted to nail that statement in the RECORD.

Mr. LEWIS. I am anxious to bring the Senator to his head.

Mr. FALL. Well, Mr. President, it would be more appropriate possibly, in view of the learning of the Senator, that I should kneel at his feet, but I am a little weary.

THE CALENDAR.

Mr. SMOOT. Mr. President, I will ask the Senator from Arkansas if he will not allow the unfinished business to be temporarily laid aside, so that we may take up the calendar for consideration the remainder of the afternoon?

Mr. ROBINSON. A number of requests have been made that that be done, and I ask unanimous consent that not later than 6 o'clock this afternoon the Senate stand in recess until 10 o'clock on Monday morning, and that the unfinished business be now temporarily laid aside.

The PRESIDING OFFICER. Unanimous consent is asked that at not later than 6 o'clock this afternoon the Senate take a recess until Monday morning at 10 o'clock, and that the unfinished business be laid aside temporarily. Is there objection?

Mr. GALLINGER. What is the request?

The PRESIDING OFFICER. The request is that at not later than 6 o'clock the Senate take a recess until Monday morning at 10 o'clock, and that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. OVERMAN. Mr. President, I understand the request applies to unobjected-to bills?

The PRESIDING OFFICER. That request has not been made as yet.

Mr. SMOOT. Now I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with Order of Business 593, and that only the bills to which there is no objection be considered.

The PRESIDING OFFICER. The request of the Senator from Utah is that the Unanimous Consent Calendar be taken up and proceeded with, beginning with Order of Business 593.

Mr. OVERMAN. Unobjected-to bills.

The PRESIDING OFFICER. Unobjected-to bills.

Mr. GALLINGER. Mr. President, I will ask the Senator if he will not add to his request that any bill that has been passed over, to which a Senator desires to recur, he may be permitted to recur to, of course under the same conditions?

Mr. SMOOT. That is, passed over after Order of Business 593?

Mr. GALLINGER. No; that we have already passed over. There may be a few such bills.

Mr. OVERMAN. There is no objection to that.

Mr. SMOOT. That is, after the calendar is finished.

Mr. GALLINGER. Well, at any time.

The PRESIDING OFFICER. The request for unanimous consent, as the Chair understands it, then, is that the Senate take up the calendar, beginning with Order of Business 593, and proceed to the end of the calendar, and then any Senator desiring to move to take up——

Mr. SMOOT. No; any Senator asking unanimous consent to take up a bill that has been passed over may do so.

The PRESIDING OFFICER. Yes; by unanimous consent.

Mr. GALLINGER. Under the same conditions.

The PRESIDING OFFICER. Any bill passed over may be taken up and considered by the Senate. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

BILLS OF INTERPLEADER BY INSURANCE COMPANIES.

The bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader was announced as first in order.

Mr. SHIELDS. Mr. President, the Senator from New Jersey [Mr. HUGHES] is very much interested in this bill. I have just come in, and do not see him on the floor. He has been opposing some of the amendments. I favor the amendments.

Mr. ROBINSON. I suggest that the bill be passed over until the Senator from New Jersey arrives.

Mr. SHIELDS. I will ask that it be passed over and be taken up later in the day.

Mr. SMOOT. I object to its consideration at this time.

The PRESIDING OFFICER. The bill will be temporarily passed over.

Mr. HUGHES subsequently said: Mr. President, I understand that House bill 12541 was temporarily passed over in my absence.

The PRESIDING OFFICER. It was. The bill was the first one called, and the Senator from Tennessee [Mr. SHIELDS] requested that it go over for the purpose of sending for the Senator from New Jersey. The Senator from New Jersey now asks unanimous consent to consider that bill.

Mr. NELSON. I ask that the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the district courts of the United States shall have original cognizance to entertain suits in equity begun by bills of interpleader where the same are filed by any insurance company or fraternal beneficiary society, duly verified, and where it is made to appear by such bill that one or more persons, being bona fide claimants against such company or society, reside within the jurisdiction of said court; that such company or society has made or issued some policy of insurance or certificate of membership providing for the payment of a sum of money of at least $500 as insurance or benefits to a beneficiary or beneficiaries or to the heirs, next of kin, or legal representative of the person insured or member; that two or more adverse claimants, citizens of different States, are claiming or may claim to be entitled to such insurance or benefits and that such company or society deposits the amount of such insurance or benefits with the clerk of said court and abide the judgment of said court. In all such cases

the court shall have the power to issue its process for said claimants, returnable at such time as the said court or a judge thereof shall determine, which shall be addressed to and served by the United States marshals for the respective districts wherein said claimants reside or may be found; to hear said bill of interpleader and decide thereon according to the practice in equity; to discharge said complainant from further liability upon the payment of said insurance or benefit as directed by the court, less complainant's actual court costs; and shall have the power to make such orders and decrees as may be suitable and proper and to issue the necessary writs usual and customary in such cases for the purpose of carrying out such orders and decrees: *Provided*, That in all cases where a beneficiary or beneficiaries are named in the policy of insurance or certificate of membership or where the same has been assigned and written notice thereof shall have been given to the insurance company or fraternal benefit society, the bill of interpleader shall be filed in the district where the beneficiary or beneficiaries may reside.

Mr. POMERENE. Mr. President, I do not like to object to the consideration of this matter, but I have had so many letters about it that I feel that it ought to go over. It is a matter that will require some discussion.

Mr. SHIELDS. Are the Senator's letters in favor of the bill?

Mr. POMERENE. A good many of them favor it; yes. They come from the insurance societies. The objection, as I see it, is this: They seek to have all of this litigation in the Federal courts, and it will compel poor litigants who may be beneficiaries under this legislation to go perhaps a hundred or two hundred or three hundred miles in order to litigate their claims, and in my judgment it will operate as a substantial denial of justice to many of those people.

Mr. SHIELDS. Mr. President, the Senator's objection is based upon the bill as it passed the House, and in my opinion is entirely sound; but the Commtitee on the Judiciary has reported an amendment to obviate that very trouble.

Mr. POMERENE. Mr. President, I do not believe my attention has been called to the amendment. I should like an opportunity to go over it.

Mr. SHIELDS. The amendment requires the suit to be brought in the district where the beneficiary named upon the face of the policy resides.

Mr. POMERENE. Oh, yes; but even in that instance, Mr. President, in my own State, for example, many of these poor people—who may be workmen, or may be widows, or may be orphans—will have to go 200 miles to court to have their claims adjudicated. Now, I realize that the associations are put to some inconvenience; but they have their staffs of attorneys and agents all over the country everywhere.

Mr. SHIELDS. Mr. President, I again desire to suggest to the Senator that this does not confer upon the district courts jurisdiction of any case where such jurisdiction does not now exist under the present laws, but it only provides for practice in cases of which those courts now have jurisdiction; and the objection which he states does not appear upon the face of the bill.

Mr. POMERENE. If the Senator's position is correct, I think later on I will withdraw the objection.

The PRESIDING OFFICER. Does the Senator insist upon his objection?

Mr. POMERENE. I do insist upon my objection at this time.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

LANDS IN GUNNISON COUNTY, COLO.

The bill (H. R. 20) authorizing the county of Gunnison, Colo., to purchase certain public lands for public park purposes was considered as in Committee of the Whole.

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

LANDS FOR CEMETERY AND PARK PURPOSES.

The bill (H. R. 11162) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890, and for other purposes, was considered as in Committee of the Whole.

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

CRATER LAKE NATIONAL PARK, OREG.

The bill (H. R. 14868) to accept the cession by the State of Oregon of exclusive jurisdiction over the lands embraced within the Crater Lake National Park, and for other purposes, was considered as in Committee of the Whole.

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

WILLIAM H. INGLE.

The bill (S. 6331) authorizing the Secretary of the Interior to issue patent to William H. Ingle for homestead entry in Colorado was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That homestead entry 014316, Sterling series, made by William H. Ingle for the southeast quarter of section 5, township 1 north, range 49 west, sixth principal meridian, Colorado, be, and it is hereby, validated and permitted to remain intact, in the same manner as though said Ingle had not, in the year 1873, made a homestead entry for 160 acres and perfected title thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELISHA A. CRANDALL.

The bill (H. R. 7419) granting a patent to a certain strip of land to Elisha A. Crandall was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue to Elisha A. Crandall a patent to a strip of land formerly occupied by the Northern Pacific Railroad Co. as a right of way and embraced within the homestead entry of the said Elisha A. Crandall to the east half of the southwest quarter and lots 6 and 7, section 6, township 56 north, range 2 east, Boise meridian, for which patent was issue to entryman on October 16, 1903, the said strip of land having been abandoned by the said Northern Pacific Railroad Co.

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

NATIONAL PARK SERVICE.

The bill (H. R. 15522) to establish a national park service, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 1, to strike out the words "Congress may from time to time provide for by appropriation or other act" and to insert "the Secretary of the Interior shall deem necessary," so as to read:

That there is hereby created in the Department of the Interior a service to be called the national-park service, which shall be under the charge of a director, who shall be appointed by the Secretary, and who shall receive a salary of $4,500 per annum. There shall also be appointed by the Secretary the following assistants and other employees at the salaries designated: One assistant director, at $2,500 per annum; one chief clerk, at $2,000 per annum; one draftsman, at $1,800 per annum; one messenger, at $600 per annum; and, in addition thereto, such other employees as the Secretary of the Interior shall deem necessary: *Provided*, That not more than $8,100 annually shall be expended for salaries of experts, assistants, and employees within the District of Columbia not herein specifically enumerated unless previously authorized by law.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Utah if this is creating another bureau in one of the departments?

Mr. SMOOT. Mr. President, this bill is intended to do away with the appropriation of money to four or five different departments now for caring for the parks. It will save expense to the Government, and it will put the parks under one control. The bill ought to be passed. The way it is now, some of the parks are under the War Department, some are under the Interior Department, appropriations are made for other departments, and we can hardly keep track of the expenses.

Mr. GALLINGER. Does the bill in terms or in any way abolish the supervision that is now being exercised?

Mr. SMOOT. It places the supervision of all of the parks in the service. It is simply a service here in the Interior Department, and one head will direct the parks of the country.

Mr. GALLINGER. Will that head have a corps of clerks?

Mr. SMOOT. We provide here—and there will not be nearly the expense attached to this that there is to-day—for appropriations, as the Senator knows, in the legislative appropriation bill and the sundry civil appropriation bill for the care of these parks and the payment of the employees in each of them.

Mr. GALLINGER. But those employees are already provided for in the sundry civil appropriation bill and the money appropriated. Of course, they will not be disturbed, I take it.

Mr. SMOOT. After this bill passes they will either be placed under this bill or else the appropriation made for them will not be used. I assure the Senator that if I had the time now I could demonstrate to him that it will result in a saving of money to the Government of the United States.

Mr. GALLINGER. It doubtless will if the Senator's contention is right, that these officials will not continue in their present places and draw from the Government the money that has been already appropriated in the sundry civil appropriation bill.

Mr. SMOOT. I assure the Senator that that will be the case.

Mr. GALLINGER. Then I have nothing more to say.

Mr. OVERMAN. Mr. President, the Clerk read so fast that I could not understand the bill. I hope he will begin to read a little slower, so that I can understand what the bill provides.

The PRESIDING OFFICER. The Secretary will read the bill again.

The Secretary again read the bill.

Mr. GALLINGER. Mr. President, I have a great deal of sympathy for the Reading Clerk. I have often wondered how he stands up under the strain to which he is subjected, and I never have objected to the Clerk not reading the text, for instance, of appropriation bills; but I do think that when we are considering the calendar the bills ought to be read. My attention was attracted to the fact that this bill provided for a director—I believe that that is the title—and I wondered whether that man was going to perform all the duties of this bureau, because that is what it is; and had the Secretary read the bill, I perhaps would not have asked the question at all.

I am satisfied, Mr. President, that this is to be another great bureau in one of the departments, and if it does not grow to be as large a bureau as the Forestry Service I shall be disappointed. But I am an eastern man and am not supposed to interfere in western affairs, and for that reason I simply content myself with the suggestions I have made about the bill.

Mr. SAULSBURY. Mr. President, I only want to be assured by the Senator from Utah, who has this measure in charge, as to the scope of the bill. As I understand, this only refers to the large western parks. I can see the few lines of section 2, but I wanted to be sure that it was not interfering with the parks in the District of Columbia.

Mr. SMOOT. It does not affect the parks in the District of Columbia at all.

Mr. SAULSBURY. It simply refers to the national parks now under the control of the Interior Department and the Hot Springs Reservation, as I understand.

Mr. SMOOT. It refers to the Yellowstone National Park, the Yosemite National Park, the Sequoia National Park, the Gen. Grant National Park, the Mount Rainier National Park, the Mesa Verde National Park, the Crater Lake National Park, the Wind Cave National Park, the Platt National Park, the Sullys Hill National Park, the Hot Springs Reservation, the Glacier National Park, and the Rocky Mountain National Park.

Mr. SAULSBURY. I am much in favor of treating the parks of this city in a very similar way, so far as this area is concerned; but I wanted to be sure as to whether they were or were not included, so that I could examine the bill more carefully.

Mr. OVERMAN. What is the director getting now?

Mr. SMOOT. The director is getting $4,500 at the present time. I will say that the department recommended that the amount be $5,000; but the committee have simply allowed him what he is drawing to-day.

Mr. OVERMAN. I remember that we had the matter up in another bill.

Mr. SMOOT. Yes; the Senator will remember that.

Mr. OVERMAN. Now, the question is, with one assistant director at $2,500, and other items making $8,100 provided for here, is that amount appropriated now in the bill?

Mr. SMOOT. About that same amount, only this specifically states what their office shall be. The Senator will remember that the Secretary of the Interior recommended an appropriation of something like $12,100, as I remember, and we compromised on something like $8,000 for it. That is outside of the director's salary; and this simply specifically states the positions, and will take the place of the appropriation already made.

Mr. OVERMAN. Had you not better have a provision here that on the approval of this act the offices provided for in the legislative bill are abolished?

Mr. SMOOT. There is no necessity for it.

Mr. OVERMAN. If the Senator thinks the Secretary of the Interior can take those men over into this bureau, if that is what it is——

Mr. SMOOT. I know that is just what he will do.

Mr. OVERMAN. If the Senator knows that, then I have no more to say. I will rely on the Senator, who says he knows it will be done.

Mr. SMOOT. I do know it; and I know that it is just exactly what the Secretary of the Interior intends to do.

Mr. CLARK of Wyoming. Mr. President, is the bill under consideration?

The PRESIDING OFFICER. It is.

Mr. CLARK of Wyoming. I have an amendment that I want to propose to the bill, if it is now subject to amendment.

The PRESIDING OFFICER. No objection has been made to its consideration up to this time. Consequently the bill is now being considered by the Senate as in Committee of the Whole, and is open to amendment.

Mr. CLARK of Wyoming. I move to strike out the proviso in section 3, on page 4.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 5, it is proposed to strike out the following words:

Provided, however, That the Secretary of the Interior may, under such rules and regulations and on such terms as he may prescribe, grant the privilege to graze live stock within any national park, monument, or reservation herein referred to when in his judgment such use is not detrimental to the primary purpose for which such park, monument, or reservation was created.

Mr. SMOOT. Mr. President, I do not know whether the grazing privileges are granted at the present time or not, but I think they are. I am perfectly willing, however, to accept the amendment and allow it to go to conference, and then we shall see exactly to what extent the privilege is granted now.

Mr. CLARK of Wyoming. I do not want it to go with that consideration. I have special reference to the Yellowstone National Park. The Yellowstone National Park is the habitat of wild game which is being attempted to be very carefully preserved. The only grazing privilege they are now allowed is a grazing privilege of some acreage allowed to certain transportation companies, and the mere picnic privilege of campers; but I do not want a provision in here that will allow the Yellowstone National Park to become a grazing ground of great sheep and cattle industries, as would be allowed by this provision.

Mr. SMOOT. I am perfectly willing that it shall go out, Mr. President.

Mr. CHAMBERLAIN. Mr. President, I should like to ask a question. Does the Senator intend that the system of leasing lands within these parks shall be abolished?

Mr. CLARK of Wyoming. There is no system of leasing lands within the parks.

Mr. CHAMBERLAIN. Within the national forests, I mean.

Mr. CLARK of Wyoming. Oh, this has no reference to the national forests. This has reference only to the national parks.

Mr. CHAMBERLAIN. Does the Senator know whether any grazing privileges are extended within any of the national parks?

Mr. CLARK of Wyoming. I can only answer as to the Yellowstone Park; and, as I understand it, the privilege there is as I have already indicated.

Mr. CHAMBERLAIN. I shall not make any objection.

Mr. SMOOT. I do not believe there ought to be any grazing in the Yellowstone Park.

Mr. CLARK of Wyoming. I hope when this bill goes into conference it will be so arranged that there will not be any indiscriminate grazing in the national parks.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, the suggestion that some Senator made strikes me with great force—that we ought to provide for the transfer of these officials. I think that has been our custom heretofore. Here are certain men appropriated for in the sundry civil act. They are performing, I suppose, substantially the same service that will be required of them if this bill should pass; but in this bill we are providing for another force, and I know of no reason why the Secretary of the Interior, unless he chose to do so, should transfer those men.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that we are not appropriating a dollar in this bill. We are not asking for the appropriation of a dollar. We are simply providing for those positions, and they will be appropriated for in the next sundry civil bill or the next legislative bill, just as in the case of other positions. I will say to the Senator that if we were appropriating the money in this bill, it would be a different thing; but we are not. We are just naming the positions. I simply said to the Senator from North Carolina that the positions named here will take no more money than we have already appropriated for the work that is being done now, and not quite so much.

Mr. GALLINGER. Perhaps that is so, Mr. President, but I never have discovered that there is any reduction in the force in any of the departments of the Government, no matter what we do here; and I shall be very greatly disappointed if we do not find that we will have an added force if this bill passes. However, I shall not raise an objection to it. I have said all I care to say about it. I believe it is going to be a great bureau in the near future.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ESTATE OF MARY H. S. ROBERTSON, DECEASED.

The bill (H. R. 12248) for the relief of the estate of Mary H. S. Robertson, deceased, was considered as in Committee of the Whole.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting this bill to explain it more in detail than it is explained in the report made by him to the Senate.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. BECKHAM] is called upon by the Senator from Utah to explain the bill.

Mr. BECKHAM. The report accompanying the bill contains the substantial facts in the case. It is a House bill and came before the Committee on Claims and was considered there and favorably acted upon.

Mr. SMOOT. I should like to ask the chairman of the Committee on Claims if this is one of the thousands of claims that have come before the committee for the occupation of property during the Civil War.

Mr. BRYAN. The report of the House committee shows clearly what it is. It says:

This is a claim for rent of a dwelling situated in Paducah, Ky., from September 10, 1861, to October 8, 1865, by the United States forces under the command of and used by Brig. Gen. Lew Wallace as his headquarters from September 10, 1861, till about the time of the Fort Donelson fight, in February, 1862. As soon as he vacated it it was taken by the military authorities in command of the post at Paducah, and occupied and used by them as a convalescent hospital continuously up to the 8th day of October, 1865.

It seems, therefore, there is no doubt but that Gen. Wallace and other authorities did take the building and agree to pay rent for it, which has never been done. In that respect it differs very widely from the general run of the cases which have been before the Committee on Claims for the use and occupation of property.

Mr. SMOOT. The committee has generally referred these bills to the department and asked for a report from the department. In this case was that followed?

Mr. BRYAN. The House report states that the case had been investigated by the Third Auditor and that—

There is sufficient evidence upon which to imply a contract to pay rent in this case.

Mr. SMOOT. The department does not recommend the payment of it, nor does it say anything that involves the justice of the claim.

Mr. BRYAN. The report shows the fact that it was investigated by the Third Auditor.

Mr. BECKHAM. It was approved by the quartermaster and then went to the Third Auditor and he allowed the amount, but for some reason the comptroller disallowed it. The House report states that a thorough investigation was made of all the facts.

Mr. SMOOT. If the chairman of the committee says this is differentiated from the thousands of claims that come here and have been pressed here for the last 45 years for property occupied during the Civil War, I shall not object to the consideration of the bill.

Mr. BRYAN. Yes; the War Department reports that Gen. Wallace did take charge of this building in 1861, and that it was not returned to the owner until 1865. Undoubtedly they used the building for over four years.

Mr. GALLINGER. Mr. President, what puzzles me about this claim is how it escaped the scrutiny of these diligent attorneys who are looking after these claims and presenting them here in the form of an omnibus bill from time to time. This seems to have escaped them in some way.

Mr. BRYAN. I think that is true about this. Those people get hold of a claim and sit down, and if Congress passes it, then they claim that they did it.

Mr. SMOOT. There is not anything in the report which states whether the claim has been paid before or not. The department does not say anything whatever in relation to it. It seems to me that it is very loosely reported.

Mr. BRYAN. The Senator has not read the report in the Fifty-fifth Congress. The committee was governed largely by the fact that the members of the House committee in their report say:

The claim is proved beyond a shadow of a doubt.

Mr. SMOOT. As the Senator knows, the House committee is passing all kinds of claims bills now. I think there have been more that have come to the Senate from the House thus passed by the House this year than perhaps there have been in the last 12 years.

Mr. BRYAN. Most of them are on the calendar, and most of them are claims for injuries that have been suffered by people in the employment of the Government, revenue agents who have been killed in the discharge of their duties, and cases like that.

Mr. SMOOT. Those ought to be paid.

Mr. BRYAN. I believe a good many of those bills have gone to other committees. The Committee on Claims sat for three or four hours some two or three weeks ago and went very carefully through the House bills that appear on the calendar.

Mr. GALLINGER. Mr. President, I am not going to object to this bill, but I wish to ask the Senator from Florida, the chairman of the committee, a question. Near the close of the last session we had an omnibus claims bill paying a long list of claims for occupation and damage by the Federal forces to property in the South. That was a House bill. At the same time we had a bill reported from the committee to pay overtime claims for employees in the navy yards and other similar occupations. The Senator and I had a little colloquy about it, and the Senator gave me to understand that that bill would be taken care of at this session. The bill passed at the close of the last session, but it was a Senate bill. I reintroduced that bill some time ago, and it is in the Committee on Claims. I will ask the Senator if he has given attention to that bill.

Mr. BRYAN. Mr. President, I noticed that when the calendar was up last the Senator from New Hampshire made a statement with reference to the overtime pay cases. The Senator read a statement from the RECORD, in which I assured the Senator that the bill would be taken up. The Senator said it was at a time nearing the close of the session, perhaps nearer the close of the session than this time. Mr. President, it was on the afternoon before Congress adjourned when the Senator asked me that question. However, the bill was taken up that night and it passed the Senate.

So I do not know what purpose the Senator had in view in reading that into the RECORD. The bill has not been reported upon by the committee at this session.

Mr. GALLINGER. When I made the statement on the former occasion I overlooked the fact that the bill had been passed. I knew what the southern Senators had done. I have since ascertained what I did not know, that it passed the Senate, but that did not do any good.

Mr. BRYAN. The Senator read from the RECORD a statement I made and seemed to draw the conclusion from that statement that I had not kept my word with him.

Mr. GALLINGER. I did not mean to say that. I meant to say the bill had not been reported at this session.

Mr. President, we are passing a great many private bills, it is true, for claims. As the Senator from Utah says, there have been a great many more at this session than usual, and inasmuch as that bill was reported at the last session and passed the Senate there seems from my viewpoint to be no reason why it should not be reported again.

Mr. BRYAN. Mr. President, I do not want to take up time unnecessarily, but since the Senator has raised that question I wish to make a statement. Those claims are known as overtime pay claims in the navy yard. They are technically claims. They originally arose from this state of facts: Men in port claimed that they were on sea duty; that they were on the ship. The result here depends on the constitution of the committee. Sometimes the committee believe that they ought to be paid and sometimes a majority of the committee have been opposed to them.

Mr. GALLINGER. I think the Senator misunderstands the bill I have reference to. It is not the difference between land and sea pay. There is a list of those.

Mr. BRYAN. It is overtime pay in navy yards?

Mr. GALLINGER. It is claims for overtime in the navy yards, largely.

Mr. BRYAN. The Court of Claims passed on those claims and found the facts, what amount would come to each of these individuals if overtime payment was made. It was a simple finding of facts. My recollection is that two Congresses ago the majority of the committee were opposed to the payment of the claims included in that omnibus bill.

Mr. GALLINGER. How could they be when they had been found by the Court of Claims to be just claims?

Mr. BRYAN. They had not been found by the Court of Claims to be just claims. The Court of Claims found the fact that if we paid for overtime the men had performed so much overtime work and would be entitled to so much pay, and that is what the court held. But I was stating the fact that four years ago the majority of the committee were opposed to the payment of the claims. New members came upon the com-

mittee, old members went off, and last year or the year before a majority were in favor of the payment of the claims. This year, as far as I know, they have not been submitted.

Mr. GALLINGER. The Senator perhaps did not understand my question. I hope the Senator has not changed his view as to the legality of those claims and the propriety of paying them, because he reported the bill last year, and I simply ask the Senator that they be taken up for consideration by the committee at this session.

Mr. BRYAN. So far as I know they have not been taken up. The Senator knows that I have not been here continuously this year. We have had a good many taken off the calendar since I returned, and mostly they have been urgent matters. When the Senate meets at 10 o'clock the Committee on Claims can not meet weekly, as it has been accustomed to do. It is impossible to get the members there. We have devoted our attention to emergency bills, such as are found on the calendar to-day, bills where a revenue officer has been killed in the discharge of his duty, and bills of that character.

Mr. GALLINGER. Most of the men who worked overtime and whose claims have been practically recognized by the Court of Claims think their claims are emergency matters. I simply wondered why it is that we are passing one character of claims and not another; that is all.

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

ESTATE OF HECTOR M. M'DONALD.

The bill (H. R. 6758) for the relief of the legal heirs of Hector M. McDonald, deceased, was considered as in Committee of the Whole. It proposes to pay to M. J. Haynes, public administrator of the city and county of San Francisco, State of California, as administrator of the estate of Hector M. McDonald, deceased, for and on account of the legal heirs of said deceased, the sum of $261.20, taken from the body of said Hector M. McDonald, deceased, and deposited to the credit of the Treasurer of the United States with the First National Bank of Juneau, Alaska, on May 16, 1908, and subsequently covered into the Treasury of the United States by miscellaneous warrant No. 2083, fourth quarter of 1908.

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

HEIRS OF WILLIAM D. ALLEN.

The bill (H. R. 2052) for the relief of the estate of William D. Allen was considered as in Committee of the Whole. It proposes to pay to the legal heirs of William D. Allen, deceased, of Oswego, N. Y., $320, for work performed in the release and rescue of the lighthouse tender *Hare*.

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

STEAMSHIP "ESPARTA."

The bill (S. 3681) for the relief of the owners of the steamship *Esparta* was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 1, after the word "authority," to strike out the words "to ascertain the amount of the said damages and to enter judgment in favor of the owners of said steamship *Esparta* for the same," and insert "to determine the liability of the United States therefor; and, if found liable, to render judgment against the United States for any damages sustained by the owners of said steamship *Esparta*," so as to make the bill read:

Be it enacted, etc., That the claim of the owners of the British steamship *Esparta* against the United States for damages sustained by them in and on account of the collision between their said vessel and the United States lighthouse tender *Magnolia* on October 26, 1905, in the Passes of the Mississippi River, below New Orleans, be referred to the District Court of the United States for the Eastern District of Louisiana, with jurisdiction and authority to determine the liability of the United States therefor, and, if found liable, to render judgment against the United States for any damages sustained by the owners of said steamship *Esparta*.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ENLARGEMENT OF BOTANIC GARDEN.

The bill (S. 6227) to increase the area of the United States Botanic Garden in the city of Washington, D. C., was considered as in Committee of the Whole.

The bill was reported from the Committee on the Library, with an amendment in section 2, page 2, line 4, after the word "thereof," to insert the following proviso:

Provided, That the location of conservatories and other improvements of a permanent character which may be built within said parcels shall be confined to areas not intended as the site for future public buildings and driveways in the plan for that vicinity prepared by the park commission.

So as to make the bill read:

Be it enacted, etc., That the United States Botanic Garden, situated in the city of Washington, D. C., be, and the same is hereby, increased and enlarged by attaching thereto those two certain parcels of land situated, lying and being between Third Street on the east and Sixth Street on the west, and Missouri Avenue on the north and Maine Avenue on the south, which said parcels are known as East Seaton Park and West Seaton Park.

SEC. 2. That said two described parcels shall upon the passage of this act become part and parcel of the said United States Botanic Garden and immediately available for the purposes thereof: *Provided*, That the location of conservatories and other improvements of a permanent character which may be built within said parcels shall be confined to areas not intended as the sites for future public buildings and driveways in the plan for that vicinity prepared by the park commission.

SEC. 3. That all laws and parts of laws inconsistent with any of the provisions of this act be, and the same are hereby, repealed.

Mr. JONES. That does not change the Botanic Garden? It is simply an enlargement of the present location?

Mr. GALLINGER. It simply takes in two little ragged parks that are of no use and are owned by the Government.

Mr. JONES. That is all right.

Mr. NELSON. May I ask the Senator if it takes in any buildings?

Mr. GALLINGER. Not at all; it takes in no buildings of any description.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONNERS BROS.

The next business on the calendar was the resolution (S. Res. 232) referring to the Court of Claims the bill (S. 5656) for the relief of Milton C. Conners and George G. Conners, doing business under the firm name of Conners Bros., and by unanimous consent the Senate proceeded to its consideration.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

WOMAN SUFFRAGE.

Mr. PITTMAN. Mr. President, the view of the presidential nominee of a great party upon so vital a question as suffrage is not only of importance to this body but to the whole country. A complete understanding of such view is essential at this time in the consideration of political issues and conditions by reason of the fact that there is pending in Congress a proposed amendment to the Constitution of the United States, generally called the Susan B. Anthony amendment, intended to grant equal suffrage to the women in all of the States of the Union. Similar amendments have been introduced and have been voted upon at prior Congresses. Such amendment can not become a part of our Constitution and operative until it passes Congress by a two-thirds vote and is ratified by the vote of the legislatures of three-fourths of all the States. So far no such amendment has received the necessary vote of Congress to entitle it to be submitted to the States. Under these circumstances, as representatives of the people in the legislative body before which such amendment is pending, it is our duty to inquire most diligently with regard to the present view of each presidential nominee and his intended attitude toward such legislation in the event of his election.

What is Mr. Hughes's view with regard to woman suffrage? With due respect and in all seriousness I ask this question of those Republican Senators upon this floor who were instrumental in obtaining Mr. Hughes's nomination and who participated in the preparation of his platform. Does he stand upon his declaration made upon the 31st day of July in his speech of acceptance of the nomination or upon his declaration contained in his telegram sent to Senator SUTHERLAND on the 1st day of August? In his speech of acceptance he said, "I indorse the declaration in the platform in favor of woman suffrage." Such declaration in the Republican platform is set forth in the following words:

The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women, but recognizes the right of each State to settle this question for itself.

So Mr. Hughes, in indorsing that declaration in the platform, declares that he "recognizes the right of each State to deter-

mine this question for itself." This is a positive and definite declaration of his view as held by him on the 31st day of July. It is an emphatic declaration against the granting of woman suffrage by the passage of the Susan B. Anthony amendment or by any other Federal action. No other construction was intended by the framers of that plank in the platform, and it is not subject to any other construction. Will Senator BORAH, who prepared the plank and submitted it to the subcommittee of the platform committee, give it any other construction? Will Senator LODGE, the chairman of the platform committee, who presented such platform to the Republican convention, give it any other construction? Did not Mr. Hughes know at the time that he made such declaration that those who prepared and submitted that plank were and had always been most intensely antagonistic to the Susan B. Anthony amendment and to every effort to grant woman suffrage through Federal amendment to the Constitution of the United States or through any other Federal action? Was he not aware that the direct issue was made before the Republican platform committee between those who favored a Federal amendment to the Constitution, those who favored suffrage through the action of each State, and those who were bitterly opposed to the granting of woman suffrage through any methods? Did he not know that that issue was determined in favor of those favoring State rights and against those contending for Federal action? As a well-informed public man we have a right to assume that he was familiar with the great debates in the Halls of Congress upon this burning issue, but if he was not he should have informed himself with regard to the party construction of such plank before he unequivocally indorsed it. He would only have had to turn to the pages of the CONGRESSIONAL RECORD and read the speeches of those who prepared, submitted, and adopted such plank.

Senator BORAH, in a speech made in the United States Senate upon such subject on the 17th day of March, 1904, in quoting from a prior address given by him before a committee of women of Baltimore, said:

> I informed your committee, when asked to speak upon this occasion, that I would be glad to take part in this meeting, provided it did not commit me to the proposition of the proposed amendment to the Constitution now pending before Congress. I am an earnest advocate of woman suffrage, but I believe it to be both inexpedient and unwise to attempt to secure it otherwise than through the respective States.

And again in said speech, for the purpose of emphasizing his unalterable opposition to the Susan B. Anthony amendment, or any other action by the Federal Government looking to the granting of woman suffrage, said:

> But there is another reason—and it is even a more controlling reason to me, because it goes to what I conceive the very foundation principles of the Republic—and that is the old doctrine, discarded and worn, but vital and indispensable, the doctrine of State rights for local affairs. I can not conceive of a State, or anything of sufficient dignity to be called a State, which has lost the right to say who shall vote for its State officer.

And again in the same speech he said:

> So, Mr. President, this joint resolution does not stand upon the question of woman suffrage. The minute you leave the States and thrust the campaign for equal suffrage into the national domain the women of this country take upon themselves the race question; they take upon themselves these complicated problems which arise by reason of conditions upon the Pacific slope; they take upon themselves numerous propositions wholly dissociated and divorced from the woman-suffrage question itself. Why do so?

In view of the foregoing statements by Mr. BORAH, could Mr. Hughes have had any doubt at the time he indorsed the plank prepared by Mr. BORAH as to its meaning relative to the national amendment?

"The right of each State to settle this question for itself" is not compatible with the right to settle the question through Federal action. If Federal action is taken, if the Susan B. Anthony amendment be passed by Congress and submitted to the States, the right of each State to settle the question for itself may be destroyed, because by such method three-fourths of the States could grant woman-suffrage in all the States, including the one-fourth of the States which might have voted against woman-suffrage. The plank expressly and clearly demands that each State be permitted to settle the question for itself and not one for another.

So Mr. Hughes, on the 31st day of July, in his speech of acceptance of the Republican nomination, declared against woman suffrage by Federal amendment. This would terminate the question had not Mr. Hughes on August 1, the day following his speech of acceptance, made another declaration upon the subject directly opposed to his former declaration. In a telegram to Senator SUTHERLAND, of Utah, on the 1st day of August, Mr. Hughes stated his views on the suffrage question in the following words:

> Your telegram has been received. In my answer to the notification I did not refer to the proposed Federal amendment relating to woman suffrage, as this was not mentioned in the platform. I have no objection, however, to stating my personal views. As I said in my speech, I think it to be most desirable that the question of woman suffrage should be settled promptly. The question is of such a nature that it should be settled for the entire country.
>
> My view is that the proposed amendment should be submitted and ratified and the subject removed from political discussion.

Here he states most emphatically, "My view is that the proposed amendment should be submitted and ratified and the subject removed from political discussion," and yet on the prior day he said, in indorsing the plank in the platform, "The Republican Party * * * recognizes the right of each State to settle this question for itself."

It is possible that Senator BORAH, who prepared the plank, or Senator LODGE, who submitted it to the convention, may have discussed this matter with Mr. Hughes since these conflicting declarations were made, and they may be prepared on his behalf to state which view the distinguished gentleman now holds and what view will govern him if he should be elected. While the people have a right to know which view Mr. Hughes now maintains, the most important question is, "What would Mr. Hughes do with regard to such suffrage amendment if he should be elected President?" Would Mr. Hughes in his first message to Congress urge the passage of the Federal amendment providing for equal suffrage? Would he use his influence with the leaders of his party to bring about the early passage of the Federal amendment?

If his last declaration is a correct expression of his views, would he, in the event of his election to the Presidency, use the power of his office to impress his views upon the Republican Members of Congress or would he submit to the views of his party publicly expressed in the platform in opposition to any Federal action with regard to suffrage? If he should pursue the latter course, he would be no more helpful in the passage of the Federal amendment than President Wilson, because President Wilson has never attempted to impose his personal view with regard to woman suffrage upon the members of his party, but, on the contrary, he has always maintained that it is a matter for individual determination. Will Mr. Hughes speak on behalf of the Federal amendment for equal suffrage during the coming campaign? If he should be elected and should thereafter say to those who favor equal suffrage by Federal amendment to the Constitution, "I still personally favor such amendment, but my party, in the platform upon which I was nominated, has declared it to be the policy of the Republican Party that such matter is not a subject for national legislation, but must be determined by each State for itself, and I am bound by that party declaration," the cause of national suffrage would be worse off than it is at the present time.

I respectfully submit that the American people are entitled to a definite and final statement by Mr. Hughes with regard to these matters.

During the delivery of Mr. PITTMAN's speech,

Mr. WADSWORTH. Mr. President——

Mr. PITTMAN. I decline to yield.

Mr. WADSWORTH. I call for the regular order. We are on the calendar.

The PRESIDING OFFICER. There is no way for the Chair to determine whether the Senator from Nevada is discussing the resolution under consideration or not. For that reason the Chair does not feel at liberty to restrain him from speaking.

Mr. NELSON. Mr. President, we are on the calendar under Rule VIII and we are limited to five minutes' debate.

The PRESIDING OFFICER. The Senator from Nevada has not been speaking for five minutes yet.

After the conclusion of Mr. PITTMAN's speech,

Mr. WORKS. Mr. President, I was unable to hear all that was said by the Senator from Nevada [Mr. PITTMAN], and I am not sure whether or not he declared himself to be in favor of the Susan B. Anthony constitutional amendment. I believe the Senator represents a State that has granted suffrage to women, and I should like to ask him whether or not he is in favor of that amendment?

Mr. GALLINGER. Mr. President, I ask that the next bill on the calendar be stated, so that something may be before the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire asks that the next bill on the calendar be laid before the Senate.

Mr. GALLINGER. Yes; that is, if the matter which was last before the Senate has been disposed of.

The PRESIDING OFFICER. It was a resolution, and it was agreed to. There is now nothing before the Senate.

Mr. GALLINGER. I ask that the next bill in order on the calendar be stated.

FARMER'S STATE BANK OF EUREKA, ILL.

The bill (H. R. 8630) for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill., was announced as next in order, and the Senate as in Committee of the Whole proceeded to its consideration. It directs the Secretary of the Treasury to pay to the Farmers' State Bank of Eureka, Woodford County, Ill., $200, in full compensation for claims on account of the loss of revenue stamps purchased and paid for by said bank and which were lost in the United States mails in transmission of the same from the office of the collector of internal revenue at Springfield, Ill., to Eureka, Woodford County, Ill.

The PRESIDING OFFICER. The Senator from California.

Mr. WORKS. Mr. President, I have submitted my question to the Senator from Nevada.

Mr. PITTMAN. In reply to the question of the Senator from California, I will state that I intend to vote for the Susan B. Anthony amendment.

Mr. WORKS. Does the Senator from Nevada know whether or not it is the intention of the majority to bring up the resolution before the Senate for action during the present session of Congress?

Mr. PITTMAN. I know that the joint resolution is in charge of the Senator from Utah [Mr. SUTHERLAND], who introduced it in the Senate.

Mr. SMOOT and Mr. CLARK of Wyoming. Oh, no.

Mr. PITTMAN. At least, I so supposed.

Mr. CLARK of Wyoming. The Senator from Colorado [Mr. THOMAS] has it in charge upon the floor, I believe.

Mr. PITTMAN. The joint resolution was introduced by the Senator from Utah; and if I have done him an injustice in saying that he had charge of it, I, of course, withdraw the suggestion. I naturally supposed, however, that, having introduced it, he had charge of it.

Mr. CLARK of Wyoming. The Senator from Colorado is the chairman of the Committee on Woman Suffrage.

Mr. WORKS. The Democratic caucus has been determining from time to time what bills and resolutions shall be taken up during the remainder of this session. My question was whether or not it was the intention to include this joint resolution among the number?

Mr. PITTMAN. I think it is the intention of the Democrats—although I am hardly in a position to speak for the Democrats on this side of the Chamber—to pass, if possible, all the bills upon the calendar.

Mr. WORKS. That is, it is the desire of the Senator himself that the joint resolution shall be brought to a vote?

Mr. PITTMAN. It would be my desire to bring it up, if it could be disposed of and passed. I will state for the benefit of the Senator that quite a while back some of the western Senators who favor the Susan B. Anthony amendment held a meeting, which was attended by Mrs. Carrie Chapman Catt and others who desire an early vote on the matter; and those Senators who were present, including myself—I do not know whether the Senator from California was there or not—favored early action upon the amendment.

There is another very powerful element of the advocates of woman suffrage who are opposing the bringing up of this amendment at this time. Miss Anne Martin, who is chairman, I believe, of the Congressional Union for Woman Suffrage, has written to me, and has written to other Senators within my knowledge, urging that this matter be not brought up at the present time. So there is no unanimity with regard to the time that the measure should be acted on. Personally I should like to see it passed promptly.

Mr. WORKS. Mr. President, I understand the Senator from Nevada is himself in favor of the proposed constitutional amendment; and, whatever may be the differences to which he has referred amongst the women, has the Senator made any effort to have the matter brought up in any form either before the Democratic steering committee or elsewhere?

Mr. PITTMAN. Yes; I have been discussing it recently with the Senator from Colorado [Mr. THOMAS], who is the chairman of the committee, and other individual members of the committee.

Mr. WORKS. But, Mr. President, the joint resolution of which I am speaking is on the calendar, and I ask what disposition there is to take it up and vote upon it?

Mr. PITTMAN. I think that a number of the western Senators—I do not remember whether or not the Senator from California was present—agreed to attempt to get a unanimous-consent agreement that this matter might be voted on without debate, but I do not know whether or not that has been accomplished.

Mr. WORKS. Does the Senator know whether any effort of that kind has been made on the other side of the Chamber?

Mr. PITTMAN. I presume the Senator from Colorado, the chairman of the committee, can answer that question.

Mr. WORKS. The chairman of the committee can answer.

Mr. THOMAS. Mr. President, I was unaware, until notified in committee, that this subject was before the Senate.

Mr. WORKS. That is hardly an accurate statement.

Mr. THOMAS. And it is suggested to me now by the Senator from Florida that it is not before the Senate. So, perhaps, my assumption is an improper one; but, responding to the inquiry of the Senator from California, which was made since I entered the Chamber, I may say to him that some two or three weeks ago I addressed a letter to each Senator asking if he would consent to the taking up of this amendment and submitting it to a vote without argument. The responses which I have received have been about equal in number in consenting and objecting to the proposed method of procedure. Consequently, I have neither said nor done anything further about it.

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

Mr. THOMAS. The national association was favorable to that disposition of it; indeed, I made the inquiry at the request of one of its officers. I have been informed that the Congressional Union opposed the suggestion; but that is a matter of hearsay.

Mr. WORKS. I should like to ask the Senator whether it is not true that the bill can not be taken up during this session of Congress without action either by the steering committee or by the Democratic caucus?

Mr. THOMAS. Well, Mr. President, we seem to be considering it, and we certainly have transacted a good deal of business recently with which the steering committee has had no concern. I do not know just what is before the Senate now.

The PRESIDING OFFICER. The bill before the Senate now is House bill 8630, for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill.

Mr. THOMAS. Of course, I might have known it was not the amendment, because here everything seems to be in order except the subject matter under discussion.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield for a question?

Mr. THOMAS. I will yield in just a moment; but I will say to the Senator from California——

Mr. CLARK of Wyoming. But just for a question; that is all.

Mr. THOMAS. Well, I will yield in a moment. I will say to the Senator from California [Mr. WORKS] that, so far as I am concerned, I am prepared to take up the joint resolution at any time, although, of course, I am unable to displace the unfinished business of the Senate. I now yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. The Senator has answered the question which I sought to ask; but I hope the Senator will take an early time so that the sentiment of the Senate can be had as to whether or not this legislation should be passed at this session.

Mr. THOMAS. I have no doubt, since the confession of faith of the Republican candidate for President of the United States has been made, that Senators upon the other side who were opposed to the legislation not only have been converted to his view but that they will unite with a commendable unanimity in taking it up and voting for it. If so, I will do my best to cooperate with them.

Senator SMOOT. Regular order!

Mr. WORKS. Perhaps the Senator from Colorado did not hear or was not aware of the fact, that this matter was not brought up this time by a Republican, but came from the other side of the Chamber.

Mr. THOMAS. Well, Mr. President, I was not aware of that, and consequently my remark may have been inappropriate, in so far as the occasion is concerned; but, independently of the occasion, I still indulge in the hope that the influence upon the Republican Senators of their nominee will be manifest in an increase of votes for the amendment when it does come up. But I doubt it.

Mr. CLARK of Wyoming. I hope you will give us a chance to act upon it quickly.

The PRESIDING OFFICER. The bill (H. R. 8630) for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill., is before the Senate as in Committee of the Whole.

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

ELLEN CURRAN.

The bill (H. R. 8141) for the relief of the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties at the United

States naval magazine at Iona Island, N. Y., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $624 to Ellen Curran, of Haverstraw, N. Y., the dependent widow of Patrick Curran, civilian employee of the Government, who was killed while in the discharge of his duties on the 4th of November, 1903, at the United States naval magazine on Iona Island, in the Hudson River, N. Y., by the explosion of gunpowder and 13-inch shell, without his fault or negligence.

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

W. W. FINN.

The bill (H. R. 14528) for the relief of W. W. Finn was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. W. Finn, of Wesley, Iowa, $177.83, to compensate him for the loss by burglary of certain war-revenue emergency stamps of which he was custodian.

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

FRED HENDERSON.

The bill (H. R. 10641) for the relief of Fred Henderson was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Fred Henderson the sum of $43.75, out of any money in the Treasury not otherwise appropriated, for injury sustained on the 16th day of September, in the year 1906, while employed by the United States Government in the Government arsenal at Rock Island, Ill.

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

STATE BOARD OF HARBOR COMMISSIONERS, CALIFORNIA.

The bill (H. R. 5453) for the relief of the State Board of Harbor Commissioners of the State of California, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $199.62 to the State Board of Harbor Commissioners of the State of California, for the purpose of reimbursing the said State Board of Harbor Commissioners for repairing damages to Piers Nos. 15 and 27, in the city of San Francisco, Cal., caused by the steamship *Angel Island*, of the United States Immigration Service, on August 8, 1911, and on August 17, 1911, respectively.

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

THEODORE BAGGE.

The bill (H. R. 10643) for the relief of Theodore Bagge, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Theodore Bagge the sum of $221.91, out of any money in the Treasury not otherwise appropriated, for injury sustained on the 24th day of April, in the year 1907, while employed by the United States Government on the U. S. dredge *Ajax*.

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

FRANK J. DEUTSCH.

The bill (H. R. 1777) for the relief of Frank J. Deutsch, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Frank J. Deutsch, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, which sum is hereby appropriated, in full settlement of all claims of any nature whatsoever that the said Frank J. Deutsch may have against the United States Government for injuries sustained while employed in the Coast Guard at Sturgeon Bay, Wis.

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

JOHN E. JONES.

The bill (H. R. 9898) for the relief of John E. Jones, was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. BRYAN. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

W. W. WALL.

The bill (H. R. 1373) for the relief of W. W. Wall was announced as next in order.

The PRESIDING OFFICER. This bill has also been reported adversely.

Mr. BRYAN. I move that the bill be indefinitely postponed.

Mr. SMOOT. I ask that the bill be not acted upon in the absence of the Senator from Missouri [Mr. STONE]. Just let it go over to-day upon objection.

Mr. BRYAN. Very well.

The PRESIDING OFFICER. The bill will be passed over.

AUSTIN G. TAINTER.

The bill (H. R. 2638) for the relief of Austin G. Tainter was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. GALLINGER. Let the bill be read.

The Secretary read the bill.

Mr. GALLINGER. Let the bill go over until I can look into it.

The PRESIDING OFFICER. The bill will be passed over.

JOHN DOWD.

The bill (S. 6013) to confirm the entry of John Dowd was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 3, after the words "price of," to strike out the numerals "$200" and insert "$184.83," so as to make the bill read:

Be it enacted etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue United States Government patent on the homestead entry of John Dowd, known as Boise 06054, for the following-described land:

Lot 5 of section 34, township 3 north, range 4 west, and lots 2 and 3 and southeast quarter of northwest quarter, section 3, township 2 north, range 4 west, Boise meridian, Boise land district, Idaho, containing 147.86 acres: *Provided*, That the said John Dowd or his transferee shall pay to the United States Government the commutation price of $184.83

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, LOUISIANA.

The bill (S. 4811) to establish a fish-cultural station at some point in the State of Louisiana, was announced as next in order.

Mr. GRONNA. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

EMMETT W. ENTRIKEN.

The bill (S. 1548) for the relief of Emmett W. Entriken, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Emmett W. Entriken the sum of $250, in full compensation for injuries received by him on September 26, 1913, while employed as a painter at the Salem Indian school, Chemawa, Oreg.

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

WILLIAM E. HEFFNER.

The bill (H. R. 11984) for the relief of William E. Heffner, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to William E. Heffner, out of any money in the Treasury not otherwise appropriated, the sum of $525, being the amount of money due said William E. Heffner for the construction of a barracks and bathhouse at West Lawn Cemetery, Canton, Ohio.

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

FISH HATCHERY, DELAWARE.

The bill (S. 4970) to establish a fish hatchery in the State of Delaware, was announced as next in order.

Mr. GRONNA. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

M. E. SITTERS.

The bill (H. R. 8200) for the relief of M. E. Sitters, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to M. E. Sitters, widow of Joe Sitters, out of funds in the Treasury not otherwise appropriated, the sum of $1,095 as compensation to her for the loss of her husband, who, on the 24th day of May, 1915, while in discharge of his official duties as a mounted inspector of the United States customs service in Presidio County, Tex., was assassinated by Mexican bandits.

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

THE MERCHANT MARINE.

The bill (H. R. 15455) to establish a United States shipping board for the purpose of encouraging, developing, and creating a naval auxiliary and naval reserve and a merchant marine to meet the requirements of the commerce of the United States with its Territories and possessions and with foreign countries,

to regulate carriers by water engaged in the foreign and interstate commerce of the United States, and for other purposes, was announced as next in order.

Mr. OLIVER. Let that bill go over.

Mr. GALLINGER. That bill ought to go over, unless our friends on the other side of the Chamber are willing that we should indefinitely postpone it. I do not know how that may be.

Mr. FLETCHER. I do not believe there is any disposition of that sort.

Mr. GALLINGER. The Senator is willing that it should go over?

Mr. FLETCHER. I am willing that it should go over.

The PRESIDING OFFICER. The bill will be passed over.

THE GOVERNMENT PRINTING OFFICE.

The bill (S. 6626) to fix the rate of pay for compositors and bookbinders in the Government Printing Office was considered as in Committee of the Whole. It provides that from and after the date of its passage the pay for compositors and bookbinders in the Government Printing Office shall be at the rate of 55 cents per hour.

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

MANIFESTS OF VESSELS.

The bill (S. 5395) to repeal sections 2588, 2589, and 2590 of the Revised Statutes of the United States, was announced as next in order.

Mr. GALLINGER. Mr. President, I should like to have the Senator from Oregon, who introduced the bill, tell us exactly what those repealed statutes include.

Mr. LANE. Mr. President, that bill is one which repeals the statutes which require all inbound vessels coming into the mouth of the Columbia River, although they may be destined for the port of Portland some 110 miles above, to make a stop at the first port of entry, which is Astoria. The customhouse officials have requested that the bill be passed, and the Secretary of the Treasury has indorsed it. I want to say also, for the information of the Senate, that the people of Astoria are bitterly opposed to the passage of the bill. There is no question about that. It has been recommended, however, by the Treasury Department as being a matter in the line of economy. It saves expense and saves the time of the steamers.

Mr. GALLINGER. That word "Astoria" always appealed to me—it is so euphonious. I ask that the bill go over for to-day, and I will look into it.

The PRESIDING OFFICER. The bill will be passed over.

THE FUTURE OF CULEBRA (S. DOC. NO. 525).

The resolution (S. Res. 235) to print the manuscript entitled "Are Subterranean Gases Cause of Panama Canal Slides?" by Hon. Thomas Kearns, as a Senate document, with illustrations, was considered by the Senate.

Mr. FLETCHER. I move to amend the resolution by striking out the words "with illustrations" in the sixth line.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 6, after the word "document," it is proposed to strike out the words "with illustrations."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Wyoming (Mr. WARREN) on June 22, 1916, entitled "Are Subterranean Gases Cause of Panama Canal Slides?" by Hon. Thomas Kearns, former United States Senator from Utah, be printed as a Senate document.

MARTIN HUHN.

The bill (H. R. 1528) for the relief of Martin Huhn, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads, with an amendment, in line 9, after the words "the sum of," to strike out the numerals "$100" and insert "$1,000."

Mr. SMOOT. Let that bill go over.

Mr. GALLINGER. I think the bill had better go over. It is a very large increase.

The PRESIDING OFFICER. The bill will be passed over.

Mr. MARTINE of New Jersey subsequently said: Mr. President, I understand that through my negligence in not being present—I was called out of the Chamber for a moment—House bill 1528, for the relief of Martin Huhn, was passed over under objection. I ask unanimous consent to recur to that bill for the purpose of having it considered. I trust there will be no objection. If there ever was an emergency measure, I feel that that is one.

Mr. PENROSE. Mr. President, will the Senator permit an inquiry regarding this bill?

Mr. MARTINE of New Jersey. Certainly.

Mr. PENROSE. This bill was passed for $100, as I understand, in the House.

Mr. MARTINE of New Jersey. Yes; and it was amended in the Senate.

Mr. PENROSE. And amended for $1,000.

Mr. MARTINE of New Jersey. Yes, sir.

Mr. PENROSE. That is an extraordinary increase.

Mr. MARTINE of New Jersey. It is.

Mr. PENROSE. Did these injuries suddenly become more serious between the time when the bill was in the House and the time it came up in the Senate?

Mr. MARTINE of New Jersey. I will answer the Senator and state the situation.

This man—a young man, I should think, about 35 or 40 years old—is an employee of the Post Office Department in Hoboken, N. J. He was in the regular service there, in the employ of the Government. It was the regulation and rule that the flag on the post office should be taken down at night. Through somebody's failure the flag was not taken down. This young man was ordered by the assistant postmaster to go up and take down this flag at night. He went up to the third or fourth floor, whatever it is. Between the fourth floor and the roof is an attic, that compelled him to go in a stooping position. It was dark in the attic, and in his effort to reach around to the scuttle and ascend the three or four little steps to secure the flag an iron rod poked out, about 3 feet long, connected with the scuttle, unguarded and left without any notice or admonition in any way; and as the poor fellow was groping around it struck his right eye, and, of course, he was wild with pain. I believe, however, he did succeed in hauling down the flag. He was immediately, when he came down, taken to the eye-and-ear hospital in the close vicinity, and the result of the accident was that his eye was so injured and punctured that the eyeball was taken out. He suffered excrutiating agony for months, and the result is that to-day the man has but one eye.

I saw him myself possibly a month or three weeks ago. He has substituted a glass eye. It is his right eye. I asked him if he suffered any pain from the removal of the eyeball. He said not so much in that eye as in the other one. The other one was compelled to do double duty, and he said that shooting pains went through it continually, and he was in very great distress. Then I asked him if, aside from that, it interfered with his duties, and he said: "You can tell by placing your hand over one eye whether it would interfere with performing your duties or not."

Now, it seems to me that, as this accident happened while this man was in the service of the Government, in the performance of his duty, and entirely within his sphere, the passage of this bill for the amount stated in the amendment is but simple justice. He was ill for some three or four months; I can not say just which. It seems to me it is entirely within the right and province of the Government, and within the lines of justice, that the great Government of the United States should give this man a thousand dollars.

Mr. GALLINGER. Mr. President, the injured man was retained on the roll and is still on the roll and performing his duty. I objected because I wanted to look into it a little. I find that the postmaster has written a letter saying that he thinks this man ought to have $500. If the Senator agrees to that, I will withdraw my objection.

Mr. MARTINE of New Jersey. Well, Mr. President, I feel that it is an inadequate amount, when I think of how little compensation it would be to me or to either of us in the event of the loss of an eye. This man is on the roll and he is still performing his duties. It is his only source of livelihood, his bread and butter. So might I perform my duties here with one eye. There are Senators that can perform their duties with none.

Mr. PENROSE. As long as the Senator has his voice he does not need his eyes.

Mr. MARTINE of New Jersey. Well, it does not make any odds. I need both. I will accept the $500, but I think even $5,000 would be an utterly inadequate amount.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

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

Mr. GALLINGER. I move to amend by striking out "$1,000" and inserting "$500."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, in line 9, it is proposed to strike out the numerals "$1,000" and insert "$500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ALBERT GREENLAW.

The bill (H. R. 2180) for the relief of Albert Greenlaw was considered as in Committee of the Whole. It authorizes and directs the Postmaster General to credit the accounts of Albert Greenlaw, postmaster at Eastport, Me., in the sum of $3,378.02, due the United States on account of post-office funds embezzled by Ernest A. Farris, assistant at the Eastport (Me.) post office during several years, ending December, 1912: *Provided, however*, That nothing herein contained shall be taken as releasing any other person or persons from liability to the United States on account of said embezzlements or in any manner affecting such liabilities.

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

Mr. BRYAN. Mr. President, that bill was passed so quickly that I did not realize it. I move to reconsider the vote whereby it was passed.

The motion to reconsider was agreed to.

Mr. SMOOT. Now I ask that the bill go over.

Mr. BRYAN. As there is no member of the committee present, I ask that the bill go over. I see that the Post Office Department reports against the bill.

The PRESIDING OFFICER. The bill will be passed over.

C. HORATIO SCOTT.

The bill (H. R. 4559) for the relief of C. Horatio Scott was announced as next in order.

Mr. SMOOT. That is the bill, is it not, that the Senator asked to have go over?

Mr. VARDAMAN. I do not object to its consideration.

Mr. BRYAN. The Senator who reported the bill is not present. I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAYTON H. ADAMS.

The bill (S. 10) to correct the military record of Clayton H. Adams, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Clayton H. Adams, who served in the Mississippi Marine Brigade, an organization drawn from the Fifty-ninth Regiment of Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the Fifty-ninth Regiment Illinois Volunteer Infantry on or about the 1st day of March, 1863: *Provided*, That no pay nor bounty shall accrue or become payable by reason of the passage of this act.

Mr. GALLINGER. Mr. President, I will ask the Senator from Wyoming if he has any knowledge of any Senate bills correcting the records of soldiers similar to this having passed the other House?

Mr. WARREN. The Senate bills the House has not passed—that is, a large number of them.

Mr. GALLINGER. Have they passed any of them?

Mr. WARREN. In a late conversation I was promised that there will be action taken on as many of them as they can deal with in the condition in which they are.

Mr. GALLINGER. The reason why I asked the question is that for three or four years I have been trying to get through a similar bill meritorious in every respect, but it is ignored. I have passed one through the Senate at this session—a most worthy bill—but it is lost somewhere; and yet these House bills come here in quantities, and we pass them.

Mr. CLARK of Wyoming. I will say to the Senator that this is a Senate bill, and will undoubtedly reenforce his contention when it goes over there.

Mr. GALLINGER. I hope it will pass, then. I will not object to the House bills, but I thought it was proper to call attention to the fact that this is rather a jug-handled performance as far as this kind of a bill is concerned.

Mr. WARREN. I am very glad the Senator called the matter to the attention of the Senate as he has done. We have had to struggle with that situation for some years, and we ought to take some action to force through in another body the measures that are passed here.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. I ask the Senator from Wyoming if this man ever enlisted.

Mr. WARREN. Yes; he was a man who enlisted, and he was detailed to other service. He was found to be a good carpenter and was put at carpenter work. Consequently there is a lapse in his record in the department, but it has been made good by his fellows who served with him, and a clear case has been made.

Mr. BRYAN. He has what the department says is a record service.

Mr. WARREN. That is the old record; that is true. He is a man whom I know personally, and I know he deserves it.

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

The title was amended so as to read: "A bill for the relief of Clayton H. Adams."

JOHN P. WEBBER.

The bill (S. 736) to correct the military record of John P. Webber, alias John J. Webber, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws, John P. Webber, alias John J. Webber, who was a private of Company E, Engineer Regiment of the West, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 7th day of January, 1863: *Provided*, That no pay, bounty, or back pension shall accrue to him prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John P. Webber, alias John J. Webber."

CHARLES LEE BAKER.

The bill (S. 6154) for the relief of Dr. Charles Lee Baker was considered as in Committee of the Whole. It authorizes the President of the United States to appoint Dr. Charles Lee Baker, now a first lieutenant in the Medical Reserve Corps, a first lieutenant in the Medical Corps, United States Army, and place him upon the retired list.

Mr. GALLINGER. I move to strike out the word "Doctor" in line 4.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of Charles Lee Baker."

JOSEPH EUBOR.

The bill (S. 6287) for the relief of Joseph Eubor was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment in line 8, after the words "eighteen hundred and sixty-four" to insert "*Provided*, That no pay, bounty, or back pension shall accrue or become payable by virtue of this Act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Joseph Eubor shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company A, Sixth Regiment Vermont Volunteer Infantry, on the 6th day of August, 1864: *Provided*, That no pay, bounty, or back pension shall accrue or become payable by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAIL CONTRACTORS.

The bill (H. R. 11150) for the relief of mail contractors was announced as next in order.

Mr. PENROSE. I object to the consideration of that measure this afternoon. I have not had an opportunity to complete my researches into the measure.

The PRESIDING OFFICER. Upon objection, the bill goes over.

Mr. VARDAMAN. I ask the distinguished Senator from Pennsylvania if he will be good enough to be ready to consider it the next time the calendar is called. I am very much inter-

ested in the bill. I do not want to hurry the matter at all, but I am very desirous of having it disposed of. These claims are more than a half century old, and by all the rules of fair play and fair dealing they should be paid.

Mr. PENROSE. It seems to me this bill will be remarkably fortunate if it passes at all. It is a very remarkable measure, in my opinion, in that it apparently gives $40,000 to one or more lawyers who, as experience demonstrates in similar cases in the past, have performed no other service than to gather these claims together in order to have them passed by Congress. It is an old story, Mr. President, and after the Senator has been in Congress a longer period than he has he will come to know them as well as those of us who have been here longer. These attorneys get these claims. Then they write down to Louisiana, Alabama, and other States and urge the litigants to write to their Senator or Congressman, and it makes their lives miserable. Most of them would never have been heard of if they were not fomented by attorneys.

This kind of legislation, Mr. President, in my opinion is little different from that of the ambulance chaser in a local court, which is not considered a very noble part of the legal profession, and if carried to too great an extreme, generally ends in the disciplining of any member of the bar who indulges in it by the board of censors of the board or association of the State.

Mr. SMOOT. Regular order!

Mr. PENROSE. I know I have been out of order in speaking. I object to the bill.

Mr. VARDAMAN. I wish to say in answer to the Senator's suggestion that $40,000 of this appropriation will go to lawyers who rendered no service that I hope the Senator will make a suggestion, and I am sure I will cooperate with him in every effort, to keep the lawyers from getting anything except that which the lawyers are entitled to. But it is not exactly fair to the claimants in this instance for the Congress to refuse to pay them what the United States Government owes because perhaps they are willing to give somebody a part of the claim to help them to induce the United States Government to pay its honest debts. It is commendable for the Congress to desire to protect the interest of the citizens, but let us hope that protection in this instance may not take the form of robbery. If the lawyer gets only 20 per cent he is not as bad as the Government if the Government shall insist on taking 100 per cent. I do not want the shyster or the reputable either to get anything that he is not entitled to. I will cooperate with the Senator from Pennsylvania in any proper way that he may suggest to protect these people in the enjoyment of their just rights. I do not know anything about the lawyers in this case. Not one has spoken to me about it. I think there are a great many lawyers who do a great many undesirable and discreditable things, and I am perfectly willing to do what I can to prevent them from accomplishing anything that is not fair in the settlement of these claims. But the dishonesty of the lawyer is no justification for the United States Government refusing to pay its debts. This great Government can not afford to emulate the conduct of the dirty dishonest lawyer such as the Senator from Pennsylvania has described in its dealing with its citizens.

The PRESIDING OFFICER. There is objection and the bill goes over.

LANDS FOR EDUCATIONAL PURPOSES.

The bill (S. 6204) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States was announced as next in order.

Mr. JONES. I ask that that may go over.

The PRESIDING OFFICER. Objection having been made the bill goes over.

SHOSHONE CEDED LANDS.

The bill (S. 6308) to authorize the Secretary of the Interior to lease, for production of oil and gas, ceded lands of the Shoshone or Wind River Indian Reservation, in the State of Wyoming, was announced as next in order.

Mr. SMOOT. I object.

Mr. CLARK of Wyoming. I hope the Senator will not object to the consideration of this measure. It is purely a local bill and confined to a small area on the ceded land of an Indian reservation that can not be otherwise handled. I hope the Senator, in view of the circumstances, will not object to it.

The PRESIDING OFFICER. Does the Senator from Utah insist upon his objection?

Mr. SMOOT. Just a moment. I want to read the report.

The PRESIDING OFFICER. In the meantime the bill will be read.

The Secretary read the bill and the amendment of the Committee on Indian Affairs on page 2, after line 11, to insert the following additional section:

SEC. 2. That the leases granted under this act shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which shall not be less than one-tenth in amount or value of the production and the payment in advance of a rental of not less than $1 per acre per annum during the continuance of the lease. The rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years with the preferential right in the lessee to renew the same for successive periods of 10 years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of expiration of any such period; said leases shall be irrevocable except for the breach of the terms and conditions of the same and may be forfeited and canceled by an appropriate proceeding in the United States District Court for the District of Wyoming whenever the lessee fails to comply with their terms and conditions.

So as to make the bill read:

That the Secretary of the Interior is hereby authorized and empowered to lease, for the production of oil and gas therefrom, lands within the ceded portion of the Shoshone or Wind River Indian Reservation in the State of Wyoming, under such terms and conditions as shall be by him prescribed; and the proceeds or royalties arising from any such leases shall be first applied to the extinguishment of any indebtedness of the Shoshone Indian Tribe to the United States and thereafter shall be applied to the use and benefit of said tribe in the same manner as though secured from the sale of said lands as provided by the act of Congress approved March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect": *Provided, however,* That nothing contained in this act shall be construed to abridge or enlarge any asserted or initiated rights or claims under any law of the United States.

SEC. 2. That the leases granted under this act shall be conditioned upon the payment by the lessee of such royalty as may be fixed in the lease, which shall not be less than one-tenth in amount or value of the production and the payment in advance of a rental of not less than $1 per acre per annum during the continuance of the lease. The rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years with the preferential right in the lessee to renew the same for successive periods of 10 years each upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of expiration of any such period; said leases shall be irrevocable except for the breach of the terms and conditions of the same and may be forfeited and canceled by an appropriate proceeding in the United States District Court for the District of Wyoming whenever the lessee fails to comply with their terms and conditions.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

Mr. WALSH. I wish to inquire of the Senator from Wyoming if there is not a general statute taking care of the leasing of lands on Indian reservations?

Mr. CLARK of Wyoming. This is not land on an Indian reservation. This is land upon the ceded portion of an Indian reservation which was subject to homestead entry under the law which ceded it, but the time for homestead entry has been exhausted, so that this Indian land which was not taken is interspersed among other lands. It is still Indian land and the Indians are entitled to it.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVIE SKOOTAH.

The bill (S. 3773) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein was announced as next in order.

Mr. JONES. I ask that that go over.

The PRESIDING OFFICER. Objection having been made the bill goes over.

J. G. SEUPELT.

The bill (S. 1265) for the relief of J. G. Seupelt was considered as in Committee of the Whole. It proposes to permit J. G. Seupelt to enter, under the homestead laws, at the appraised price to be determined in such manner as the Secretary of the Interior may prescribe, a certain unsurveyed island in the Colville Indian Reservation, Wash., known as Hog Island, containing about 152 acres, located in the Columbia River, and within sections 26 and 35, township 30 north, range 36 east of the Willamette meridian, in the State of Washington: *Provided,* That proceeds arising hereunder shall be subject to the provisions of section 6 of the act of March 22, 1906, volume 34, United States Statutes at Large, page 81: *Provided further,* That the right of entry by the said Seupelt shall be exercised within 90 days after the date of the approval of this act or within 90 days after appraisal if not appraised prior to the passage of this act: *And provided further,* That the land hereby

disposed of shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

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

BILLS INDEFINITELY POSTPONED.

The bill (S. 3130) granting certain lands to school district No. 56, Klickitat County, Wash., and authorizing the issuance of patent therefor was announced as next in order.

Mr. JONES. Senate bill 3130 and Senate bill 1266 were both covered in the Indian appropriation bill and may be indefinitely postponed.

The bill (S. 3130) granting certain lands to school district No. 56, Klickitat County, Wash., and authorizing the issuance of patent therefor and the bill (S. 1266) permitting Charles M. Hickerson to include a portion of allotment No. 36 to Se-cum-ka-nullax, of Chief Moses's Band, in his homestead entry, and providing for allotment to Se-cum-ka-nullax in lieu thereof on the Colville Indian Reservation, were indefinitely postponed.

INDIAN LANDS.

The bill (S. 3774) to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That any allottee to whom any trust patent has heretofore been or shall hereafter be issued by virtue of the agreement concluded July 7, 1883, with Chief Moses and other Indians of the Columbia and Colville Reservations, ratified by the act of July 4, 1884 (23 Stats. L., pp. 79, 80), and in accordance with the act of Congress approved March 8, 1906 (34 Stats. L., p. 55), if living, or the heirs of any such allottee, if deceased, may sell and convey all the land covered by such patent in accordance with the provisions of the act of Congress approved June 25, 1910 (36 Stats. L., p. 855), and the regulations prescribed by the Secretary of the Interior thereunder.

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

MOSES C. TINGLEY.

The bill (S. 3647) for the relief of Moses C. Tingley was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is, authorized to cancel the allotment made to Moses C. Tingley, under the fourth section of the act of February 8, 1887 (24 Stats. L., p. 388), described as the southeast quarter of the northeast quarter of section 17, township 28 north, range 13 east of the Montana meridian, in Montana.

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

OMAHA INDIAN LANDS.

The bill (S. 3972) to provide for selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to reserve from sale, under the terms of the act of May 11, 1912 (37 Stats. L., p. 111), the following-described tracts of land within the Omaha Agency Reserve, in Nebraska: The northwest quarter of the southwest quarter of the southwest quarter, formerly used by the Presbyterian missionary, and the northeast quarter of the southwest quarter of the southwest quarter, in addition to the eight acres in the southeast quarter of the southwest quarter of the southwest quarter which have already been set apart; all in section 24, township 25 north, range 9 east of the sixth principal meridian; said lands to be used by the Omaha Indians for cemetery purposes.

SEC. 2. That the Secretary of the Interior, in his discretion, may likewise cause to be set apart for Indian cemetary purposes unappropriated lands as follows: Not to exceed 10 acres other than herein described, in the south half of the southwest quarter of section 24, township 25 north, range 9 east, and not to exceed 40 acres in two or more tracts in other parts of the reservation, said tracts to be selected by the Indians.

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

SPOKANE INDIAN RESERVATION.

The bill (H. R. 12123) to appropriate money to build and maintain roads on the Spokane Indian Reservation was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That there is hereby appropriated, out of any funds in the Treasury of the United States to the credit of the Spokane Indians in the State of Washington, not otherwise appropriated, the sum of $2,000 for the building and maintenance of roads on the Spokane Indian Reservation, in Stevens County, Wash., said amount to be spent under the direction of the Secretary of the Interior: *Provided*, That said $2,000 shall not be available until Stevens County, Wash., appropriates $1,000 for the building and maintenance of roads on the Spokane Indian Reservation.

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

INDIAN AGENTS AND SUPERINTENDENTS.

The bill (S. 5335) conferring upon tribes of Indians the right to recall their agents or superintendents was announced as next in order.

Mr. SMOOT. I know the Senator from South Dakota [Mr. JOHNSON] is interested in the bill and he reported it. I wish to say to him that I have a letter from the Indian Rights Association of Washington, D. C., criticising the bill severely and asking that it be defeated. I will ask that the bill go over at this time, and I will take it up with the Senator at the first opportunity and show him the letter and discuss the bill with him.

Mr. JOHNSON of South Dakota. In answer to the Senator I will say that objection to the bill has been raised for a long time and by the same people. It is a matter of record. I hope the Senator will withdraw his objection for that reason. It has all been thrashed out during the session, and the bill applies only to the State of South Dakota.

Mr. SMOOT. From the statement made here by Hon. Joseph H. Choate and also by the agent of the Indian Rights Association, I should think the Senator himself would not insist on pressing the bill at this time.

Mr. JOHNSON of South Dakota. It has been a matter of record for three months in the CONGRESSIONAL RECORD.

Mr. SMOOT. I have not seen it. I have received a letter dated August 2——

Mr. GRONNA. Mr. President——

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

Mr. SMOOT. I do.

Mr. GRONNA. I wish to say to the Senator that I know that this bill was very carefully considered in committee. It only applies to the State of the Senator from South Dakota.

Mr. SMOOT. I am aware of that.

Mr. GRONNA. I can see no reason why the bill should not be passed. Because some Indian agent perhaps who resides in the State of South Dakota is no reason why we should pass it over at this time.

Mr. SMOOT. I will say to the Senator it is not an Indian agent in South Dakota who has written this letter.

Mr. GRONNA. Can the Senator from Utah give me a good reason why the Indian tribes should not have a voice in their own affairs?

Mr. SMOOT. I do not know anything about the question here involved. I will simply say that I have a letter here dated August 2. It is signed by Mr. S. M. Brosius, agent of the Indian Rights Association, McGill Building, Washington, D. C. This is what the letter says——

Mr. GRONNA. I should think the Senator from South Dakota——

Mr. SMOOT. I am reading this to the Senator from South Dakota, telling him why the bill should go over a day.

M. GRONNA. If the Senator will allow me to finish my statement, I was about to say to the Senator from Utah that the Senator from South Dakota knows more about the Indians of his own State than some one who lives in the city of Washington.

Mr. JOHNSON of South Dakota. I hope the Senator from Utah will withdraw his objection. The bill was before the committee for a long time and it was fixed up so as to be entirely satisfactory, I think, to those who opposed it, the Senator from Vermont [Mr. PAGE] and the Senator from Minnesota [Mr. CLAPP] and other Republicans.

Mr. SMOOT. I wish to read this letter to the Senator and see if there is no room for objection and see if he can explain it. It will be entirely different:

AUGUST 2, 1916.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

DEAR SIR: Your interest is urged in securing the defeat of Senate bill No. 5335 (Calendar No. 649) introduced by Senator JOHNSON of South Dakota.

This bill provides that a majority of the male adult members of any Indian tribe in South Dakota shall have the right to declare against the retention of the agent or superintendent in charge at any Indian agency in South Dakota, and such official shall thereafter be immediately removed by the Secretary of the Interior.

The Indian question is one of national interest, and it is most fortunate that the control of the Red Man was removed from the local influences of the States. This Government control seems as necessary in South Dakota as elsewhere.

If the bill in question is approved, it will be a distinct blow to the classified civil service, and would relegate to the Indians, who lack experience in business matters, the right to cause the removal of competent officials.

As was said by the Hon. Joseph H. Choate in his letter to Chairman ASHURST of the Committee of Indian Affairs (see CONGRESSIONAL RECORD, Apr. 7, 1916):

"Anyone familiar with Indians can readily imagine how the more dependent full bloods would thus become the easy prey of conniving mixed bloods and unscrupulous whites. As so aptly stated by Rev.

Sherman Coolidge, president of the Society of American Indians, 'By such law the very worst elements will seek to control Indian tribes.'"

We respectfully submit that the right to select superintendents is one of the highest prerogatives, and it seems apparent that when Indians have become sufficiently advanced to exercise that right they are quite fully equipped to transact all their business affairs, and should be completely released from the protection of the Federal Government as guardian.

It would no doubt be disastrous to our Indian population to thus too hastily remove the safeguards now exercised by the Secretary of the Interior and the Commissioner of Indian Affairs.

We are inclosing a copy of the letter of the Hon. Joseph H. Choate, above referred to.

Trusting you will exert your influence to defeat the legislation in question, we are,

Very cordially, yours,

S. M. BROSIUS,
Agent Indian Rights Association.

I will also say to the Senate that I understand the department has reported adversely to the bill. I received the letter only the other day, and that was my basis for asking that the bill go over. I shall gladly take the matter up with the Senator from South Dakota later on.

Mr. CLAPP. Mr. President——

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

Mr. SMOOT. Certainly.

Mr. CLAPP. I want to say that evidently the purpose of the bill is, perhaps in a measure, misunderstood. As I recall the bill, it does not give the Indians the right to select their agents. The initiative in that selection under the bill is left with the Indian Office. It simply provides that after a given length of time, and after notice to the Indian Office, the Indians may hold a council and vote against the retention of an agent who has been placed in charge of them. It is a partial step; it is a sort of a compromise between giving the Indians the control of the question of the agent and retaining the control, on the other hand, in the Indian Office.

Mr. GALLINGER. It comes pretty nearly being a recall, does it not?

Mr. CLAPP. It amounts to a recall, but still it is with the Indian Office to renew and to determine the appointee to succeed the agent who is recalled.

There has been a good deal of contention over this matter. At one time an effort was made to establish this principle, or at least to seek to establish it, by legislation extending over the entire country; but the Senator from South Dakota [Mr. JOHNSON] finally consented, on the suggestion of several of us, to limit it to South Dakota.

Humanity is so constituted that one man in authority over another is always reluctant to yield that authority. The time never comes, in the opinion of the one who has the authority, when the one under him has reached a degree of development where he should participate in authority with the one over him. I do not believe we should proceed rapidly; I would not favor a bill like this covering the entire country; but in the case of South Dakota, where a great deal of progress has been made, those of us who opposed the bill finally yielded to this initiative in displacing the agent, but retaining in the Bureau of Indian Affairs the initiative in the appointment as to South Dakota.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. JOHNSON of South Dakota. Mr. President, I merely wish to say one word. I hope the Senator from Utah [Mr. SMOOT] will withdraw his objection. If an agent or superintendent should be recalled, it leaves the selection entirely in the hands of the Secretary of the Interior. The Indians are unanimous in asking for this legislation, and it is nothing more than right and just to them that it should be enacted.

Mr. SMOOT. Mr. President, this is a Senate bill, which will, if it passes this body, have to be considered by the other House; and perhaps more information can be secured upon it before it passes there. Having called attention to the matter, I shall not interpose any further objection.

Mr. GALLINGER. I will ask the Senator from South Dakota if there is any trouble with the present officials, the agent and the superintendent of these Indians?

Mr. JOHNSON of South Dakota. None that I know of, except in one place where there is almost universal objection among almost all the Indians to their superintendent. I do not know the superintendent personally, and know nothing about the merits of the matter, except that general complaint has been made by a large number of the Indians there.

I talked with the Commissioner of Indian Affairs in relation to this case a short time ago, and he is aware of all the facts regarding it. As I have said, I am not personally acquainted with the superintendent, never having seen him, but there is trouble all the time there, and no end of it, and it will increase, in my judgment.

Mr. GALLINGER. Is it not probable, if we pass this bill, that in other States the Indians may be incited, perhaps by white men, to protest against their superintendents and their agents, and that the thing will spread? Then, again, if we pass this bill for South Dakota, why not have every other State where there are Indian reservations exercise the same privilege? Why should we select South Dakota?

Mr. CLAPP. Mr. President, if the Senator from New Hampshire will permit me, I shall perhaps not be able to answer, but I can suggest the reason for the action of the Indian Bureau. The development which the Indians have reached in intelligence in the different States and different tribes varies. For that reason it was thought best not to make this bill general, but to let it apply to these particular Indians. Of course, there is liable to be friction; there ought to be friction; friction is what has brought progress to the white people, and it will bring progress to any other people who have to develop. This seemed to be a very fair adjustment of the matter to the Indian Office. The fact that if a man was removed the Indian Office immediately appoints some one else, in which appointment the Indians will have no voice, is a check, to a certain degree, upon the exercise of this right of recall by the Indians.

Mr. GALLINGER. Mr. President, I will ask the Senator from Minnesota if it would be a procedure very much different from this if the citizens of my State did not like a postmaster and we should give the citizens the right by majority vote to recall the postmaster?

Mr. CLAPP. Well, that does not embarrass the Senator from Minnesota at all, because I never have been able to understand why the people of Concord, N. H., for instance, should not have some voice in the selection of the man whom they have to meet every day when they go to get their mail. I do not know that I would turn the selection of a postmaster absolutely over to the citizens, in view of the national character of the Postal Service, but, at the same time, it would not interfere at all with my views if they did have some voice in selecting him. The idea that because a man happens to be in Congress he can say to a great city, without any recourse whatever on the part of that city, "You shall do your postal business with a man of my choice" has never appealed to me very strongly.

Mr. GALLINGER. We might apply it to any other office.

Mr. CLAPP. Yes; I was not making any personal application of it.

Mr. GALLINGER. Mr. President, I received a similar letter to the one which the Senator from Utah received, and I have a copy of the letter of Hon. Joseph H. Choate. I intended to read it, but have not had time. I think, however, in glancing at it, there are very strong reasons against this bill suggested by Mr. Choate, and I will now object to the further consideration of the bill and ask that Mr. Choate's letter be placed in the RECORD. When the bill is reached again I certainly will not be factious about it, but if it is not a good bill it ought not to be passed.

The PRESIDING OFFICER. Is there objection to the printing in the RECORD the letter of Mr. Choate? The Chair hears none.

The letter referred to is as follows:

Letter of Hon. Joseph H. Choate relating to proposed legislation on the administration of Indian affairs.

8 EAST SIXTY-THIRD STREET,
New York, N. Y., April 3, 1916.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.

MY DEAR MR. ASHURST: Just now, when questions of great national moment are demanding universal attention, there is danger that matters seriously affecting our domestic affairs may be neglected or entirely overlooked.

The welfare of our Indians is a solemn national obligation. We have no more sacred trust than the protection of the weak from being overreached by the strong. From the earliest times the intent of our people has been to give the Indian that protection.

In the majority of cases this obligation is imposed on the Federal Government by treaty. In the absence of treaty obligation, however, the duty of the Nation to its wards is just as great. In the case of Heckman v. United States (224 U. S., 413–417), in speaking of the Indians of the Five Civilized Tribes, the Supreme Court says:

"From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been accomplished, there arises the duty of protection and with it the power."

Specific reservations have properly been set apart for Indian tribes, but for almost half a century there has been a tendency to recognize and give responsibility to the individual. The Dawes Severalty Act, adopted in 1887, was the culmination of this theory. It provides for an allotment of lands to individual Indians, breaking up of tribal relations, and disintegration of communal ownership. The principal thought in this and subsequent legislation has been to place responsibility upon the individua. and at the same time protect him in his personal and property rights until the untutored child of nature is equipped to assume full responsibilities of citizenship.

The difficulty is that too much has been expected of the Indian. To some people it is hard to understand why you can't take an untutored, ignorant, full-blood Indian and make an educated citizen out of him in a fortnight. They expect the unreasonable and impossible. It is contrary to all human experience. Extremists have insisted that the process is too slow, that these wards should be released from Government supervision and suffer the results of their own improvidence, regardless of their qualifications for self-protection and regardless of the consequences to their property rights.

Great caution is necessary in adopting new methods. The Indian problem has been the subject of too many theories which have proven disastrous in practice. In the early days the theory of extermination existed on the ground that "the only good Indian is a dead Indian." This idea did not appeal to our liberty-loving people, and later the theory of "segregation" was conceived, under which the Indians were virtually herded on reservations and policed that they might not escape and injure some white man. The latest theory—that of individualization—developed under the Dawes Severalty Act, really seems most plausible. It may prove a solution of the Indian problems, if properly administered and not interfered with by new and inconsistent legislation.

Of the Indians heretofore allotted about 10 per cent only—the full-bloods, at least—have been prepared for the additional responsibilities thus cast upon them.

Congress in 1908 clothed the county courts of Oklahoma with jurisdiction over the person and property of minor allottees of the Five Civilized Tribes, and further provided that upon the death of an allottee all restrictions against alienation of his land would thereby be removed. The raid upon the Indian's property as a result of this legislation is notorious, and the effect on the Indian was disastrous and irreparable.

Legislation is now pending in Congress which, if adopted, may overturn the present Indian policy and subject the Indian to the worst possible forms of spoliation, not only from outsiders but from unscrupulous persons within the tribal membership. The bill (H. R. 108) introduced by Congressman HASTINGS in the House of Representatives would confer on the Superintendent of the Five Civilized Tribes the authority now vested in the Commissioner of Indian Affairs and the Secretary of the Interior respecting the lands and individual moneys of the enrolled members of the Five Civilized Tribes in Oklahoma. About one-third of the Indian population in the United States belongs to these tribes, with more than 30,000 restricted Indians, their property including over 3,000,000 acres of valuable individually owned land. Perhaps the greatest oil field in the world has been developed in the country of the Five Tribes, from which enormous wealth has accrued to these people.

Under existing law the superintendent of these tribes is nominated by the President and confirmed by the Senate, the appointment being political. The pending bill (H. R. 108) proposes to turn over to this appointee full power and authority over this vast estate, and naturally every pressure, local and otherwise, would be brought to bear on anyone clothed with this great responsibility.

As evidence of the inability of these Indians properly to safeguard their own interests, the following is taken from the opinion of the Supreme Court in 1910 in the case of Tiger *v.* Western Investment Co. (221 U. S., 286-297):

"That full-blood Indians of the Five Tribes are, as a class, incompetent must be assumed, not only from the legislation of Congress with respect to them but from the finding of the Court of Claims, where, in the case of Brown & Gritts *v.* United States (44 C. Cls., 283), it was expressly found that full-blood Cherokees, whose right to alienate their lands was forbidden by the legislation contemporaneous with that involved in the case at bar, were, as a class, unable to speak the English language and incompetent to guard their interest from designing persons who were constantly attempting to induce them to part with their property at grossly inadequate compensation."

With respect to the Hastings bill, Arthur C. Parker, a highly intelligent Indian, engaged in important educational work for the State of New York at Albany, who is also the secretary and treasurer of the Society of American Indians, says:

"ALBANY, *March 22, 1916.*

"I desire to register my protest against the favorable consideration of H. R. 108, introduced by Congressman HASTINGS, of Oklahoma, designing to confer the authority now invested in the Secretary of the Interior and the Commissioner of Indian Affairs upon the office of the Superintendent of the Five Civilized Tribes. The condition of Indian property and the complex situation that has arisen from inheritance cases and the presence of a large number of incompetent Indians makes it of utmost importance that the administration of their affairs be retained in the hands of the Federal Government. There is precedent enough to show the danger of State control in Indian matters, where these matters are not properly adjusted and where the mass of Indians are by reason of ignorance or disability unable to protect themselves. The Oklahoma situation has been bad enough without now further providing the means for a wholesale plundering of the estates of minors and incompetents. This bill would bring injustice and be a reproach upon the Federal Government."

Another bill recently introduced by Senator JOHNSON, of South Dakota, S. 3904, by its terms proposes to confer upon tribes of Indians the right to select their superintendents and other employees. This would divest the Interior Department of the appointing power, and the Indian Service would be deprived of the wholesome restrictions provided by the civil service. Anyone familiar with Indians can readily imagine how the more dependent full bloods would thus become the easy prey of conniving mixed bloods and unscrupulous whites. As so aptly stated by Rev. Sherman Coolidge, president of the Society of American Indians, "By such law the very worst elements will seek to control Indian tribes."

Senator LANE'S bill, S. 4452, proposes legislation to abolish the position of Commissioner Indian Affairs and his assistants, creating in lieu thereof an independent bureau with three commissioners subject only to the control of Congress. This bill provides that these commissioners shall be selected from candidates to be named by all the Indian tribes of the United States "congregated in general delegate council." It is further provided that these commissioners shall exercise all the authority now vested in the Secretary of the Interior and the Commissioner of Indian Affairs.

This bill would also deprive the Indian Service of that protection now afforded by the classified civil service and would subject the Indians to the same pernicious influences as the Johnson bill, the chief difference being that one is retail and the other wholesale destruction. One may suppose that the elements most hostile to the Indians will advocate this and similar vicious legislation.

While the Secretary of the Interior and the Commissioner of Indian Affairs might gladly welcome this relief from the very onerous duties imposed upon them in connection with the administration of Indian affairs, yet these officials, moved by the high sense of public duty the Federal Government owes to its dependent Indian wards, have felt impelled to suggest the great danger to the Indians involved in the legislation contemplated by either of the three bills referred to and have pointed out that existing law is sufficient to enable the Interior Department to place on their own responsibility individual Indians who are qualified to handle their own property. "Competency commissions" are now in the field visiting various reservations where allotments in severalty have been made with a view of removing restrictions against alienation from the land belonging to those Indians found capable of withstanding the machinations of designing persons seeking to prey on members of an unsuspecting race the moment the protecting hand of the Government is lifted.

That wholesale removal of restrictions invites disaster has been amply evidenced by past experience. Should even 50 per cent of the Indians of a given tribe prove competent, is that any reason why the incompetent should be turned over to the mercy of unscrupulous land sharks?

Developments within the past few years show remarkable improvement in the administration of Indians affairs, and just as the latest theory of "individualization" begins to bear good fruit can we afford to destroy the entire structure by removing from the protetcting care of the Government even those whose feet are just beginning to tread along the pathway that leads to success?

As an earnest friend of the Indian race I trust that neither of these bills nor any similar legislation will be enacted.

Sincerely, yours,

JOSEPH H. CHOATE.

Mr. CLAPP. Mr. President, I desire at this point to add a word to what I said a moment ago, when I referred to the fact that human nature was disposed to retain authority. I would not want that to be understood as a reflection upon the present Indian Office. Of course, as a member of the Indian Committee and having once for some years served as its chairman, I have been brought very closely in contact with the Indian Office, and, so far as it might be proper, I desire to express at this time my appreciation of the efforts of that office to serve the great subject which has been committed to their charge. It is simply human nature that we shall always be loath to give up our authority and jurisdiction over others.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

CONVEYANCE OF LAND TO FLANDREAU, S. DAK.

The bill (S. 5635) authorizing the conveyance of certain land in the State of South Dakota to the town of Flandreau, in said State, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 1, line 6, after the word "land" to strike out "south one-half of lot 14 of the southwest quarter of section 21, township 107, range 47 west, Moody County, S. Dak., for the purposes of a public park," and insert "south one-half of lot 14 of the southeast quarter of section 21, township 107 north, range 48 west, fifth principal meridian, Moody County, S. Dak., which shall be permanently used as a public park or playground," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the town of Flandreau, Moody County, S. Dak., for the following-described land: South one-half of lot 14 of the southeast quarter of section 21, township 107 north, range 48 west, fifth principal meridian, Moody County, S. Dak., which shall be permanently used as a public park or playground.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. T. NANCE.

The bill (H. R. 10052) to reimburse J. T. Nance was considered as in Committee of the Whole. It proposes to pay $81.78 to J. T. Nance, postmaster at Harrodsburg, Ind., to reimburse him for losses sustained by reason of robbery of that post office.

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

MRS. JOHN A. FOX.

The bill (H. R. 14952) for the relief of Mrs. John A. Fox was considered as in Committee of the Whole. It proposes to pay $1,000 to Mrs. John A. Fox, widow of John A. Fox, postmaster at Glenarm, Oldham County, Ky., who was killed in the discharge of his duty.

Mr. SMOOT. Mr. President, I see a number of claim bills on the calendar have been referred to the Committee on Post Offices and Post Roads, which seems not to have hesitated in reporting them back to the Senate. Other bills of similar character have gone to the Committee on Claims, and I desire to ask the Senator from Florida [Mr. BRYAN], the chairman of the Committee on Claims, who is also a member of the Committee on Post Offices and Post Roads, if the policy in the future is to be changed, and if such claims bills are to be referred to the Committee on Post Offices and Post Roads?

Mr. BRYAN. Mr. President, I have observed the fact to which the Senator refers. I do not know why they were sent to the Committee on Post Offices and Post Roads.

Mr. JAMES. I think I can tell the Senator.

Mr. BRYAN. I am not speaking particularly of this bill, but there are a number of other claims bills which have been referred to the Committee on Post Offices and Post Roads and reported by that committee. Why, I do not know.

Mr. SMOOT. I am speaking of 50 or more bills of similar character on the calendar.

Mr. JAMES. Mr. President, the beneficiary of this bill is the widow of the former postmaster at Glenarm, Oldham County, Ky., who was murdered in the discharge of his duty. The bill was introduced in the House and was passed by that body. Then it came to the Senate and was referred in the usual way to the Committee on Post Offices and Post Roads.

Mr. SMOOT. In the House the bill was referred to the Committee on Claims. It subsequently passed that body, but when it came to the Senate it was referred to the Committee on Post Offices and Post Roads. It should have gone to the Committee on Claims. I was not speaking as to the justice of the claim covered by the pending bill, for I do not know anything about that; but I do know that such claims bills ought to go to the Committee on Claims.

Mr. JAMES. This is a particularly just bill.

Mr. SMOOT. I am not saying that it is not.

Mr. JAMES. As I have already stated, the postmaster was murdered in the discharge of his duty. The bill has been unanimously reported, and I hope no objection will be made to its passage.

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

Mr. JAMES. Mr. President, in connection with the bill just passed, I ask that there be printed in the RECORD the portion of the report on the bill filed by the Senate committee, covering a letter from the Postmaster General and certain affidavits.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 6, 1916.

Hon. EDWARD W. POU,
Chairman Committee on Claims, House of Representatives.

SIR: I beg to acknowledge the receipt of your letter of May 2, 1916, transmitting a copy of bill (H. R. 14952) for the relief of Mrs. John A. Fox, widow of John A. Fox, who was killed while in the performance of his duties as postmaster at Glenarm, Ky., on December 1, 1915.

Investigation by a post-office inspector disclosed that while the postmaster was engaged in making out his monthly reports he was stealthily approached from behind and shot in the head, death resulting within a few minutes. The trial of the murderer, Jack Henderson, was conducted by the State of Kentucky, resulting in a sentence of life imprisonment.

The circumstances attending the death of the postmaster are such that I am constrained to recommend favorable consideration of the bill.

Respectfully,

A. S. BURLESON, *Postmaster General.*

STATE OF KENTUCKY, *County of Oldham, sct:*

On this the 3d day of May, 1916, personally appeared before me Mamie H. Fox, who, after being first duly sworn before me according to law deposes as follows: Affiant says that she is 58 years of age and that she resides at Glenarm, Oldham County, Ky., and that she is the widow of John A. Fox, deceased. Affiant says that her deceased husband was the postmaster at Glenarm, Ky., on the 1st day of December, 1915. Affiant says that on said 1st day of December, 1915, at about 10 minutes after 4 o'clock, which day was rather dark and rainy, my husband was at the post office attending to his duties as postmaster, when a negro robber named Jack Henderson shot and killed him as he was seated at his desk at work in the post office; he was shot through the head just above the left ear and his head pitched forward on his desk; he was found in this position before he ceased breathing by Joe Kraus and his daughter Minnie Kraus, who reside at Glenarm, Oldham County, Ky. After the negro had shot my husband he robbed the post office of $5.35; this sum of money was taken from a box where my husband kept the change from the sale of stamps. The negro had failed to get the money taken in from the sale of money orders because that money was under some books in the desk drawer where my husband was sitting at the time he was shot, and where he was found at his seat, as is shown by the affidavits of Joe Kraus and Minnie Kraus, filed with this affidavit. Affiant was notified immediately of the murder and ran down to the post office. My husband was in the chair at his desk with his head and hands lying on the desk. Affiant says that the negro, Jack Henderson was tried at the February term of the Oldham Circuit Court and convicted and sentenced to the penitentiary for life. Affiant says that her deceased husband was her only support; that her father and mother are both dead, and that she has no children. Affiant says that the only property of any kind she owns is a four-room cottage and 2 acres of ground located at Glenarm, Ky., which is worth about $500 in money. Affiant says that she is in bad health and in needy circumstances, and for this reason she needs assistance from the Government in her old days.

MAMIE H. FOX.

Subscribed and sworn to before me by Mamie H. Fox this 3d day of May, 1916.

[SEAL.] T. T. MAGEE,
Notary Public, Oldham County, Ky.

My commission expires February 7, 1920.

STATE OF KENTUCKY, *County of Oldham, sct:*

On this the 3d day of May, 1916, personally appeared before me Joe Kraus, who, after first being duly sworn according to law, says that his age is 45 years, and that he resides at Glenarm, Oldham County, Ky. Affiant says the he is well acquainted with Mrs. John A. Fox and that he knew her deceased husband, John A. Fox, for some years prior to his death.

Affiant says that his house is located about 200 yards from the post office at Glenarm, Oldham County, Ky. He says that the L. & E. Railway Co.'s tracks parallel the tracks of the L. & N. Railroad Co. at Glenarm, Ky., and that the L. & E. Co's station is about 300 yards west or closer to Louisville than the post office. Affiant says that on the 1st day of December, 1915, he and his daughter, Minnie Kraus, were in Louisville, Ky., and that they went to their home at Glenarm on the L. & E. Railway car, and got off at the L. & E. station, which is about 300 yards west of the post office, at about 10 minutes after 4 o'clock, and started to the post office to get their mail before going to their home. As they got off the car and started toward the post office, affiant noticed a negro named Jack Henderson within a couple of feet of the post-office door. The negro came toward the affiant and his daughter, and as he approached them affiant noticed him pull his cap down over his eyes. Affiant and daughter proceeded to the post office. As I entered the post-office door I saw at a glance that John A. Fox, the postmaster, had been murdered; he was still breathing; he had been shot with a .32-caliber pistol. There were no other person or persons about the post office. I told my daughter to run across to my house and get my pistol. I kept my eye on the negro. When she returned with my pistol I started after the negro. As I advanced on him he began to run, me after him, running the faster; he jumped over into a corn field, affiant after him; he ran into a negro cabin. As he did so I went right in after him, put the pistol on him, and marched him in front of me back to the post office, locked him up in the telephone booth; the negro was turned over to the sheriff; the negro had robbed the post office of $5.35.

The negro was tried and convicted in the Oldham circuit court at the February term of court and sentenced to the penitentiary for life.

JOE KRAUS.

Subscribed and sworn to before me by Joe Kraus this the 3d day of May, 1916.

[SEAL.] FRED STARCK,
Notary Public, Jefferson County, Ky.

STATE OF KENTUCKY,
County of Oldham, ss:

On this the 3d day of May, 1916, personally appeared before me Minnie Kraus, who, after being duly sworn according to law, says that she is 22 years of age, and that she resides at Glenarm, Oldham County, Ky.; she says that she and her father, Joe Kraus, got off of a L. & E. car at the interurban station, which is about 300 yards west or closer to Louisville than the post office at Glenarm, Oldham County, Ky., going to their home, which is about 100 yards from the post office, on the 1st day of December, 1915, and that they noticed a negro about 2 feet from the post-office door; that the negro came directly toward affiant and her father, the negro coming away from the post office and affiant and her father going toward the post office, and they passed the negro on the path leading up to the post office. The negro pulled his cap down closer over his eyes as he approached affiant and her father. The place where affiant and her father got off the L. & E. car is about 300 yards west of the post office. It was about 10 minutes after 4 o'clock p. m. when affiant got to the post office and opened the door. Affiant saw that the postmaster, John A. Fox, had been killed. He was still breathing; he had been shot through the head. There were no person or persons about the post office at the time. Affiant was directed by her father to go after his pistol, and affiant did so just as quick as she could, gave it to her father, and her father started after the negro, and after a chase brought the negro back and locked him up in the telephone booth, and that the negro, who turned out to be Jack Henderson, was tried and convicted at the February term of the Oldham circuit court and sent to the penitentiary for life.

The negro had robbed the post office of about $5.35, which sum of money was found on his person when his pockets were examined.

This affiant says that on the afternoon of the murder she had been to Louisville, Ky., and she and her father, Joe Kraus, were together and alighted from the car together; she says that it was raining at the time, and it was a dark and gloomy afternoon.

MINNIE KRAUS.

Subscribed and sworn to before me by Minnie Kraus this the 3d day of May, 1916.

[SEAL.] FRED STARCK,
Notary Public, Jefferson County, Ky.

AQUILA NEBEKER.

The bill (S. 5632) for the relief of Aquila Nebeker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized in his discretion, to accept title to the following described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor: The south half of the southeast quarter of section 3; the northeast quarter of the northeast quarter and the south half of the southwest quarter of section 10; the north half of the northeast quarter of section 15, all in township 12 north, range 4 east; the south half of the northwest quarter and the northwest quarter of the southwest quarter of section 14, township 13 north, range 4 east; lots 1, 2, 3, and 4 and the south half of the northwest quarter and all of the southwest quarter of section 4; all of section 9; and the north half of section 16; all in township 14 north, range 4 east of Salt Lake base and meridian, situate in the Cache National Forest; and to issue to Aquila Nebeker in lieu thereof patents to the following descriped areas, or to such parts thereof as are approximately equal in value to the lands conveyed: The south half of the northeast quarter and all of the southeast quarter of section 11; the southwest quarter of section 12; all of section 13, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, and all of the southeast quarter of section 14; the northeast quarter of section 23; and the north half of section 24; all in township 13 north, range 4 east of Salt Lake base

and meridian: *Provided*, That the lands conveyed to the Government shall thereupon become parts of the Cache National Forest and subject to all laws and regulations applicable thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLIVER C. RICE.

The bill (S. 4915) for the relief of Oliver C. Rice was announced as next in order.

Mr. BRYAN. Mr. President, I should like to inquire of the Senator who reported this bill, why there has been omitted the usual provision to the effect that the passage of the bill should not entitle the person for whose benefit it is passed to back pay? I notice in other bills of this character such a provision is included; but it has not been included in this bill; and it occurs to me that perhaps, if this gentleman gets his record straightened out and is considered as an honorably discharged soldier, he can make claim for pay back to the date of the war. I want to know why that exception was made in the case of this individual?

Mr. MYERS. Mr. President, I reported the bill, but I know nothing about it. The bill was introduced by the late Senator from Indiana, Mr. Shively, and was passed on by the Military Affairs Committee of the Senate. I was simply requested to report it, and I did so. If the Senator thinks that the provision to which he has referred ought to be in the bill, he can move an amendment to that effect. The committee did not put it in, but I do not know why it was omitted.

Mr. BRYAN. That is the way in which it was reported, and therefore I ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

ORION MATHEWS.

The bill (S. 2388) for the relief of Orion Mathews was considered as in Committee of the Whole. It provides that in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, Orion Mathews, late of Battery D, Second Regiment United States Artillery, shall be held and considered to have been honorably discharged as a private from that battery and regiment on the 22d day of March, 1865; but no pension shall accrue prior to the passage of this act.

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

BILL PASSED OVER.

The bill (S. 4320) to remove the charge of desertion against James B. Smock was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

WILLIAM GUY.

The bill (H. R. 11939) for the relief of William Guy was announced as next in order.

Mr. BRYAN. Mr. President, I should like to ask what was the recommendation of the Department of the Interior in the case of that bill?

Mr. SMOOT. That is rather a strange bill. I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

J. M. POTTER.

The bill (H. R. 9375) for the relief of J. M. Potter was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury of the United States not otherwise appropriated, to J. M. Potter, of Pikeville, Pike County, Ky., the sum of $140, as a reimbursement for expenses incurred for surgical and medical aid and hospital fees in having wounds treated which were received while in the discharge of his duties as deputy United States marshal, and for loss of time, suffering, and permanent disability resulting from said wounds.

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

BARKENTINE "MABEL I. MEYERS."

The bill (H. R. 11129) for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 13, after the word "appeal," to insert "*Provided*, That no award or judgment shall be made for prospective profits," so as to make the bill read:

Be it enacted, etc., That the claim of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and the claim of the owners of the cargo of molasses late on board said barkentine, in alleged collision with the U. S. S. *Nebraska* about 30 miles southeast of Cape Cod, Mass., on the 30th day of July, 1915, for and on account of the losses alleged to have been suffered in said collision by the owners of said barkentine and by her master and crew, and by the owners of said cargo, may be submitted to the United States Court for the District of Massachusetts, the district nearest to which the collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty. And that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal: *Provided*, That no award or judgment shall be made for prospective profits.

SEC. 2. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRYAN. Mr. President, I move that order of business 283, being Senate bill 3270, with a similar title, be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

AMENDMENT OF THE PATENT LAWS.

The bill (H. R. 13982) to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens was considered as in Committee of the Whole.

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

MINNESOTA & ONTARIO POWER CO.

The bill (H. R. 2555) for the relief of the Minnesota & Ontario Power Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to the Minnesota & Ontario Power Co., a corporation organized under the laws of the State of Minnesota, from any moneys in the Treasury not otherwise appropriated, the sum of $714.66, the same being duties paid by the said Minnesota & Ontario Power Co. to the collector of customs for the district of Minnesota on May 31, 1912, on certain boilers and machinery especially imported from Canada for the equipment of a steam barge operating in the Rainy River between Minnesota and Ontario, said boilers and machinery having been refused for such use in the United States by the Secretary of Commerce and Labor, and at once having been returned to Canada without being used for any purpose in the United States.

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

BILLS AND JOINT RESOLUTION PASSED OVER.

The bill (S. 4836) for the relief of Daniel O'Connell was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. OVERMAN. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

The joint resolution (S. J. Res. 92) relative to the construction on the site selected of the central heating, lighting, and power plant authorized by the provisions of the sundry civil appropriation act approved June 23, 1913, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 6352) for the relief of David Steers, alias William Johnson, alias John Hartman, was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely.

Mr. OVERMAN. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. The bill will be postponed indefinitely.

GARDINER L. EASTMAN.

The bill (S. 5203) for the relief of Gardiner L. Eastman was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Gardiner L. Eastman, who was a private of Company H, Thirtieth Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 16th day of June, 1865: *Provided*, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act.

Mr. OVERMAN. Let that bill go over. This man was dishonorably discharged.

Mr. JOHNSON of Maine. Mr. President, I should like to call the Senator's attention to the fact——

Mr. OVERMAN. I simply wanted an explanation of the bill. I withdraw my objection.

Mr. JOHNSON of Maine. I will say that the committee had very fully investigated this matter and considered the reports from the War Department.

Mr. OVERMAN. I saw that he was dishonorably discharged.

Mr. JOHNSON of Maine. The reason was simply this: He was on the picket line and a musket was discharged, and he thought it was a signal to come in. The others came in, and he came into the camp. He had served three years and three months and then reenlisted. He came into camp, and was court-martialed for deserting his post, and was dishonorably discharged.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Gardiner L. Eastman."

ORION MATHEWS.

Mr. GALLINGER. Mr. President, the proviso in the bill we have just passed is precisely as it ought to be in all similar bills:

Provided, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act.

In the case of Order of Business 655, it simply says:

Provided, That no pension shall accrue prior to the passage of this act.

I ask that the vote whereby that bill was passed be reconsidered, and that language be substituted.

The PRESIDING OFFICER. The question is upon the reconsideration of the votes whereby order of business 655, Senate bill 2388, for the relief of Orion Mathews, was passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. Now I move to strike out the words: "*Provided*, That no pension shall accrue prior to the passage of this act," and insert the words:

Provided, That no pay, pension, bounty, nor other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING, PITTSBURGH, PA.

The bill (S. 6601) for the enlargement of the post-office building in Pittsburgh, Pa., was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to cause the present old post-office building at Pittsburgh, Pa., to be enlarged, extended, remodeled, and improved for the better accommodation of the post office and other governmental offices, at a cost not exceeding $50,000, including all changes in, extension of, or additions and repairs to the mechanical equipment which may become necessary by reason of or incident to such enlargement, extension, remodeling, or repairs of said building, or which it may be found expedient to make to such mechanical equipment because of such enlargement, extension, remodeling, or repair of said building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said building, grounds, approaches, and mechanical equipment of such building as extended. And the Secretary of the Treasury is further authorized, in his discretion, to disregard the provisions requiring 40 feet open space for fire protection.

Mr. WALSH. Mr. President, I should like to learn from some member of the Committee on Public Buildings and Grounds, to which bills of this nature are referred, how it comes about that a bill of this kind is reported as a separate bill. My understanding about the matter is that all the bills making appropriaions for public buildings throughout the country eventually take the form of an omnibus bill, just the same as all of the pension bills take the form of an omnibus pension bill. A few weeks ago we passed here a bill making appropriations for a public building at Bingham Canyon, Utah, and that and the bill before us are the only individual bills for post-office construction.

Mr. SMOOT. The Senator is mistaken about that. Only day before yesterday a bill for a public building for Ohio was passed here by unanimous consent. They are only passed in cases where there is an emergency. For instance, one was passed for West Virginia. One was passed for Arizona carrying $325,000. I have one here for Park City, Utah. The building was authorized eight years ago.

Mr. WALSH. Can the Senator tell me what the particular emergency was at Tucson, Ariz.?

Mr. SMOOT. I do not know whether there was any emergency or not, but it passed the Senate.

Mr. WALSH. I am simply struggling to learn. I have not been able to get any special reports from the committee upon any Montana bills, being always advised that they would go in the omnibus public buildings bill; and I wanted to learn the secret.

Mr. OLIVER. Mr. President, I think I can explain to the Senator's satisfaction about this particular case. This bill was sent to me by Assistant Secretary Newton. It relates to a post-office building in my own city, and it was sent to me by the Assistant Secretary of the Treasury with the request that I introduce it.

It has now been nearly 10 years since a site was purchased in the city of Pittsburgh for the erection of a new post-office building, which was then an urgent case. Owing to a grievous mistake in the selection of the tract which was purchased, and which was entirely unsuitable, the matter has lain dormant ever since. In the meantime the business of the post office has more than quadrupled. I suppose it is almost ten times what it was at that time; and with the introduction of the Parcel Post System the congestion is so great that something must be done immediately.

I will read what the Assistant Secretary said in his communication to the committee:

SIR: In response to your recent request the following report is submitted on S. 6601, which provides for the enlargement of the post-office building at Pittsburgh, Pa.

From information received by this department, the quarters occupied by the post office in the present building are very much congested and additional working space is urgently needed. The Post Office Department recommends the construction of an extension on the rear of the present building for a receiving and delivering shed. Under the present arrangement only four vehicles can be accommodated at one time, resulting in much delay in loading and unloading the mails. Under the proposed scheme 17 vehicles will be accommodated at one time.

The proposed shed is to be two stories in height, about 161 feet long and 43 feet wide, the lower story being used as a driveway extending the full length of the building and connecting with the street on the north and south of the site, with about 3,500 square feet working space opening out onto a platform alongside the driveway. The upper story will cover the entire area of the structure and extend out over the driveway, thus furnishing additional space of about 6,000 square feet.

It is estimated that an extension as indicated above, of substantial construction, can be completed for the sum of $50,000, including the necessary alterations in the present building.

I will state that this is all temporary in its nature. In the early future a new building will be erected there, but something must be done at once, and it is proposed, if this bill is passed, that this addition will be constructed and in use before the snow flies.

Mr. WALSH. Just one other question. An emergency seems to exist in this case, from the statement made by the distinguished Senator from Pennsylvania. Let me inquire if he is a member of the Committee on Public Buildings and Grounds?

Mr. OLIVER. I am not a member of that committee.

Mr. WALSH. Is the Senator's colleague, possibly?

Mr. OLIVER. No; neither of us is a member of it. This bill was sent to me, and the chairman of the Committee on Public Buildings and Grounds referred it to the department, received this communication from the department, and then was kind enough to poll the committee on it, and every member of the committee who was applied to agreed to a favorable report on the bill.

Mr. WALSH. I made the inquiry simply with a desire to find the secret, if I could.

Mr. OVERMAN. Mr. President, it is usual to have an omnibus bill prepared by the House. No public building bill that is passed here ever goes through the House as a separate proposition. The House of Representatives prepares the omni-

bus bill, and if this bill passes here it goes before the House Committee on Public Buildings and Grounds and meets with their approval; they then put it in the omnibus bill and send the omnibus bill back here, probably with this bill in it, if they favor it. That is the rule.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

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

BILLS PASSED OVER.

The bill (H. R. 14889) for the relief of the heirs of Jackson J. Mash, deceased, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

HIRAM P. GEASLIN.

The bill (H. R. 7396) for the relief of Hiram P. Geaslin was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to credit the accounts of or to pay, out of any money in the Treasury not otherwise appropriated, to Hiram P. Geaslin, of Hornersville, Mo., the sum of $81.71, being the value of documentary stamps taken from his custody as postmaster at Hornersville, Mo., by burglars on the 6th day of April, 1915.

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

BUREAU OF LABOR SAFETY, DEPARTMENT OF LABOR.

The bill (H. R. 153) to create a bureau of labor safety in the Department of Labor was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SMITH of Georgia. Mr. President, I ask the Senator to withdraw his objection for just a moment.

Mr. SMOOT. Did the Senator offer the amendment that was suggested the other day?

Mr. SMITH of Georgia. I wanted to let the Senate understand that I am not going to support the bill as providing for a bureau. I was authorized by the committee to make certain further investigations; and, first, I am going to change it by changing the bureau to a division. Instead of having a $5,000 salary for its head, I am going to ask that it be a chief of a division, with a salary of $2,500. In the next place, I am going to ask that it be amended so as to exclude from its provisions the Bureau of Mines. In the next place, I am going to ask that it be amended—and I have the amendment ready—so as to except all railroad appliances, and take out from under its operation appliances incident to railroad service. In the next place, I am going to ask that it be amended so as to eliminate diseases, so as to leave diseases just where they are, and limit it simply to a collection and study of safety appliances where we are doing nothing already. I mention this because I thought it would remove the objection to the bill.

Mr. SMOOT I think more than likely it will, so far as I am concerned; but I will say to the Senator that unless those changes were made I shall not favor the bill.

Mr. SMITH of Georgia. Unless those changes are made I shall not support the bill myself.

Mr. NELSON. In view of all the amendments the Senator desires to submit—and I think they are good amendments—the bill ought to be reprinted. Would it not be well to recommit the bill and prepare it in committee?

Mr. SMITH of Georgia. They are very simple amendments, and they can be put into this bill in five minutes.

Mr. NELSON. Very well.

Mr. GALLINGER. I will ask the Senator if he has any objection, after the word "law," in line 10, to insert the words "to be selected from the eligible list of the Civil Service Commission."

Mr. SMITH of Georgia. Not the slightest. My change puts them all under the civil service. The chief of the division will be under the civil service. It will not be a presidential appointment. I am simply reducing them to an ordinary division in the department and limiting the work to a study of subjects not elsewhere provided for.

Mr. GALLINGER. So the chief of the division would have no authority to go outside of the civil service and make appointments.

Mr. SMITH of Georgia. No.

Mr. GALLINGER. If that be so, my amendment is not necessary.

Mr. SMITH of Georgia. I think the amendment is not necessary. The language used was intended to limit to the civil service; but if it does not, I will offer an amendment covering it.

Mr. OLIVER. I suggest in view of the many amendments which I think will render the bill acceptable that it be offered and printed and then let the bill go over.

Mr. SMITH of Georgia. I think the suggestion wise, and I will offer them now and let the bill be reprinted.

Mr. OLIVER. Let the bill be considered and the amendments be offered and then let the bill go over.

Mr. NELSON. I suggest that it would be much better to submit the bill in an entirety in the form of a substitute. It would be much easier to consider a substitute to the bill and have the substitute embrace all the changes that are desired.

Mr. OVERMAN. I ask the Senator to allow it to go back to the committee, because there are so many amendments I think it would be better to bring in a substitute.

Mr. SMITH of Georgia. I will ask, in view of the suggestion of Senators, that the bill be recommitted.

The PRESIDING OFFICER. The question is on the motion to recommit the bill.

The motion was agreed to.

COMPENSATION OF EMPLOYEES FOR INJURIES.

The bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes, was announced as next in order.

Mr. SMOOT. I have no objection to the bill, but there are Senators who desire to offer amendments to it, and it is a long bill. Let it go over.

Mr. SMITH of Georgia. I wish to state to Senators that there is one amendment that I wish to offer. I wish to provide by amendment that the present force of the employees in the Department of Labor who are engaged in this work shall be transferred to the new work and be made a part of the new work.

Mr. GALLINGER. Mr. President, I want to commend the suggestion of the Senator from Georgia. I was greatly pleased to find that the Senator from Georgia had decided not to create another bureau but a division in connection with the bill just recommitted. So in this case, I think, we ought to be very careful and transfer these officials and not leave it open so that additional appointments may be made.

Mr. SMITH of Georgia. Mr. President, just one moment before the bill goes over. I have given a good deal of thought to it, and I rather think it would be better to have three men. It is a semijudicial work in passing upon these claims. The committee put in a provision at my suggestion which recognizes an entirely new principle in compensation that is resisted by a good many other friends of compensation, but I am sure it is right.

We have an amendment which provides that this commission where they find that the injury resulted in whole or in part from the negligence of the employee injured may reduce the amount of the compensation allowed in the bill in proportion to such negligence, and that the total reduction shall not be more than 25 per cent. I put the amount small. I have still left him enough to live. We only make the reduction in case there is not a death, and yet we believe there should be what I believe is a most essential principle that has been omitted in these compensation acts, some lessening of the compensation to the man whose own negligence brings on the casualty.

Mr. OVERMAN. What is the difference between this bill and the compensation bill reported by the Judiciary Committee which is now on the calendar?

Mr. SMITH of Georgia. I think it is a much more complete bill. I think it is a much more comprehensive bill. I am not responsible for the draft of this bill. There is an organization in New York City which is devoted to philanthropic purposes and to compensation legislation, and it has helped to prepare the compensation bills for most of the States of the Union. I think they prepared the original bill, and the House worked over it and perfected it. It is one of the most comprehensive and philosophic bills and the most complete that I have ever studied. Our amendment contains a principle that I think ought to be in all these compensation bills, some small lessening of the compensation when the man's own negligence causes the accident. We have put it in by way of amendment in this bill, but in no case is it to be more than 25 per cent of the amount allowed, to be lessened according to the degree of his negligence, and not to apply if he is killed and the money goes to his wife and children.

Mr. WALSH. Mr. President, I venture to express the hope that the distinguished chairman of the committee will reflect further upon that provision of the bill, and I feel entirely satisfied that the more thought he gives to it the more firm will become his conviction that it is unsound in principle.

Mr. President, the chief reason or at least one of the chief reasons for substituting the principle of compensation for all

instead of the present method of exacting reparation upon the ground of liability is that recovery is defeated almost invariably in cases of alleged contributory negligence.

The Senator from Georgia, I am sure, has had a large experience in the trial of cases of this character. I am sure his experience will convince him that it often happens that a man is technically guilty of contributory negligence when really it is a misfortune, and that he should not be denied a recovery on that ground. There are many things in the infinite division of labor that go to distract the attention of a man for an instant. For instance, his hand comes up against a saw or a man engaged in any other dangerous occupation is guilty of negligence; of course he ought to have been attending to his duty but we are all frail, we forget about it; we do not give the attention that we should. It often happens that a man's negligence is entirely excusable—that is, it is something that diverted his attention at the time when it ought to have been riveted upon his work.

It is rather the frailty of the human mind; and what is more significant, Mr. President, it exists in different and varying degrees in different people. Some people have the great power of concentration, and they are not readily diverted; others, of less strong mental make-up, of less vigorous mentality, are more easily diverted. Of course the hard, studious man is the man who is able to concentrate his attention on what is before him and keep it there, but the man of less restraint permits his attention to be diverted from the matter in hand.

Then again——

Mr. SMOOT. Mr. President, I objected to the consideration of the bill. Will the Senator not allow us to go on with the calendar now? The bill will be up for consideration again, as the Senator knows. I do not like to take the Senator off his feet, but——

Mr. WALSH. I did not intend to trespass upon the attention of the Senate to-day, but I was afraid I would not be here the next time the bill came up.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. SMITH of Georgia. Mr. President, just one word. I have given much thought to this subject and my views are matured in favor of some reduction of compensation to the party injured by his own negligence.

EMPLOYMENT OF FEDERAL PRISONERS.

The joint resolution (S. J. Res. 151) authorizing the appointment of a special joint commission of the Senate and House of Representatives to investigate the employment of Federal prisoners in industrial occupations for the benefit of the Government of the United States was considered as in Committee of the Whole.

It had been reported from the Committee on the Judiciary with an amendment, on page 2, line 3, to strike out "advantageously" and insert "judiciously," so as to make the joint resolution read:

Resolved, etc., That a special joint commission, to be composed of two Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is hereby created for the purposes of ascertaining—

First. To what industrial occupations the Federal prisoners of the Government of the United States can be most judiciously employed.

Second. What articles of manufacture now being used or in contemplation of use by the Government such prison labor is best adapted.

Third. The extent to which the Government should engage in such industrial activities for the sole use and benefit of the Government.

Fourth. The extent of the competition of such activities on the part of the Government with free labor in the country.

Fifth. The feasibility and justice of compensation to Federal prisoners or their dependents while incarcerated in said prisons out of any profits that may accrue to the Government from such industrial activities.

Sixth. The cost of installing the necessary machinery and the other equipment necessary to carry on such enterprises in said prisons.

SEC. 2. That said special joint commission shall make said investigation during the interim of the adjournment of the present session of Congress and the convening of the second session of this Congress, filing its report not later than the second Monday in December next.

SEC. 3. That for the necessary expenses incident to the investigation aforesaid not to exceed $5,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of the joint commission.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ADJUDICATION OF PRIVATE CLAIMS.

The bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government was announced as next in order.

Mr. SMOOT. I ask that the bill may go over to-day.

The PRESIDING OFFICER. Objection being made, the bill will go over.

ANNUITIES OF SIOUX INDIANS.

The bill (S. 135) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, in section 1, page 2, line 13, after the word "act," to insert "without interest," and in line 14, after the word "include," to strike out "the present value of the same and the" and insert "principal or"; so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837 (7 Stats. L., p. 538), and August 5, 1851 (10 Stats. L., p. 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act without interest and shall determine and include principal or capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

SEC. 2. That upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

SEC. 3. That proceedings shall be commenced by petition, verified by the attorney or firm of attorneys so authorized by John Eastman, assignee of Charles A. Eastman or Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, and said suit shall be conducted by said attorney or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

SEC. 4. That the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of $2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said case in the taking of testimony therein and defraying the expenses of printing incidental thereto.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 2208) for the relief of James L. Yokum was announced as next in order.

Mr. BRYAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 6698) for the relief of Edward L. Keyes was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

SUITS UNDER REVENUE LAW.

The bill (H. R. 14299) to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was considered as in Committee of the Whole. It proposes to amend section 33 of an act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, so as to read:

SEC. 33. That when any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law, or is commenced against any person holding property or estate by title derived from any such officer and affects the validity of any such revenue law, or against any officer of the courts of the United States for or on account of any act done under color of his office or in the performance of his

duties as such officer, or when any civil suit or criminal prosecution is commenced against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty in executing any order of such House, the said suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court next to be holden in the district where the same is pending upon the petition of such defendant to said district court and in the following manner: Said petition shall set forth the nature of the suit or prosecution and be verified by affidavit and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced or of the United States stating that, as counsel for the petitioner, he has examined the proceedings against him and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said district court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the district court and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpœna, petition, or any other process except capias, the clerk of the district court shall issue a writ of certiorari to the State court requiring it to send to the district court the record and the proceedings in the cause. When it is commenced by capias or by any other similar form of proceedings by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court or left at his office by the marshal of the district or his deputy or by some other person duly authorized thereto: and thereupon it shall be the duty of the State court to stay all further proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the district court, and any further proceedings, trial, or judgment therein in the State court shall be void. If the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause, according to law and the order of the district court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the district court that no copy of the record and proceedings therein in the State court can be obtained, the district court may allow and require the plaintiff to proceed de novo and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said district court. On failure of the plaintiff so to proceed, judgment of non prosequitur may be rendered against him, with costs for the defendant.

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

HOMESTEAD RESIDENCE OF SOLDIERS.

The joint resolution (S. J. Res. 147) extending the provisions of the act approved June 16, 1898, was considered as in Committee of the Whole. It provides that the provisions of the act approved June 16, 1898 (30 Stats. L., p. 473), shall be applicable in all cases of military service rendered in connection with operations in Mexico or along the border thereof, whether such service be in the regular military or naval organization of the United States or the militia of the several States, and whether or not a state of war may exist or may have been declared.

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

AMERICAN NURSES' ASSOCIATION.

The bill (S. 6667), to incorporate the American Nurses' Association, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That Annie W. Goodrich, Adda Eldredge, Elsie M. Lawler, Katherine De Witt, M. Louise Rwiss, Helen B. Criswell, S. Lillian Clayton, Jane A. Delano, Mary M. Riddle, Ella Phillips Crandall, Mathild Krueger, and their associates and successors are hereby created a body corporate in the District of Columbia.

SEC. 2. That the name of this corporation shall be "The American Nurses' Association," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to adopt and use a common seal and to alter the same at pleasure; to acquire by devise, bequest, or otherwise and to have and to hold such real and personal estate as shall be deemed advisable; to administer all funds and property held for the purposes of the corporation; to mortgage or otherwise encumber, should it be necessary so to do, the real estate which it may hereafter own or acquire, and to give therefor such evidence of indebtedness as such corporation may decide upon; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof; and generally to do all such acts and things (including the establishment of regulations for the election of associate and successors) as may be necessary to carry into effect the provisions of this act and to promote the purposes of said organization.

SEC. 3. That the purposes of this corporation are and shall be to promote the professional and educational advancement of nurses in every proper way; to establish and maintain a code of ethics among nurses; to elevate the standard of nursing education; to distribute relief to such nurses as may become ill, disabled, or destitute; to disseminate information on the subject of nursing by publications in official periodicals or otherwise; to bring into communication with each other the various nurses and associations and federations of nurses throughout the United States of America; and to succeed to all the rights and property held by the American Nurses' Association as a corporation duly incorporated under and by virtue of the laws of the State of New York.

SEC. 4. That the corporation may adopt by-laws for the admission and qualification of members, the election of officers, the management of its property, and the regulation of its affairs, with a governing body so constituted as may be deemed advisable, and with power to amend by-laws at pleasure.

SEC. 5. That the principal office of the corporation shall be located at Washington, in the District of Columbia, but offices may be maintained and meetings of the corporation may be held at such times and places as the corporation may designate, and meetings of the directors, or such other officers as constitute the governing body, may be held at such times and places as they shall designate.

SEC. 6. That Congress shall have the right to repeal, alter, or amend this act at any time.

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

ILLINOIS CENTRAL RAILROAD CO.

The bill (H. R. 10546) for the relief of the Illinois Central Railroad Co., and for other purposes, was considered as in Committee of the Whole. It proposes to pay $100 to reimburse the Illinois Central Railroad Co. for the payment by it of a fine of like amount levied and collected by the Secretary of the Treasury for failure on the part of the railroad company to clear a shipment of household goods originating in Habana, Cuba, and destined to Edmondton, Alberta, Canada, through the United States customs at Portal, N. Dak., it having been ascertained by the Secretary of the Treasury subsequent to the payment of the fine by the carrier that the shipment had been duly cleared through the United States customs at Noyes, Minn., and that no customs duties were due or collectable thereon.

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

ACTIONS FOR DEATH ON THE HIGH SEAS.

The bill (S. 4288) relating to the maintenance of actions for death on the high seas and other navigable waters was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 3, page 2, line 7, after the word "within," to strike out "one year" and to insert "two years"; in line 12, after the words "period of," to strike out "one year" and insert "two years"; and, in line 15, after the word "offered" and the period, to strike out "After said period of one year it shall be barred as to an innocent purchaser for value without notice," so as to make the section read:

SEC. 3. That such suit shall be begun within two years from the date of such wrongful act, neglect, or default, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged; but after the expiration of such period of two years the right of action hereby given shall not be deemed to have lapsed until 90 days after a reasonable opportunity to secure jurisdiction has offered.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to insert:

SEC. 7. That this act shall not affect any pending suit, action, or proceeding.

The amendment was agreed to.

Mr. WALSH. Mr. President, before final action is taken on this bill I desire to say that the question was raised in the Judiciary Committee, by which the bill was considered, as to whether it is within the power of the Government of the United States to create the liability which would come into existence under an act of this character in case of accidents happening upon the high seas upon a vessel belonging to some other country and sailing under a flag other than our own. I have not been convinced that the jurisdiction of our Government extends so far. It is my own impression that the act will be applicable only to vessels of United States registry; but in terms the bill applies to all vessels. I dare say that no harm will be done by the passage of the bill in the comprehensive form in which it has been reported, although it might as well be understood that there is a serious question as to whether or not it can ever be made applicable to ships other than ships of the United States.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SHOSHONE TRIBE OF INDIANS IN WYOMING.

The bill (S. 6526) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming may have or claim to have against the United States under the treaty between the United States and said Shoshone Tribe ratified February 26, 1869, or under any other laws or treaties, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the rights of said Shoshone Tribe in and to said reservation and for determination of the amounts, if any, of the funds of said Shoshone Tribe which have been wrongfully paid by the United States to the Arapahoe Tribe of Indians residing on said reservation, and for determination of the amounts, if any, due to said

Shoshone Tribe from the United States for the use and occupancy of said reservation by said Arapahoe Tribe, and for determination of the amounts, if any, due to said Shoshone Tribe from the United States for portions of said reservation, if any, which have been appropriated by the United States for said Arapahoe Tribe or individual members thereof; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal and equitable claims, if any, of said Shoshone Tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim, including gratuities, which the United States may have against said Shoshone Tribe, and to enter judgment thereon: *Provided*, That if it be found that the United States Government has wrongfully appropriated any part or parcel of said reservation for the said Arapahoe Tribe of Indians or individual members thereof, judgment for damages in respect thereto, if any, shall be confined to the value of the land at the time of said appropriation, together with interest at the rate of 3 per cent per annum thereon to the date of the decree of the Court of Claims rendered in respect thereto, less any legal or equitable set-offs or counterclaims, including gratuities, which the United States Government may have against the said Shoshone Tribe of Indians. The judgment of the Court of Claims in this matter rendered, when satisfied, shall annul and cancel all claims and title of the said Shoshone Tribe in and to said lands, as well as all other matters and things adjudicated and authorized to be adjudicated by the Court of Claims, as herein provided. The Court of Claims shall advance said cause upon the docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of said Shoshone Tribe and of the United States in the premises, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof shall be a full settlement of all claims of said Shoshone Tribe against the United States. Such cause shall be commenced within one year after the passage of this act, and in such cause the said Shoshone Tribe shall be party plaintiff and the United States shall be party defendant; and the petition setting forth the cause of said Shoshone Tribe shall be verified by the attorneys employed by said Shoshone Tribe to prosecute their claims under this act under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by law, upon information and belief as to the facts alleged therein, and no other verification to said petition shall be necessary. The Attorney General of the United States is hereby directed to appear in said cause in behalf of the United States. Upon the final determination of said cause the Court of Claims shall decree such fees as the court shall find reasonable to be paid to the attorneys employed by said Shoshone Tribe, and the same shall be paid out of any sum or sums found due to said Shoshone Tribe, or out of any sum or sums which may be placed to the credit of said Shoshone Tribe as a result of said cause: *Provided*, That in no case shall the fees decreed by said court be in excess of the amount stipulated in the approved contract nor amount to more than 10 per cent of the amount and value of the judgment recovered in said cause: *Provided further*, That all sums of money which may be found to be due and recovered for the Shoshone Tribe of Indians under the provisions of this act, less attorney's fees, shall be placed to the credit of said Indians in the Treasury of the United States at 3 per cent interest per annum, subject to such disposition as Congress may direct.

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

LIENS OF JUDGMENTS AND DECREES OF COURTS.

The bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888," was considered as in Committee of the Whole.

Mr. BRYAN. Mr. President, what is the effect of this bill?

Mr. NELSON. It is really a local bill pertaining to the State of Louisiana. A special law was passed by that State several years ago in respect of the filing of liens of judgments. This bill is to repeal that law, and it only affects that State.

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

BILLS PASSED OVER.

Mr. SMOOT. Mr. President, at the request of a number of Senators, I ask that Orders of Business Nos. 685 and 688, being respectively House bill 204 and Senate bill 5885, be passed over.

The PRESIDING OFFICER. Being objected to, the bills will be passed over.

The bill (S. 4857) granting an extension of patent to Thomas A. Dicks was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

MONUMENT IN ARLINGTON NATIONAL CEMETERY, VA.

The joint resolution (S. J. Res. 143) granting permission for the erection of a monument in the Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War was considered as in Committee of the Whole. It proposes to grant permission to the Ladies' Auxiliary, Ancient Order of Hibernians in America, to erect a monument in Arlington National Cemetery, Va., to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War, records of whose services are authenticated and in possession of said ladies' auxiliary; and it directs the Secretary of War to select a suitable site or location upon which to erect the monument; but the monument shall be erected without expense to the Government, and be presented to the people of the United States by the Ladies' Auxiliary, Ancient Order of Hibernians in America.

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

BUSINESS PASSED OVER.

The resolution (S. Res. 168) requesting the Attorney General to examine into the facts concerning the illegal killing of seals, etc., was announced as next in order.

Mr. BRANDEGEE. Let that go over, Mr. President.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

The bill (S. 2512) to provide for the appointment of an additional district judge for the southern district of West Virginia was announced as next in order.

Mr. SMOOT. I have a number of letters in reference to that bill, and I see that the Senator from West Virginia who reported the bill is not present. I desire to interrogate him in regard to the matter, and so I ask that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

CLAIMS OF DISLOYALISTS.

The bill (S. 3700) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was considered as in Committee of the Whole. It proposes to amend the act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" by adding after the word "Army" the words "Navy, Marine Corps, and Revenue Service."

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

PUBLIC BUILDING AT PARK CITY, UTAH.

The bill (S. 6720) to increase the limit of cost of public building at Park City, Utah, was considered as in Committee of the Whole. It proposes to increase the limit of cost of the United States Federal building at Park City, Utah, $10,000, or so much thereof as may be necessary, to meet the additional cost of changes and additions to the building.

Mr. SHEPPARD. Mr. President, may I ask the Senator for what purpose is this building to be erected?

Mr. SMOOT. Mr. President, in reply to the Senator, I desire to say that it is a post-office building, to be erected at Park City. It was provided for eight years ago, with an appropriation of $30,000. There was some question concerning the title, and for some years the Government was unable to acquire proper title to the land. The Government now has secured the title, but according to the plans that were drawn for the Government the building would cost forty-nine hundred and some odd dollars more than the $30,000 appropriated. The Government now finds that everything has advanced in cost, and the department has sent a letter to the chairman of the Committee on Public Buildings and Grounds of the House requesting that before the construction be commenced an appropriation of $10,000 be made to take care of the building. They are ready to proceed with it.

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

CONGRESSIONAL CLUB OF WASHINGTON.

The bill (S. 6178) to exempt from taxation certain property of the Congressional Club in Washington, D. C., was announced as next in order.

Mr. BRANDEGEE. Mr. President, I do not care to object to the consideration of that bill if any Senator can give any reason why it should be passed. I should like to inquire why should the property of a club be exempt from taxation?

Mr. OVERMAN. And a Congressional Club at that.

Mr. BRANDEGEE. Well, as I have said, I do not care to object to the consideration of the bill, but I should like some reason given for its passage.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. Objection having been made, the bill will go over.

MANUFACTURE OF GAS IN SOUTH HILO, HAWAII.

The bill (H. R. 15777) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, as amended by Congress, relating to the granting of a franchise for the purpose of manufacturing and supplying gas in the district of South Hilo, county of Hawaii, Territory of Hawaii, was announced as next in order.

Mr. WALSH. Mr. President, we are not supplied with copies of the bill now being considered. It seems to be rather an extensive bill, and I think I will object to its consideration.

Mr. SHAFROTH. Mr. President, I hope the Senator will not object to that bill. It has been before the committee and we have waited before reporting until a member of the Public Utilities Commission of Hawaii could come to Washington. After hearing him, the committee determined that the bill as passed by the Legislature of Hawaii and as approved by the House should also be approved by the Senate. I will state to the Senator——

Mr. WALSH. Mr. President, relying as I do upon the diligence of the Senator from Colorado in respect to all these matters, and reposing the confidence that I do in his judgment, I withdraw the objection.

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Is there objection to the consideration of the bill?

Mr. MARTINE of New Jersey. Mr. President, I should like to inquire whether the franchise is to be granted to a private corporation in Honolulu?

Mr. SHAFROTH. It is to be granted to a private corporation in Honolulu, subject to regulation as to rates, and so forth, by the public-utilities commission there.

Mr. MARTINE of New Jersey. That safeguard might improve it, but on general principles I think that all public utilities of that character should belong to the municipality.

Mr. SHAFROTH. No one wants to undertake this work there except a private corporation; and that corporation will be subject to regulation as to its rates and other matters by the public-utilities commission. The act granting the franchise was passed by the Legislature of Hawaii, and that act has been approved by the House of Representatives. The House bill approving it was referred to the Senate committee, and I received a telegram from the governor of Hawaii in relation to the laying of the pipes; but I delayed reporting the bill for probably a month in order that a member of the public-utilities commission might come here and explain the matter. He came here and consented to the bill. It is agreed to by everybody, and it seems to me that it should be passed.

Mr. MARTINE of New Jersey. Very well; I will acquiesce.

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

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

HOMESTEAD RESIDENCE OF SOLDIERS.

Mr. CURTIS. Mr. President——

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

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The Senator will state it.

Mr. BRANDEGEE. Has the calendar been finished under the unanimous-consent agreement?

The PRESIDING OFFICER. Yes; it has been finished.

Mr. BRANDEGEE. I want to inquire whether Calendar No. 677, being Senate joint resolution 147, has been acted upon?

The PRESIDING OFFICER. That joint resolution was passed.

Mr. BRANDEGEE. The Chair does not mean it was passed over, but was adopted?

The PRESIDING OFFICER. The joint resolution was passed by the Senate.

Mr. BRANDEGEE. I have no objection to it whatever, but, on looking at the Statutes at Large, which this bill proposes to make applicable to the soldiers of the Regular Army and the militia now on the Mexican border, I find it refers to the act approved June 16, 1898, page 473, Thirtieth Statutes at Large. There are four acts on that page all approved on the same date, and I believe that the joint resolution should be reconsidered, and that the chapter of the statutes should be put in so as to identify it; that is all.

The PRESIDING OFFICER. Does the Senator move to reconsider the votes whereby the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed?

Mr. BRANDEGEE. I have no particular concern about it; but I wanted to call attention to the matter.

Mr. SMITH of Georgia. I should like to secure a copy of the joint resolution, and see what the trouble is.

Mr. BRANDEGEE. There is no trouble about it, except that the joint resolution on the calendar which the Senate has passed purports to extend the provisions of an act in the Thirtieth Statutes at Large, to which it refers only by the page and date of the approval of the act. There are four acts on the page of the Statutes at Large mentioned in the joint resolution.

Mr. SMITH of Georgia. Does the other language of the joint resolution so clearly indicate the particular act approved June 16, 1898, that it could be plainly identified?

Mr. BRANDEGEE. There are four acts in the Statutes at Large on the same page approved on that day, each being a separate chapter, and I say that if we insert in the joint resolution the number of the chapter as well as the date, it will serve to identify the act referred to.

Mr. SMITH of Georgia. Is the Senator prepared to suggest the designation of the chapter which should go in the joint resolution?

Mr. BRANDEGEE. I have it right here, and I can prepare it in just a minute.

The PRESIDING OFFICER. The Chair will say to the Senator from Connecticut that the reference of the joint resolution is to the provisions of the act approved June 16, 1898 (30 Stat. L., p. 473).

Mr. BRANDEGEE. I know that; but there are four acts on page 473, approved June 16, 1898. The one that is mentioned in the joint resolution is an act in relation to the giving of a man in the military service of the United States the right to have the time of his service counted in computing his residence upon a homestead taken up on the public lands, or, if he is discharged, wounded, or disabled, the time of his enlistment, not to exceed one year, may be counted as a portion of the time he is required to have resided on his land. That act is chapter 458, and if in the joint resolution, in line 4, where it says in parenthesis "[Thirtieth Statutes at Large, page 473]," we were to add the words "chapter 458," that would identify the act.

The PRESIDING OFFICER. Does the Senator move to reconsider the vote by which the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed?

Mr. SMITH of Georgia. I think it had better be reconsidered, and we had better leave the matter to the author of the resolution to take care of. I move that the action of the Senate in passing the joint resolution in the shape in which it was passed be reconsidered.

Mr. BRANDEGEE. I do not want to imperil the consideration or passage of the joint resolution. We may never reach it again at this session.

Mr. SMITH of Georgia. I think, under the circumstances, we would all give consent that the author of the joint resolution might ask for its consideration at any time, as it occupies a peculiar position, and we ought to do that. I think we ought to reconsider it, and I therefore make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia that the votes whereby the joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered.

The motion was agreed to.

MAINTENANCE OF INDIAN SCHOOLS.

Mr. CURTIS. Mr. President, I ask unanimous consent for the consideration of the bill which I send to the desk, (S. 6748) providing that Indian schools may be maintained without restriction as to annual rate of expenditure per pupil, and which is asked for by the Department of the Interior. It is very short. I will say that the bill has been reported from the Committee on Indian Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all moneys appropriated or available for Indian school purposes may be expended without restriction as to per capita expenditure for the annual support and education of any one pupil in any Indian school.

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

ILLEGAL KILLING OF SEALS.

Mr. WALSH. Mr. President, I should like to ask the Senate to recur to Order of Business No. 689, being Senate resolution 168, to the consideration of which objection was made by the Senator from Connecticut [Mr. BRANDEGEE], as I understand. I think that if he would attend to the substance of the resolution for a moment he would be constrained to withdraw the objection. It simply requests and authorizes the Attorney General to examine into the facts as stated in House Report No. 500, Sixty-third Congress, second session, for the purpose of advising himself and ascertaining whether an action does not lie in behalf of the United States against a company having the seal privileges on the Pribilof Islands. I apprehend that the Senator will find no reason for not having the Attorney General make these investigations.

I might say, in this connection, that the bill comes to us introduced by the Senator from Michigan [Mr. SMITH] and with the concurrence of the Committee on the Judiciary. I do not remember that it encountered any opposition at all before that committee. I will say to the Senator from Connecticut that I have myself examined the report with some degree of care, and I certainly think that sufficient appears from the report to fully justify us in asking the Attorney General to make this inquiry.

Mr. BRANDEGEE. Mr. President, I notice——

Mr. NELSON. Mr. President, will the Senator from Connecticut allow me to say something?

Mr. BRANDEGEE. I will.

Mr. NELSON. I am somewhat familiar with the matter to which the Senator from Montana refers, and I am satisfied, from the facts that have come to my knowledge, that this bill ought to pass. It is a matter of justice, and it is a matter of right. There has been a disposition in certain quarters to evade the law that we passed some years ago to preserve the fur-seal herd up in the Pribilof Islands; and it is in order to get at the bottom of these facts, and for the protection of the herd, that this resolution ought to pass.

Mr. LANE. Mr. President, if the Senator will allow me, I should like to add my voice to the opinion given by both the Senator from Montana and the Senator from Minnesota. I think it would be very negligent on the part of this body if it did not pass this resolution and give the Government an opportunity to ascertain what there is back of this matter.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

Mr. BRANDEGEE. There was an objection which has not been withdrawn yet; and I am getting information.

The PRESIDING OFFICER. The Chair understood the Senator to ask for unanimous consent.

Mr. BRANDEGEE. I am being talked to by three Senators, and I am not allowed to say a word myself. After they have finished I shall have something to say.

Mr. WALSH. Mr. President, with the permission of the Senator, I should like to say another word.

Mr. BRANDEGEE. Yes; I have not the floor. The Senator has the floor.

Mr. WALSH. I understood that the Senator from Connecticut had. I was going to say to the Senator that I feel that the report makes a perfect prima facie case of liability in a very large sum to the Government of the United States. Now, it may be that the facts which apparently fix that liability are capable of some explanation, although, if there is an explanation which would relieve these parties from liability, it is certainly not disclosed in the report or in the testimony that accompanies the report. If I am any judge of the matter at all, I should say that a prima facie case of liability has been made.

Under the circumstances, it seems to me that it is quite proper for the Senate—the attention of Members of this body having been called to it—to request the Attorney General to make the investigation, with a view to the institution of a suit, if in his judgment a suit can be maintained. Indeed, my attention having been called to the facts, I should not feel that I had discharged my duty here as a Member of the Senate and as in a certain sense a guardian of the interests of the United States, if I did not urge this action; and I trust that the Senator from Connecticut will find some good reason for withdrawing his objection.

Mr. BRANDEGEE. Mr. President, I would have withdrawn it long ago if I had been given an opportunity; but I was so interested in the three orations that I did not have a chance.

I want to say, however, that the basis of my objection was simply this: The resolution purported to come from the Judiciary Committee. I am a member of that committee, and I had not heard any such resolution brought before the committee. I could not attend last Monday's meeting, if it came from that meeting, because I was out of town. When I saw it on the calendar I sent for the report to which it alludes—to wit, Report No. 500, Sixty-third Congress, second session—and I find that there is a minority report accompanying that report, which starts out by saying:

> The undersigned have carefully considered the testimony of all the witnesses before the committee during these hearings, which have now been prolonged for three years. They are of the conviction that the charges under consideration, involving alleged irregularity in the conduct and management of the business of killing fur seals on the Government reservation known as the Pribilof or Seal Islands of Alaska, are without foundation.

I have had no opportunity to examine that minority report, which contains about 22 pages. I do not know whether the Senator from Montana has seen it or not; but as I knew nothing about it and as no Senator said a word about it when the bill was reached, I thought it might go over until it was explained.

Inasmuch as the Senator from Minnesota and the Senator from Montana think the investigation ought to be made, I have no objection, and I will withdraw any that I made.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

> *Resolved*, That the Attorney General be, and he is hereby, authorized and requested to examine into the facts as stated in House Report No. 500, Sixty-third Congress, second session, April 4, 1914, concerning the illegal killing of fur seals on the Pribilof Islands, and taking of skins therefrom, and to bring suit as urged thereon if the law and evidence warrant such action.

ERSKINE R. HAYES.

Mr. HARDING. I should like to have unanimous consent to revert to order of business 539, House bill 7062, which was passed over the other day because no one was present to explain the measure. It is a very pitiable case which has come to the attention of the Senate at a previous session, and I may say that the Senate has already passed such a bill at its last session. This time the measure comes to us with the approval of the House. There was not the slightest objection in the committee to the relief being granted, and I should like to have it considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Erskine R. Hayes, the sum of $3,000, in full compensation for injuries received on the 16th day of December, 1902, while in the performance of his duty as an employee of the Bureau of Engraving and Printing, Treasury Department, in the city of Washington, D. C.

Mr. SMOOT. Is there an amendment to the bill?

Mr. HARDING. No; there is no Senate committee amendment to the bill. It was amended in the House, and the amount reduced from $5,000 to $3,000.

Mr. SMOOT. Does the Senator know what salary this man was drawing in the Bureau of Engraving and Printing?

Mr. HARDING. Only approximately $800, as I remember; probably less. I will state, for the benefit of the Senator from Utah, that the man was injured, and it was thought at one time that he had recovered, and for a number of years he pressed no claim against the department. It has since developed that it is a permanent injury, however. The man has a wife and children to support, and is in a very distressing state. I think the claim is a very just one and ought to be allowed.

Mr. SMOOT. It may be a meritorious claim. I do not know a thing about it. All I questioned was whether we were going to follow the rule of the Claims Committee in this case as in all other cases of similar occurrences. Of course there may be some circumstances that I know nothing about to justify the $3,000 appropriation.

Mr. HARDING. The man is perfectly helpless. He has to be retained in a case that braces his spine. It is a very pitiable case, and worthy of our consideration.

Mr. SMOOT. I will ask the Senator from Florida [Mr. BRYAN] whether he knows anything about the case?

Mr. BRYAN. Mr. President, this bill was passed by the Senate during the last Congress. It is a most extreme case. There was a man working in the Bureau of Engraving and Printing, at a salary of $660 a year, and he was injured, and apparently recovered. Several years later he became a hopeless cripple, and it turned out that his spine was injured. At the time of his injury he was 22 years old, weighing 180 pounds. He has lived all these years. It has been several years since the accident happened. He has very little property. The bill was considered very carefully in the committee a couple of years ago. The bill was introduced by the Senator from Ohio. My recollection is that the amount carried in the bill at that time was $5,000.

Mr. SMITH of Georgia. How much is it now?

Mr. BRYAN. Three thousand dollars. It is an unusual case.

Mr. SMITH of Georgia. Would that be better for him than to come under our general bill, that we have about ready, and receive his annuity during the balance of his life?

Mr. BRYAN. Yes; I think it would, because he is not apt to live long.

Mr. HARDING. I should prefer the enactment of this bill, because it would bring immediate relief.

Mr. SMITH of Georgia. I do not object to the bill. He has already been waiting for some time.

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

NEWARK TWO HUNDRED AND FIFTIETH ANNIVERSARY CELEBRATION.

Mr. SMOOT. Mr. President, the Senator from New Jersey [Mr. HUGHES] had to leave the Chamber. He asked me to

report for him House joint resolution 193, authorizing the Postmaster General to provide the postmaster of Newark, N. J., with a special canceling die for the Newark two hundred and fiftieth anniversary celebration, and to ask for its immediate consideration.

Mr. BRYAN. Mr. President, does not the Post Office Department object to the passage of that bill on the ground that it involves considerable expense?

Mr. SMOOT. That is what the Senator from Alabama said the other day.

Mr. BRYAN. Mr. President, what is the order under which we are acting? Have we a right to consider that bill?

The PRESIDING OFFICER. We have a right to consider bills that are on the calendar.

Mr. SMOOT. I think that is true, Mr. President; and I will withdraw the request, because it is not in order under the unanimous-consent agreement.

STOCK-RAISING HOMESTEADS.

Mr. STERLING. Mr. President, I think there is yet time to consider Order of Business 324, House bill 407, and I ask unanimous consent that it be considered.

Mr. SMOOT Is that the child-labor bill?

Mr. STERLING. No; it is the stock-raising homestead bill—a bill which was reached at the last call of the calendar, and two objections to its immediate consideration were withdrawn, and then the hour was nearly up.

Mr. SMOOT. Mr. President, I am perfectly willing that the bill should be considered, but the Senator from Arizona has an amendment which he desires to offer to the bill.

Mr. STERLING. That was urged the last time we were considering the calendar—that the Senator from Arizona had an amendment to this bill. Suppose he has; are we to wait for the Senator from Arizona to appear and present an amendment to this bill?

Mr. SMOOT. I object to its consideration at this time, Mr. President.

The PRESIDING OFFICER. Objection having been made, the bill will be passed over.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. SMITH of Georgia. Mr. President, I wish to call attention to a bill that was objected to this afternoon, to see if possibly we can not pass it now. It is known as the Mann bill. It is a bill that has passed the House and was introduced by Congressman MANN. It proposes to repeal what is called the Crawford amendment, so as to permit the parties who have these cases pending in the Court of Claims to go on with their litigation.

Mr. SMOOT. We can not pass that in five minutes.

Mr. SMITH of Georgia. No. We can pass it in half an hour, though.

Mr. SMOOT. But the unanimous-consent agreement is that we will take a recess at 6 o'clock.

Mr. SMITH of Georgia. Oh! I did not know that. If I had known that, I would not have made the request.

Mr. SMOOT. We are working under a special order to that effect.

NAVAL DENTAL RESERVE CORPS.

Mr. OVERMAN. I ask unanimous consent to have printed in the RECORD a letter merely by way of correction of an erroneous statement that was made here on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

WASHINGTON, D. C.,
August 4, 1916.

MY DEAR SIR: May I, in justice to myself and other members of the Naval Dental Reserve Corps, ask you to procure the publication in the CONGRESSIONAL RECORD of the plea of not guilty to the charges stated and implied in the following quotation from the CONGRESSIONAL RECORD, page 12835, in reference to amendment 77, pages 52 to 56, naval appropriation bill, namely:

"Not a line was written by any member of the committee. The amendment about the Dental Reserve Corps was brought to me by Dr. Brown of Columbus, who is chairman of the legislative committee of the National Dental Association. The department made no objection to it, and it was put in exactly as it was handed to me by Dr. Brown, who told me it was satisfactory to all the members of the Dental Reserve Corps."

The wisdom and policy of this disclaimer of the responsibility of the committee for the origin and the strikingly peculiar provisions of the amendment are readily recognized, but, unhappily, there is thereby attributed to all the Dental Reserve Corps officers a degree of damaging responsibility which is therein disclaimed for the committee.

It is inconceivable to me that the Senate or any Senator would deny us the opportunity of making the same disclaimer through the same channel that was used for the committee's own protection.

I desire, however, to go further than merely entering the plea of not guilty and to deny most emphatically that any correctly informed Dental Reserve Corps officer expressed satisfaction with the provisions of the amendment which are known to be deceptive and a false pretense, the department having held these same provisions in existing law to prohibit instead of to authorize, as was the evident intent of the act of Congress, the more economic employment of Dental Reserve Corps officers when required to conserve the health and efficiency of the personnel.

To remain silen. under an imputation thus reflecting seriously on our intelligence, our sincerity, and our adherence to correct principles is too much to expect of men of character.

I have the honor to remain,
Faithfully yours. WM. DONNALLY.

STATUE OF JAMES BUCHANAN.

Mr. LEE of Maryland. I ask unanimous consent to take up Order of Business 152, Senate joint resolution 93, authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States. The committee reported this joint resolution with an amendment striking out the location and leaving the location to the Fine Arts Commission. I have a letter from Col. Harts, secretary of the commission, saying that they approve of the location that was already in the joint resolution. A joint resolution has come over from the House in the proper form, with the location as approved by the Commission of Fine Arts. I move, therefore, that it be substituted for the Senate joint resolution and passed. I move to substitute House joint resolution 145.

Mr. OLIVER. Mr. President, I think I shall have to object to the consideration of the joint resolution.

The PRESIDING OFFICER. Objection is made by the Senator from Pennsylvania to the consideration of the joint resolution, so it will have to go over.

Mr. OLIVER. I will say to the Senator from Maryland that I will look into the matter, and the next time the calendar comes up I may withdraw the objection.

Mr. LEE of Maryland. Mr. President, this is a matter where contracts are pending.

The PRESIDING OFFICER. The Chair will state to the Senator from Maryland that it would be necessary to have the original joint resolution as passed by the House before it can be considered here.

Mr. LEE of Maryland. It has come over.

The PRESIDING OFFICER. No; the Secretary informs the Chair that it has not.

Mr. LEE of Maryland. It has come over, and has been referred to the Committee on the Library.

The PRESIDING OFFICER. The original is in the hands of the committee. It must be here on the desk of the Secretary before it can be considered.

Mr. LEE of Maryland. The Senate resolution, which is in similar terms, has been reported with an amendment striking out the site.

The PRESIDING OFFICER. Yes; but there is a rule providing that the original bill as passed by the House must be here on the desk of the Secretary before it can have consideration.

Mr. LEE of Maryland. I have asked unanimous consent for the substitution, but the Senator from Pennsylvania objects.

The PRESIDING OFFICER. The Chair does not believe that it is subject to unanimous consent. That is one of the rules of the Senate.

Mr. SMOOT. Under the unanimous-consent agreement we are only to consider bills on the calendar under Rule VIII; and as soon as the consideration of the calendar was completed, beginning with Order of Business No. 593, any bill on the calendar might be taken up by unanimous consent upon request of a Senator—just the bills on the calendar.

Mr. NELSON. Mr. President, I was about to ask unanimous consent to consider two or three bridge bills that were reported this morning.

The PRESIDING OFFICER. The Chair does not know whether or not they come under the unanimous-consent agreement.

Mr. NELSON. They are on the calendar. They were reported to-day.

Mr. SHEPPARD. If I remember correctly, those bills were passed.

Mr. NELSON. Were they all passed?

Mr. SHEPPARD. Yes, sir.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the bills were all passed this morning.

Mr. SHEPPARD. That is my recollection.

Mr. BRYAN. Mr. President, a parliamentary inquiry. What time is it?

Mr. OVERMAN. I move that the Senate take a recess until Monday morning at 10 o'clock.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate took a recess until Monday, August 7, 1916, at 10 o'clock a. m.