

By Mr. TAYLOR of Alabama: Paper to accompany bill for relief of estate of C. H. Mastin—to the Committee on War Claims.

By Mr. TAYLOR of Colorado: Petition of Woman's Pleasure Club, of Longmont, Colo., and Empire Grange, No. 148, Patrons of Husbandry, of Fort Collins, Colo., for a national bureau of health—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of Ladies of the Maccabees of the World, of Sherman, N. Y., praying for certain amendments to House bill 21321—to the Committee on the Post-Office and Post-Roads.

SENATE.

MONDAY, May 23, 1910.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

TIMBER-LAND SELECTIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to the resolution of January 27, 1910, certain information relative to contracts in force at the time of the approval of the act prohibiting the selection of timber lands in lieu of lands in forest reserves, etc., which, on motion of Mr. CHAMBERLAIN, was, with the accompanying papers and illustrations, referred to the Committee on Printing.

CLAIM OF HARVEY R. M'RAVEN.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Harvey R. McRaven, heir of Tranquilla McRaven, deceased, v. United States, etc. (S. Doc. No. 562), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of El Paso, Tex., praying for the establishment of a national bureau of mines and mining, which was ordered to lie on the table.

He also presented a memorial of the Pokagon tribe of Potawatomi Indians of Michigan and Indiana, remonstrating against the Government interfering in any way with the laws of the United States relative to treaties made by authority of the United States or interfering with the covenants and guaranties in the Greenville treaty of peace August 3, 1795, etc., which was referred to the Committee on Indian Affairs.

He also presented a petition of the National Society of the Sons of the American Revolution, praying for the enactment of legislation providing for the compilation and publication of the military and naval record of the Revolutionary war, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a petition of Central Labor Union of Nashua, N. H., praying for the enactment of legislation to regulate the hours of employment of post-office clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Merchant Marine Committee of One Hundred, praying for the passage of the so-called "ship-subsidy bill," which was ordered to lie on the table.

He also presented a petition of the Columbia Historical Society of the City of Washington, praying that an appropriation be made for the erection of a monument to Commodore Joshua Barney in that city, which was referred to the Committee on the Library.

Mr. CULLOM presented a petition of sundry citizens of Griggsville, Ill., praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Grocers' Association of Rockford, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Illinois, praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. FRYE presented a letter in the nature of a petition from C. S. Stetson, of Alta, Me., master of the Maine State Grange, Patrons of Husbandry, praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented letters, in the nature of memorials, from Caleb H. Cushing, Wainwright Cushing, and O. H. Bragg, of Foxcroft, Me.; of Edith Hunt Smith, of Gardiner, Me.; of Emma Ellis, of Nashua, N. H.; and of Guy Parkhurst Estes, of Winsted, Conn., remonstrating against the establishment of a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented the memorials of W. E. Swift and sundry other citizens of Augusta, Me., remonstrating against the establishment of a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Thorne's Corner Grange, Patrons of Husbandry, of Lewiston, Me., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Kennebec Valley Grange, Patrons of Husbandry, of Madison, Me., and a petition of Local Grange, Patrons of Husbandry, of Woolwich, Me., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

Mr. DICK presented petitions of sundry members of the Ladies of the Maccabees of the World of Vermillion, Clinton, Defiance, Minerva, and St. Marys, all in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First United Presbyterian Church of Dayton, Ohio, praying for the adoption of an amendment to the Constitution recognizing the Deity, which was referred to the Committee on the Judiciary.

He also presented a petition of the National State Grange, Patrons of Husbandry, of Ohio, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Cleveland, Ohio, praying for the passage of the so-called "boiler-inspection bill," which was referred to the Committee on Interstate Commerce.

Mr. JONES presented a petition of Pomona Grange, No. 12, Patrons of Husbandry, of Snohomish, Wash., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pomona Grange, No. 12, Patrons of Husbandry, of Snohomish, Wash., praying for the removal of the duty on the soy bean in its original state, which was referred to the Committee on Finance.

He also presented a memorial of Chehalis Aerie, No. 1550, Fraternal Order of Eagles, of Chehalis, Wash., and a memorial of Aberdeen Aerie, Fraternal Order of Eagles, of Aberdeen, Wash., remonstrating against the enactment of legislation to prohibit the wearing of the uniform or other insignia of the United States Army except by authorized persons, which were referred to the Committee on Military Affairs.

He also presented petitions of Madrona Council, No. 1425, Royal Arcanum, of Seattle; of Cascade Council, No. 1798, Royal Arcanum, of Everett; and of sundry members of the Ladies of the Maccabees of the World, of Buckley, Burlington, Walla Walla, and Olympia, all of the State of Washington, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Independence Grange, No. 207, Patrons of Husbandry, of Rochester; of Local Grange No. 154, of Alpha, Patrons of Husbandry; of the Anti-Tuberculosis League of King County; of sundry commercial and medical organizations of Tacoma; and of the Ladies' Literary and Musical Club of Buckley, all of the State of Washington, praying for the establishment of a national bureau of health, which were

referred to the Committee on Public Health and National Quarantine.

Mr. BRISTOW presented a petition of Carrie V. Liscom Hive, Ladies of the Maccabees of the World, of Pittsburg, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Kansas, praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Kansas, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors into prohibition territory, which was referred to the Committee on the Judiciary.

Mr. PILES presented a petition of Local Grange No. 331, Patrons of Husbandry, of Edmonds, Wash., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., praying that an appropriation be made providing for a Panama-Pacific international exposition to be held in the State of California on the completion of the Panama Canal, which was referred to the Committee on Industrial Expositions.

Mr. BURROWS presented petitions of sundry members of the Ladies of the Maccabees of Boyne City and Kalamazoo, in the State of Michigan, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Elk Rapids, Neebish, Lansing, Union, Clare, Hanover, and Flint, all in the State of Michigan, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Berrien County, Mich., praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Marquette, Detroit, and Jackson, all in the State of Michigan, praying for the passage of the so-called "boiler inspection bill," which were referred to the Committee on Interstate Commerce.

He also presented a petition of the board of education of Ionia, Mich., praying that an appropriation be made for the extension of the field work of the Bureau of Education, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Union No. 60, United Garment Workers of America, of Detroit, Mich., remonstrating against any increase being made in the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Encampment Grange No. 1413, Patrons of Husbandry, of Chippewa County; of the Ottawa County Medical Society; and of the Visiting Nurses' Association of Detroit, all in the State of Michigan, praying for the establishment of a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Allegan Chapter of the National Society, Daughters of the American Revolution, of Allegan, Mich., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Russell A. Alger Post, No. 462, Grand Army of the Republic, Department of Michigan, of Alden, Mich., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of the Trades and Labor Council of Kalamazoo, Mich., praying for the enactment of legislation to regulate the hours of postal clerks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 1862, of Local Union No. 1869, and of Local Union No. 1802, all of the United Brotherhood of Carpenters and Joiners of America, of Grand Rapids, in the State of Michigan, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Jackson County, Mich., praying for the enactment of legislation authorizing the building of one of the proposed new battle ships at the government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of the Retail Grocers' Association of Jackson, of the International Longshoremen's Association of Bay City, and of the Metal Polishers' Union of Detroit, all in the State of Michigan, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Retail Grocers' Association of Grand Rapids, Mich., praying for the enactment of legislation to regulate the size of fruit and berry boxes, which was referred to the Committee on Agriculture and Forestry.

Mr. PAGE presented a petition of sundry citizens of Chester, Vt., praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the St. John de Crevecoeur Chapter of the National Society, Daughters of the American Revolution, of St. Johnsbury, Vt., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of Lake Valley Grange, No. 175, Patrons of Husbandry, of Sherman, Conn., praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which was ordered to lie on the table.

Mr. BURKETT presented a petition of Farragut Post, No. 25, Grand Army of the Republic, Department of Nebraska, of Lincoln, Nebr., praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

Mr. CURTIS presented a petition of the general conference of the Methodist Episcopal Church South, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Independence, Cherryvale, Topeka, and Leavenworth, all in the State of Kansas, remonstrating against the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. LODGE presented memorials of the Chicopee Manufacturing Company, the Harmony Mills, the Whitinsville Cotton Mills, the Saunders Cotton Mills, the Whitin Brothers, the Bigelow Carpet Company, the Clinton Wire Cloth Company, the Osborn Mills, the Shaw Stocking Company, the Great Falls Manufacturing Company, the Salmon Falls Manufacturing Company, the Arkwright Mills, the Lawrence Duck Company, the Lawrence Manufacturing Company, the Narragansett Mills, the Kilburn Mill, the Holmes Manufacturing Company, the Potomska Mills Corporation, the Page Manufacturing Company, the Soule Mill, the Wamsutta Mills, the Pierce Brothers (Limited), the Grinnell Manufacturing Corporation, the Merrimac Manufacturing Company, the Troy Cotton and Woolen Manufacturing, the Luther Manufacturing Company, the Hargraves Mills, the Parker Mills, the Naumkeag Steam Cotton Company, the J. R. Montgomery Company, the Flint Mills, the Gosnold Mills Company, the City Manufacturing Corporation, the Pemberton Company, the Methuen Company, the Dwight Manufacturing Company, the Hamilton Woolen Company, and the Fiskdale Mills, and the memorials of Spencer Borden, jr., J. Skinner, and William N. McLane, all in the State of Massachusetts, remonstrating against the elimination of the words "under substantially similar circumstances and conditions" now contained in section 4 of the interstate-commerce law of 1887, which were ordered to lie on the table.

Mr. DEPEW. I present resolution adopted by the legislature of New York, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

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

STATE OF NEW YORK, IN ASSEMBLY,
Albany, May 17, 1910.

Mr. Waters offered for the consideration of the house a resolution in the words following:

Whereas the National Government has invested a large amount of money in the establishment and maintenance of the gun factory and arsenal at Watervliet, in this State, and said plant is fully equipped not only for the making of guns, but also for many other supplies

needed by the War and Navy Departments, and a considerable force of highly skilled and trained mechanics have established homes in and about said city in the belief that the Government would operate said plant to substantially its capacity; and

Whereas the output of this plant has been gradually decreased, resulting in the suspension of skilled operatives, although work of the kind that has been and can be performed with saving and economy to the Government, which has been and is being given out to private establishments in other States; and

Whereas a continuance of such a policy will result in the impairment of the efficiency of this plant and the scattering of such operatives, to the loss and detriment of this State and of the Government: Now therefore be it

Resolved (if the Senate concur), That the Senators from this State in the Senate of the United States and the Members in the House of Representatives be, and they are hereby, requested to use every endeavor in their power to protect the interests of this State and of the Government in the factory and arsenal at Watervliet, to the end that this industrial institution may be utilized to its capacity while the Government has work to do that can be there performed; and be it further

Resolved, That this action be communicated to each Member of Congress of the United States from the State of New York.

By order of the assembly.

RAY B. SMITH, *Clerk*.

IN SENATE, May 19, 1910.

Concurred in without amendment.
By order of the Senate.

LAFAYETTE B. GLEASON, *Clerk*.

As directed by the foregoing resolution, I hereby transmit the same to you.

RAY B. SMITH,
Clerk of the Assembly.

ALBANY, N. Y., May 19, 1910.

Mr. DEPEW presented a petition of sundry citizens of Cortland, N. Y., praying for the establishment of a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented petitions of Local Grange No. 480, of Dewittville; of Local Grange No. 1084, of Linwood; of Local Grange No. 1068, of Belfast; and of Local Grange No. 109, of Westfield, all of the Patrons of Husbandry, in the State of New York, praying that an appropriation be made for the extension of the work of the Office of Public Roads, Department of Agriculture, which were ordered to lie on the table.

He also presented a petition of Local Union No. 300, Amalgamated Sheet Metal Workers' International Alliance, of New York City, N. Y., and a petition of Local Union No. 53, Coppersmiths' Union, of New York, praying for the adoption of the so-called eight-hour amendment to the naval appropriation bill, which were ordered to lie on the table.

He also presented a petition of Local Union No. 156, International Union of the United Brewery Workmen of America, of Rochester, N. Y., and a petition of Local Branch of the International Wood Carvers' Association, of Buffalo, N. Y., praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the common council of the city of Watervliet, N. Y., praying that additional work be given to the Watervliet Arsenal, which was referred to the Committee on Military Affairs.

Mr. SMITH of Michigan. I present resolutions adopted by the common council of the city of Petoskey, Mich., which I ask may be printed in the RECORD and referred to the Committee on Commerce.

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

Whereas a bill has been introduced in the Congress of the United States appropriating a large sum of money for the improvement or extension of the Petoskey breakwater; and

Whereas numerous representations have been made to this body by citizens of the city of Petoskey that the comfort, necessities, and health of the community will be best subserved by the expenditure of such proposed appropriation in the cleaning of the bottom of the harbor inside such breakwater by the removal of sand therefrom and by the removal of a section of said breakwater near the shore thereof for the purpose of admitting a current of water through said harbor and by the repair of the old crib and the building it up to the level of the new one and connecting the two portions by a footway of some suitable design: Therefore be it

Resolved, That it is the sense of this council, after giving the matter due consideration, that the proper federal authorities be requested to recommend that the work herein outlined be undertaken: Be it further

Resolved, That the city clerk be, and he is hereby, directed to transmit a certified copy of these resolutions to the Hon. JULIUS CESAR BURROWS and to the Hon. WILLIAM ALDEN SMITH, United States Senators from Michigan, and the Hon. GEORGE A. LOUD, Congressman from the Tenth District of the State of Michigan.

Mr. TAYLOR presented sundry papers to accompany the bill (S. 4327) for the relief of George T. Larkin, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. STEPHENSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1607) provid-

ing for the purchase of a site and the erection of a public building thereon at Fort Atkinson, Wis., reported it without amendment and submitted a report (No. 729) thereon.

Mr. SMOOT, from the Committee on Printing, to whom was referred the amendment submitted by himself on the 11th instant authorizing the binding of messages and papers of the President of the United States, manuscripts, and portfolios of the State Department, valuable or rare books and manuscripts for the Library of Congress, etc., intended to be proposed to the sundry civil appropriation bill, reported it without amendment, submitted a report (No. 734) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. J. Res. 99) to amend Public Resolution No. 11, approved March 28, 1904, relating to the sale of public documents by the superintendent of documents, reported it without amendment and submitted a report (No. 731) thereon.

He also, from the same committee, to whom was referred Senate resolution (S. Res. 228) authorizing the Committee on Indian Affairs to prepare a compilation of the laws, agreements, executive orders, etc., relating to Indian Affairs since December 1, 1902, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. SMOOT. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 11806) for the relief of the estate of Frederick P. Gray, to report it favorably without amendment, and I submit a report (No. 732) thereon.

I am also directed by the Committee on Claims to move that the similar Senate bill, the bill (S. 7132) for the relief of the estate of Frederick P. Gray, now on the calendar, be indefinitely postponed, and that the House bill just reported be given the place of the Senate bill.

The motion was agreed to.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 8242) to meet unusual conditions in the postal service, and for other purposes, reported it without amendment and submitted a report (No. 733) thereon.

Mr. BROWN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3346) for the relief of Frank E. Lyman, jr., reported it without amendment and submitted a report (No. 735) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 8129) to increase the efficiency of the army, reported it without amendment and submitted a report (No. 736) thereon.

Mr. JOHNSTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 20644) for the relief of Frederick B. Neilson, reported it without amendment and submitted a report (No. 737) thereon.

CLAIMS OF POSTMASTERS.

Mr. SMOOT, from the Committee on Printing, to whom the subject was referred, reported the following resolution (S. Res. 241), which was considered by unanimous consent and agreed to:

Senate resolution 241.

Resolved, That the "Statement of laws and proceedings relating to claims of postmasters who served between July 1, 1864, and June 30, 1874, for the readjustment of salaries under the act of March 3, 1883, from the standpoint of the claimants," be printed as a document.

IMMIGRATION STATION AT SEATTLE, WASH.

Mr. BROWN. I am directed by the Committee on Immigration, to whom was referred the bill (S. 4024) to provide for the purchase of ground for the erection of a public building for an immigration station on a site to be selected for said station in the city of Seattle, Wash., to report it favorably with amendments, and I submit a report (No. 730) thereon. I call the attention of the Senator from Washington [Mr. PILES] to the bill.

Mr. PILES. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Nebraska.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 5, after the word "site," to insert the words "for a public building or buildings;" in line 6, before the word "cause," to insert the words "The Secretary of the Treasury is hereby authorized and directed

to;" in the same line, after the word "building," to insert the words "or buildings;" in line 9 to strike out the word "building" and insert "buildings;" in line 10, before the word "thousand," to strike out "five hundred" and insert "two hundred and fifty;" in section 2, line 12, before the word "thousand," to strike out "five hundred" and insert "two hundred and fifty;" on page 2, line 1, after the word "building," to insert "or buildings;" in lines 1 and 2 to strike out the words "which sum shall be paid from the immigrant fund;" and in line 3, after the word "building," to insert "or buildings," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Department of Commerce and Labor be, and he is hereby, authorized and directed to acquire by purchase or condemnation a suitable site for a public building or buildings, and the Secretary of the Treasury is hereby authorized and directed to cause to be erected thereon a public building or buildings to care for the immigrants arriving at the city of Seattle, in the State of Washington, and for other public purposes, the cost of said site and buildings and the equipment and furnishing of the same not to exceed the sum of \$250,000.

Sec. 2. That the sum of \$250,000 is hereby appropriated for the purchase of ground for and the complete erection and furnishing of said building or buildings; that the said building or buildings shall be erected in accordance with plans and specifications to be prepared by the Supervising Architect of the Treasury Department, and under the supervision of said department.

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.

The title was amended so as to read: "A bill to provide for the purchase of ground for and the erection of a public building or buildings for an immigration station, on a site to be selected for said station, in the city of Seattle, Wash."

BILLS INTRODUCED.

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

By Mr. DICK:

A bill (S. 8325) authorizing the Postmaster-General to advertise for the construction of pneumatic tubes in the city of Cincinnati, State of Ohio; to the Committee on Post-Offices and Post-Roads.

A bill (S. 8326) granting an increase of pension to Patrick Mahan; and

A bill (S. 8327) granting a pension to Margaret Sowards; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 8328) granting an increase of pension to Sidney J. Hazelbaker (with accompanying papers); to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 8329) for the relief of heirs or estate of James C. Hoover, deceased (with an accompanying paper);

A bill (S. 8330) for the relief of A. L. Maxwell (with an accompanying paper);

A bill (S. 8331) for the relief of the heirs or legal representatives of William Denike, deceased (with an accompanying paper); and

A bill (S. 8332) for the relief of the estate of C. G. Harde-man, deceased; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 8333) to reimburse George Heiner, postmaster at Morgan, Utah, for loss of postage stamps; to the Committee on Claims.

By Mr. BURROWS:

A bill (S. 8334) to correct the military record of Edwin Chapple and grant him an honorable discharge; to the Committee on Military Affairs.

A bill (S. 8335) granting an increase of pension to Charles H. Haskin (with an accompanying paper); and

A bill (S. 8336) granting an increase of pension to John Papst (with an accompanying paper); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 8337) granting a pension to Ella R. Mattocks (with accompanying papers); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 8338) granting a pension to Mary Kennedy; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 8339) to naturalize Emiel de Smyter;

A bill (S. 8340) to naturalize Joseph S. Ronan;

A bill (S. 8341) to naturalize Edward S. Ronan;

A bill (S. 8342) to naturalize James Alexander Robertson;

A bill (S. 8343) to naturalize Wellington Charles Robertson; and

A bill (S. 8344) to naturalize Johanus Grotemat; to the Committee on Immigration.

By Mr. GORE:

A bill (S. 8345) to authorize the Secretary of the Interior to dispose of a certain tract of land in the El Reno (Okla.) land district at appraised value; to the Committee on Indian Affairs.

By Mr. BRADLEY:

A bill (S. 8346) for the relief of the estate of George Vaught, deceased; and

A bill (S. 8347) for the relief of heirs or estate of Elizabeth McClure, deceased; to the Committee on Claims.

By Mr. DIXON:

A bill (S. 8348) to increase the appropriation for the public building in the city of Great Falls, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER:

A bill (S. 8349) for the purchase of land for widening Park road, in the District of Columbia; to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$20,000 for the protection and improvement of the Mesa Verde National Park, Colorado, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to pay Fred C. Slater, United States consul at Sarnia, Ontario, \$191.04 for services, traveling expenses, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate \$25,000 for the work of the Division of Information, Bureau of Immigration and Naturalization, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COURT OF COMMERCE, ETC.

Mr. HUGHES submitted six amendments intended to be proposed by him to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, which were ordered to lie on the table and to be printed.

UNITED STATES COURT REPORTS.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (S. 179) to provide for the distribution of the reports of the United States circuit court of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—EMILY DONNELLY.

On motion of Mr. MONEY, it was

Ordered, That the papers accompanying the bill (S. 1825) for the relief of Emily Donnelly, widow of James M. Donnelly, deceased, Sixty-first Congress, first session, now pending before the Committee on Claims, be withdrawn, no adverse report having been made thereon.

ANACOSTIA RIVER AND CHESAPEAKE BAY SHIP CANAL.

Mr. GALLINGER submitted the following concurrent resolution (S. C. Res. 34), which, with the accompanying papers, was referred to the Committee on Commerce:

Senate concurrent resolution 34.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause preliminary examination and survey to be made to determine the most feasible route for a ship canal to connect the Anacostia River at some point near the District of Columbia boundary line with Chesapeake Bay, or some tributary thereof.

HEARINGS BEFORE COMMITTEE ON INDUSTRIAL EXPOSITIONS.

Mr. JONES submitted the following resolution (S. Res. 242), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 242.

Resolved, That the Committee on Industrial Expositions be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-first Congress, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

NAVAL APPROPRIATION BILL.

The VICE-PRESIDENT. The morning business is closed.

Mr. PERKINS. I ask unanimous consent that the Senate proceed to the consideration of House bill 23311, the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 23311) making appropriations for the naval service for the fiscal year ending June 30, 1911, and for other purposes.

Mr. PERKINS. I ask that the pending amendment be stated.

The VICE-PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment, proposed by the Senator from Ohio [Mr. BURTON], is, on page 58, line 20, after the word "constructed," to strike out the words "two first-class battle ships" and insert the words "one first-class battle ship;" and in line 22, after the words "not exceeding \$6,000,000," to strike out the word "each."

Mr. PERKINS. Mr. President, when this bill was under consideration on Friday last the statement was made by the Senator from Georgia [Mr. CLAY], by the Senator from Maine [Mr. HALE], and, I think, also by the Senator from Ohio [Mr. BURTON] that the two battle ships provided for in the bill would exceed the amount recommended by the Secretary of the Navy some \$5,000,000 or \$6,000,000. In other words, they claimed that the two battle ships of 27,000 tons would cost \$16,000,000 each. I have looked diligently through the reports of the hearings before the Committee on Naval Affairs of the House of Representatives and also of the general board of the navy, and I have been unable to find any estimate higher than \$23,660,816 for the two battle ships, or \$11,830,408 for each.

Even if this estimate were true, I think it would be wise policy on the part of Congress to make the appropriation for building these two battle ships for the reason that the money is not thrown away. The money is not wasted. Eighty-five per cent of it is labor paid to the miners, lumbermen, and mechanics of the country. This money, too, comes from duties upon imported finery and foreign luxuries and taxes imposed by our internal-revenue laws upon the consumption of liquors and tobacco.

It seems to me that it would be wise policy for us to build these two battle ships. No member of the committee, I think, has defended its course in proposing to build two battle ships. Therefore I feel, in justice to the committee, and certainly in defense of myself as chairman of the committee, to give a few reasons why this appropriation should be made.

Several years ago, when President Roosevelt urged upon Congress a shipbuilding programme calling for four battle ships each year, the Senate, after long deliberation, compromised on a programme of two battle ships a year.

This compromise was referred to by the late Senator Allison, then chairman of the Committee on Appropriation, in his remarks on the naval bill, April 27, 1908, as follows:

I believed then and I believe now that we ought under our present situation and the circumstances that surround us to make provision for two battle ships each year for at least some years to come.

When I found that the Committee on Naval Affairs had undertaken to facilitate the construction of the battle ships provided by the House by an appropriation of \$7,000,000 I was content with that appropriation, as I am content now with it; and I would be willing, as I think most of the Senate would, and I think there would be no serious objection to it, to provide at the next session of Congress for two additional battle ships, and to do that year by year until our modern navy is sufficient for the needs of our country and efficient in all its provisions.

So, Mr. President, if I am put to the test of voting for two or four ships at this time, with my understanding of the situation, I shall be compelled to vote, and I shall vote, against the amendment providing for four ships. I believe that if the provisions that are now before us are acceded to by the two Houses and receive the approval of the President under the plan of two battle ships per annum, as it appears, we will make rapid and regular progress in building up our navy.

I should be glad if it could be generally understood in this Chamber and in the other House and in the country that we have entered now upon the construction of two battle ships per annum instead of one, because of the present situation; that that is to go on without alarming the other nations or our own people, and that we intend to be, as a Nation, prepared for war, though surrounded as we are by all the conditions of peace.

Referring to Mr. Allison's statement as above, the Senator from Maine [Mr. HALE], the distinguished chairman of the Naval Committee, said:

Before the Senator takes his seat, I will state that it is to me a matter of great satisfaction to hear the veteran, experienced Senator from Iowa express so clearly his view in this matter. That is my view, and I am glad to agree with him. I have stated already in the course of the debate that the committee believes this a moderate programme, and without, of course, foreseeing what may be the conditions hereafter, we will expect to carry it out to this extent in the future, and that it will give us not a moderate navy, but a very great navy, and keep up in the second place in the world.

Mr. ALLISON. Mr. President, I am glad that the chairman of the Committee on Naval Affairs is in accord with my view on this question. I understood him to so express himself the other day. In my view this simply resolves itself into a question whether we are to authorize four battle ships at this time or two now and two more seven months from now. I do not regard that as a question of such enormous magnitude as to distress and disturb our relations as respects the navy.

I, then, regard this decision as a promise to the country, and do so now; and in fulfillment of it I advocate the authorization of two battle ships at each session of Congress until, at least, the Panama Canal is constructed. By that time, if this programme is carried out, we shall have about 30 first-class battle ships equal in all respects to the best that can be placed upon the ocean by any other nation. With the canal constructed, this formidable fleet can be made available for both the Atlantic and Pacific coasts, whereas now one of these coasts is without adequate naval protection.

The very marked change in battle-ship construction which was ushered in by the all-big-gun ships which are being built by England, Germany, and other nations, has rendered practically obsolete many of the battle ships constructed by us up to 1906. Greater speed and greater offensive power are now combined in the battle ships of the latest type, and we began none too soon to construct on the same model. A few years' delay would have placed us far in the rear in the matter of sea power, and we shall surely go backward if we do not yearly construct a sufficient number of these powerful vessels, not only to replace those of earlier date which have become obsolete, but to actually increase the number of first-class fighting ships, on which the result of sea warfare must depend.

To bring out clearly our position at this time, let us suppose we are to engage a naval power in conflict. The enemy, to secure the control of the sea, would send against us the most powerful fleet it could muster. This would be composed of vessels of the highest offensive and defensive power and of the greatest speed, and the fleet, to be efficient, must be homogeneous. Its units must not vary much in gun power or speed, otherwise the advantages of the more efficient vessels would be sacrificed. The speed of the slowest vessel would fix the rate of speed for the fleet, and the least powerful in offense or defense would impose limitations on the work of the better ships, unless they should leave the former to shift for themselves, which is unlikely.

Admiral Converse, formerly Chief of the Bureau of Navigation, says:

To wage a successful warfare with a single naval force requires now, as it has required in all ages, a type of vessel which shall combine, in the most effective manner, the qualities of offense, mobility, defense, endurance, and self-maintenance. Such vessels are battle ships, and they constitute the main strength and reliance of a navy. Other types—armored cruisers, protected cruisers, torpedo vessels—possess all or some of these qualities, but in degrees so different as to unfit them for the heavy encounters which the battle ships are designed to endure without disablement.

It is therefore safe to say that the American fleet would have to confront a hostile fleet composed of battle ships of not less than 18 knots speed, armed with guns of the largest caliber afloat, and carrying the maximum number of such guns to each ship.

If we imagined war to occur within the next six months, we should have, according to the plan of the Secretary of the Navy, just published, a battle-ship fleet of 16 vessels—from 13,000 to 20,000 tons displacement, from 17 to 21 knots speed—carrying eighty-four 12-inch guns. Two of these ships would carry ten 12-inch guns each, two 8 guns, and fourteen 4 guns each.

Germany could send out only 12 first-class battle ships, carrying sixty-four 11-inch guns. Her vessels would range from 12,967 to 18,500 tons of 18 to 19½ knots speed. Two of these vessels would carry 12 guns each, the rest 4 guns.

Japan could put forward 15 battle ships of the first-class, of 12,320 to 19,210 tons, from 18 to 22 knots speed, carrying sixty 12-inch guns. All would be 4-gun ships.

To-day, therefore, the United States can, with the exception of England, send the strongest fighting force to sea.

If we imagined this to occur when we shall have in commission all the fighting vessels built and authorized, and other nations the same, we shall be able to send out a fleet of 21 battle ships of from 18 to 21 knots speed, 12,500 to 26,000 tons displacement, carrying one hundred and thirty-two 12-inch guns. If Germany, with her authorized vessels completed, were our antagonist, we should be outclassed, for she could oppose to us 20 battle ships and 3 cruisers, which are virtually battle ships, of 18 to 25 knots speed, 12,997 to 23,000 tons displacement, and carrying one hundred and eighty-four 11 and 12-inch guns. In other words, Germany could bring to bear upon each of the

American ships more big guns than we could bring to bear on each of the German vessels. The American fleet would, it seems to me, be overmatched.

If our antagonist were Japan, we should be the stronger, but not by such a margin as has been claimed for us. Against the American fleet, as before set forth, Japan could oppose 18 battle ships and fighting cruisers of 18 to 25 knots speed, 12,230 to 21,000 tons displacement, carrying one hundred and six 12-inch guns. It is apparent from these figures that it would require the entire battle-ship fleet of the United States of a similar class of vessels to cope with the fleet of Japan. Even then we should have an advantage of only 26 guns. The Germans would have an advantage over us of 52. It is idle, I think, to make the claim that we could send one-half of our fleet to the Pacific and be the equal of Japan in sea power on that ocean. One-half of our fleet, above constituted, would give Japan an advantage of 8 vessels and forty-five 12 inch guns. I think that what has been said shows conclusively that to oppose Japan we should need our entire battle-ship fleet. If we take account of all the ships of both nations, carrying guns of over 10-inch caliber, we find that the United States will have 33 battle ships of all classes, carrying 180 guns, one-half of the force, or, say, 17 battle ships, carrying 90 guns, would have to meet 21 Japanese fighting ships carrying 118 guns.

But the second-class battle ships would not be brought into the fighting line and the truer comparison will be with homogeneous fleets of 18 knots speed and big-gun power. In this event it would take the entire number of American ships that would form the first line of battle to oppose successfully the fleet of Japan. It is idle, therefore, I think, to assume that we can with one-half our present fleet meet Japan on equal terms on the Pacific.

It will be noted that, while now the United States surpasses in sea strength Germany and Japan, with the completion of the vessels authorized by these three nations the relative positions are very materially changed. Germany will hold the first place, and Japan will, with very limited construction, hold her own in comparison with the United States. These results, remarkable in the case of Germany, will have been brought about by the construction of all-big-gun ships of high speed. If, therefore, we are to hold our own as a sea power, we must do more than simply replace by means of one ship a year the loss suffered by old ships becoming obsolete. We must increase the actual number of our battle ships as well as construct them of heaviest gun power and high speed. There is no danger of war with Germany or Japan, but these nations, the former particularly, show what a remarkable change in the relative power of a battle fleet can be made in a few years by judicious construction. I do not think that, for the present at least, one battle ship a year will meet the relative loss in sea power which will result from the programme thus far carried out.

I will refer you to the letter of the general board, making recommendations for the next fiscal year and published in No. 16 of the House hearings, for confirmation of the position I take in this matter. It is pointed out that the naval strength of nations is being increased in the direction of *Dreadnoughts*, and that "Germany, at the present rate of building, will speedily pass the United States in battle-ship strength unless somewhat unusual efforts are made to hold our place." The board, therefore, recommends the construction of 4 battle ships, 4 scout cruisers, and 10 destroyers. A board which has among its members such officers as Admiral Dewey and Rear Admirals Rogers, Wainwright, and Staunton is not one to take extreme views either one way or the other. It is akin to disloyalty to question the patriotism or naval knowledge of Admiral Dewey or the other members of the board. The experience which these officers have had in actual warfare has enabled them to realize to the full what must be done if we are to place ourselves on an equal footing with nations that are far in advance of Spain in naval strength. No one so well as they realizes the necessity for putting afloat as many ships of the greatest gun power possible and of high speed as will at least maintain our relative strength upon the ocean. The mere number of vessels in a naval establishment, the great figures to which its tonnage may reach, are not measures of fighting strength—of the power on which the Nation must rely in time of need. One 26,000-ton *Dreadnought* carrying 10 or 12 rifles of 12 to 14 inch caliber, would be like a Hercules with a club in the midst of an army of pigmies using pea shooters, if it fell in with the whole 200 ships of the United States Navy from protected cruisers down, excepting torpedo boats and destroyers.

That is to say, that of our 362 naval vessels 200 are not suited to bear the brunt of war as it is waged by naval powers to-day. All, of course, have their uses, but they do not constitute fight-

ing strength. Of the excepted vessels, only battle ships, armored cruisers, torpedo boats, and destroyers are capable of taking the high sea and there meeting the enemy, so that it is readily seen that our real power is measured by a very few of our 362 naval vessels. In the ultimate analysis this power will be found to reside in the strongest and swiftest battle ships and such armored cruisers as are in reality battle ships of the first class.

The general board states that its recommendation of 4 battle ships, 4 scout cruisers, and 10 destroyers is the minimum military requirement for fighting vessels. It has had in view—and it calls special attention to it—our duties and responsibilities under the Monroe doctrine and in consequence of our occupation of the Philippines. We are, through them, brought into intimate relations with the other great powers of the globe, and are therefore no longer able to maintain a position of isolation as far as military defense is concerned. We have claims beyond our borders which may at any time be disputed, and as we believe them to be just and right, we must defend them. We stand in the relation of protector to Cuba and have important island possessions in Porto Rico and Hawaii. We have 25,000 miles of coast line on the Pacific to protect and more than half as much on the Atlantic, and for all this our best defense is a strong fleet, and such a fleet must be provided in time of peace. Little building can be accomplished after the outbreak of hostilities, and the general board points out the pregnant fact that "the navy, as the outbreak of war finds it, except as the purchase of auxiliaries may add to its strength, is in all essentials the navy which must conduct the war, and by which success or failure must be determined."

The estimates of the general board have heretofore been materially cut by Congress, and this year it is proposed by the House and the Senate committee to authorize only two battle ships instead of four. In view of the urgency of the general board's recommendations, I think we should hesitate to further cut the building programme. We have in the past been justified by the event in limiting construction, for we have not only attained second place as a naval power, but have now in the class becoming obsolete the fewest possible number of vessels. Great advances have been made in naval construction in past years, and others will be made, and we have not hampered ourselves by constructing many ships that embody the disadvantages which have since been corrected. We have profited by our own experience and gained knowledge from the mistakes of other countries in the construction of our naval vessels. For instance, while the turbine engine was under experimentation we built slowly, and are thus in a position now to take advantage of this great advance in marine engineering. Comparing ships in our own navy, it is found that improvements in engines, boilers, and so forth, have resulted in the *Delaware*, 20,000 tons, burning less coal at 18 knots than the *Connecticut* of 16,000 tons. The *Delaware* will burn 420 tons per day making 21 knots, while the *Massachusetts*, 10,288 tons, could not make 16 knots per hour for a full day on the same consumption. The *Arkansas*, 6,000 tons larger than the *Delaware*, will burn about 360 tons of coal per day on the average speed of 20 knots, or 60 tons less than the smaller ship. Such are some of the advances that have been made in marine engineering, of which we can take advantage in ships to be built.

Others may come in the use of fuel oil or gas engines, still further reducing cost of operation and increasing efficiency. That we have avoided building vessels not up to the highest standard of efficiency is, in my mind, justification of the action of Congress in refusing to enter into an extended building programme in competition with other nations. But, nevertheless, there is a limit beyond which we should not go, and that is the point when we begin to fall behind in relative strength. When we cut off a battle ship we take from the line of battle 10 or 12 guns of largest caliber, and 12 big guns might settle the result of a battle. In view of this fact, and considering, further, that we are in danger of falling behind relatively in offensive power, I do not think we can safely cut the building programme to less than 2 battle ships. We are now building 4 battle ships that will bring to the line of battle forty-four 12-inch guns. Germany is at the same time building 8 battle ships that will bring to bear twenty-four 11-inch and seventy-two 12-inch rifles, and 3 armored cruisers carrying twenty-four 12-inch guns, or 120 big guns against our 44. Japan exceeds us in construction, for it is building 3 battle ships carrying thirty-four 12-inch guns and 2 armored cruisers carrying twenty 12-inch guns, a total of 54 big guns against our 44. Under the circumstances, therefore, I think it unwise to limit our authorization to 1 battle ship. Were our revenues larger, I should have no objection to carrying out the

ideas of the general board. But when we find that the estimated cost of a 26,000-ton battle ship is \$11,556,000, we hesitate to authorize in one year the expenditure of about \$50,000,000 for 4 battle ships. We have therefore cut down the number to 2, beyond which I do not think it wise to go at this time.

I have referred to the 25,000 miles of coast line on the Pacific coast, for the protection of which a navy is necessary; to the Hawaiian Islands, that important outpost in mid-Pacific; to our possessions in Guam, Samoa, and to our occupation of the Philippines, all of which impose upon us grave duties in the way of protection; yet we have not a single battle ship on the Pacific, and the 2 armored cruisers now there are to be withdrawn. We are practically defenseless on the Pacific, from a naval point of view, should we have to contend there with a first-class naval power. All of the effective vessels of our navy are organized in the Atlantic Fleet, with its reserve. The plan of the Navy Department is apparently to keep our fighting ships on the Atlantic station. According to the announced plan, the Atlantic Fleet will be increased from 16 battle ships, its present strength, to 21 battle ships and 4 armored cruisers in 1912, with a reserve of 10 battle ships, which will make Philadelphia its headquarters.

The fact that an efficient navy is the best kind of national insurance has been brought to public attention more than once. It is now called to our attention again in the last issue of the *Scientific American*, which is acknowledged to be an authority in matters of scientific interest, and which for years has made a special study of our navy. In the article referred to, which I now ask to have read, it is pointed out that, although the expenditures for battle ships are enormous and the cost of maintaining them in commission is very great, the \$44,000,000 which the navy cost last year in maintenance and repairs represents an insurance premium of only six one-hundredths of 1 per cent of the total wealth of the United States, as ascertained by the Bureau of Statistics in 1904.

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

The Secretary read as follows:

OUR NAVY AS A NATIONAL INSURANCE.

At the recent launch of the *Florida*, as the great ship was starting down the ways, one of the crowd was heard to remark, "What a shameful waste of public moneys it seems, when we think that this \$10,000,000 ship may never be employed in the work for which she was built, and that if she ever gets into a fight, she may be sent to the bottom within a few minutes of the opening of an action." The remark was characteristic of much that is being said and written on the subject of the wastefulness of modern armaments. Taken by itself, it would seem to be convincing; but if we look at the question broadly, and with that just sense of proportion which is necessary to a correct estimate of the value and meaning of things, we shall see that such talk is the purest sophistry. The costliness of a battle ship must be judged in relation to what it stands for and the work which it is intended to do. In the last analysis, the *Florida* is one element in an economical system of national insurance, designed to protect both the lives and the property of the 90,000,000 of inhabitants of the United States.

The true test of the question of the extravagance of naval expenditures is to determine the ratio that they bear to the money value of the property which they protect. The following estimates of expenditures, which have been furnished from Washington, show that the first cost of the ships of the navy, as they float to-day, is roughly \$400,000,000, while the current annual expense of their maintenance is about \$44,000,000. The cost of maintenance last year, including pay of officers and enlisted men of the Navy and Marine Corps, pilot dues, provisions, clothing, ordnance, equipment, medical and machinery stores, including coal, water, and other incidentals, amounted to nearly \$38,000,000. The cost of repairs to the hulls, machinery, and equipment of the vessels amounted to more than \$6,000,000, making the combined expense of preserving peace on our shores nearly \$44,000,000.

The amount involved covers the expenses of all the various types of our ships of war, which include battle ships, armored cruisers, cruisers, scouts, the torpedo flotilla, monitors, gunboats, supply ships, hospital ships, collers, converted yachts, tugs, and receiving ships.

As an example of the heavy expense of maintaining a big ship of war we may take the battle ship *Connecticut*, which was the flagship of the Atlantic fleet during the last year. The pay of the officers and enlisted men of the Navy and Marine Corps attached to the vessel and the expenses incidental thereto amounted to nearly \$800,000. This did not include the cost of the necessary repairs.

The home fleet, or the vessels attached to the Atlantic side of the country, last year consisted of 16 first-class battle ships, which were divided as follows: Six of the *Connecticut* class, of 16,000 tons; five of the *Georgia* class, of 14,500 tons; the *Idaho* and *Mississippi* class, of 13,000 tons each; the *Missouri* and *Ohio*, of 12,500 tons each; and the *Wisconsin*, of 11,500 tons. The average cost of keeping a vessel of the *Georgia* class in commission and on active service, which did not include repairs, was nearly \$680,000, while that of the *Idaho* and *Mississippi* class was nearly \$530,000 each. The average cost of the *Missouri*, *Ohio*, and *Wisconsin* ran close to the \$600,000 mark for all three. While these figures will vary for the same ships in different years, the cost of maintenance will not change much from year to year for the same class. The total cost of keeping these 16 battle ships of the Atlantic fleet in active service last year amounted to more than \$10,500,000. It costs just about as much to keep an armored cruiser in active service as it does a first-class battle ship, as is evidenced by the fact that the ten armored cruisers which were in commission last year cost the United States \$7,000,000. Of these cruisers in commission, six were of the *West Virginia*, 13,680-ton class, and the other four of the *Montana*, 14,500-ton class.

With the increase in size of the battle ships there is a corresponding outlay for pay of the personnel, stores, maintenance, and repairs. The latest battle ships to be placed in commission, the *Michigan* and *South Carolina*, each of 16,000 tons displacement, will require crews of more than 50 officers and more than 800 men each. After these are ready the *Delaware* and *North Dakota*, each with 20,000 tons displacement, and each requiring 53 officers and 878 men, will be placed in commission. These will be followed by the *Florida* and *Utah*, each of a normal displacement of 21,835 tons, and each requiring 60 officers and 954 men, while the 26,000-ton *Arkansas* and *Wyoming*, contracted for last fall, will each require a crew of 85 officers and over 1,000 men.

Now, there is no denying that these expenditures, considered by themselves, are enormous; but when they are measured up against the vast national wealth, in whose interest they are incurred, they sink into positive insignificance—and our navy is seen to be the least costly, as it certainly is the most effective, institution in that scheme of national government, which is designed to protect the lives and property and to further the happiness of the people of the United States.

If the above seems to be a strong statement, it is capable of easy proof. The latest estimate of the wealth of the United States available in the Bureau of Statistics is that of 1904, made by the Census Bureau, which put the total for that year at \$107,104,211,917, or \$1,310 per capita. The forty-four millions which the navy cost last year may be regarded as the cost of insurance against damage and loss of that one hundred and seven billions; and, as such, it represents a premium of only four one-hundredths of one per cent. If we include the interest on the capital cost (four hundred millions) of the existing fleet, the premium is only six one-hundredths of one per cent, while the cost of the *Florida* (ten millions) which loomed so large in the eye of the captious critic at her launching, dwindles to one one-hundredth of one per cent of the wealth of the country.

Mr. LODGE. Mr. President, there are always two objections made when the annual appropriation bill for the navy comes before the Houses of Congress to what is called the increase of the navy. One is the large cost; the other, that the maintenance of the navy is in some way a menace to peace. I wish, Mr. President, briefly to consider those two objections in their order.

It is a heavy expense to maintain a suitable navy. The chairman of the committee has just said that these two battle ships will cost \$11,500,000 each. The Senator from Maine [Mr. HALE] puts the figures much higher, but I do not agree with the figures that the Senator from Maine gives. I believe those of the chairman to be correct. But it is not worth while, in my judgment, to consume much time over comparative costs. We will admit at once that the cost is heavy.

Rather more than one hundred years ago Charles Cotesworth Pinckney made a remark which became proverbial when he said that there were "millions for defense and not one cent for tribute;" and in saying that he uttered something more than the indignant reply of a high-spirited man to the attempt of a foreign minister to extort a bribe from him in order that he might secure attention to his country's claims. Pinckney's epigram really means that a nation which is undefended may pass into the position of a tributary or a subject nation at any moment, and therefore the American people had millions for defense. There are some expenditures, Mr. President, which are highly economical, and, to my mind, the money expended on the national defense is the truest economy.

I am in favor of economizing wherever economy can properly be exercised. If the condition of the revenues requires it, very often appropriations otherwise desirable should be deferred or not made at all, but the very last place at which any economy should be attempted is that which affects the national defense.

The maintenance of the navy is largely preventive. We spend several millions in maintaining the Revenue-Cutter Service, as it is called. The amount of smuggled goods which that service actually seizes would probably go but a very short distance toward meeting the expenses of the service, yet the amount of smuggling and frauds upon the revenue which is prevented by the existence of that service is incalculable. It is a preventive service. In the same way, the expense of the country in police and in fire departments is enormous. They are in large measure a preventive service.

It is said here constantly that two-thirds of our expenses are military. That amount is made up by adding in all the pensions paid to the survivors of our wars. But admitting that the expenditure is very heavy for the two branches of the military service, it none the less remains true that it is just as important as a preventive service as the Revenue-Cutter Service is in the customs, or as police and fire departments are in every city of the land. Our military expenditures are absolutely necessary for the protection of the country in which we live. They serve their purpose best if they are never used. Profound peace and no danger of war are the great objects of an efficient navy.

The argument is made here constantly that the old ships are given up, and that we build ships only to have them disappear from the list in the course of fifteen or twenty years. That argument pushed to its logical conclusion means that we should have no navy at all. Of course the ships wear out. Of course

they must be replaced. If that argument were really carried out in all its force, no man would ever dare to build a ship for mercantile purposes, for the life of a ship in the merchant marine is no greater than the life of the ship of war. But the merchant expects in the interval not only to reimburse himself for the cost of his ship, but to earn money on the capital he has invested. The return which we receive from the ships of war of the country is the protection they afford, and of course they must in due time wear out and be replaced.

In 1881 the new navy was begun by the three small ships built when ex-Senator Chandler was Secretary of the Navy. We had tried the policy of having no navy at all. We had allowed our navy practically to disappear. We had nothing but a few obsolete wooden ships, which cost enormous sums in repairs and were absolutely valueless. The country wearied of that miserable situation and adopted the policy of building a new navy. Gradually that navy has been built, under Democratic as well as Republican administrations, until we have the fine navy of to-day.

Many people say that all we want is an adequate navy. I grant it. We are not entering into competition with Great Britain with her double-standard navy, or with any other power. We require only a navy adequate for the defense of the United States and her protection against invasion from any quarter, for the protection of the United States must be found on the ocean.

I believe myself that the navy has nearly reached the point of adequacy. I do not wish to see much enlargement, if any, made, but to have an adequate navy it must be kept up. The old ships as they pass away must be replaced in order to maintain an adequate navy. With that end in view we must build, in my judgment, at the present time at least two ships this year.

Of course the Panama Canal, to which allusion was made the other day, will probably modify our needs, for with that canal we can practically with one fleet protect both coasts. But to-day we have two coasts to protect, and for that purpose the present navy is still inadequate, and at least five years must elapse before that canal is completed. When it is completed then will be the time to adapt our navy to the new conditions, but not five years before those conditions exist.

Now, Mr. President, as to the argument about peace. It is represented in many quarters that those who advocate a strong navy, who believe in maintaining the navy at its present standard and with the best type of ships, are, in some obscure way, the enemies of peace. That depends altogether upon what view you take. To my mind the abolition of the navy would mean war within a very short time, and the reduction of the navy would be a step in the direction of war. The maintenance of a strong navy is the greatest guaranty of peace that we have. If I thought the abolition of the navy would make universal international peace and secure the peace of this country, I should vote against any appropriation for any navy, but I believe that the peace of the country is more dependent upon the existence of a strong navy than on any other one thing.

I can not comprehend the views that the existence of an efficient navy is an incitement to war. It would be just as reasonable to say that the police force ought to be abolished, because their existence incites men to disorder, and that if they were abolished crime and disorder and violence would disappear from our cities. The navy exists, so far as this country is concerned, to prevent war and remove from other nations any temptation to attack us. For this reason we must have our navy in time of peace to the end that peace may be maintained. It is, of course, admittedly hopeless to attempt to build a navy when war begins. Under modern conditions we must have a navy in existence. I agree entirely with the proposition that the Senator from Maine [Mr. HALE] quoted the other day from the speech of ex-President Roosevelt, recently made by him at Christiania. I believe most thoroughly in international disarmament, as he does. I believe in reducing the great armies and navies which the civilized nations of the world maintain. But I also agree with him that the reduction of armaments must be international. Nothing will be advanced by one nation offering itself up as a possible victim to others and leaving all the rest of the world fully armed.

Without a navy we could not exercise a tithe of the influence which we now exercise to promote international disarmament and to promote peace. If we go among the nations of the world with no navy, and spending no money on a navy, the answer is easy when we urge reduction of armaments: You give up nothing and ask us to give up everything." But if we go a strong power with a strong navy and invite other nations

to unite with us in the reduction of international armaments, we have a position which can not be successfully disputed; we speak with authority and with force and with readiness to take equal risks and make equal sacrifices.

We have done more to promote the peace of the world than any other nation. We have done more to promote the success of the courts of The Hague, under this administration as under previous administrations, than any other nation on earth. With that policy we are all in full accord. But to attempt to advance that policy by refusing to build one battle ship or two battle ships here is a total mistake. We are in a far better position to advance peace if we have a powerful navy than if we are weak and can be disregarded by all the rest of the world.

I desire above all things to see the great armaments both on land and on sea reduced. It will be to the benefit of mankind if it can be done. But it is not well to overlook the fact that the peace of the world has been largely maintained by these armed nations and that armament may be a necessary step to unarmed peace. It is forty years since Germany engaged in war. During that time she has kept up a great army and she has built a great navy, and she has maintained the peace of Europe. If there had not been a united Germany, if there had been no great German army, does anyone doubt that Europe would have been torn by wars since 1870? When Germany was divided and broken, from the time of the Reformation through the awful disasters of the Thirty Years' war, Germany had one war after another within her borders, and was open to the wars and the intrigues of other nations. The consolidation of Germany, the strong forces in the hands of the Emperor, have maintained the peace of Europe at least during forty years.

The two great wars which have been waged in that time have been waged one against Turkey and the other against Japan, and both by Russia. I do not say this in any advocacy of the great European armies, but I say that the civilized nations of the world are not wholly amiss when they think that a strong and effective armament properly maintained is one of the great weapons for the preservation of peace.

The Senator from Indiana [Mr. BEVERIDGE] the other day pointed out that those nations highest in the ranks of civilization, with the freest governments, with the most enlightened and most intelligent people, were the very ones who maintained a large navy; and he referred to China and Turkey as nations which had undertaken to go on without a navy. There is much force in that illustration. I do not refer to the small nations, whose neutrality is guaranteed, but it is idle to suppose it a mere unmeaning accident that the great civilized nations of the world should have maintained these armaments, and that the nations more backward should have been unable or unwilling to maintain any. It is greatly to be deplored that the general conditions have required these great armaments in order to maintain peace. I hope the time has arrived when we can begin all over the world to reduce them, but there is no question that the policy of the great civilized nations which have maintained these powerful armaments has been coincident with a long period of peace in western civilization.

Take as an illustration China and Turkey, which are nations which have done nothing in that respect.

China has foreign nations holding her ports. She has foreign courts with extraterritorial jurisdiction sitting in her cities. Within a few years she has seen foreign armies march almost unresisted and take her capital. Her customs service is managed by foreign nations. All that is best and most progressive in China to-day is struggling to get rid of that load of foreign interference and foreign domination by adopting western ideas, and in pursuance of those ideas they are trying to reform her army and to construct a navy. They are beginning to understand that a defenseless, unprotected nation is not only open to insult and wrong but is incapable of success and development.

Mr. President, it is very easy to save money on a navy and on an army if you are willing to submit to that which China has been compelled to endure.

Take, again, the case of Turkey, to which the Senator from Ohio referred. I venture to think that as an illustration of the needlessness of navies it was not a fortunate one. Not so very long ago, measured even by recorded history, as late, in fact, as the sixteenth century, Turkey was one of the strongest, if not the strongest, military powers in Europe. Under Solymán the magnificent Turkish armies swept up to the walls of Vienna. They controlled the Black Sea and all of what is now southern Russia. They controlled Asia Minor. They were driving Venice with all her great commerce out of the eastern Mediterranean, and they were practically, through their fleets, masters of the Mediterranean itself. Even the shores of

Italy, France, and Spain were in constant peril from the raids of Turkish and Moorish galleys.

After the death of Solymán, under his son and successor, Selim II, occurred, as the world knows, in 1571, the great battle of Lepanto, in which the united fleets of Europe destroyed the Turkish fleet. The Sultan is said to have made the observation with which everyone is familiar, after hearing of the loss of the battle: "They have singed my beard, but I have broken their arms." By that he meant that he had taken the island of Cyprus. The island of Cyprus had no effect in stopping the decline of the Turkish Empire, but that great race of fighting men from the time when they lost control of the Mediterranean, when their sea power was once broken and they were unable to rebuild it, went steadily down. From Lepanto to Navarino, when their last wretched fleet was swept away, it has been one long decline, and it all started with the loss of their sea control at Lepanto.

Mr. President, I desire now to ask the attention of the Senate for a moment to our own experience. I am one of those who think something can be learned from history. I do not think all wisdom died with our fathers, nor do I think, either, that all wisdom is possessed by those who exist to-day. I think something can still be learned from what has happened to the United States in the past. Our own history is familiar to everyone here, and I really ask pardon for referring to it, but there can be no harm in considering for a moment the experience of the United States in regard to a navy.

Under the administration of John Adams we began the construction of a navy. We were then in difficulties with France. She had been committing great depredations upon our commerce. We were trying by every possible means to maintain peace, but the party and the administration then in power went on and built a little navy.

We really got into a state not of declared, but of actual, war with France. Truxtun, in the *Constellation*, fought an action with *L'Insurgente*, a French frigate, and defeated her; she struck her colors. A year later he fought another action with *La Vengeance*, another French frigate. She escaped, owing to the injury to Truxtun's mainmast, but she had 150 killed and wounded on board, and when she reached a port in the West Indies, where she took refuge, she was held to be unfit for further service. Those two actions of Truxtun, well-nigh forgotten now, enabled us to make peace with France at that time. They did more to convince the French that it was not worth while to incur the enmity of the United States than all the representations of our commissioners of whom Talleyrand demanded the bribe which Charles Cotesworth Pinckney resented in the phrase I have already quoted.

Under the next administration the building up of the navy was stopped, and yet it was under the next administration that we were enabled by means of our navy to stop forever the disgraceful tribute we had paid to the Barbary pirates.

When we come to the war of 1812, with which everyone is familiar, we had these few frigates and a few vessels of smaller type—brigs and sloops. We fought 13 single-ship actions and won 11 of them against the mistress of the seas, who had swept every other power from them.

England had, I suppose, a thousand vessels in her navy at that time, and yet those few frigates of ours, only half a dozen all told, dealt a heavier blow to her great naval prestige than all the combined efforts of France and Spain. That war taught this country a lesson which it did not quickly forget.

In 1816 Congress appropriated \$1,000,000 annually toward creating a navy of 12 seventy-fours, 12 forty-fours, and 4 steam batteries, and also began a series of coast defenses which resulted in the forts now useless, but which still exist in many of our harbors, the best construction possible of the day and very handsome still, although helpless against modern guns.

The Senator from Ohio, in referring to the Monroe doctrine the other day, spoke of it as though we had merely announced this doctrine and had it accepted by all the world, although we were a poor, weak power, because the merit of the case was such and we were so peaceful that no objection could have been made.

Mr. President, it seems to me that is a misunderstanding of the situation in 1824. We had just emerged from a war with the greatest naval power with a glory that had attracted the attention of the entire civilized world and was commented on with wonder by Napoleon. We were generally considered, having been so successful with England, to be the best naval fighters of the world.

The immediate question turned, then, on the recognition of the South American republics. Was it moral suasion and our

noble but peaceful weakness which protected those struggling republics?

Has it been forgotten that it was Mr. Canning who first suggested that we should unite with England in refusing to admit the interference of Europe in South America? Is it forgotten that it was then that Mr. Canning made the famous speech in which he declared, "I will call in the New World to redress the balance of the Old;" and that when the President, in his famous message of 1824, put forth the Monroe doctrine, he had behind it for all practical purposes the overwhelming naval superiority of England? Even without that, do you think any members of this "holy alliance" would have been inclined to enter into a controversy with us?

Let me read a few lines written in 1827, three years after the declaration of the Monroe doctrine, by Mr. W. James, the British naval historian, addressed to Mr. Canning. He said:

The menacing tone of the American President's message is now the prevailing topic of conversation, more especially among the mercantile men in whose company I daily travel to and from town. One says, "We had better cede a point or two than go to war with the United States." "Yes," says another, "for we shall get nothing but hard knocks there." "True," adds the third, "and what is worse than all, our seamen are more than half afraid to meet the Americans at sea." Unfortunately this depression of feeling, this cowed-spirit prevails very generally over the community, even among persons well informed on other subjects, and who, were a British seaman to be named with a Frenchman or Spaniard, would scoff at the comparison.

That is the testimony in a private letter as to the standing of the American Navy at that time. It was not such a very weak navy, and other people thought it formidable.

In 1812, when we entered on our war with England, we had 34 frigates, 3 frigates of 38, 1 vessel carrying 32 guns, 1 of 28, 2 of 18, 2 of 16, 2 of 14, and 2 carrying 12 guns. We had a total naval tonnage of 12,086 tons.

In 1824 we had 7 line of battle ships, 5 frigates of the first class, 4 frigates of the second class, 2 corvettes, 5 sloops of war, 1 brig, and 13 schooners; in all, 36,088 tons in the navy—three times what we had in 1812. Europe was quite aware of that.

If we were able to do so much with England with that little fleet of 1812, what was to be expected when we had 7 battle ships—74's they were then called—to start with? Spain was in no condition to meet even the American fleet.

Moreover, Mr. President, it must be remembered that conditions at that time differed utterly from the naval conditions at the present time. That was the day of wooden sailing ships. This country was full of shipyards; we had the best timber in the world; we could build ships more rapidly than any other nation; and in those days of slow communication there was a chance to build ships after war began. Moreover, all our merchantment, the fastest then afloat, were capable of easy conversion into ships of war.

Most of all, that was still the day of privateers. Now commerce destroying, whether by privateers or by naval vessels especially designed for that purpose, is not an arm of defense on which any sea power can rest, as Captain Mahan has shown; but at that time, however, privateering was a very formidable and very destructive weapon. American privateers in the war of 1812 drove up the insurance in London to prohibitory rates. It was the cry of the English merchants that did more than anything else to force peace. The American privateers ranged the English Channel and captured vessels almost within sight of Great Britain. We had a great merchant marine. In addition to that effective fleet, with all the reputation of the war of 1812, the world knew that we had behind us this capacity of sweeping any commerce from the sea. Our sea power at that time, in view of the distance of transport to South America and our own situation, was too formidable for any country to attack us, except only Great Britain; and Great Britain was with us on the question of leaving the Spanish-American republics alone and keeping them free from the crushing force of the holy alliance.

The Monroe doctrine, which I think is very essential to the peace and the safety of this country—for if it had not been for the Monroe doctrine we might have had military powers built up on our very borders, which would have compelled us also to have become a military power—the Monroe doctrine is not a principle of international law; it is a declaration of our own policy; and it has only as much strength as there is strength in the arm of the United States. When we were torn by the civil war an effort was made at once to override the Monroe doctrine. It was during that time that the only absolute infraction of it was ever attempted. It was then, when the civil war was raging, that the Emperor of the French undertook to establish an empire in Mexico, supported by French troops.

The Congress of the United States protested against it; and immediately after Lee's surrender almost the first dispatch which went abroad was Mr. Seward's instruction to our minister to France to say to the French Government in diplomatic language that if the French troops were not withdrawn an army would be sent down there which would put them out. I always thought that Mr. Seward might have pressed that demand a little more sharply and vigorously than he did, but the result came in the course of the next year or eighteen months. General Sheridan was sent with 50,000 men to the borders of Mexico, and the French troops were withdrawn. We had also at that moment, be it remembered, at the close of the war, the most formidable fleet in existence.

France took her troops out of Mexico, and the Emperor Maximilian, Archduke of the House of Austria, was taken out and shot, as all the world knows. The Mexican Republic was restored, while Europe looked on and did not dare to raise a finger; and yet within three years before one European power, because our hands were tied, had dared to come over here and, in violation of the Monroe doctrine, had undertaken to establish a military monarchy at our very doors.

Does anyone suppose for a moment that it was moral suasion which kept them in that position, that saved us from the troubles which would surely have accrued if we had been obliged to have a military empire established just across our southern border? No; that was done because the United States was a great sea power, and, as it happened at the moment, had a veteran army unequaled by any other in the world.

Mr. President, that has been our own experience in maintaining the doctrine which I think is essential to the welfare and the prosperity of the United States. Such has been our own experience with the navy in times of stress and in the hour of trial.

I believe to-day that not only the maintenance of the Monroe doctrine, but the maintenance of what is infinitely more important than the Monroe doctrine, the maintenance of our peace and in a large measure of the world's peace, depends under existing conditions on the maintenance of the American Navy at the point which it has now reached.

I have nothing to say about other nations. I attribute no hostile purposes to them. I do not think there is the slightest danger of war, for the simple reason that we have got the second battle ship fleet in tonnage in the world, and because our ships average lower in age than any other fleet in the world. I believe that is an absolute guarantee of peace. I want to see peace maintained, and therefore I want to see the navy maintained.

I do not prophesy or predict trouble with any country, but, if I may be pardoned an allusion to a debate of long ago that occurred here in regard to Hawaii, I will make it, because it illustrates what I am saying. In discussing Hawaii I said something in regard to Japan, which had a ship at Honolulu at that time. My very good friend, the Senator from Delaware, now Judge Gray, asked me, with what I thought was rather a sneer, if we were afraid of Japan, a small, unimportant power. I said, "No; we were not afraid of Japan or of any other country on the face of the earth, but that it was well to consider the facts and to realize what Japan had done when it had its war with China." Within ten years of the time of which I speak, when I was laughed at for alluding to Japan as a possible factor, Japan overthrew one of the great military empires of Europe in a terrible war, both by land and by sea. Japan's success in that war rested on her control of the sea. If Russia had had her fleet at Vladivostok instead of divided over the world, and that fleet had been as large as it should have been, and had been manned by loyal crews, Japan never could have even begun the war in Korea and Manchuria.

I predict no war, but I believe that we ought to be always able to maintain our rights. I believe most fervently that the navy is the best guaranty of peace. I believe that unarmed we should have little or no influence in bringing about the general world disarmament, which ought to be brought about, and therefore it seems to me that we should maintain an adequate navy.

I think, as I said at the beginning, that the navy is nearly adequate at this time, but it can only be maintained as an adequate navy by making suitable additions to it from year to year. We have devoted ourselves wisely, I think, to making our line of battle strong. We are deficient in some of the auxiliary branches of the service; but I hope and believe that we shall soon reach a point where we can reduce the building of battle ships and strengthen the other branches—scout cruisers, colliers, repair ships, torpedo-boat destroyers, and torpedo boats.

Mr. DOLLIVER. Mr. President—

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

Mr. LODGE. I do; certainly.

Mr. DOLLIVER. I have been very much interested in the discourse of the Senator from Massachusetts. He has referred twice to a coming disarmament of the great military nations. All of them, including ourselves, are proceeding to enlarge the fleet of battle ships every year. From what quarter is the Senator from Massachusetts looking for the initiative in the coming disarmament of these great military nations? Has he any light to throw on the prospect that the time will come when these nations, now rivaling one another, will by some process, one at a time or all together, cease to build these ships and enter upon what he evidently looks forward to as a desirable national policy?

Mr. LODGE. Mr. President, I did not mean to suggest that they had begun anything of that sort as yet, but I believe that the movement toward international disarmament is constantly growing stronger. We are the only nation, as the Senator knows, that at the last Hague conference brought forward the question of disarmament. I believe myself that, under the pressure of civilized opinion, under advancing intelligence, and under the intolerable pressure of taxation which these armaments cause in Europe, the time is soon coming when there will be some agreement as to a decrease of armament. It may begin very moderately, but I believe it is coming. However, that is only a matter of personal belief; I have no more knowledge on the subject than that possessed by anyone else.

Mr. DOLLIVER. Does not the Senator realize the fact that the United States, owing to its position, is probably better situated than any of the great military nations to approach that subject by taking some practical step in that direction?

Mr. LODGE. I think we are in a better position to urge international disarmament than any other country. I do not think we should promote international disarmament, and I feel very confident we should enlarge the chances of war if we were to reduce our own armament without any relation to what is done by other countries.

Mr. DOLLIVER. But our moral influence, it has always seemed to me, when we urge disarmament upon others, is somewhat paralyzed by the fact that we are ourselves busily engaged in multiplying the instruments of war. From what quarter can a suggestion of disarmament come that has any moral authority if not from us?

Mr. LODGE. The suggestion of disarmament, or the reduction of armament, came from us, and from us alone; but I do not think we should advance disarmament generally by disarming ourselves first without getting anything in return. We are now in a position to say, "We will disarm if you will;" but if we disarm first, then without any compensation to offer, it seems to me we lose all advantage of position. I am putting it now simply on the basis of negotiation.

Until that period of the reduction of armaments comes—and I believe it will come about for reasons I have mentioned—it seems to me (I am repeating myself, I am aware) that to reduce our navy seriously, much more to give it up, which is where some of the arguments lead, would be to promote war and to promote it directly. Under modern conditions a nation like ourselves, vulnerable only by the sea, becomes a temptation to war the minute it is unarmed, and I do not think we should advance the cause of peace by disarming alone. The cause of peace and the reduction of armaments will never amount to anything until the great nations of western civilization join in promoting them.

Mr. President, I have taken more time than I meant to. I do not think this recommendation of two ships is excessive. I think it is a moderate provision. It was adopted in the House by an overwhelming majority. I hope it will remain in the bill in the Senate. I think the whole increase is very moderate, indeed, and I have tried to set forth my reasons for supporting it, not on any special grounds, but on the general principles which have governed me always in dealing with the question of the navy, for I can never forget that the defense of this country, both on the Atlantic and Pacific, must be at sea. It is in the American fleet that our defense primarily resides. We can protect our great ports here and there by fortifications, but those vast extents of unfortified coast must be protected by a fleet.

Mr. President, I think simply as a matter of defense and for the maintenance of peace, the American navy ought to be maintained in its present position, and I do not think that two battle ships will do more than that.

Mr. CLAPP. Mr. President, the fact that the distinguished Senator from Massachusetts [Mr. LODGE] has been able to maintain but a sparse attendance in the Chamber during his very clear and comprehensive discussion is an admonition to me that the Senate is probably somewhat weary of debate upon this question. But I believe in representative government, and I believe that we owe it to those whom we seek to represent to give our reasons for our votes upon pending measures.

The discussion of the naval question involves a matter of expense, and I am going to digress a moment to discuss one phase of our expenditures, and that is, how they may, in a measure, be remedied. The distinguished Senator from Rhode Island [Mr. ALDRICH] during this session made the statement one morning that he could save, or that the Government could save, \$300,000,000 a year. That was undoubtedly legislative license, somewhat akin to the lack of measure and rhyme involved in poetic license. But that a great saving could be effected is very evident. But it never will be effected until two things are done: First, the various appropriations have to come under the coordinate effort of the chairmen of the committees on appropriations.

For two or three years I have urged this policy, and we finally created a Committee on Expenditures, and I thought we had made some headway; but immediately when that committee met—and I find fault with no one, because I was there and participated, perhaps, without sufficient thought—instead of reaching the root of the evil we went back to the evil.

No business concern would think for one moment of allowing each one of the subordinates in that establishment to say to the board of directors, "I must have so much money for my department in this concern." They would consider the estimates of these men, but somewhere in the organization there would be a power which would coordinate these estimates and place a limit upon them. It is the most natural thing in the world that the man at the head of a department or in a department, at the head of a bureau or division, should imagine that his work is the most important of all. We would do it if we were there.

There should be somewhere in Congress one final committee to take these various appropriations and say to the men who are involved in their expenditures, "We can spend a billion dollars, or a billion and a half, whatever we can afford. You can have so much, and within that you must administer the affairs of your department," the same as other governments, the same as business concerns.

Instead of that we organized this committee and immediately divided that committee up again into subcommittees. Take the bill of which as chairman of the committee I have charge. When it came here, and we prepared it in the committee, I went to two members of this final committee, who were the subcommittee on that question. Neither of them had any time to discuss the question. And so we get right back again to the individual committee in every case. We must reverse that policy and have a committee the chairman of which will act in coordination with the chairmen of the several committees having in charge the respective appropriation bills, with each of them recognizing the necessity of scaling down his bill some, and yet with the natural impulse of a chairman of a committee on appropriations desiring that the department which he stands for shall be fairly represented, seeing to it that the department is not impoverished in the appropriations.

When we reach that basis we will begin to economize, provided we do one other thing, and that is this: We may stand here and talk economy until the youngest of us has grown gray in the service, and we never will practice economy until we begin to practice it. For eight or nine years I have sat in this Chamber, and every session it is said, "We must pass these things this session, but next session we will begin to economize." And no system of economy on earth devised by human genius will ever effectuate economy until we begin to practice it.

Mr. WARREN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. CLAPP. Yes.

Mr. WARREN. The Senator from Minnesota I think will have to give credit that we have to some extent commenced to economize. We cut the bills of the army from \$102,000,000 to \$95,000,000. We cut down the bill for fortifications from something over \$9,000,000 to about \$7,000,000. We cut down the bill for the Military Academy at West Point nearly \$1,000,000, which made a very good start.

Mr. CLAPP. We have reduced some of these bills, but not a fraction of what they should have been reduced. They are still too much controlled—and I am not finding fault with the men who do it—by the desire of the head of each department, actuated by the thought that his is the one vital department in this Government; and until there is a coordinated regulation placed over all these bills we never will accomplish any substantial reduction.

Mr. WARREN. With the start I have mentioned, does not the Senator think our saving would have been very considerable if all the appropriation bills had been scaled with the same economy that the first ones were; and I might include the bill of which the able Senator from Minnesota has charge—the Indian bill—which, I believe, was considerably cut. If all the other bills had been reduced correspondingly, would we not have been clearly within our revenues this year?

Mr. CLAPP. Undoubtedly, if we had all done that, but we are just so constituted that we will not and can not do it unless there is a coordination of purpose and authority.

Mr. GALLINGER. Will the Senator from Minnesota permit me?

Mr. CLAPP. With pleasure.

Mr. GALLINGER. The Senator's argument is unquestionably along correct lines, and I hope the time will speedily come when there will be some authoritative power in this body to take into consideration all the appropriation bills and pass upon them.

But we have done pretty well this year. The Senator from Wyoming has called attention to the fact that about \$9,000,000 have been saved in military appropriations. This bill saves over last year from \$6,000,000 to \$8,000,000, almost \$9,000,000, if we do not have a deficiency.

The Senator's bill was cut; the bill carrying appropriations for the District of Columbia was cut to a considerable extent; and I think we have all evinced a disposition to meet the emergency that now confronts us.

If all the appropriations had been cut as the military and naval appropriations have been cut, we would have saved somewhere from \$60,000,000 to \$70,000,000 in the present year. I have made a little calculation which demonstrates that fact.

Mr. CLAPP. That is very true; but the fact that we have not done so all along the line demonstrates the strength of my position.

Mr. GALLINGER. To which I agree.

Mr. CLAPP. And so thoroughly am I in accord with that position that to-day, jealous as chairmen of committees may be of the prerogative of handling an appropriation bill, if it could be done in no other way and the other committees would do it, I would cheerfully turn my bill over to one general committee on appropriations. I do think, however, that we would get better results with the individual committees handling the bills if there could be this final coordinated jurisdiction over them all.

Mr. President, I wish to say a few words in regard to the naval bill, and I will not speak very much at length. It is proposed now to spend \$22,000,000, at the lowest figure, for two battle ships. I am one of those who believe that the last dollar of money and the last drop of blood can be well sacrificed in the defense of my country, but I do not believe in unwarranted extravagance for the military branch of this Government—and when I say "military" I include the navy—under existing conditions.

To-day we are renting buildings in this city and elsewhere throughout this country, and paying rent therefor, because we do not feel that we have the funds with which to purchase buildings. To-day there are throughout this country a great many thousand men who long ago, in the flush of their early manhood, offered themselves as a sacrifice that the institutions of this Republic might live. The long privations and hardships of that service in many cases left them less qualified or able to cope with the stern affairs of life, and to-day, in their old age, many of them are sitting in the shadow of poverty.

A measure has been pending here for some time to grant those men relief. We are unable to make any headway with that measure. Before I would build more battle ships I would do justice to the men who in the sixties saved this Republic.

Outside of those who have served this country upon the field of battle we have to-day a class of men who take their lives in their hands daily and hourly as with lightning speed they distribute the mail of this country in the cars of the railway systems of the United States. We tried to get a little pittance of advance of expense for them. We were unable to do it. We were unable to secure for them that slight advance.

To-day on the prairies, in the valleys, on the mountain sides, and in the forests men are traveling in the heat and in the cold and in the storm distributing our mail in rural free delivery, and doing that service for a mere pittance. Bills have been pending to give them something like a decent compensation for their service, but we are unable to make progress with those bills, and yet we propose to spend \$22,000,000 to build two additional battle ships in a time of profound peace and when we are preaching the gospel of peace to the nations of this earth.

Not only that, but we have in this country vast arid regions and vast areas covered with swamps which we seek to reclaim, and every section comes and demands that the Government lend its credit and its money to the reclamation of those lands. We have done much along the line of conservation, but little in comparison with what should be done, and yet we are blocked in that development for want of funds, and at the same breath propose to spend \$22,000,000 to build two additional battle ships. It seems to me that under the circumstances this is an unwise economy and an unwise expenditure.

Now, let us look for a moment at the cost of a battle ship; and I have figured it out. As near as I can figure it, it costs, in the interest on the investment, in the direct cost of maintenance, and in the direct depreciation of one of these larger battle ships, almost \$2,000,000 a year to keep it afloat; and that takes no account of its proportion of the general cost of the administration of the Navy Department, taking a battle ship as the unit of cost in the general distribution of the cost of that department of our Government. I think, taking the battle ship as the unit, it would be very easily within the limit to add another million dollars, which would make almost \$3,000,000 for the mere expense of maintaining afloat upon the sea one of these monsters of destruction.

Now, the moment we undertake to discuss the wisdom of limiting the growth of the navy we are met with the proposition that we eliminate the navy. Who would eliminate the navy? Mr. President, I have been here for several years, and I never yet have heard a Senator suggest the elimination or the disarmament of the navy. It is not a question of disarming the navy, but it is a question how rapidly shall we continue building up these vessels of war.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. KEAN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from New Jersey asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Minnesota will proceed.

Mr. CLAPP. As I was proceeding to say, it is not a question of disarming. It is a question how rapidly should we go on building up the navy. I do not believe that the people who attend meetings and with an enthusiastic appeal to the flag and a repetition of the old declaration, "Millions for defense and not one cent for tribute," and who then pass a resolution demanding an increase of the navy, realize that when our great fleet was plowing its way upon the other side of the globe the United States Government in twenty-four hours could have mobilized upon the Atlantic coast a fleet almost equal to that which was on the other side of the globe.

I do not believe that the American people realize that next to England to-day the United States has the strongest navy of any power upon earth. If they realized those facts, we would receive less of resolutions passed under the inspiration to which I have referred.

We do need a sufficient navy—no man will gainsay that—but I undertake to say that too great a navy, instead of being a token of peace, is a menace to the peace of the Republic. I want the Senate and, through the Senate, those who may take the trouble to read my remarks to remember that the nation which wins its freedom develops a spirit a little bit along the line bordering beyond the independent and into the somewhat shadowy but dangerous realm of the aggressive. There is something in the spirit of a republic different from the spirit of a monarchy. We see it in our diplomacy. A republic never has been and never can be equipped for diplomacy, because back of the diplomacy lies that spirit which in diplomatic circles has been characterized as "shirt-sleeve diplomacy." A

nation that has achieved its independence, that has grown, as we have grown, great and strong, ought to regard with some care and some caution its own tendency perhaps to overreach and overawe other nations and other powers.

A monarchy is set upon different grounds, with a different spirit. A monarchy, as a rule, in the history of the world down, except where they have proceeded deliberately upon a forced conquest, have been more conservative in their recognition of the rights of others than those people who have wrought out their own liberties. This is seen in the foundation of those nations through the past where they did work out their own liberty and their own independence, thus founding a new nation, even though a monarchy, and from that moment proceeded their thirst of conquest and their lust for power.

I say again that as a republic we want to take heed and be careful whether we permit ourselves to be carried away by this spirit; and in proportion as we arm ourselves beyond the necessity of fair protection there is that danger.

There is another thing, Mr. President, to which I wish to call attention. We talk peace to the nations of the world. We hold peace conventions; and, as the Senator from Iowa [Mr. DOLLIVER] so well suggested, at the very time we are talking peace to the nations in time of profound peace we are adding to our own armament. That in itself would not be so bad were it not for the fact that back of that plausible talk accompanied by our increased armament lies the history of the last few years in which this Republic has taken upon itself overseas territory. The nations of the world may well question our integrity when they see us with one hand reach out to overseas territory and with the other hand buckling on the armor of warfare and at the same time talking peace.

Mr. President, there is one nation on this earth whose mission might and ought to be the mission of peace, but as the Senator from Iowa so well suggested, it has got to be put before the nations in the form of a practical gospel. No one will advocate the disarmament of our navy. No one would advocate the decrease of our navy. But in the interest of peace this greatest Nation of all ought to show the nations of the earth that we mean it, and we ought to show it in a time of profound peace by refraining from adding to a navy already the greatest navy on this earth, save that of England. It is only by that policy that we can convince the nations of the earth that we are honest and sincere.

Mr. President, this talk of war and this comparison of the young virile race of America with the decayed races of Turkey and China it seems to me illy becomes us as citizens in instituting a comparison. What nation on the face of the earth wants to go to war with us so long as we keep within the confines of our peaceful and just mission?

Senators talk about Japan. I can predict a war scare with Japan with far greater accuracy than the astronomers succeeded in predicting the swishing of the comet's tail over the face of the earth, for they made a mistake of two or three days. You can predict a war scare with Japan with unerring accuracy if you simply know the day when the naval appropriation bill comes into the other Chamber of Congress. It comes periodically and with it comes the war scare.

Mr. President, to my mind it passes comprehension that we should talk about Japan wanting to go to war with this country. Every American should hail with delight the growth of Japan, her expansion, and her development. They are a brave, hardy people. They are working their way into the notice and into the economies and into the functions of the world-wide powers, and we should hail that with pleasure. Instead of looking upon them as enemies of our Republic, we should hail with joy the progress which they have made.

Are we, a great nation of ninety millions of people, with resources and wealth beyond measure, with traditions of courage unequalled in the annals of the world's history, to stand here and talk about the possibility of war with Japan? We may some day bully Japan into war; we may some day bully some weaker nation into war; but no nation has any such thought or purpose, nor is it in the natural order of things that any nation would go to war with this Republic so long as we pursue our mission within the pathway of peace and justice.

To my mind—and perhaps I ought to hesitate in the use of the word—the thought seems simply monstrous that, of all the nations of the earth, we should talk about the German naval power. Germany would be at war with Germany if at war with America. So it is with every European country.

I was reading a book the other night in which the writer went on to say we ought to have a navy equal to any two navies on earth. I want to say that the nations of the earth

would sink themselves into bankruptcy before they would allow a republic that had already reached out for over-sea territory to have a navy equal to any two navies of the world. They would not stand it so long as they had a dollar of credit along with it to meet the competition.

Every time we build two more battle ships we simply force the other nations to build more battle ships, and so we keep up the race, talking peace, reaching out for over-sea territory, and at the same time adding to our navy, to-day the second among the navies of the earth.

Mr. President, it may seem as though the question of building two battle ships is hardly equivalent to the discussion that has taken place over this phase of the bill. But it means more than \$22,000,000. It means the entailment of the expense of the maintenance of those ships. It means a betrayal to the nations of the world when we talk peace with one breath and vote battle ships with the other in a time of profound peace, with such a great navy as we now have.

If we want the world to listen to the gospel of peace we should act in a practical way, should not disarm; that would be folly in the other extreme; but if we want them to listen to the gospel of peace from this, the greatest potentiality to-day on the face of the earth, we should carry along with the gospel the evidence of our good faith by ceasing to build beyond the reasonable needs of the country. In a few years they pass away. In this bill there is a proposition to build five torpedo-boat destroyers. We have ten to-day that go to the junk heap, because they are of no value in the light of the improvements that have been made. Whether a 26,000-ton battle ship will be the final type, whether a 24,000-ton battle ship will be the final type, or whether a 30,000-ton battle ship will be the final type remains to be seen. We should have some of the new types of ships as they come, and we should have these destroyers as they come, with their improvements, to meet the necessity of maintaining a force equal to what we have. In view of the strength of the Republic, in view of the absolute want of any occasion for war, it does seem to me that it is not only wild extravagance, but it is a menace to the peace of the world, and it is a question of our fidelity or our integrity in preaching peace with one breath and with the other preparing for war when there is absolutely no possibility of war, except upon our own provoking.

Mr. BURTON. Mr. President, I am unable to accept as valid the arguments for the naval programme advanced this morning. They do not, to my mind, constitute valid reasons for the building of two battle ships. It is my desire to review a few of the arguments which have been presented.

It was asserted that it was desirable to engage in the building of war ships, because 85 per cent of the cost is represented by compensation to labor, going back to the mine and to the farm. This, Mr. President, is a transparent fallacy which has often misled us and which often misleads the public in their enterprises. Labor is an economic good only when it is devoted to some useful purpose. Those who beat the air might receive compensation, and it might be said that 100 per cent of the compensation for that beating went to labor, but it would do no good.

In the public works of the nations of antiquity we see a great waste of human energy. The building of the pyramids was undoubtedly in its time the greatest enterprise ever undertaken by man, and when we consider the limited appliances available at that time it was the greatest of all human enterprises. But it meant labor diverted from more useful fields. However, if we compare the building of the pyramids with the building of battle ships, the advantage is certainly on the side of the former, for they remain a delight to the eye and a source of distinction for Egypt, while the battle ship goes on the scrap heap after eight or ten years.

But it is from this argument that much support has been obtained for the building of a navy. The manufacturers of steel, of armor plate, the owners of shipyards, are all enthusiastic for the enlargement of the American Navy, because it brings to them an exceedingly profitable line of patronage; and, indeed, I have thought at times that if that support were eliminated this programme might have been dropped years ago.

I refuse to be disturbed, certainly to be frightened, by the anticipations of war. The idea that we are compelled to build a navy for insurance, and at the expense of \$44,000,000 a year, is utterly without any foundation.

I desire to emphasize what has been so excellently said by the Senator from Minnesota [Mr. CLAPP], that every battle ship which we construct is a proclamation to the world, at least so accepted by other nations, as a declaration of aggression and of ambition.

The argument so frequently used that a fleet means peace can mean nothing of the kind. It means a preparation for war, an expectation of war, and is a constant stimulus to actions which lead to war. Moreover, there is a professional class interested in every navy, some of whom have a burning desire every now and then to see the war ships in action.

I agree most decidedly with what has been said, that we are all anxious for peace. But what is the most effective way to attain it? More potent than seeking to establish arbitral courts, more effective than a declaration that we desire to have the powers of The Hague tribunal enlarged, would be a step on our part showing that we are willing to abate our programme and, in the expectation of a better era of peace, to diminish our naval expenditures.

I do not wish to be understood as meaning that we have not an adequate navy. We do have a strong navy now. On the list, as given in the report by the Committee on Naval Affairs, it appears we already have 27 first-class battle ships, and will have 33 in a very short time. To show the immensity of our naval establishment, the total present number of ships, including torpedo-boat destroyers, and so forth, is 295, with a total of 362 when the present programme is completed.

Some nation must take the lead. If this mad race in building battle ships is to continue, mutual distrust one of another and each of all will continue. But, if the United States, occupying a position of advantage, by reason of the fact that we are protected by the ocean on two sides, and are not compelled to guard our borders with frowning fortresses; and more than all by reason of our republican institutions, which enable us to command the confidence of the world in large degree—if, I say, with such advantage, we abate from our naval programme, then we are taking the lead in establishing world peace.

I am unable to concur entirely with the Senator from Massachusetts [Mr. LODGE] in what he has said in regard to the navy. His thought seems to be that the Monroe doctrine was born in the strength of our navy, and has depended upon that strength ever since. Great movements in world politics depend upon tendencies which nations must obey and upon the assertion of principles. The principle asserted at the time when the Monroe doctrine was announced—and there were faint glimpses of it in the time of Washington—was, as I said the other day, the separate existence of the New World. This was enunciated in England before it was declared here, and for a time after 1823 there was the combined strength of the two nations to support it.

But stronger than that assertion was the separate geographic location of the New World and the adoption by the countries of South America, rapidly, one after the other, of a republican form of government. This created a condition of separation which made the Monroe doctrine, though not a principle of international law, yet one of general acceptance.

Let us see whether our navy has maintained that principle. If I were to ask what was the strongest assertion of it, I think you all would say that it was the demand of the United States in 1895 that Great Britain should settle a boundary dispute between Guiana and Venezuela by arbitration. Like a thunder-clap out of a clear sky came this demand from President Cleveland in December, 1895. It was treated almost with ridicule by some public men of England, but Congress sustained the demand, and Great Britain absolutely acquiesced. Now what was the condition as to the navy? In those days we had three first-class battle ships and two second class, five in all, while Great Britain had over thirty, more than six times as many. Very decidedly it was not our navy which sustained that doctrine in 1895.

Reference has also been made to the invasion of Mexico. What were the facts about that? Great Britain, Spain, and France united in a demand upon Mexico for the collection of debts. The representatives of those countries passed a resolution—I think in 1861, but, at any rate, before any expedition was sent out—that they had no design on Mexican territory.

They recognized the Monroe doctrine before they started. A little later there was a suspicion which afterwards ripened into a reality that France had designs for colonial expansion. Great Britain and Spain immediately withdrew from the proposed expedition. France sent an army to Mexico, but after disastrous campaigns Mexico was evacuated. The people of the United States recall with pride the demand of Mr. Seward that French influence and occupancy should cease in Mexico. But in summing up the factors which led to that result I think we give too little credit to the people of the republic to the south of us. They were able to settle that problem without our assistance. The French left because they had engaged in an expedition which

was found to be futile from the start, not alone because of the physical difficulties and the armed resistance with which they had to contend, but because the opinion, not only of the United States, but of Europe, was against them.

Much reference has been made to Turkey and to China. Mr. President, we are not in the same class with China or with Turkey. Some reference might perhaps be made to the condition of Turkey in the sixteenth century, and here again I am not quite able to agree with the Senator from Massachusetts as to the historical facts. It is true that Turkey in the sixteenth century was probably the strongest power in the world, received tribute from Austria, threatened the nations of western Europe, and was extending her borders in all directions. Then came the battle of Lepanto in 1571. I am unable to think that the decadence of Turkey was due to that battle. It is true Spain, Venice, and the Knights of Malta united in a navy which defeated the Turks, but if I correctly recall the facts, the Turkish navy was rebuilt. The three allies became jealous one of the other and went their separate way. After that battle was fought Venice recognized the possession of Cyprus by Turkey. It does not look very much as if this one encounter had overthrown the Turkish power, when after that battle an island which had been in the possession of Venice was yielded to Turkey.

Be that as it may, what was it that caused the decadence of Turkey? Not an unsuccessful naval battle, but the growth of the western nations of Europe in civilization, the advancement caused by the invention of printing, the discovery of America, and all the awakening developments which followed. Among the principal results were included greater skill and prowess in war. Turkey was standing still in the meantime while England and France were going ahead. It was these great events, part of a great world tendency, attended by great triumphs of invention and of progress, rather than the loss of a navy to which the decadence of Turkey was due. An argument for the navy has been made by comparing it with the Revenue-Cutter Service and fire departments. The Revenue-Cutter Service and the fire department are precautions against an ever-present danger. The navy is a precaution against something remote, more or less imaginary, and with the chances overwhelmingly against the danger ever existing.

If you trace the diplomatic history of this country it will be found that reliance has been had upon our justice and our position among the nations rather than upon a military force. We acquired Alaska by purchase. It is true that we did secure rich possessions in the Southwest and on the Pacific by a war with Mexico, but that crown of all our acquisitions—the Louisiana Purchase—came by agreement with France. We have in that respect an unusual record, that our triumphs have been those of peace and not those of war. Yet, in this year 1910, with all this record behind us, we are told that our navy, already so great, is insufficient; that we must build two battle ships and keep on with that programme.

It has been argued here to-day that we have nearly reached adequacy in our naval establishment. Do not believe it if those who are advocates of a strong navy have their way. Ten or twelve years ago we were building ships of less than 10,000 tons, and now we are building those of 26,000 tons.

How will you ever have an adequate navy at that rate when the smaller ships are being abandoned and there is this demand for larger ships every year? It requires something more than that vain confidence, which has been expressed in these discussions for years, that we shall come to the end pretty soon; that we shall have an adequate navy. There are other factors besides the mere problem of adequacy in this question. There is this great rivalry among nations, constantly seeking greater battle ships. Besides that there is the disposition to enlarge our own navy among certain classes of people, many of whom do not think at all of the problem of protection, but rather of their financial interest in the building of these great war ships.

Reference has been made to the aggressions of France at the end of the century before the last. We can not overlook the progress of more than one hundred and ten years. In that day privateering, which was much akin to piracy, was tolerated. Now it is virtually driven from the sea. In that day there were no courts of arbitration; there was no disposition on the part of any nation to yield; on the contrary, there was everywhere aggression and the desire to gain the greatest advantage.

Now, if any nation unjustly attacks another, it must be in the face of an opposition more potent than serried ranks of soldiers or great squadrons of war ships. There are moral, economic, and political forces now at work which had no efficiency whatever in 1797 or in 1798. Great nations are now reluctant to go to war.

Think of the incentive to war when the Russian battle fleet fired on inoffensive fishermen off the Dogger banks when on its way out to China and Japan! I am afraid that if that had happened in this country and fishermen from Gloucester had been attacked, the sentiment of this people would have demanded war; but this provocation of the most serious nature was passed by without any conflict, and that, too, when the British navy was one which could have blown that of the opposing nation into kingdom come in a very short time. Nevertheless, peace prevailed.

Then, there is the disposition on the part of all other nations to join hands in restraining a belligerent nation from making aggressions. All here join in saying that the building of war ships is an unfortunate necessity. We all talk for peace. No one will rise here and say he wants war. Then, what is the most effective way to bring about peace? It is not by the building of war ships; it is not the giving out of the impression that we are in a strenuous contest for the world's supremacy, but it is rather by a reliance upon an influence among the nations which makes for justice and for peace.

The great cardinal said, "My art was Justice." Our greatest triumphs have been those of justice. The progress that will make toward peace will be accomplished by proclaiming to the world the reign of justice, rather than that of force, by proclaiming as well that we are willing to stop short of this ambitious programme. Let it be done in reliance that other peoples will accept our view, believing that an era of arbitration and of peace is better than one of increasing armaments, which is becoming more and more year by year a crushing weight upon the citizens of every land.

Mr. GALLINGER. Mr. President, for some unaccountable reason I have been quoted in the public press as having joined the Senators who are determined upon having but one battle ship this year. I thought I very distinctly stated in the few remarks I made on last Friday that I had not reached that point; that I hoped the time would come in the near future when we might be able to get along with one additional battle ship, but that, so far as the present year was concerned, I should vote for the recommendation made by the Committee on Naval Affairs, which I intend to do.

Mr. President, so far as the historical discussion between the Senator from Massachusetts [Mr. LODGE] and the Senator from Ohio [Mr. BURTON], which has been so entertaining, is concerned, I propose to leave that matter to those two distinguished scholars to fight it out between themselves. There is one historical fact, however, that I think I may with propriety allude to, and that is, if this Nation had been better prepared for war in 1860 than it was, we would have saved hundreds of thousands of human lives and millions upon millions of public treasure. I do not think it is a thing that ought to be cited against a nation when in time of peace it is fully prepared for any emergency in the matter of war that may be precipitated against it; and I hope that the United States, both in its army and its navy, will always have an adequate force, so that if war should come—and it may come in the twinkling of an eye; no one is wise enough to prophesy to the contrary—this country will be in a condition to defend itself against any power that may assail it.

I arose more particularly now—and I shall occupy but a moment—to call attention to figures that I want to be accurate about and which do not differ materially from the figures which I gave on Friday last in relation to the cost of battle ships.

Before doing that, however, I will say that I was somewhat astonished to have the Senator from Minnesota [Mr. CLAPP], who has probably not looked into this matter very carefully, say a moment ago that in maintenance the cost of a battle ship was almost \$3,000,000 a year. The best authorities on that subject tell us that the cost is about \$1,000,000 a year. It was stated on Friday last that the items for repairs should be added to that, but repairs are always included in maintenance. So I think it is safe to say that each battle ship that we construct will during its lifetime cost for maintenance about \$1,000,000 a year.

Mr. President, take a 26,000-ton battle ship—and that is the size of the two ships, the *Wyoming* and the *Arkansas*, that we are now constructing—and leaving out of consideration the eight-hour law, which does not apply to those ships, the cost is estimated very accurately to be \$11,556,222. It is, as I said on Friday last, a larger sum than I had thought they would cost. The amount as given is found in the testimony before the House Committee on Naval Affairs, printed on pages 525 and 526, Sixty-first Congress, second session, and is doubtless accurate. The approximate cost—and that has likewise been figured out very carefully—of 27,000-ton battle ships—and I understand

that the two battle ships we are providing for this year will probably be about 27,000 tons—leaving out the difference in cost that will accrue if they are constructed under the eight-hour law, will be \$11,830,408 each.

Then, Mr. President, if those battle ships are to be constructed under the provisions of the eight-hour law, according to a memorandum that is absolutely as accurate as any estimate that can be made—I am not permitted to give my authority for it—each of those battle ships will cost from \$12,750,000 to \$13,250,000. It is a very large sum, but it is a very much less sum than the distinguished Senator from Maine [Mr. HALE] stated on Friday last, when he said that he was satisfied they would cost from \$16,000,000 to \$18,000,000 each. I feel sure that the figures I have given are as accurate as it is possible to secure.

Mr. President, I said a moment ago, in answer to the Senator from Minnesota, that, so far as our economies were concerned, we had done pretty well this year in the matter of our army and naval appropriations. The naval appropriation bill of last year carried \$136,935,199.05, and we had a deficiency appropriation of \$2,281,345.97, or a total of \$139,216,545.02. This year's naval appropriation bill, as reported to the Senate—and it is safe to say that in conference it will be somewhat reduced—carries \$130,737,934.38, or \$6,197,164.67 less than last year's appropriation bill, and \$8,478,610.64 less than was spent last year, including the deficiency appropriation. So that we have every reason to believe that, so far as our navy appropriations for this year are concerned, they will be less by at least \$8,000,000, possibly \$9,000,000, than they were last year, while our military appropriations are less than they were last year by the sum of \$9,000,000. This means that in these two appropriation bills we will save over the expenditures of last year about \$18,000,000, which, I think, ought to be kept in mind when Senators are criticising these appropriations.

The Senator from Minnesota criticised us because of extravagant appropriations for naval construction and called attention to the fact that there were a great many bills before Congress which we were refusing to report and act upon that were much more meritorious than appropriations for war vessels.

The Senator alluded to certain pension bills. Well, Mr. President, I have been a fairly good friend to the soldiers of the country. For a good many years I occupied the position of chairman of the Committee on Pensions of the Senate, and I think no one could ever charge me with having been other than generous in the matter of pension legislation. It ought to be borne in mind that while the necessities of the remnant of our Union Army are great, our appropriations are certainly reasonably liberal. Forty-five years after the close of the civil war our pension appropriation bill is larger than it has been in any one year, with one single exception, since the close of that war. The amount of money paid in pensions in the United States is larger than is paid by all the other civilized nations of the world combined, and I feel sure that Congress has responded generously to every call that has been made in behalf of the soldiers who fought for and saved the Government from overthrow.

But, Mr. President, there are bills before Congress to-day in the matter of pension legislation that, if they were enacted into law, would absolutely put the Government of the United States in a condition of bankruptcy. It is proper that when those bills are presented to us we should scan them and ask ourselves the question whether or not, under existing conditions and circumstances, we ought to increase the pension appropriations to any very great extent at the present time. About \$160,000,000 will be appropriated for pensions this year, and, in addition to that, we are passing without comment or without a word of opposition private pension bills by the hundreds and the thousands that will bring relief to a great many soldiers who need added relief beyond that which they are receiving at the present time.

The Senator from Minnesota also called attention to the fact that the men who are delivering the mail, especially in the rural districts of the United States, are inadequately paid. I agree to that. I think they are inadequately paid, but their compensation was increased last year, and I have no doubt their compensation will be greatly increased in the near future.

We can not, Mr. President, meet all these demands at once. We must feel our way along and do the best we can from year to year. I really feel that this Congress has shown a commendable desire to economize, wherever economies could be made, and that the reduced appropriations for the army and the navy are full warrant on my part for saying that we have done all that could reasonably be expected this year.

We surely ought to keep our navy up to a very high point of efficiency, and for that reason I accept the recommendations of the President of the United States, of the Secretary of the Navy, of the Committee on Naval Affairs of the Senate, and the action of the House of Representatives, and give my support to an appropriation for two battle ships, hoping, as I have heretofore said, that in the near future we may be able to get along with one new battle ship each year.

Mr. President, I hope a vote will soon be taken on this proposition. I have no disposition to detain the Senate unnecessarily, and will close by asking that a portion of an editorial in a recent number of the New York Press, which meets this question in a very practical way, may be read by the Secretary from the desk.

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

The Secretary read as follows:

When the United States maintains an adequate sea power it is taking out insurance against foreign aggressions that might be tempted by our unpreparedness. Those insurance premiums—the cost of building battle ships and of preserving the navy at a high efficiency—are paid out of the current income from year to year. No bankruptcy is incurred and no bankruptcy is threatened when those expenditures are out of such income. On the contrary, bankruptcy is provided against when the nation thus takes measures, easily paid for from year to year, to safeguard the country from attack and stress in war, that would pile a crushing debt upon the people, to be extinguished only with generations of enormous payments, as in the case of the civil war, running before the end into billions upon billions.

Supporting a fire department at comparatively slight cost from year to year so as to prevent hideous loss of life and vast destruction of property that must be suffered through unpreparedness against fire is not an extravagance by a city, much less a bid for municipal bankruptcy. No more is the support of a navy adequate to protect the country from the ravages of a foreign foe.

In government, as in private business, there are short-sighted economies of the moment that put a premium upon incalculable extravagances of the future. Our own history, the history of the world, shows that there is nothing which costs a people more than the military unpreparedness which comes from the blind policy of trying to save copper pennies to-day that to-morrow must be redeemed in golden eagles.

Mr. OWEN. Mr. President, I wish to give my adherence to the proposal of the Senator from Ohio [Mr. BURTON]. I agree that it would be better for international peace if we should no longer continue to enlarge the great navy, which we already have established, the maintenance of which constitutes a very heavy tax on the people of the United States. To the arguments which have been advanced by the Senator from Ohio, by the Senator from Minnesota [Mr. CLAPP], and by the Senator from Maine [Mr. HALE], I wish to give my approval. I believe they are substantially right.

Always when the naval bill comes up the press is filled with alluring arguments about the conservation of peace by making preparation for war. Slowly I have come to believe, and I do believe, that these arguments in the public press are not in the interest of peace, but are in the interest of those who have something to sell.

Under the message of the President of the United States two years ago I supported the proposition to greatly enlarge this navy when the naval bill came up at a previous session. I did so, believing that we were in danger of some foreign complication. I have gradually changed my mind about that. I do not believe that we are in any danger whatever. The tremendous financial power of the United States, its far-reaching commercial connections with every nation of the earth, its ties by blood with every nation of Europe, make the idea of war well-nigh impossible.

I have been led to believe that when we are making these enormous expenditures—\$130,000,000 on this insurance policy against war—it would be well to appropriate a small amount directly for the purpose of promoting international peace, and I propose to offer an amendment that one-tenth of 1 per cent of the amount in this bill shall be used by the President of the United States for the direct purpose of promoting international peace. It is only a small amount; it is but one dollar out of a thousand, and since this bill is on the basis of insurance, I hope that everybody who believes in the insurance system will agree to the expenditure of one dollar out of a thousand in the direct promotion of peace.

I simply rose, Mr. President, to give my support to the doctrine that the time has come when we ought to set an example to the nations of the world, and demonstrate that we do not have any desire for aggression; that we do not feel inspired by ambition; that we are already beginning to curtail this vast naval upbuilding, and that we offer an example of limiting naval armament to the other nations of the world.

Actions speak louder than words with nations as well as with men. I have but little confidence in the man who invites

me to peace while he runs for a gun. We have no sufficient ground to invite the other nations of the world to limit their naval armaments when we go on spending millions and tens of millions, and have now a naval budget of \$130,000,000. We ought to put a limitation upon naval expenditures, and we ought directly, as the nation best fitted to do so in all the world, to promote international peace, not by the possible suggestion that we are ready for war, but we ought to do it by direct action. We ought to invite the nations of the world to limit their naval armaments. I know of no proposal in the Senate for that purpose. Why do not those who desire the limitation of our own naval armament and who are in control of the affairs of the Senate pass a resolution through the Senate of the United States declaring in favor of the limitation of naval armaments?

Those who are in control of the affairs of government, those who are charged with the duty to the people of the United States of directing the affairs of government, those who can, if they will, put upon the statute books the proper steps toward maintaining universal peace, owe it to their country and they owe it to the people of the world to take the first positive, direct step, as a national legislature, calling for universal peace and authorizing the officers of this Government to take those steps which are essential and necessary to promote the peace of the nations of the world. We are, as I have said, the best-fitted nation on earth to do that, both by great financial and commercial power and by geographical position, and because in our Nation center the ties of blood with every nation on the earth, and they would listen to us more readily than they would to those who are of an alien tongue, and who have no ties of blood.

Mr. President, I simply wish to give my support to the amendment proposed by the Senator from Ohio, limiting the building of new battle ships to one *Dreadnought*.

Mr. HEYBURN. Mr. President, I think the discussion of this measure or of kindred measures should be based upon a business proposition and not upon war talk. I do not believe it is wise to discuss in the open session of the Senate of the United States the probabilities of war with any nation. I do not believe it is wise or profitable to compare the naval strength of or consider the probabilities of war with any nation by name in the discussion of this measure.

It is the war talk that accompanies this class of legislation which constitutes a greater threat, a menace, than anything we may do by our votes. I do not intend to criticize or be insidious in my suggestions, but in the seven years or more that I have been a member of this body I have always felt, when the recurring discussion of this measure was before the Senate, that it was a mistake to discuss it in open session at all.

Mr. President, the people are seldom, I might say never, in favor of war. No war of which history furnishes a record would ever have been brought about had the people on either or both sides voted upon it. War is brought about by men who term themselves or are accepted as leaders of the people, leaders chosen not for the purpose of determining that question, but leaders chosen for the purpose of taking upon themselves the general management of affairs. But, I repeat, there never was a war which would have been declared had the people voted on it; and I will not limit it to either side—either to the strong side or to the weak side.

Wars have been necessary. The civilization of the world has been brought about by great conflicts that established the domination, I may say, in every instance of the better element in the world's affairs, and good has come from war.

Frequently suggestions have been made in the way of comparison with the expenses of pensions. They are not in the same class with any other expenditure of the Government. We legislate here so as to affect the prosperity of the great business world and the commercial world. We enact tariff laws that men engaged in active business may prosper as against others. But the pensioner is not within that class; and I speak now as a rule.

A very large, overwhelming percentage of the pensioners are not engaged in any of the business enterprises of the country or capable of engaging in them. So the only participation they have in the prosperity of the country comes to them through the pensions they receive. The money that pays the pensions is a mere toll out of the profits of the great business enterprises of the country. So the criticism of the pension roll of the country is not appropriate or in point in considering expenditures for the permanent establishment and maintenance of the Government.

Mr. President, I have been considering as to the time when I would think we might safely curtail our naval establishment.

I am, in my present mood, inclined to say that that time will be measured by the completion of the canal. We now are, with our vast coast lines and with the interposition of a continent that breaks it in two, in a position where we must have a larger navy because of the necessity of division of the fleet. But when the canal is constructed it will be all one navy; we will have little cause to consider the question of the Pacific and the Atlantic fleets, because they can pass rapidly from one to the other. I am inclined, until the canal is completed, to vote for a reasonable and fair addition to the navy, so that when that time comes we will stand in a position where we can dictate, if dictation is wisdom; confer, if conference is wise, and as the Senator from Oklahoma has suggested, enter or attempt to enter into some arrangement with the world, and we will be in a better position to do that if we have our country thus connected shore with shore.

I do not think our navy is inordinately large. I do not think our navy is out of proportion to the functions that it must fulfill. The navy in time of peace is not without very great benefit to the people. As has been suggested, and as must always recur to the mind of one considering it, the building of our ships is largely a question of labor, and it is a distribution of the wealth of the country among those who labor. The remaining per cent represents materials which must, under our law, be American materials. Our ships are built by our own people, out of our own raw material. A vast market is created for that which would otherwise not have a market or not so good a market. The field of labor is benefited to the extent of hundreds of millions of dollars, which goes immediately back into the channels of trade. It does not pass into the hands of those who hoard it or withdraw it from the channels of trade; but the man who works in the navy-yard or who works upon the ships almost immediately, I would say almost within a month, sends the money back again into the channels of trade.

I have not considered, and shall not, in voting upon this bill, consider the question of war. I regard it as in keeping with the policy of nations that we should have a navy. I regard it as in keeping with the duty of this country that its navy should be adequate to its defense if it must defend; that it should stand as a pledge of the ability and of the disposition of this country to command the peace of the world. So that I can, without violating any part of my conscientious belief in regard to these matters, support this provision for the building of two battle ships.

Mr. DEPEW. Mr. President, I did not intend to say anything upon this proposition, but I must dissent from the remarks made by my friend the Senator from Idaho [Mr. HEYBURN], that there never yet was a war which would have taken place if it could have been submitted to the vote of the people. There never was a war in history that was brought about against the wishes of the leaders, and especially of the great leader, the President of the United States, by popular acclaim and demand, like the war with Spain.

I knew very well the position of President McKinley on that subject. I knew how utterly opposed he was to that war. I knew the efforts which he made to prevent any declaration of war, and how he was finally forced to yield because of the pressure of popular opinion.

I know still more that there was a time when it would have been possible to have settled every question involved between Spain and the United States upon terms just as favorable as were received at the conclusion of that war, with all its expenditure of treasure and of life. In fact, there was a period when Spain, a very proud nation, would not submit terms unless she felt sure they would be accepted, but when she was willing to accept any terms if she could be informed beforehand that a proposition submitted would be accepted by the United States.

Mr. HEYBURN. Will the Senator from New York permit me to ask him a question?

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

Mr. DEPEW. Certainly.

Mr. HEYBURN. In the Senator's judgment, how would President McKinley have voted personally in the Australian ballot box on the question of war?

Mr. DEPEW. President McKinley personally would have voted against war.

Mr. HEYBURN. A pretty good criterion.

Mr. DEPEW. He would have voted against the war, but I believe that if it had been submitted to a popular vote it would have been 99 out of 100 in favor of war.

Mr. HEYBURN. Will the Senator permit me to ask him another question?

The VICE-PRESIDENT. Does the Senator from New York further yield to the Senator from Idaho?

Mr. DEPEW. Certainly.

Mr. HEYBURN. I hope the Senator from New York does not confuse the popular vote with the newspaper vote.

Mr. DEPEW. No. I know what a newspaper vote is, but generally it reflects the popular will. In advocating war with Spain it expressed accurately the passionate desire of the people.

Mr. HALE. Mr. President—

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

Mr. DEPEW. Yes.

Mr. HALE. Does not the Senator from New York believe, as I believe, that if the country had not been hurried and swept into war with Spain in that excitable spring, and if the question had gone over, President McKinley, before the opening of the next session of Congress, would have negotiated Spain off the American continent?

Mr. DEPEW. I have already said that I knew, of my own knowledge, that Spain, if not humiliated by presenting terms which would be rejected, and if she could have found out beforehand that the United States would accept her abandonment of Cuba and of Porto Rico, would have quit.

Mr. HALE. And war would have been saved.

Mr. DEPEW. War would have been saved. And President McKinley knew that, too, but the pressure behind him was so great that he could not hold the country.

Mr. HALE. The Senator from Connecticut says to me that if that had happened, war would have been saved, Spain would have left the American continent by peaceful processes, and, as the Senator says, we would not have been negotiated into taking possession, with all their burdens, of the Philippine Islands.

Mr. DEPEW. Undoubtedly; but the President of the United States did not happen to have a strong enough personality—

Mr. HALE. No; that is right.

Mr. DEPEW. To resist the popular demand.

There is another instance upon the question how easily nations get into war, and what little things turn them aside. When President Cleveland sent that message to Great Britain about the Venezuelan affair we were probably as unprepared for a war with Great Britain as at any time in our history. An intimate friend of mine was an intimate friend of Lord Salisbury, at that time the British premier, and Salisbury said to him:

I believe that the American Government means to have a war with this country some time or other, and means to try out in war the bitterness which has come down from the Revolutionary period and which was accentuated because of certain things which occurred during the civil war. And if it is to come, now is the best time for it, when we are the strongest naval power in the world and when America has no navy worth mentioning and when her ports are utterly undefended. It would be the greatest calamity that ever happened in the world, resulting in frightful losses to the two countries, but it will end forever this dispute.

The views of Lord Salisbury, the prime minister of England, on that occasion, were overruled in the first place by Queen Victoria, always our friend; in the second place by the late King, who was always our friend; and in the next place by statesmen like Rosebery, though in the other party; and by statesmen in his own party who understood the situation. So it never came to a point where it was a matter of debate. But if Lord Salisbury had had the power in the British Government that some prime ministers have had that question would have been tried out at that time, when we were wholly unprepared.

During the Spanish war gentlemen from the interior of the country knew very little what was the feeling along the coast. In Boston, in every coast city, in New York even, people were frightened to death when that fleet started from the other side, and it was felt that we could not sufficiently patrol the sea for the purpose of protecting ourselves.

From a State of the Middle West came a governor to New York, and he made a speech. I sat on the same platform with him. He said:

Of all the absurd things that I have met with in my life is this fear among you people here in New York of the armed fleet which is coming from Spain. If a fleet of ironclads should enter New York Harbor, do you know what would happen? Three million western men would come here with their muskets and drive it into the ocean or sink it.

That was the western view at that time.

Mr. HEYBURN. I should like to inquire how far west was that? [Laughter.]

Mr. DEPEW. It was not from Idaho. [Laughter.]

Mr. GALLINGER. Mr. President—

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

Mr. DEPEW. Certainly.

Mr. GALLINGER. I do not know what happened in the case of the rich men of New York City when that scare was on, but I very well remember that in the coast cities of New England valuables were sent inland at a hurried rate for fear the Spanish fleet would bombard the coast cities.

Mr. DEPEW. I know, sir; they could not keep a house-keeper in the cottages at Newport. [Laughter.]

There was another occasion when we were on the brink of war, and that was when Germany had a dispute with Haiti. It was felt at that time that an aggressive movement on the part of the Emperor toward Haiti might be the opening wedge to disregard the Monroe doctrine. The Emperor, younger than he is now, understood that perfectly. Our State Department endeavored to check action in order that the dispute might be sent to arbitration, and that was met by peremptory orders to the German cruisers which happened to be in the Caribbean Sea to go at once to the harbor of Port au Prince and demand a full indemnity or blow up the town. They went there, and the indemnity was paid within twenty-four hours, which was the only time limit allowed. If we had had a navy, there would have been negotiations.

Now, I remember two years ago there was up the question of four battle ships or two, and if I remember rightly there was a general understanding then as to the scheme of two battle ships. Two battle ships will not put us into the mad race which is going on on the other side to keep our end and build as fast as any other nation. We know that Great Britain is obliged to do that; and I understand she is building eight ships this year, or putting them under contract, against our two. Germany is obliged to keep up. France is obliged to keep up.

There has been quoted here a remark made by ex-President Roosevelt in one of his speeches on the other side. Those remarks are on the line of peace, but they are not a bit different in their general opinion and sentiment and trend from the messages which he sent to Congress. All he says in the presence of these great powers is "not that America will stop building, as an example to you," but "that all the great maritime nations of the world should get together and arrive at a conclusion that will end this mad race, which will bankrupt them if they keep it up, and if they agree they can disarm sufficiently to stop these extravagances and these dangers and at the same time promote the peace of the world."

But I have read no declaration of the ex-President—and I have read everything he has said—or any intimation from him that the United States should begin, as has been suggested by the Senator from Ohio this afternoon, as an example, to stop the construction of battle ships and other ships and refrain from keeping our navy up to the full position which is necessary to guard our coasts in the case of sudden war or to prevent a war if any nation sees fit to bring it about for any purposes of its own or impelled by the ambition of its rulers or the animosity of its people.

Now, then, it has been my custom since I have been a member of the Senate to follow pretty closely the recommendations of the President of my own party, believing that they have been made after considerations and information which are impossible to the individual Senator, and it has been my habit as a rule to follow the recommendations, if they were reasonably unanimous, of the regular committee which has had the matter under consideration and has had advantages for information which were impossible to any individual Senator.

So in this matter, which is highly technical, which requires a survey of the whole field around the globe and a knowledge of what are the necessities of our own coasts to-day and to-morrow and next year and the year beyond and of our possessions across the sea, when the President of the United States makes a recommendation, and when he is backed up in it by his Cabinet, and especially by the Secretary of the department which has the matter in charge, and then when the great committees of the two Houses having independently taken testimony have come to the same conclusion, I feel that I am incompetent to form a separate opinion, and therefore I shall vote as those gentlemen have recommended.

Mr. BAILEY. Mr. President, I simply wish to observe that if this naval programme is to bankrupt the nations of the Old World, if we will simply conserve our resources by not following their bad example, we will have no difficulty with them in the war which the Senator from New York [Mr. DEPEW] seems to anticipate, because a nation with its resources well cared for has no trouble with a bankrupt nation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. BURTON].

Mr. BURTON. On that I ask for the yeas and nays.
The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I have a pair with the junior Senator from New York [Mr. ROOR]. If he were present, he would vote "nay" and I should vote "yea." I transfer the pair to the Senator from Alabama [Mr. BANKHEAD] and will vote. I vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague is necessarily absent. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the senior Senator from Connecticut [Mr. BULKELEY] and will vote. I vote "nay."

Mr. FOSTER (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER], who is absent on account of illness. If I were at liberty to vote, I should vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained. I transfer the pair to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is unable to attend the session of the Senate to-day. As stated by the Senator from Colorado [Mr. GUGGENHEIM], he stands paired on this vote with the Senator from Kentucky [Mr. PAYNTER].

Mr. PURCELL (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. I transfer my pair to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. SCOTT (when his name was called). I have a general pair with the senior Senator from Florida [Mr. TALIAFERRO]. I understand that he would vote "yea" if present. I should vote "nay." Under the circumstances I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. That Senator is not present. I do not know how he would vote. Were he present and I at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. OWEN. I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were present I should vote "yea."

The result was announced—yeas 26, nays 39, as follows:

YEAS—26.

| | | | |
|-------------|----------|-------------|---------|
| Bacon | Crawford | Hale | Percy |
| Bailey | Cummins | Hughes | Purcell |
| Bristow | Dixon | Johnston | Shively |
| Burton | Dolliver | La Follette | Simmons |
| Chamberlain | Fletcher | Newlands | Stone |
| Clapp | Frazier | Overman | |
| Clay | Gore | Page | |

NAYS—39.

| | | | |
|-------------|--------------|------------|--------------|
| Beveridge | Clarke, Ark. | Gallinger | Perkins |
| Bourne | Crane | Gamble | Piles |
| Bradley | Cullom | Guggenheim | Smith, Mich. |
| Brandegee | Curtis | Heyburn | Smoot |
| Brown | Depew | Jones | Stephenson |
| Burkett | Dick | Kean | Sutherland |
| Burnham | du Pont | Lodge | Taylor |
| Burrows | Elkins | McEnery | Warner |
| Carter | Flint | Nixon | Wetmore |
| Clark, Wyo. | Frye | Oliver | |

NOT VOTING—27.

| | | | |
|-----------|------------|------------|--------------|
| Aldrich | Davis | Nelson | Scott |
| Bankhead | Dillingham | Owen | Smith, Md. |
| Borah | Foster | Paynter | Smith, S. C. |
| Briggs | Lorimer | Penrose | Taliaferro |
| Bulkeley | McCumber | Rayner | Tillman |
| Culberson | Martin | Richardson | Warren |
| Daniel | Money | Root | |

So Mr. BURTON's amendment was rejected.

Mr. OWEN. I offer the amendment which I send to the desk.

The SECRETARY. On page 63, after line 17, insert:

That a sum equal to one-tenth of 1 per cent of the amount annually appropriated for the naval service by this act is hereby appropriated as a continuing annual appropriation to be used by the President of the United States in promoting international peace and in promoting an international agreement to limit the construction of naval armaments.

Mr. OWEN. I call for the yeas and nays—

Mr. PERKINS. Mr. President, I feel constrained to make a point of order on the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. PERKINS. That there is no estimate for it; that it proposes new legislation on an appropriation bill, and is in violation of Rule XVI.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. SMITH of Maryland. On page 44, line 19, before the word "dollars," I move to strike out the words "one thousand six hundred" and to insert "two thousand five hundred and twenty," so as to read:

One dentist, \$2,520.

Mr. President, I should like to state that when the salary of this office was fixed in 1879, over thirty years ago, the midshipmen at the Naval Academy numbered 360. To-day the midshipmen at the Naval Academy number over 800. At the time this allowance was made for four months of the year the services of a dentist were not required.

This increase has been recommended by the superintendent of the Naval Academy and it has been recommended by the Surgeon-General.

In comparison with what is being allowed at the Military Academy, I wish to state that whereas the Military Academy has only a few over 400 cadets to be looked after by a dentist, the Naval Academy has over 800 midshipmen. The Military Academy has one chief who gets \$2,520 a year and an assistant who gets \$1,800 a year, making between \$4,000 and \$5,000, whereas this man, who does twice the work, gets a little over one-third the amount.

Mr. GALLINGER. The Senator will not forget, too, that in the Military Academy they have allowances which are not allowed to this officer.

Mr. SMITH of Maryland. As the Senator from New Hampshire states, they have an extra allowance at the Military Academy which this man does not have. I think it but fair to the Government, fair to this man, and fair to the midshipmen at the Naval Academy that the allowance should be increased as I have proposed. I hope the Senate will adopt the amendment.

Mr. HALE. There is no objection to it.

The PRESIDING OFFICER (Mr. DEPEW in the chair). The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. JOHNSTON. On page 62, line 2, after the word "dollars," at the end of the line, I move to insert:

Increase of the navy; torpedo boats: On account of torpedo vessels, whose vitals are located below the normal load-water line, upon condition of compliance with the authorization in the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes," \$445,000: *Provided*, That the Secretary of the Navy may, in his discretion, expend any part of the amount hereby appropriated for small vessels of this type having a speed exceeding 19 knots, at a cost not to exceed \$30,000: *Provided*, That nothing herein contained shall be construed as mandatory upon the Secretary of the Navy to purchase said vessels.

I wish to say that the Secretary of the Navy approves this amendment. He is now trying and investigating one of the vessels of this class. The amendment merely gives him authority in case he approves of it to pay the money.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. HALE. Now, if there are no further amendments—

Mr. GALLINGER. There is one.

The PRESIDING OFFICER. There were two amendments on pages 59 and 60 passed over.

Mr. HALE. Those have been disposed of.

The PRESIDING OFFICER. The question is on agreeing to those amendments.

Mr. PERKINS. They have been disposed of. They were disposed of in the vote taken on the two battle ships. All the committee amendments have now been disposed of.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed at the proper place to insert:

That the President is authorized to scale or reduce any of the expenditures authorized under the appropriations provided by this act or the act providing for military expenditures, or both, to an amount or amounts which will enable the Government to keep its expenditures within its revenue for the fiscal year ending June 30, 1911.

Mr. PERKINS. Mr. President, I make a point of order against the amendment.

Mr. NEWLANDS. Mr. President, with reference to this amendment I have to say that it is—

The PRESIDING OFFICER. The Senator from California rises to a point of order.

Mr. PERKINS. If the Senator wishes to speak to the amendment I will withhold the point of order.

The PRESIDING OFFICER. What is the Senator's point of order?

Mr. PERKINS. That it is new legislation.

Mr. HALE. General legislation.

Mr. NEWLANDS. I do not see how this can be called new legislation.

Mr. BEVERIDGE. General legislation.

Mr. NEWLANDS. Mr. President, we are appropriating by the bill \$130,000,000 for naval expenditures. My amendment provides that in case it shall appear that the revenue for the next fiscal year shall not equal the total amount of the appropriations the President shall be authorized to scale the appropriations provided in the bill to an amount or amounts which will enable the Government to keep within its revenue. This, therefore, is an amendment which qualifies the appropriations made in the bill and scales them down in the contingency that the revenue of the Government for the coming fiscal year shall not be sufficient to meet all the appropriations made by Congress. I can not understand how it can be regarded as lacking in relation to the bill if we provide that in a certain contingency the appropriations shall be diminished a certain percentage.

Mr. President, what is the necessity for this amendment? The present administration, for the first time I believe in the history of the Government, or at all events within the history of modern administrations, has sought to prepare a budget to calculate exactly the revenue which the Government will receive and to square its expenditures with that revenue. It was a most praiseworthy move upon the part of the administration. For the first time in many years the attention of the Cabinet was brought specifically to the question of squaring our expenditures with our revenue, and we all know the care and the attention and the deliberation which the Cabinet and the President gave to this question.

I understand that Congress has exceeded the recommendations of the President and it is claimed that the total appropriations of this session will be in excess of our revenue. Congress sought to supplement the action of the President by providing in the Senate a Committee on Public Expenditures composed in the main of the chairmen of the various committees of the Senate.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. I can not see the force of the Senator's amendment. Nearly all the appropriations are merely authorized, so that the authorization would include the positive authority to dispense with them. More than that, the natural influences of the Chief Executive in connection with the association with this department would result, if he saw fit, in reducing the expenditures to almost any extent. If the law required an estimate from time to time, and if it appeared then that the appropriations would exceed the expenditures and the law placed the limitation, there would be some force in it, but as I read the amendment the President is simply authorized to cut down the appropriations as he sees fit. He has the authority to have these two battle ships built. He is not directed to build them; he is only authorized to build them.

Mr. JOHNSTON. I should like to ask the Senator from Minnesota if he ever heard of a dollar being left of an appropriation in the naval appropriation bill.

Mr. CLAPP. Yes; and we had up in committee at this session—

Mr. JOHNSTON. I should like to know when the whole appropriation to build battle ships was not used.

Mr. CLAPP. At this very session we had the question of allowing the department to take the unexpended appropriation for certain purposes, and the argument was made, I think with a good deal of force, that if that was permissible within certain lines it would encourage a continuation of a surplus unexpended under appropriations. But there is nothing in the amendment of the Senator from Nevada which enforces any reduction. It is simply repeating just the authority the President has to-day. It seems to me that the amendment is without force.

Mr. NEWLANDS. Mr. President, I understand the position of the Senator from Minnesota to be that this entire appropriation bill, then, is merely permissive, not mandatory.

Mr. CLAPP. Oh, I would not say that. It anticipates of course that the Navy Department shall be kept running; but

I do say that besides the permissive features of the appropriation, the power inherent in the relation of the Executive to the Cabinet officer, together with the power of the two, leaves it within the power of the administration to make almost any reasonable and material reduction in expenditures, if the President sees fit. They could cut off this officer or that officer tomorrow if they wanted to do so. I refer to the clerical force; I do not mean the enlisted force.

Mr. HALE. Mr. President, the Senator in charge of the bill raised a direct point of order against the amendment. I submit that nothing but that is before the Senate. I hope the Chair will rule on it.

The PRESIDING OFFICER. The Chair decides that the point of order is well taken.

Mr. CARTER. I offer an amendment to be inserted after line 2, page 27.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 27, after line 2, insert:

That the Philadelphia, Baltimore and Washington Railroad Company be, and it is hereby, authorized and required to maintain its track connection with the United States navy-yard in the city of Washington, D. C., from the said company's freight yard, commonly known as the New Jersey avenue freight yard, by means of a single track, as at present located, on Canal street and K street SE., and thence to the navy-yard, or as the said track may be hereafter located, in whole or in part, and to continue the operation thereof for two years under regulations to be established by the Commissioners of the District of Columbia, anything contained in any prior act or acts of Congress to the contrary notwithstanding.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 62, line 21, I move to strike out all in that paragraph after the word "delivery."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 62, line 21, after the word "delivery" strike out the words:

Provided also, That contracts for furnishing said domestic armor in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties.

Mr. HALE. I think that is right, Mr. President.

Mr. LA FOLLETTE. I find on investigation that that proviso crept into the appropriation bill of a year ago. Prior to that time it had not been in the bill at all. It should go out.

Mr. PERKINS. There is no objection to the amendment.

The amendment was agreed to.

Mr. PERKINS. I desire to correct two or three typographical errors. On page 10, I move to change the total in lines 16 and 17 by striking out "940,440" and inserting "1,096,280."

The amendment was agreed to.

Mr. PERKINS. On page 24, line 12, I move to strike out the word "officers" and to insert "offices."

The amendment was agreed to.

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

Mr. OWENS. I offer an amendment to be added at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert at the end of the bill:

That the Secretary of the Interior shall establish a crude-oil storage tank farm on the Gulf of Mexico at tide water, and lay in a supply of crude oil, as rapidly as market conditions justify, of 25,000,000 barrels of fuel oil for the use of the navy, and the money necessary to carry out the provisions of this act is hereby appropriated out of the moneys in the United States Treasury not otherwise appropriated.

Mr. HALE. I make the point of order that there is no estimate for that.

The PRESIDING OFFICER. The point of order is sustained.

Mr. LA FOLLETTE. Mr. President, it is not my purpose to detain the Senate. Without offering any formal amendment I wish to submit some figures with respect to two sister battle ships, the *Connecticut*, constructed in the government navy-yard at New York, and the *Louisiana*, constructed upon contract in a private yard by the Newport News Shipbuilding Company. I do this because of the contention of the Senator from New Hampshire [Mr. GALLINGER] of the excessive cost of ships built in government yards by reason of the enforcement of the eight-hour provision.

Mr. PERKINS. I will state to the Senator from Wisconsin that an amendment was adopted on Friday during his absence, providing for the building of one of the battle ships in one of the navy-yards.

Mr. LA FOLLETTE. Permit me to say to the Senator from California that I was present when the amendment to which

he refers was adopted. It is not my purpose to offer any amendment unless it becomes necessary for me to do so in order to place in the RECORD a few figures which I wish to make a part of the consideration of the bill.

I repeat, the *Connecticut* was a navy-yard built battle ship, and the *Louisiana* was constructed in a private shipyard. The difference in the cost of construction of the two battle ships was \$29,855. I state the figures from the report of the Paymaster-General of the Navy. The *Connecticut* cost somewhat more than the *Louisiana*. But the additional cost over and above the sum of \$29,855 was due to delay in the delivery of armor and to the fact that she required special fittings as a flagship.

The relative quality of the work upon these two sister ships may be fairly tested, I should think, from the amount of money expended annually for repairs upon each of these ships thereafter.

I find that the cost of keeping the two sister ships in repair for each of the years since they have been out of the shipyards presents some very interesting figures, tending strongly to show, if not absolutely proving, that the navy-yard built ship was very much better constructed and the work of a superior quality. It cost for the repair of the *Connecticut* the first year, 1906—

Mr. GALLINGER. Mr. President—

Mr. LA FOLLETTE. I will yield in just a moment. It cost \$236.97 for repairs upon the *Connecticut* in 1906, her first year out. It cost for repairs on the *Louisiana* in 1906, her first year out, the sum of \$5,851.09. I would like to conclude the statement of these figures, and then I will yield.

Mr. GALLINGER. Certainly, I will withhold my question.

Mr. LA FOLLETTE. The second year the repairs upon the *Connecticut* cost \$53,557.47, and the repairs upon the *Louisiana* for the same year cost \$99,851.09. For the third year the repairs upon the *Connecticut* cost \$111,833.58 and the repairs upon the *Louisiana* cost \$149,167—a difference in favor of the *Connecticut* for the three years of 33 per cent. If any other explanation can be offered to account for the difference in cost of maintaining these two ships, I shall be very glad to hear it. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I will ask the Senator from Wisconsin if he went to the official records for his figures in regard to the cost of the repairs of these ships?

Mr. LA FOLLETTE. I did as to the original cost. I took the figures as to the cost for repairs for each year from an editorial in the *Scientific American*, which quotes the figures from the report of the Paymaster-General of the Navy. The *Scientific American* is a very reliable publication, and as its figures as stated are quoted from the report of the Paymaster-General of the Navy, I accepted them as official and authentic.

Mr. GALLINGER. I have no knowledge with reference to the matter of repairs, but yet it suggests itself to my mind that conditions may have been different in the matter of ships as to their usage and as to accidents that might have befallen them. I do not, however, know about that. I will say to the Senator from Wisconsin that the only figures I have seen came to me from a labor organization; and I feel very confident, while I have not their document before me now, that instead of a difference of \$29,000 between the cost as to the original construction, they admit that there was something over \$500,000 difference.

Mr. LA FOLLETTE. There was a considerable difference in cost of construction, but when the difference in the outfit for the *Connecticut* as a flagship is taken into account, and then a considerable loss due to the failure to furnish armor plate upon contract time is taken into account, I think it will be found that there was scarcely any difference in the cost of the two ships. I thought, as I examined the figures, of just exactly the point the Senator from New Hampshire makes, that there might have been different conditions.

Mr. GALLINGER. Yes.

Mr. LA FOLLETTE. But as I found that there was practically the same difference in cost running through each year, it seemed to me very significant and as going quite strongly to establish the fact that the work in the navy-yard under the eight-hour law was superior to that performed where the laboringmen are required to work more than the eight-hour day.

Mr. GALLINGER. Mr. President, I am very anxious to have the bill passed and I will only make the observation—which I think is conceded on all hands—that it will cost very considerably more to construct these ships in the navy-yards. I think everybody admits that. There is every reason why it should cost more. Of course, the private yard has got its capital invested; it has got its insurance, its depreciation, and all

that, while the Government bears all those things when the ship is constructed in the navy-yard. My recollection is that there was a difference of between \$500,000 and \$600,000. Very likely there was a little addition to the cost of the *Connecticut* in having her equipped as a flagship. The Senator is probably right. However, Mr. President, I think the next year will demonstrate this more accurately than our past experience has done; and I hope—I will express the hope—that these ships may be constructed as cheaply in navy-yards as they can be constructed by private parties, though I do not think it can possibly be done.

Mr. BEVERIDGE. In the *Scientific American* for January, 1908, there is a very lengthy and careful editorial on this subject. Senators may or may not have seen copies of the article. After examining the whole subject, it says that the cost was 5 per cent more; but it analyzes this additional 5 per cent and explains it away. There are many items of cost when building in a private yard that do not occur when a battle ship is built in a government yard, as, for instance, the inspection, and all that sort of thing. I shall not take the time to read this editorial or to have it read, but I shall ask permission to have it printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. If there be no objection, the editorial will be printed in the RECORD.

The editorial referred to is as follows:

WAR-SHIP CONSTRUCTION AT OUR NAVY-YARDS.

Popular fallacies die hard, especially when they are kept alive by persistent and interested misrepresentation. A notable instance of this is the statement so often made, and too widely believed, that it costs a great deal more and takes considerably longer to build a battle ship at a government navy-yard than it does at a private shipyard. There was a time, it is true, when navy-yard-built ships were very costly and took an unconscionable time to complete; but that was over twenty years ago, when political control of navy-yards was rampant, and before a certain courageous young naval constructor, who later became chief constructor of the navy, undertook the task of rescuing our navy-yards from political control, reforming their many abuses, and putting them in first-class working shape. It was the regeneration of these yards which rendered it possible for them to take hold of the highest class of naval work and complete it in the same time, and for only slightly more cost, than the best of our private yards. This was clearly proved, some years later, in the construction of the large, modern battle ship *Connecticut* at the New York Navy-Yard, when the work was carried through so expeditiously that the private yard which had taken the contract for the sister ship had to extend itself to the utmost to keep pace with the government-built ship. One of the main objects of giving work of new construction to the navy-yards was to spur the private builders to greater activity, for up to that time it was a notorious fact that the government contract work was treated as a kind of stand-by in the private yards, the first attention being given to orders for private firms.

The record made by the *Connecticut* for rapid construction has acted as a most effective spur to the private yards, and our latest war ships, in spite of their greater size, are being built in from 50 to 60 per cent of the time taken to build the earlier ships.

The agitation in favor of navy-built ships originated within the navy itself, and its most effective advocate was the naval constructor above referred to, Mr. Francis T. Bowles, who subsequently left the navy, and is now the president of one of the great shipyards upon which the Government depends mainly for the construction of its new navy. The most complete and convincing presentation of the arguments in favor of navy-built ships is that made by Mr. Bowles in the year 1900, before a congressional committee on naval affairs appointed to consider this question. Just now, when the question is again being agitated, it would be impossible to find a better brief for the case than this testimony of the former constructor.

In his evidence before the committee Mr. Bowles stated that the first advantage of building ships in navy-yards is that it maintains the efficiency of the mechanical force and of the plant and shops. "The reason that we have navy-yards is to provide ourselves with the means of equipping and keeping our ships in good order for purposes of war; and, with that end in view, and in the light of our recent experiences, it is essential that the organization of a mechanical force and the equipment should be kept in an efficient condition."

"Now, if in these yards, which are essential to the object of the navy, we should keep a vessel or two vessels building all the time, we would have a nucleus of a complete force, and it would be necessary, in order to do that work with a reasonable degree of economy, that our yards should be kept in good order."

"The fact that a vessel is building in a navy-yard makes it possible to conduct the repair work of the fleet economically and rapidly; because if a vessel comes in for repairs, as soon as it is determined what it is necessary to do the force is available and every shop is in working order, and the chances are that there is a stock of material on hand of every kind that would be needed to make those repairs. The matter of having the material on hand is one of the most essential items in carrying on work rapidly."

"The third advantage is that the amount expended for repairs will be reduced by the fact of having ships building in the yard. That may seem a curious thing, but it is perfectly true that if you have got enough to do to keep an efficient force at work, there will be no tendency whatever to magnify repair work, or even to devote attention to considering what improvements can be made in existing ships."

"The fourth advantage in carrying on new work in the navy-yards is that it enables the Government to maintain a high standard of workmanship and design by which the contractors can be made to conform to what is necessary under their contracts, and I consider this a great advantage."

"I will combine that with the fifth item on my list: That building ships in navy-yards provides a training for those who must inspect the contract work. I maintain that a man is unfit to be a government

inspector, to tell the contractor how his work shall be done and what is acceptable and what is not acceptable, unless he has had that kind of work himself.

"The next advantage to the Government in doing the work is that no profit has to be made. The cost of inspection can also be saved. When a ship is built by contract, the Government maintains a force of inspectors and draftsmen, who inspect the work in progress and make projected plans. The cost of a trial trip is another item saved, for it is the custom to remunerate the contractor, either by including it in his contract or fairly, as an extra bill, for all the expenses of the trial trip."

Now, since the above telling arguments were presented—and they are just as valid to-day as when they were made—the question, as we have just noted above, has been put to the test by the construction at Brooklyn of one of a pair of the largest battle ships so far built for our navy; and the question naturally arises, How far have the predictions of the former chief constructor been verified? In answer it can be said that the *Connecticut*, in spite of the strenuous efforts of the private firm which was building the sister ship *Louisiana*, was completed within the same time as that ship, and within two or three months less time than called for by the contract. Because of the fact that hours are shorter and the pay somewhat higher in the government yards, no claim was ever made that the *Connecticut* could be built as cheaply as the *Louisiana*.

It was estimated that she would cost about 10 per cent more than the other ship. As a matter of fact in the final summing up of the costs, it was found that she cost only 5 per cent more. The latest official report of the Navy Department gives the total cost of the two ships to September 30, 1907—the figures including the expense of alterations chargeable to original construction, and also of armor and permanent ordnance fittings—as follows: For the *Connecticut*, \$6,867,308.22; for the *Louisiana*, \$6,037,344.47.

The question may be raised as to whether as good a ship can be built at our navy-yards as at the private yards. Perhaps the most conclusive test of this point is to compare the actual cost of repairs on these two ships since their completion. Fortunately, the figures are available; for the same report gives the cost of such repairs for the *Connecticut* as \$94,314.56, and for the *Louisiana* as \$110,500.19, a difference of about 17 per cent in favor of the *Connecticut*. As a matter of fact this comparison is more favorable than appears on the face, and for this reason that the totals for the *Connecticut* include repairs made necessary by her having been run around during the past summer, an accident which, of course, is in no sense chargeable to the quality of the work of the ship itself.

In regard to the 5 per cent increased cost of the *Connecticut*, it is but fair to draw attention to the fact that, this being the first large battle ship to be built at the Brooklyn Navy-Yard, there are several items of cost charged to her which would not appear against any subsequent battle ship built upon the same ways. These are expenses due to work of a preparatory kind—to the provision of special tools in the machine shops and special appliances in the yard, which, once built, will be available for subsequent ships.

Thus, the preparation of slip, cribbing, and scaffolding cost over \$39,000 for the *Connecticut*, as against \$12,000 for the *Louisiana*; so also the cost of preparing launching ways and launching the ship cost over 100 per cent more for the navy-yard ship. There would be no such difference in the case of the next battle ship to be built on these same launching ways. Again, in the preparation of beds and erecting, the list shows a cost of \$12,000, or about 100 per cent more for the *Connecticut*. This item probably refers to the beds on which the engines were built; yet these beds are now a part of the permanent plant of the erecting shop; and, indeed, are now being used for building the engines for the collier *Vestal*. It would be possible to follow this comparison further if we had time, and show that if the cost of these preliminary preparations and of special tools and appliances were charged to the plant of the yard, to which they properly belong, the difference of 5 per cent between the *Connecticut* and *Louisiana* would be not a little reduced.

Mr. BEVERIDGE. I think that article lays somewhat at rest the fallacy of the tremendous addition to the cost of building a ship in a navy-yard under the eight-hour day. The plain truth about it is that when the figures are examined it is found that the difference is not so very great.

In this connection I also ask to have inserted in the RECORD as a portion of my remarks a brief table of experiments made in Germany, showing that, under the eight-hour system and under the longer-hour system, as much, and even more work was done under the former than under the latter; which, if true, impairs the theory that greater delay and greater cost would result. I send the table to the desk.

Mr. GALLINGER. Was thirty days' leave of absence included in the calculation?

Mr. BEVERIDGE. I am not going into the question of leaves of absence at all. I am now addressing my remarks purely to this particular thing.

I wish to put it in the RECORD, because it appears upon careful study that some general statements that we have taken for granted about the tremendous additional cost due to the fact that the men only work eight hours, are not borne out by the facts, and when they come to be investigated they are one of those visions of imagination which dissolve under examination.

I wish to say a few words, however, Mr. President, in explanation of the table which I ask to insert in the RECORD. This table is computed as a result of a notable experiment by a prominent German manufacturer who wished to ascertain to what extent it was possible to balance a diminution in the hours of labor by intensified production, and whether the greater exertion called for entailed a more rapid waste of physical powers.

Starting out on a basis of an eleven and three-quarter hour work day, this manufacturer reduced the hours of his employees to nine hours. This arrangement proved very successful and held for several years, when the question of a still further reduction of time came up for renewed discussion.

The manufacturer thereupon declared his willingness to introduce the eight-hour day, in view of the success which had followed the first cut in the hours of his employees, agreeing that the standard of wages should remain the same for the eight-hour day as for the former nine hours' work. Before the end of the first year it was ascertained that neither a diminution in performance had taken place nor that the workers had been worked to excess, not even the older men.

The statistics on this subject are very instructive, and the comparisons made yield surprising results:

| Year. | Total number of hours of contract work. | Compensation. | Earning power per hour. |
|----------------|---|----------------|-------------------------|
| 1899-1900..... | • 559,169 | Marks. 345,869 | Pfennigs. 61.9 |
| 1900-1901..... | • 509,559 | Marks. 366,484 | Pfennigs. 71.9 |

^aAverage per man, 2,400 hours.

^bAverage per man, 2,187 hours.

These figures show that the hourly earnings increased 16.2 per cent. In other words, the employee working eight hours a day did 16.2 per cent more work per hour than he did when he worked nine hours a day. It is clear from this that in an entire day he did more work on the eight-hour basis than he formerly did on the nine-hour basis.

An historic review of hours of labor will help us. When the factory system in England began, toward the close of the eighteenth century, the workday was from fourteen to sixteen hours. It took several decades to get the workday down to ten hours—the manufacturers said that a shorter day would ruin them. It was reduced to ten hours; yet profits increased and the working people did better work. Also, they began to live.

In America the average workday was from twelve to fourteen hours at the beginning of the last century. President Van Buren reduced it to ten hours in the navy-yards; and all private shipbuilding plants followed the Government's lead. Then a general movement began for ten hours, which finally succeeded in nearly all manufacturing, mining, and building trades. Next, General Grant secured eight hours for government employees, as above explained.

Since then, organized labor has asked for the eight-hour day, and at present, by agreement between employers and employees—the ideal method—eight hours constitute a day's work, as a general rule, in the trades enumerated in the following table:

TRADES WORKING EIGHT HOURS.

The eight-hour workday obtains generally in the carpenters' trade. Electrical workers have general eight-hour workday. The plasterers, eight hours' labor per day is the rule, and there are a few places where plasterers work seven hours. One per cent work nine hours. The bricklayers enforce the eight-hour workday. The granite cutters, eight hours is the universal rule. Masons, eight hours is the rule. Painters, eight hours is the rule. Decorators, eight hours is the rule. Paperhangers, eight hours is the rule. Plumbers, eight hours is the rule. Gas fitters, eight hours is the rule. Steam and hot-water fitters, eight hours is the rule. Machine woodworkers, about 30 per cent work eight hours. Roofers, eight hours is the rule. Printers, eight hours is the rule. Compositors on morning newspapers, generally seven hours as a rule. Compositors on afternoon papers, eight hours. German compositors, eight hours is the universal rule, five days constituting a week's work. Stereotypers and electrotypers on newspapers, eight hours is the rule. Coopers, eight hours is the rule. Cigarmakers, eight hours is the rule. Brewery workers, eight hours is the rule in about one-half of the trade. Stationary firemen, about 50 per cent work eight hours. Iron and steel workers, generally three shifts, eight hours each. Paper makers, eight hours is the rule. Coal miners, in bituminous regions, eight hours is the rule. Plate printers, eight hours is the rule. Lathers, eight hours is the rule. Bridge and structural iron workers, eight hours is the rule. Cement workers, eight hours is the rule. Elevator constructors, eight hours is the rule. Hod carriers and building laborers, eight hours is the rule. Lithographers, eight hours is generally the rule. Metal workers, eight hours is the rule. Photo-engravers, eight hours is the rule.

The historic summary of the progress of humanity from the fourteen to the eight hour day shows how natural and inevitable it is.

Here are a few reasons for the eight-hour day. The concentration over intricate present-day machinery exhausts brain and nerve more rapidly than the crude and brute force of old-time methods. Taking a workingman's life altogether, he will do more work and better work in an eight-hour day than in a ten-hour day, because nature has more time to build up worn-out energy. And we must consider the whole working life of the laboring man, not six or eight years only.

For the laborer is a human being, not a mere machine. He has the right to get something out of life—recreation, improvement, rest. If it is said that he will use these extra hours in dissipation, the answer is that the enormous majority of workingmen go to their homes, tend their gardens in spring and summer, do the home chores in fall and winter, and have the evenings with their wives and families for reading or amusement.

If it be said that the employer works ten, twelve, and fourteen hours, the answer is that it is not the continuous and concentrated attention over a machine. The employer's work, hard as it is, is varied. He is the master of it and likes to do it. The laborer's work is unvaried, unbroken, and he must do it whether he likes it or not.

That the farmer works excessive hours is true only in the spring, summer, and fall. Farm machinery is lessening both the length and severity of the farmer's toil even in these seasons; and in winter, while still busy, the farmer's work diminishes greatly. Also, the farmer's work is diversified, and in the open air, with all the health-giving and nerve-building influences of nature about him.

If it is said that if eight hours, why not seven, six, five, or no hours at all, the plain answer is, if ten hours, why not twelve hours, fourteen, eighteen, or the whole twenty-four? Such an argument either way is silly. The justice and good sense of the American people will instantly check any such foolish demand as that.

Of course there are occasions, such as flood, fire, and war, when eight hours, or even ten hours, is not enough. Also there are occupations in which a rigid eight-hour rule is not practicable. But, generally, the eight-hour day in most occupations is rapidly approaching; is here in many trades, by agreement between employer and employee; and, by the same method, will soon be secured in all trades to which it is applicable. The burden of the argument favors the proposed eight-hour law, and, properly guarded, it should be enacted. But labor must be careful not to misuse the moral leverage such a law gives it.

We are in the fat years now; they will not always last. And when the lean years come, if it develops that our export trade is being driven from the markets of the world by nations whose laborers produce more than ours by working longer, our laborers must face the conditions. Nine hours, ten hours, is better than no employment and starvation. But let us reduce hours of labor as much as possible; let us try the experiment, remembering that most experiments to improve human life and increase human happiness have proved helpful even to business.

Mr. JONES: I wish to offer an amendment to the amendment adopted in Committee of the Whole, on page 59, line 25, allowing the Secretary of the Treasury to accept state, county, and municipal bonds in lieu of the indemnity bonds heretofore provided.

I desire to move to strike out the words "county or municipal," and to insert the word "or" before the word "state," so as simply to allow the deposit of government and state bonds. It seems to me that that is going far enough.

Mr. PERKINS. There is no objection to that, Mr. President.

Mr. HALE. There is no objection to it.

The PRESIDING OFFICER (Mr. PAGE in the chair). The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In the committee amendment, on page 59, line 25, it is proposed to strike out the words "county or municipal," and before the word "state" to insert the word "or." The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. JONES. Mr. President, I hope that that is not a mere formal acceptance of the amendment on the part of the chairman of the committee, but that he will insist upon it in conference.

Mr. HALE. I was the author of the original amendment; and I think this is all right.

Mr. DEPEW. Certainly.

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.

CONVEYANCE OF LANDS IN PORTO RICO.

Mr. DEPEW. I am directed by the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (H. R. 25290) to authorize the President to convey to the people of Porto Rico certain lands and buildings not needed for purposes of the United States to report it with an amendment. On behalf of the committee I ask for the present consideration of the bill, as it is very important that it should be enacted at once. The bill has already passed the other House.

Mr. KEAN. I should like to ask the Senator if these are lands of the United States.

Mr. DEPEW. In the organic act Porto Rico conveyed to the United States the public lands and buildings which she possessed.

Mr. KEAN. Why should we give them up? They belong to the people of the United States.

Mr. DEPEW. Yes.

Mr. KEAN. Why, then, should we give them to Porto Rico?

Mr. DEPEW. This bill is limited to merely the land which is needed. The city of San Juan is located on a point of land. Adjoining it are government lands, running along for a mile and a half. Then the city begins again on the other side.

There are from seven to eight thousand visitors and tourists who go to the island of Porto Rico in the winter, and there are no hotel accommodations. Certain capitalists have agreed, if they can build on this government land, which is the only land which is available near the city, to construct a \$750,000 hotel for the benefit of tourists. They would probably take in those who now go to Jamaica, Bermuda, and other West India islands.

The bill has been recommended by the Secretary of War; it has been recommended by the President, and is urgently desired by the governor of Porto Rico. I move to substitute the bill which has passed the House for the bill now on the Senate Calendar.

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

Mr. KEAN. I happen to hold in my hand the claim of the Old Point Comfort Improvement Company for demolishing and removing its property by order of the Government of the United States. Is this to be another one of those cases? Is there to be a hotel put up at a cost of \$750,000, and then those who own it are to come back to Congress with a claim?

Mr. DEPEW. Not a bit of it. It is left entirely to the President of the United States.

Mr. KEAN. Land at Old Point was leased by the Secretary of War to the Old Point Comfort Improvement Company. Some officers walking around there one day thought they would like to have a better view of the ocean and of Hampton Roads, and so the hotel was torn down. Those who owned the property are very worthy citizens of the State from which the Senator comes. They are anxious to be reimbursed for the destruction of that property. Is this going to be another case like that? It is very bad business, I think.

Mr. DEPEW. The cases are not analogous at all. The city of San Juan is out on a point of land. Some distance back there is about a mile and a half of land which the Government owns, and which it has no earthly use for. Then the city continues. All this bill does is to authorize the President to convey to the government of Porto Rico such portions of that strip as the President decides the United States does not want. Then, when it is in the possession of the island of Porto Rico, the island of Porto Rico will sell what they get to the promoters of this hotel.

Mr. KEAN. Who gets the money?

Mr. DEPEW. The island of Porto Rico.

Mr. KEAN. Should not the money go to the United States?

Mr. DEPEW. I take it that in their anxiety to get a hotel, there will be no money at all paid.

Mr. KEAN. I think it is very poor legislation, Mr. President.

Mr. DEPEW. I ask to substitute the House bill for the Senate bill now on the calendar.

Mr. GALLINGER. Was the House bill reported from a committee?

Mr. DEPEW. It is reported unanimously from the Committee on Pacific Islands and Porto Rico after having been unanimously passed by the House. In order to make it more precise, a short amendment has been recommended by the committee.

Mr. GALLINGER. The Senator wants us to act, then, on the House bill?

Mr. DEPEW. On the House bill as amended.

Mr. KEAN. Let the bill be read, then.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York to substitute on the calendar the bill (H. R. 25290) to authorize the President to convey to the people of Porto Rico certain lands and buildings not needed for purposes of the United States for the bill (S. 8085) to authorize the President to convey to the people of Porto Rico certain lands and buildings not needed for purposes of the United States, being calendar No. 623? The Chair hears none.

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. DEPEW. There is a committee amendment, in line 5, after the word "therein," to insert the words "adjacent to the city of San Juan."

Mr. HEYBURN. The bill does not seem in terms to describe any land.

Mr. DEPEW. The committee have proposed an amendment, if the Senator will listen to the amendment.

Mr. HEYBURN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "therein," in line 5, it is proposed to insert the words "adjacent to the city of San Juan."

Mr. HEYBURN. I ask what is the area of this land?

Mr. DEPEW. I understand the land to be about a mile and a half in extent. Out of that mile and a half the President of the United States is to select only so much adjacent to the city of San Juan as is necessary for the specific purpose of building this hotel.

Mr. HEYBURN. How much land is that?

Mr. DEPEW. That I do not know. I ask the Secretary to read what is said on the subject by the Secretary of War, as appears in the report of the House committee on the bill.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

It looks like the Porto Rican people should have the benefit of the property there which the Government does not need. I will give you an illustration. The city of San Juan is a flourishing, growing city. Just outside of it there is a large amount of land held by the United States Government. The governor there, and everyone I talked with—and that is my own opinion—seemed to believe that there is a large amount not necessary for governmental purposes, and that the people of Porto Rico should have the benefit of it, so that the city can grow and enlarge; and this leaves it in the power of the President, where it is not necessary for administrative purposes of the United States, to convey that land to the people of Porto Rico, to dispose of it for the benefit of the Porto Rican people.

Mr. HEYBURN. I should like to ask a question or two. Did I understand the Senator from New York to say that it was proposed to cede land extending out into the water?

Mr. DEPEW. Yes.

Mr. HEYBURN. How much will that leave the Government for the purpose of fortification or for any other purpose?

Mr. DEPEW. I understand that this particular tract divides the city of San Juan. As I understand, the city of San Juan runs out into the ocean. Then comes this mile and a half of land which was ceded by Porto Rico to the Government of the United States. The city of San Juan then begins again inland.

Mr. HEYBURN. I inquire, was not this land ceded to our Government or retained by it for the purpose of fortification and for public works under the treaty?

Mr. DEPEW. Under the treaty all the public lands of Porto Rico were conveyed to the United States for such purposes as the United States might need them. The report of the governor of Porto Rico is that this specific land will never be needed by the United States for any purpose.

Mr. HEYBURN. As suggested, suppose some other officer would take a different view and think that this land might be needed for purposes of fortification. San Juan is a fortified city, and the Government may be called upon to erect works there for protection against some of the outside foes that we have heard so much about.

The question of riparian rights is also involved. The Government may need the wharfage; it may need this land; and I think we ought to have more information than we have upon

the subject. I would not needlessly defer the consideration of the bill—

Mr. DEPEW. Haste is necessary to enable the making of contracts for next winter's business. If the Secretary will read the letter of the governor—

Mr. HEYBURN. I think I have it here.

Mr. DEPEW. I see the strip of land involved is three-quarters of a mile long.

Mr. HEYBURN. It is a pretty large tract of land in a city. It would be about 640 acres.

Mr. DEPEW. But the President is to convey only such portion of it as he sees fit.

Mr. HEYBURN. Congress, I think, should know how much of this land is to be taken. The question of wharfage and docks in a fortified city in that country is one of importance, and to take such lands for pleasure grounds is a serious question. I would not throw any obstacle in the way of taking it for pleasure grounds, but I would retain to the Government the right to retake possession of it for governmental purposes in case it should become necessary. I think that the bill should be so amended as to reserve to the Government the right to retake possession. In some other cases we have reserved that right. The Government has a right to take possession of buildings and remove them if it shall become necessary for any governmental purposes at all.

Mr. DEPEW. Mr. President, the whole question is this: The Secretary of War visited the island. While there he consulted with the authorities. He saw the necessity in the island of better hotel accommodations and what a great advantage it would be to the island if this immense and constantly growing tourist travel could stop in Porto Rico instead of going on to the British possessions, as it does now. The reason it goes there is that there are no hotel accommodations in the island. The Secretary of War came to the conclusion that this particular three-quarters of a mile between the two parts of the city was not needed and never would be needed by the Government of the United States for any purpose of defense or fortification. He found also that the authorities of the island had been negotiating with capitalists for the purpose of building this great need of the island—a hotel. The promoters of that hotel, as I understand, propose to expend upon the hotel itself something like \$750,000. They never would expend \$750,000 or \$75,000 unless there was some permanency to the title which they are to get. We have here the declaration of the Secretary of War, who has visited the ground, and of the governor of the island, who stands very high with the Government for his judgment, that this particular piece of land will never be needed by the Government of the United States.

Mr. HEYBURN. Mr. President, I would suggest that the Government may make a very liberal concession to the parties who desire to build a hotel or engage in any other enterprise, as in the case of Old Point Comfort; but I would object to the Government parting with title and control of this land. I would be perfectly willing—

Mr. DEPEW. The title is given to the people of the island.

Mr. HEYBURN. That is the same thing. I would cheerfully support a measure that would authorize concessions for the building of a hotel, or at least authorize the occupation of the land for special purposes; but, as in the case of Old Point Comfort, why not retain title and the right to take possession of the building, giving the concession under those conditions? We found no difficulty in that case in getting parties to expend capital for the erection of buildings that were on government land. I do not think that the Government should part with its title to this land. I think it should, in view of such circumstances, as are related by the Senator from New York, make liberal concessions, but reserve the right to retake possession at any hour in case of war. I object to the consideration of the bill.

The PRESIDING OFFICER. Objection being made, the House bill will go to the calendar, taking the position of Senate bill 8085.

FORT BERTHOLD INDIAN RESERVATION, N. DAK.

Mr. PURCELL. I ask unanimous consent for the present consideration of the bill (H. R. 21904) to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect. The bill proposes to open up what is known as the Fort Berthold Indian Reservation in North Dakota, consisting of about 14 townships of land.

Mr. KEAN. How much money will it take out of the Treasury?

Mr. PURCELL. We only ask enough to pay for the school sections that under the enabling act were granted to the State.

Mr. KEAN. How much per acre?

Mr. PURCELL. Two dollars and a half per acre.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent for the consideration of the bill named by him. Is there objection?

Mr. KEAN. Let the bill be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The PRESIDING OFFICER. There is an amendment to the bill reported by the Committee on Indian Affairs.

Mr. JONES. Mr. President, I desire to ask the Senator if these lands, before they are open to homestead entry, are to be appraised and classified.

Mr. PURCELL. The bill provides that they are to be surveyed, classified, and appraised.

Mr. JONES. What is the obligation upon the Federal Government to purchase sections 16 and 36 under the circumstances of this case?

Mr. PURCELL. The enabling act that was passed by Congress permitting the States of North Dakota, South Dakota, and Montana to form constitutions and state governments and become parts of the Union provided that they should have sections 16 and 36—

Mr. JONES. Yes.

Mr. PURCELL. And further provided that in case reservations were opened up within those States the Government would either deed them the land or give them other land in lieu of it.

Mr. JONES. My recollection of the language of the act is that it provided for donating to the State sections 16 and 36, embraced within reservations, when those lands were restored to the public domain.

Mr. PURCELL. Yes.

Mr. JONES. But they have not yet been restored, and you do not propose in this bill to restore them to the public domain.

Mr. PURCELL. Most assuredly we do.

Mr. JONES. You provide for their sale.

Mr. PURCELL. No; I beg your pardon. They are to be taken under the homestead laws of the United States.

Mr. JONES. Yes; at an appraised value.

Mr. PURCELL. Yes.

Mr. JONES. So that there is a sale. This bill does not pretend to restore those lands to public domain.

Mr. PURCELL. Oh, I beg the Senator's pardon.

Mr. JONES. It simply provides a special method of disposing of them.

Mr. PURCELL. The bill on its face provides that these lands are to be disposed of under the homestead laws of the United States, with the addition that instead of their being acquired by the entrymen at \$1.25 an acre, they are to be acquired by the entrymen at the price fixed by the appraisers. But the right to dispose of them is under the existing land laws of the United States—under the homestead act. They take them as homesteads, making a payment at the time of entry, and further on making the different payments sufficient to meet the amount they have been appraised at.

Mr. JONES. I think I am thoroughly familiar with the terms of these various bills, and I am satisfied that these lands are not restored to the public domain at all. Their disposition is provided for in a special way. The title of the Indians is recognized, and the lands are sold for the Indians. They are to have the benefit.

I am not going to object to the bill, and I am not going to object to the provisions in it, but I did want to put in the RECORD my judgment that we are under no obligations to purchase sections 16 and 36, because we are not restoring these surplus lands to the public domain.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The SECRETARY. On page 8, section 9, line 13, after the words "shall be," insert "disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States and shall be;" and in line 17, after the word "prescribe," to strike out "that all applications for registration must show the applicant's name, post-office address, age, height, and weight, and be sworn to by him before any judge

or clerk of any court of record of the county where such applicant resides," so as to read:

SEC. 9. That said lands shall be disposed of by proclamation under the general provisions of the homestead and town-site laws of the United States and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in said proclamation.

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.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 24, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 23, 1910.

COLLECTOR OF INTERNAL REVENUE.

Frederick L. Marshall, of New York, to be collector of internal revenue for the third district of New York, in the State of New York, in place of Ferdinand Eldman, deceased.

UNITED STATES ATTORNEY.

James N. Sharp, of Kentucky, to be United States attorney for the eastern district of Kentucky, vice James H. Tinsley, whose term has expired.

UNITED STATES MARSHAL.

George W. Long, of Kentucky, to be United States marshal for the western district of Kentucky. (A reappointment, his term having expired.)

SURVEYOR-GENERAL OF COLORADO.

Timothy O'Connor, of Boulder, Colo., to be surveyor-general of Colorado, vice William G. Lewis, term expired.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

George Marshall Parker, jr., of Iowa, to be second lieutenant of infantry, with rank from May 18, 1910.

PROMOTIONS IN THE NAVY.

Lieut. Charles T. Owens to be a lieutenant-commander in the navy from the 20th day of November, 1909, vice Lieut. Commander Oscar W. Koester, promoted.

Lieut. (Junior Grade) Winfield Liggett, jr., to be a lieutenant in the navy from the 31st day of January, 1910, to fill a vacancy existing in that grade on that date.

The following-named ensigns in the navy to be lieutenants (junior grade) in the navy from the 31st day of January, 1910, upon the completion of three years' service in present grade:

Winfield Liggett, jr., and

John F. Atkinson.

I nominate the following-named midshipmen to be ensigns in the navy from the 7th day of June, 1909, to fill vacancies existing in that grade on that date:

James McC. Murray,

William F. Amsden,

Joseph Baer,

Charles C. Windsor,

Francis A. L. Vossler,

Forney M. Knox,

Seymour E. Holliday,

Chauncey E. Pugh,

Herman E. Welte, and

Ernest G. Kittel.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 23, 1910.

CONSUL-GENERAL.

Elisha J. Babcock to be consul-general at Tangier, Morocco.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. William H. Menges to be captain.
Second Lieut. Lewis E. Goodier, jr., to be first lieutenant.

INFANTRY ARM.

First Lieut. George B. Sharon to be captain.
Second Lieut. Luther R. James to be first lieutenant.

PROMOTIONS IN THE NAVY.

John K. Barton, now a captain on the retired list, to be engineer in chief, with the rank of rear-admiral, on the retired list.
Lieut. (Junior Grade) Louis P. Davis to be a lieutenant.
The following-named ensigns to be lieutenants (junior grade):

Louis P. Davis and
John M. Smeallie.

POSTMASTERS.

NEW YORK.

Bernard S. Dunn, at Bolivar, N. Y.
De Witt C. Herrick, at Binghamton, N. Y.
William E. Hughes, at Fulton, N. Y.
William Mansfield, at Sinclairville, N. Y.
John H. O'Brian, at Sherburne, N. Y.
J. Fenton Olive, at Cuba, N. Y.
Alvin T. Smith, at Worcester, N. Y.
L. J. Townley, at Groton, N. Y.
Leroy H. Van Kirk, at Ithaca, N. Y.

WISCONSIN.

Martin Copenhefer, at Richland Center, Wis.
Arthur E. Dudley, at Neillsville, Wis.
Henry H. Hartson, at Greenwood, Wis.
Albert B. Scarseth, at Galesville, Wis.
Charles J. Smith, at Viroqua, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, May 23, 1910.

The House met at 12 o'clock noon.
Prayer by the Chaplain, Rev. Henry N. Couden, D. D.
The Journal of the proceedings of Saturday, May 21, 1910, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolutions:

Senate resolution 239.

Resolved, That the Senate expresses its profound sorrow on account of the death of Hon. FRANCIS W. CUSHMAN, late a Member of the House of Representatives from the State of Washington.

Resolved, That the business of the Senate be suspended in order that fitting tributes be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the widow and family of the deceased.

Resolved, That as a further mark of respect to the memory of FRANCIS W. CUSHMAN and DAVID A. DE ARMOND, the distinguished deceased Representatives, the Senate do now adjourn.

Also:

Senate resolution 240.

Resolved, That the Senate has heard with deep sorrow of the death of Hon. DAVID A. DE ARMOND, late a Member of the House of Representatives from the State of Missouri.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of FRANCIS W. CUSHMAN and DAVID A. DE ARMOND, the distinguished deceased Representatives, the Senate do now adjourn.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker—

Mr. CAMPBELL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. CAMPBELL. To call up a conference report on the bill (H. R. 19070) regulating the height of buildings in the District of Columbia.

Mr. TAWNEY. Mr. Speaker, by direction of the Committee on Appropriations, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552).

The SPEAKER. The question is on the motion of the gentleman from Minnesota, who, by the direction of the Committee on Appropriations, moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25552, the sundry civil appropriation bill.

Mr. SMITH of Michigan. Mr. Speaker, I make the point of order that, under the rules, to-day is District day in the House, and that that motion is not in order.

The SPEAKER. The Chair overrules the point of order. The Chair calls the attention of the gentleman from Michigan to the Manual, at page 393, where this motion is expressly authorized by the rules on any day except calendar Wednesday.

At any time after the reading of the Journal it shall be in order, by direction of the appropriate committees, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, or general appropriation bills.

The rule is express, and the decisions under it are uniform. Mr. SMITH of Michigan. Mr. Speaker, I would like to be heard for a moment.

The SPEAKER. It is too plain for a hearing. Mr. SMITH of Michigan. I do not care to be heard on the point of order, but I would like to be heard on the motion of the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, I make the point of order that the motion is not debatable.

The SPEAKER. The motion is not debatable. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken; and on a division (demanded by Mr. SMITH of Michigan) there were—ayes 101, noes 16.

Mr. SMITH of Michigan. Mr. Speaker, I am satisfied there is not a quorum here, but having no desire to further obstruct legislation, I shall not make that point.

Mr. CARLIN. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Virginia makes the point of no quorum. The point of order is sustained. The Doorkeeper will close the doors and the Sergeant-at-Arms will notify absentees. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will call the roll.

The question was taken; and there were—yeas 229, nays 19, answered "present" 23, not voting 119, as follows:

YEAS—229.

| | | | |
|----------------|-----------------|----------------|-----------------|
| Adair | Dent | Hawley | McLachlan, Cal. |
| Adamson | Diekema | Hay | Macon |
| Alexander, Mo. | Dies | Heald | Madison |
| Anthony | Dixson, Ind. | Hedin | Maguire, Nebr. |
| Austin | Douglas | Helm | Malby |
| Barclay | Draper | Henry, Conn. | Mann |
| Barnhart | Driscoll, M. E. | Henry, Tex. | Martin, Colo. |
| Bartholdt | Dwight | Higgins | Mays |
| Bates | Edwards, Ga. | Hill | Miller, Kans. |
| Beall, Tex. | Ellerbe | Hinsbaw | Millington |
| Bell, Ga. | Ellis | Hitchcock | Mondell |
| Bennett, Ky. | Elvins | Hobson | Moon, Tenn. |
| Boehne | Englebright | Houston | Morgan, Mo. |
| Bowers | Esch | Howell, N. J. | Morgan, Okla. |
| Burke, Pa. | Fairchild | Howell, Utah | Moss |
| Burleson | Fassett | Howland | Murdock |
| Burnett | Ferris | Hubbard, Iowa | Needham |
| Butler | Finley | Huff | Nelson |
| Byrd | Fitzgerald | Hughes, Ga. | Nicholls |
| Byrns | Floyd, Ark. | Hull, Tenn. | Norris |
| Calder | Foelker | Johnson, Ky. | Oldfield |
| Calderhead | Fordney | Johnson, Ohio | Page |
| Candler | Foster, Vt. | Kelfer | Palmer, H. W. |
| Cantrill | Gaines | Kelher | Parker |
| Carter | Gardner, Mich. | Kendall | Parsons |
| Cassidy | Gardner, N. J. | Kennedy, Iowa | Patterson |
| Chapman | Garner, Tex. | Kinkaid, Nebr. | Payne |
| Clark, Mo. | Garrett | Kitchin | Peters |
| Clayton | Gill, Mo. | Knowland | Plumley |
| Cline | Gillespie | Kopp | Poindexter |
| Cocks, N. Y. | Gillett | Korbly | Tray |
| Collier | Godwin | Kronmiller | Prince |
| Conry | Goebel | Kilstermann | Pujo |
| Cooper, Wis. | Good | Lafenn | Rainey |
| Cowles | Gordon | Lamb | Randell, Tex. |
| Cox, Ind. | Graft | Latta | Rauch |
| Craig | Grant | Law | Reeder |
| Cravens | Greene | Lawrence | Reynolds |
| Creager | Gregg | Lee | Roberts |
| Crow | Gronna | Lenroot | Roddenbery |
| Crumpacker | Hamer | Lindbergh | Rodenberg |
| Cullop | Hamilton | Livingston | Rucker, Mo. |
| Currier | Hamlin | Longworth | Sabath |
| Dalzell | Hammond | McCreary | Saunders |
| Davidson | Hanna | McCrede | Scott |
| Davis | Hardy | McDermott | Sharp |
| Dawson | Havens | McKinney | Sheffield |

| | | | |
|-------------|----------------|---------------|--------------|
| Sheppard | Stafford | Taylor, Ohio | Wanger |
| Sherwood | Stanley | Thistlewood | Watkins |
| Sims | Steenerson | Thomas, Ky. | Webb |
| Sisson | Stephens, Tex. | Thomas, N. C. | Weeks |
| Slayden | Sterling | Thomas, Ohio | Wickliffe |
| Small | Stevens, Minn. | Tilson | Wilson, Ill. |
| Smith, Cal. | Sulloway | Tirrell | Wood, N. J. |
| Smith, Tex. | Sulzer | Townsend | Woods, Iowa |
| Snapp | Swasey | Turnbull | |
| Sperry | Talbott | Underwood | |
| Spight | Tawney | Volstead | |

NAYS—19.

| | | | |
|-----------|---------------|------------|--------------|
| Borland | Dodds | Moore, Pa. | Pratt |
| Campbell | Gallagher | Morse | Rothermel |
| Carlin | Hayes | Nye | Smith, Mich. |
| Cary | Kahn | Olcott | Wiley |
| Cox, Ohio | Miller, Minn. | Pearre | |

ANSWERED "PRESENT"—23.

| | | | |
|------------------|---------------|----------------|---------------|
| Aiken | Foss, Ill. | Lever | Robinson |
| Alexander, N. Y. | Foster, Ill. | Loudenslager | Rucker, Colo. |
| Bartlett, Ga. | Graham, Ill. | McKinley, Ill. | Russell |
| Booher | Hardwick | Maynard | Slemp |
| Bradley | James | Morehead | Wilson, Pa. |
| Fish | Kennedy, Ohio | Padgett | |

NOT VOTING—119.

| | | | |
|-----------------|-----------------|-------------------|---------------|
| Allen | Durey | Humphreys, Miss. | Olmsted |
| Ames | Edwards, Ky. | Jamieson | Palmer, A. M. |
| Anderson | Estopinal | Johnson, S. C. | Pickett |
| Andrus | Flood, Va. | Jones | Pou |
| Ansberry | Focht | Joyce | Ransdell, La. |
| Ashbrook | Fornes | Kinkead, N. J. | Reid |
| Barchfeld | Foss, Mass. | Knapp | Rhinock |
| Barnard | Foulkrod | Langham | Richardson |
| Bartlett, Nev. | Fowler | Langley | Riordan |
| Bennet, N. Y. | Fuller | Legare | Shackleford |
| Bingham | Gardner, Mass. | Lindsay | Sherley |
| Boutell | Garner, Pa. | Lloyd | Simmons |
| Brantley | Gill, Md. | Loud | Smith, Iowa |
| Broussard | Gilmore | Louden | Southwick |
| Brownlow | Glass | Lundin | Sparkman |
| Burgess | Goldfogle | McCall | Sturgiss |
| Burke, S. Dak. | Goulden | McGuire, Okla. | Taylor, Ala. |
| Burleigh | Graham, Pa. | McHenry | Taylor, Colo. |
| Capron | Griest | McKinlay, Cal. | Tener |
| Clark, Fla. | Guernsey | McLaughlin, Mich. | Tou Velle |
| Cole | Hamil | McMorran | Vreeland |
| Cook | Harrison | Madden | Wallace |
| Cooper, Pa. | Haugen | Martin, S. Dak. | Washburn |
| Coudrey | Hollingsworth | Moon, Pa. | Weisse |
| Covington | Howard | Moore, Tex. | Wheeler |
| Denby | Hubbard, W. Va. | Morrison | Willett |
| Denver | Hughes, N. J. | Moxley | Woodyard |
| Dickinson | Hughes, W. Va. | Mudd | Young, Mich. |
| Dickson, Miss. | Hull, Iowa | Murphy | Young, N. Y. |
| Driscoll, D. A. | Humphrey, Wash. | O'Connell | |

The Clerk announced the following pairs: /

Until May 23, noon:
 Mr. FOULKROD with Mr. HUGHES of New Jersey.
 Until May 24, inclusive:
 Mr. MOON of Pennsylvania with Mr. RUCKER of Colorado.
 Until May 25, noon:
 Mr. COOPER of Pennsylvania with Mr. JONES.
 Until May 24, noon:
 Mr. WHEELER with Mr. TOU VELLE.
 Until May 26, inclusive:
 Mr. YOUNG of Michigan with Mr. MORRISON.
 Until May 27:
 Mr. PICKETT with Mr. ROBINSON.
 Until May 31:
 Mr. BENNET of New York with Mr. MOORE of Texas.
 Until June 1, noon:
 Mr. FULLER with Mr. COVINGTON.
 Until June 1, inclusive:
 Mr. HUGHES of West Virginia with Mr. BARTLETT of Nevada.
 Until June 5, inclusive:
 Mr. TENER with Mr. WEISSE.
 Until June 6, noon:
 Mr. DUREY with Mr. A. MITCHELL PALMER.
 Until June 6, inclusive:
 Mr. BARCHFELD with Mr. SHERLEY.
 Until further notice:
 Mr. HUMPHREY of Washington with Mr. GOLDFOGLE.
 Mr. KNAPP with Mr. HAMILL.
 Mr. HULL of Iowa with Mr. GLASS.
 Mr. HOLLINGSWORTH with Mr. HARRISON.
 Mr. McLAUGHLIN of Michigan with Mr. LLOYD.
 Mr. LUNDIN with Mr. HUMPHREYS of Mississippi.
 Mr. EDWARDS of Kentucky with Mr. DICKSON of Mississippi.
 Mr. HAUGEN with Mr. GILL of Maryland.
 Mr. WASHBURN with Mr. WILLETT.
 Mr. VREELAND with Mr. TAYLOR of Colorado.
 Mr. SOUTHWICK with Mr. TAYLOR of Alabama.
 Mr. SIMMONS with Mr. SHACKLEFORD.
 Mr. MOXLEY with Mr. RICHARDSON.
 Mr. MARTIN of South Dakota with Mr. REID.

Mr. MADDEN with Mr. RANSELL of Louisiana.
 Mr. McMORRAN with Mr. O'CONNELL.
 Mr. STURGISS with Mr. McHENRY.
 Mr. MCKINLAY of California with Mr. LINDSAY.
 Mr. McCALL with Mr. JAMIESON.
 Mr. GRIEST with Mr. FLOOD of Virginia.
 Mr. FOCHT with Mr. ESTOPINAL.
 Mr. COUDREY with Mr. DICKINSON.
 Mr. COOK with Mr. DENVER.
 Mr. BROWNLOW with Mr. BRANTLEY.
 Mr. COLE with Mr. BURGESS.
 Mr. BOUTELL with Mr. ANSBERRY.
 Mr. BINGHAM with Mr. ANDERSON.
 Mr. AMES with Mr. AIKEN.
 Mr. LOUD with Mr. PADGETT.
 Mr. JOYCE with Mr. BROUSSARD.
 Mr. LANGLEY with Mr. BARTLETT of Georgia.
 Mr. MCKINLEY of Illinois with Mr. HOWARD.
 Mr. BURLEIGH with Mr. JOHNSON of South Carolina.
 Mr. MUDD with Mr. LEGARE.
 Mr. GARNER of Pennsylvania with Mr. WALLACE.
 Mr. CAPRON with Mr. GILMORE.
 Mr. GUERNSEY with Mr. CLARK of Florida.
 Mr. LOUDENSLAGER with Mr. KINKEAD of New Jersey.
 Mr. ALEXANDER of New York with Mr. SPARKMAN.
 Mr. BURKE of South Dakota with Mr. SAUNDERS.
 Mr. OLMSTED with Mr. JAMES.
 Mr. DENBY with Mr. GRAHAM of Illinois.
 Mr. LOWDEN with Mr. FOSTER of Illinois.
 Mr. BARNARD with Mr. DANIEL A. DRISCOLL.
 Mr. HUBBARD of West Virginia with Mr. RUSSELL.
 Mr. SMITH of Iowa with Mr. RHINOCK.
 Mr. LANGHAM with Mr. WILSON of Pennsylvania.
 Mr. ALLEN with Mr. LEVER.
 Mr. FOSS of Illinois with Mr. FOSS of Massachusetts.
 Mr. MURPHY with Mr. BOOHER.

For the session:
 Mr. BRADLEY with Mr. GOULDEN.
 Mr. SLEMP with Mr. MAYNARD.
 Mr. WOODYARD with Mr. HARDWICK.
 Mr. YOUNG of New York with Mr. FORNES.
 Mr. MOREHEAD with Mr. POU.
 Mr. ANDRUS with Mr. RIORDAN.
 Mr. KENNEDY of Ohio with Mr. ASHBROOK.
 Mr. COCKS of New York. Mr. Speaker, I desire to withdraw my vote of "present," and vote "aye."

The SPEAKER. Call the gentleman's name.
 The name of Mr. COCKS of New York was called, and he voted "aye."
 Mr. MAYNARD. Mr. Speaker, I desire to withdraw my vote of "aye," and vote "present."
 The SPEAKER. Call the gentleman's name.
 The name of Mr. MAYNARD was called, and he voted "present."

The SPEAKER. Upon this vote the ayes are 229, the noes are 19, present 23; a quorum. The ayes have it; the Doorkeeper will open the doors; the motion is agreed to; and the gentleman from Illinois [Mr. MANN] will take the chair.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the first legislative day after the disposition of the sundry civil bill be set aside for the consideration of District business.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the first legislative day after the House has completed the consideration of the sundry civil appropriation bill be treated as to-day under the rules.

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.
 The SPEAKER. The motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552) is agreed to, and the gentleman from Illinois [Mr. MANN] will take the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 25552) and the pending question is a point of order. When the committee rose on Saturday the Clerk had finished reading the first paragraph of the bill, to which the gentleman from New York [Mr. FITZGERALD] reserved a point of order. The Chair recognizes the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, the paragraph against which the point of order has been reserved by the gentleman from New York appropriates \$250,000 to enable the President of the

United States to obtain certain necessary information to assist him and the officers of the Government in the administration of the customs laws, which duty has been created by the tariff act approved August 5, 1909, and also to enable him to perform a duty made mandatory upon him by the Constitution of the United States.

Mr. Chairman, if I have correctly stated the proposition, the question that the Chair will be called upon to decide is, first, whether or not the appropriation is authorized, and, second, whether or not the language carrying the appropriation is in conflict with or changes existing law or creates new purposes for which public expenditure can be made. If the first proposition is decided in the negative—that is, that there is no authority for any appropriation for this purpose—then no appropriation, under the rules of this House, can be made for the purposes I have stated. If, however, the Chair holds that an appropriation is in order because authorized by law, then the question is whether, in making that appropriation, language is employed which is in conflict with or changes existing law or creates new purposes for which the expenditure of any part of this appropriation can be made.

I concede, Mr. Chairman, that if this language is in conflict with existing law or changes existing law, then this language would render the paragraph subject to the point of order. It is likewise true that if this language authorizes the expenditure of public money for which there is now no existing authority, it is subject to a point of order. But if the language in which this appropriation is made neither conflicts with existing law nor creates any new purposes for which expenditures can be made, then the language in which the appropriation is made does not subject the paragraph to a point of order. In other words, to be subject to a point of order the language in which appropriations are made must do one of two things—it must conflict with existing law or it must create authority for the expenditure of public money where no authority exists for that expenditure at the present time.

The rule under which this point of order is made is paragraph 2 of Rule XXI, as follows:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and subjects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. DOUGLAS. Will the gentleman yield?

Mr. TAWNEY. I decline to yield now. Therefore, Mr. Chairman—

Mr. DOUGLAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOUGLAS. As I understand it, the gentleman from New York [Mr. FITZGERALD] has made the point of order. Has he stated that the RECORD does not disclose what the point of order is? The gentleman refers to the point of order being under certain rules—

Mr. TAWNEY. —I make the point of order that the gentleman from Ohio can not take me off the floor for the purpose of even making a parliamentary inquiry.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that the Chair does not think it is a parliamentary inquiry.

Mr. DOUGLAS. Very well. I do not wish to interrupt the gentleman from Minnesota.

Mr. TAWNEY. Therefore, Mr. Chairman, the question of order must be determined with reference to the effect of the language used in making this appropriation, if any appropriation for the purposes I have stated is in order.

Now, no doubt the Chair is familiar with the history of this rule. The rule was adopted in 1837, almost three-quarters of a century ago. The purpose of the rule was to prevent unreasonable delay in the passage of appropriation bills. It was also to prevent the House from being deprived of opportunity to consider fully important general legislation. It is also intended to prevent the House from being coerced into the enactment of general legislation as a condition to the passage of appropriations necessary to maintain the life of the Government.

The rule is unquestionably a wise one, but it does not go to the extent, either in its purpose or its language, of saying that the language in which an appropriation authorized by law is made subjects that appropriation to a point of order unless that language changes existing law or creates a new purpose for the expenditure of public money.

This paragraph, Mr. Chairman, I maintain does not change existing law. It does not authorize the expenditure of a dollar of money the expenditure of which is not now authorized by law.

The paragraph is as follows:

EXECUTIVE.

To enable the President to secure information as to the effect of tariff rates or other restrictions, exactions, or any regulations imposed at any time by any foreign country on the importation into, or sale in, any such foreign country of any agricultural, manufactured, or other product of the United States, and to assist the officers of the Government in the administration of the customs laws, as required by the tariff act approved August 5, 1909, including detailed information of the cost, and of each and every element thereof, of producing at the place of production and at the place of consumption of all articles specified in said tariff act both in this country and in the country from which such articles are imported, so that the cost of all such articles produced abroad may be compared with the cost of like articles produced in this country, the President, in the employment of persons required and authorized for such service, may appoint a tariff board, and he may also employ, under his personal direction, or under the direction and supervision of such tariff board, such competent experts in the business and methods of cost keeping and such clerical and other personal services, including rent of offices in the District of Columbia, traveling and other incidental expenses, as may be necessary in the work of said board and the work of said experts engaged in such investigations; and the compensation of all such persons, whether employed permanently or temporarily, shall be fixed by the President; and to enable the President to have such information classified, tabulated, and arranged for his use in recommending to Congress such changes or modifications in any existing tariff duties as he may deem necessary to prevent undue discrimination in favor of or against any of the products of the United States, \$250,000.

Now, Mr. Chairman, the first part of that paragraph, down to the word "nine," in line 4 of page 2, is expressly authorized by section 2 of the tariff act, and in sections 4, 8, 10, and 11, for an investigation for the purpose of ascertaining the relative cost of production here and abroad, and is also authorized in the administration of the customs tariff laws, section 2 of which authorizes the President to obtain information to aid in their administration.

Mr. TAWNEY. I yield.

Mr. FITZGERALD. Is not the gentleman mistaken as to the effect of sections 10 and 11 of the customs administrative act—

Mr. TAWNEY. I am not mistaken.

Mr. FITZGERALD (continuing). In saying that it is to obtain information in reference to the relative cost of production at home and abroad? I call his attention to the fact that the only authority this gives is as to the appraising, where they are unable to find the actual market value of the commodity in the country in which it is produced.

Mr. TAWNEY. That does not make any difference.

Mr. FITZGERALD. That is as to the cost of that product.

Mr. TAWNEY. If that is so, the gentleman concedes the point I am contending for.

Now, Mr. Chairman, the authority for this appropriation, first, is in section 2 of the tariff act.

Here let me say that it has been argued by gentlemen on the other side, who concede that the authority for the original appropriation made at the extra session existed, that the authority has been exhausted by reason of the fact that the President by proclamation has declared that every country in the world is entitled to the minimum rates fixed by section 2 of the tariff act; and that, therefore, there is no longer any authority to maintain this service for the purpose of enforcing the provisions of that section of the act.

In the first proviso on page 80 of the Payne tariff law I find the following:

That whenever, after the 31st day of March, 1910, and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, thereupon and thereafter, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act.

Now, Mr. Chairman, by proclamation the President, by the authority contained in this section, has ascertained whether or not there is that undue discrimination on the part of foreign countries against the products of the United States entering into those countries. Finding that there was no undue discrimination, he has, by proclamation, given to all foreign countries the benefit of the minimum rate; but the duty of the

President does not end there. In the same section we find that—

Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and ninety days thereafter the provisions of the maximum tariff shall be applied to the importation of articles from such country.

So that this is a continuing authority and one which must be constantly exercised; for we must take notice of the fact that the tariff laws, regulations, and restrictions of foreign countries are changing all the time, and in order to keep informed as to the effect of such changes, in order to ascertain whether or not such changes operate to discriminate against the products of the United States, the President of the United States is charged with the duty of informing himself in order to determine whether or not such countries shall continue to be entitled to the minimum rate and whether such restrictions or tariff laws constitute an undue discrimination against the products of the United States. And if they do, then it is his duty so to declare by proclamation, and within ninety days thereafter the products coming from that country to the United States must pay the maximum, or 25 per cent in excess of the minimum, rate.

Now, the extent of this investigation involves not alone the ascertainment of the exact condition of the law or the regulations; but in order to determine whether or not hereafter in the enactment of new tariff laws foreign governments are discriminating against the products of the United States, it is necessary for the President to know what is the cost of the foreign product imported into this country and the cost of the like product produced in the United States for importation into that country which has enacted tariff legislation that is claimed to be discriminatory against the products of the United States.

By section 10—and I would call the attention of the Chair to this fact—it is not only made the duty of the President to enforce the provisions of section 2, but also to obtain this information, to assist the officers of the Government in the administration of the customs laws.

What duties are imposed upon the officers of the Government in the administration of the customs laws? The law imposes upon them the duty of ascertaining the cost of foreign products, as well as the cost of domestic products, for the purpose of comparison, in order to determine the dutiable rate that these articles shall carry. But even though these provisions do not apply in every case to every article, nevertheless it is made the duty of certain officers of the Government charged with the duty of administering the customs laws to ascertain the cost both in the United States and in foreign countries. It also authorizes the Board of General Appraisers to do the same, for the purpose of reappraisal, in order to determine the value of the article and thereby fix the rate of duty that that article should carry.

And let me here call attention to the fact, Mr. Chairman, that this duty of ascertaining the cost and the value of imported articles is not confined to the cost of dutiable articles alone. It is not limited to dutiable articles, but it applies to articles admitted free of duty as well as articles that are on the dutiable list. And that is so because the officers of the Government who are charged with the duty of appraising imported merchandise are not supposed to know what articles are dutiable and what articles are admitted free of duty. Therefore the law requires them to ascertain the value of all articles imported into this country, except personal effects which are brought into this country by citizens who have been abroad, and such importations are limited in each case to an amount not to exceed \$100. Section 10 reads:

That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

Section 11 has this provision:

That when the actual market value, as defined by law, of any article of imported merchandise, wholly or partly manufactured and subject to an ad valorem duty, or to a duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, such officer shall use all available means in his power to ascertain the cost of production of such merchandise.

Now, if that is so, then it is certainly the duty of the customs officer of the United States in the cases mentioned in this paragraph, notwithstanding the affidavit attached to the invoice, to

ascertain the cost of production, and in the ascertainment of that cost to use all available means at his command, which, of course, includes ascertaining the cost of producing a like article in this country, for the purpose of arriving at the cost of producing the foreign article and ascertaining the market value thereof in order that he may know what rate of duty should be imposed upon that article.

And again in this same section:

The actual market value or wholesale price, as defined by law, of any imported merchandise which is consigned for sale in the United States, or which is sold for exportation to the United States, and which is not actually sold or freely offered for sale in usual wholesale quantities in the open market of the country of exportation to all purchasers, shall not in any case be appraised at less than the wholesale price at which such or similar imported merchandise is actually sold or freely offered for sale in usual wholesale quantities in the United States in the open market, due allowance by deduction being made for estimated duties thereon, cost of transportation, insurance, and other necessary expenses from the place of shipment to the place of delivery, and a commission not exceeding 6 per cent, if any has been paid or contracted to be paid on consigned goods, or a reasonable allowance for general expenses and profits (not to exceed 8 per cent) on purchased goods.

Mr. DALZELL rose.

Mr. TAWNEY. In just a moment. Now, Mr. Chairman, they are authorized, in order to determine the value of certain articles of use, to ascertain the value and cost of production of like articles in this country, excluding transportation and certain other items in making up the estimated cost. Now I will yield to the gentleman from Pennsylvania.

Mr. DALZELL. As I understand the gentleman, under the existing law the appraisers are charged with the duty of ascertaining the cost of production of articles abroad and at home. If that be true then this paragraph is clearly subject to a point of order, inasmuch as it changes existing law, transferring from the appraisers the duty of ascertaining the cost to a tariff board.

Mr. TAWNEY. In reply to the gentleman from Pennsylvania let me inform him that the paragraph does not create a tariff board, and, in the second place, let me inform him that the Payne tariff law itself transfers the duty of ascertaining this cost from the appraisers to the President of the United States. The appraisers engaged in enforcing the administration of the customs law are to be assisted by this information to be obtained by the President. Section 2 of the tariff act expressly says:

To secure information to assist—

Who?—

assist the President in the discharge of the duty imposed upon him by this section, and the officers of the Government in the administration of the customs laws.

The transfer of the duty of ascertaining this cost has already been made. It has not been transferred in whole, but only to assist these officers in the administration of the customs laws in the discharge of their duty respecting the ascertainment of the cost, and in the performance of this duty the President has been authorized to employ such persons as may be required. This authority is in the last line of section 2.

Now, Mr. Chairman, I maintain that the purpose of this appropriation being to obtain information to enable the President of the United States to carry out the provisions of section 2 of the tariff act approved August 5, 1909, and there being nothing in this section that limits or restricts the authority which the President now has vested in him by law, it can not be claimed that the first part of this paragraph is obnoxious to paragraph 2 of Rule XXI. The language here—

Including detailed information of the cost, and of each and every element thereof, of producing at the place of production and at the place of consumption specified in said tariff act—

is, as I have shown, authorized, because the law makes it the duty of the appraisers and other customs officers, including the consular service, which is another paragraph in the law which I have not read to the committee—it imposes upon the consular officers of the Government the duty of ascertaining the foreign cost of merchandise purchased for exportation to the United States.

Now, Mr. Chairman, the President, in the employment of persons required and authorized for such service, may appoint a tariff board. The matter of the employment of persons for the purpose of carrying out the provisions of the tariff act is left entirely to the discretion of the President of the United States; the number of persons he may employ is not limited, except as it may be limited by the appropriation. The designation of these persons when employed is entirely within his discretion, and this provision, which says that in the employment of these persons authorized by law for the purpose of enabling him to perform this duty imposed upon him by law he may appoint a tariff board, does not create a tariff board unless in the discre-

tion of the President he sees fit to do so. It does not limit his discretion as to the number he may appoint. He may appoint as many as he pleases, he may designate them to-day under existing law as a commission, or he may designate them as a tariff board, or he may designate them as commissioners or tariff experts. He may give them any designation he sees fit, and this provision does not in any way restrict or limit the exercise of that discretion.

Therefore, so far as the tariff board is concerned, it is not obnoxious to the rule, as I shall endeavor to show the Chair by a precedent that was made some years ago in this House on a similar question.

Mr. CRUMPACKER. If the gentleman will allow me, he has the discretion also to fix the salaries.

Mr. TAWNEY. Yes; he has the discretion to fix the salaries. The language that authorizes him to employ persons for the purposes specified in this act gives him a discretion as broad as language can:

The President is hereby authorized to employ such persons as may be required.

Now, Mr. Chairman, this authorizes the general investigation of tariff conditions as applied to the products of the United States when imported into foreign countries, an investigation that is not limited by law. We have had decisions on similar questions where general investigation was authorized by law.

I read from paragraph 3615, page 410, volume 4, Hinds's Precedents:

A department being created for the declared purpose of investigation, an appropriation for the instrumentalities of such investigation was held to be within the rule. On February 14, 1901, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk had read the following paragraph relating to the work of the Fish Commission:

"Employees at large: Two field-station superintendents, at \$1,800 each; 2 fish culturists, at \$960 each; 2 fish culturists, at \$900 each; 5 machinists, at \$60 each; 2 coxswains, at \$720 each; in all, \$13,560."

Mr. MARLIN E. OLMS TED, of Pennsylvania, made a point of order against this paragraph, that the appropriations proposed were not authorized by law.

After debate, during which reference was made to sections 4395-4398, Revised Statutes, to the fact that the law of 1871 created the department for the prosecution of investigations, and to the decision of Chairman PAYNE, on January 30, 1897, the Chairman, on February 16, held:

"The Chair is of the opinion that there is no limitation upon this section as to time, and that it has the same force and effect to-day that it had at the time it became a law, on the 9th of February, 1871. This section in the bill which is objected to is clearly within the spirit and letter of that statute, and the Chair holds, therefore, that the point of the gentleman from Pennsylvania [Mr. OLMS TED] is not well taken, and overrules the point of order."

Now, the statute upon which that decision was made is as follows:

Sec. 4395. There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employees of the Government, a commissioner of fish and fisheries, who shall be a person of proved scientific and practical acquaintance with the fishes of the coast, and who shall serve without additional salary.

Sec. 4396. The commissioner of fish and fisheries, shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food fishes of the coast and the lakes of the United States has taken place; and, if so, to what cause the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress.

Mr. Chairman, that is all of the authority there was in law for the paragraph authorizing the employment of a personnel in the Bureau of Fish and Fisheries in the field, at an aggregate annual expense of \$13,560.

Again, a similar case is found on page 432 of volume 4 of Hinds's Precedents, paragraph 3651:

While an appropriation for an investigation on a subject relating to agriculture is in order on the agricultural appropriation bill, it is not in order to appropriate for the organization of a bureau to make such investigations. On January 30, 1907, the agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. John F. Lacey, of Iowa, offered this amendment:

Insert at the end of line 23, page 50, the following:

"Bureau of Biological Survey: Salaries, Bureau of Biological Survey: One biologist, who shall be chief of bureau, \$3,000; one clerk, class 1, \$1,200; two clerks, at \$1,000 each, \$2,000; one clerk, \$900; one messenger or laborer, \$480; in all, \$7,580.

"Biological investigations: General expenses, biological investigations: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants, and for the promotion of economic ornithology and mammalogy, etc."

Mr. EDGAR D. CRUMPACKER, of Indiana, made the point of order that there was no authorization of law for the appropriation, and that legislation was involved. After debate, the chairman (Mr. OLMS TED, of Pennsylvania) held:

The Chair finds that "biology," as defined by Webster, has to do with the "origin, structure, development, function, and distribution of animals and plants," and is inclined to think, and would hold, that the second portion of the amendment is supported by authority found in the act of 1900, and therefore in order. But the first division of the

amendment, establishing the Bureau of Biological Survey, seems to hamper the discretion which the act of 1900 confers upon the Department of Agriculture. Whether that act confers upon the Secretary of Agriculture authority to establish such a bureau need not be discussed. The proposed amendment does not contemplate its establishment by him, but by Congress. It is the attempted establishment of a new bureau in an appropriation bill without any previous authority of law.

So far as the appropriation for the investigation was concerned, the Chair in effect held that that part of the amendment in that case was in order, but in so far as the amendment attempted to create a bureau on an appropriation bill, that was new legislation, and therefore subject to the point of order.

There is nothing of that kind contemplated, nothing of that kind authorized, in the language carrying the appropriation of \$250,000 against which the point of order is now pending.

Mr. FORDNEY. Would the chairman of the Committee on Appropriations yield for a question?

The CHAIRMAN. Does the gentleman from Minnesota yield? Mr. TAWNEY. I yield to the gentleman from Michigan.

Mr. FORDNEY. If this act is put into law and the President under the authority given appoints the board, what additional authority would that board have to the authority now given the board appointed by the President under the authority given him by the new tariff law?

Mr. TAWNEY. None whatever.

Mr. FORDNEY. Then, why appoint another board?

Mr. TAWNEY. The board, Mr. Chairman, will have only such authority as the President of the United States confers or delegates to it, just exactly as the present board has.

Mr. FORDNEY. Then, why create a new board—

Mr. TAWNEY. We do not propose to create a new board; but it is simply this: It emphasizes the fact that he may, if he sees fit to do so, create a tariff board. He has authority to do it now—

Mr. FORDNEY. He has already done it.

Mr. TAWNEY (continuing). And he has exercised that authority.

Mr. FORDNEY. Why give him additional authority if he already has it?

Mr. TAWNEY. It does not give him additional authority under this paragraph; not an iota of additional authority. Again, Mr. Chairman, in volume 4, paragraph 3719, page 480, of Hinds's Precedents, when the gentleman from New York [Mr. PAYNE] was Chairman of the Committee of the Whole House on the state of the Union and it had under consideration the agricultural appropriation bill, at that time I offered the following amendment:

Fiber investigation: To enable the Secretary of Agriculture to continue the investigations relating to textile fibers indigenous in or adapted to the United States, including their economic growth, cleansing, and decorticating, preparatory to manufacture; the testing machines and processes for said cleansing and decorticating; for the purchase of material for said tests; for the purchase of fiber plants and seeds for distribution, propagation, and experiments, and for the labor and expenses incident thereto; and for traveling expenses in connection with said duties, \$5,000.

Mr. Wadsworth, then chairman of the Committee on Agriculture, made a point of order that this amendment was not authorized by law, and the Chair, in the first instance, sustained the point of order, but later, on my presenting to the Chair section 526 of the Revised Statutes, which is as follows:

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; he shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation, and shall distribute them among agriculturists—

The Chairman [Mr. PAYNE] ruled:

The Chair will state that if the attention of the Chair had been called to the statute the gentleman has just read before ruling on the amendment when first presented, the ruling would have been different. The Chair thinks that clearly the statute authorizes the work suggested in the amendment, and therefore overrules the point of order, and will submit the question to the committee.

Now, Mr. Chairman, these precedents are all in line with the authority heretofore given to the President of the United States for the purpose of investigating tariff conditions not only in this country but all over the world, and the work of ascertaining these conditions necessarily involves an investigation into the cost of producing articles imported into this country, and also the cost of producing like articles in the United States. There is no limitation whatever by this language upon the authority which the President now possesses by virtue of section 2 of the tariff act, and therefore this appropriation being authorized by law, and the language in which

it is made not being in conflict with any law and not creating any new purpose for which the public funds may be expended, the paragraph, in my judgment, is clearly in order under existing authority of law. And I want to call to the attention of the Chair another important fact, bearing, in my judgment, directly upon the question at issue here and which the Chair will have to decide.

Section 3 of Article II of the Constitution of the United States, defining the duties of the President of the United States, says:

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

Now, Mr. Chairman, the President of the United States has himself interpreted the law and his authority, and what that law authorizes him to do. He interpreted the law in an official document sent to Congress at the beginning of this session. We all know that he is regarded as one of the ablest judges that ever adorned the circuit court of the United States. We also know that he is an able lawyer; and as judge, lawyer, and President of the United States he has given to Congress his interpretation of the authority he now possesses with respect to the investigation which Congress has authorized him to make into the matter of tariff conditions both here and abroad. In his annual message he said:

The new tariff law enables me to appoint a tariff board to assist me in connection with the Department of State in the administration of the minimum and maximum clause of the act and also to assist officers of the Government in the administration of the entire law. An examination of the law and an understanding of the nature of the facts which should be considered in discharging the functions imposed upon the Executive show that I have the power to direct the tariff board to make a comprehensive glossary and encyclopedia of the terms used and articles embraced in the tariff law, and to secure information as to the cost of production of such goods in this country and the cost of their production in foreign countries. I have therefore appointed a tariff board, consisting of three members, and have directed them to perform all the duties above described. This work will perhaps take two or three years, and I ask from Congress a continuing annual appropriation equal to that already made for its prosecution. I believe that the work of this board will be of prime utility and importance whenever Congress shall deem it wise again to readjust the customs duties. If the facts secured by the tariff board are of such a character as to show generally that the rates of duties imposed by the present tariff law are excessive under the principles of protection as described in the platform of the successful party at the late election, I shall not hesitate to invite the attention of Congress to this fact and to the necessity for action predicated thereon.

Now, Mr. Chairman, the duty of advising Congress from time to time and the duty of recommending such measures as to him may seem expedient or necessary is a mandatory duty the President is required to perform. He has asked Congress for an appropriation of \$250,000 to enable him to discharge this duty. He says in his annual message that he desires this information for the purpose of enabling him to discharge his duty in connection with the administration of the tariff law, and also for the purpose of discharging his duty under the Constitution of advising Congress what changes, if any, are necessary in the existing rates of taxation. That comes to Congress not alone as an estimate from the President of the United States in a special message to Congress, but it comes to Congress through the regular channels in the form of a formal estimate from the Secretary of the Treasury. The authority for his advising Congress, I say, is mandatory. He informed us that in order to discharge this duty properly it will be necessary for him to make certain investigations in respect to tariff conditions, the cost of production here and abroad, in order to determine whether or not the rates of duty imposed by tariff laws are adequate or inadequate to measure the difference in the cost of production in this country and abroad, which difference is, or is supposed to be, represented by duties imposed by law.

It has, therefore, the same force that an estimate coming from a department would have for an appropriation to carry out and execute an existing authority. It would not for one moment be claimed that an appropriation based upon that estimate would be subject to a point of order, if the language making the appropriation was no broader than the authority existing in the statute, and if it did not create new objects for the purpose of public expenditure.

I can not see why this appropriation, therefore, is not in order either under the tariff law or under the Constitution of the United States. The last part of this paragraph relates particularly to the authority conferred by the Constitution. It says:

To enable the President to have such information classified, tabulated, and arranged for his use in recommending to Congress such changes or modifications in any existing tariff law—

He has said that is what he wants the appropriation for.

Mr. FITZGERALD. Why do you limit the power that he has under the Constitution?

Mr. TAWNEY. I do not limit the power he has under the Constitution.

Mr. FITZGERALD. Read the entire clause, and see if it does not.

Mr. TAWNEY. It does not limit it at all.

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. TAWNEY. It does not. It says:

As he may deem necessary to prevent undue discrimination in favor of or against any of the products of the United States.

It does not restrict the President in the least to give us that information in advising Congress. He has said to Congress that he needs the information in order to enable him to discharge this mandatory duty placed upon him by the Constitution of the United States. It therefore has as much force and is authorized to the same extent that an estimate coming from the head of a department would be, and an appropriation made upon that estimate, for the purpose of enabling the Department of Agriculture to make certain investigations which that department, under the organic law creating the department, is authorized to make.

Mr. CRUMPACKER. Mr. Chairman, I would like to submit an authority upon that phase of the question, which seems to me to be very apt in this connection, if the gentleman will allow me.

Mr. TAWNEY. I yield to the gentleman.

Mr. CRUMPACKER. Mr. Chairman, the gentleman from Minnesota has quoted the third section of the second article of the Constitution, requiring the President to furnish information to Congress from time to time in respect to the state of the Union and to make recommendations:

He shall, from time to time, give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.

Of course the Constitution is law as much as a statute is law. If the Constitution authorizes the President or head of a department to do anything, it is in order to make an appropriation to carry out that function or purpose by a general appropriation bill without any other legislation.

Now, I call attention to a decision in the fourth volume of Hinds's Precedents, paragraph 3649, which was based upon this statute in reference to an appropriation carried in the agricultural bill, which declares, in the first place, that—

There shall be at the seat of government a Department of Agriculture, the conditions and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects in connection with agriculture in the most comprehensive sense of the term.

Now, that was the statute upon which the appropriation was made, "the duty of acquiring and diffusing useful information." The Constitution says the President shall submit to Congress information respecting the state of the Union. It does not say he shall "acquire" the information, but everybody knows that an officer can not submit information until he has acquired it. Now, for the purpose of carrying into effect that duty provision was carried in the agricultural appropriation in this language:

To enable the Secretary of Agriculture to investigate the character of proposed food preservatives and coloring matters, to determine their relation to digestion and to health, and to establish the principles which should guide their use; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials—

And so forth.

And an appropriation was carried.

The distinguished gentleman from Illinois who is now Speaker of the House, Hon. JOSEPH G. CANNON, raised the question of order that the provision carried new legislation, and was therefore not in order on a general appropriation bill. The Chairman of the Committee of the Whole House, the late Governor Powers, of the State of Maine, held the provision in order as being authorized under the general paragraph in the law creating the Department of Agriculture, and authorizing that department to acquire and diffuse information. It authorized this elaborate investigation, and an appropriation for it; and I

submit it was not as broad as the constitutional provision quoted by the gentleman from the State of Minnesota. It seems to me that the provision that is under discussion is simply declaratory of existing law. It does not change one iota of the power that the President already has, but makes an appropriation to carry into effect that power, reciting specifically what it is; and that is all there is in it.

Mr. DALZELL. May I call the gentleman's attention to the fact that the language upon which the gentleman from Minnesota is relying is that procuring information "to enable him to discharge the duties imposed by this section?"

Mr. CRUMPACKER. That is not all of it.

Mr. DALZELL. That is all of it.

Mr. TAWNEY. By the tariff act.

Mr. DALZELL. And to enable the President to have such information classified, tabulated, and arranged for his—

Mr. CRUMPACKER. For his use.

Mr. DALZELL. I am citing the language upon which you rely and the law upon which you rely, which is to enable the President to secure information necessary to assist him in the discharge of the duties imposed by this section.

Mr. CRUMPACKER. O Mr. Chairman, we rely upon all the law there is. If there is any law authorizing it, it is in order, whether it is fundamental law or statutory law, or any other law, that is recognized by the rules of this House.

Mr. TAWNEY. Mr. Chairman, I stated—

The CHAIRMAN. The Chair would like to ask the gentleman from Indiana a question. Is the gentleman from Indiana able to cite to the Chair any precedent where, under that provision of the Constitution, authorizing the President to make recommendations to Congress, an appropriation is in order giving the President authority to do what he pleases, upon any subject, in the way of the expenditure of money?

Mr. CRUMPACKER. I think the appropriation is in order.

The CHAIRMAN. The Chair asks the gentleman to cite any precedent which he has.

Mr. CRUMPACKER. I have no precedent, because the question has never arisen before, to my knowledge. The President has a good many agencies through which he may acquire information; but if the agencies are not adequate, then he may request Congress to make an appropriation, and Congress has power to make it, because it is authorized by law.

The CHAIRMAN. The Chair simply wishes to ascertain if the gentleman has any precedent directly in point.

Mr. CRUMPACKER. I have no precedent under this provision of the Constitution, one way or the other.

Mr. TAWNEY. Mr. Chairman, I stated that I relied not alone on the authority in the tariff act, but also upon the authority under the Constitution of the United States, under which authority the President may—and, in fact, it is made his duty to—furnish information to Congress from time to time regarding the state of the Union and to make such specific recommendations as he may judge necessary or expedient. Now, upon him alone must depend the initiation of the exercise of that authority. I do not maintain that the Congress of the United States, without any request from the President or without any estimate authorized by him, could appropriate money generally or specifically for this purpose. I maintain that it is within the power of the President, and within his power alone, to initiate the exercise of that authority which gives Congress jurisdiction to make appropriations to enable the President to perform his constitutional functions. In his special message, after citing the paragraph which I have read in part, contained in his annual message, he has said:

Upon consultation with the members of the Tariff Board I find that to carry out the purposes announced in my annual message it will be necessary to have an appropriation by Congress, immediately available for the current fiscal year, of \$250,000, and I respectfully urge on Congress this appropriation. I have directed the Secretary of the Treasury to submit an estimate of the same in the statutory method.

And I have here the estimate submitted by the Secretary of the Treasury:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 29, 1910.

SIR: By direction of the President, I have the honor to transmit herewith an estimate of appropriation in the sum of \$250,000 for the service of the fiscal year ending June 30, 1911, to enable the President to secure information and to assist the officers of the Government in the administration of the customs laws, as provided in section 2 of the tariff act of August 5, 1909.

Respectfully,

FRANKLIN MACVEAGH,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Now, Mr. Chairman, in conclusion I want just briefly to summarize the argument which I think clearly shows that this provision is in order under the rules of the House.

The President of the United States in the first instance has asked Congress for an appropriation of \$250,000 to enable him to obtain certain necessary information to assist him and the officers of the Government in the administration of the customs laws, and also, as he says in his message, to enable him to determine what recommendations should hereafter be made respecting the rates of taxation or the rates of duty in any existing tariff law that would correctly measure the difference in the cost of production here and abroad. Now, it being his duty to inform Congress in that regard, as well as in regard to all other matters pertaining to the welfare of the Union, and he having initiated the exercise of the authority under the law and the Constitution by sending an estimate and a message to Congress requesting an appropriation for this specific purpose, I say that the paragraph carrying the appropriation for that purpose thus being authorized both by the tariff act and by the Constitution of the United States, under the present estimate submitted by the President, the paragraph is not subject to the point of order. This, Mr. Chairman, is undoubtedly true unless the Chair finds that in making the appropriation we have used language that changes existing law or language that creates new purposes for the expenditure of public moneys. If the language in which this appropriation is made should be held to be surplusage or declaratory, it would not be subject to the point of order, for there is no rule against legislation on an appropriation bill unless it is legislation that changes existing law or authorizes the expenditure of public money that is not now authorized by law.

The language in this paragraph carrying this appropriation does not change any existing law. It does not authorize the expenditure of a dollar of this appropriation for any purpose that is not now authorized by law, and the appropriation therefore being authorized the language itself is not subject to a point of order, because it does not change existing law nor does it create any new authorization for public expenditure. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the point of order has been interposed to this paragraph because it is obnoxious to paragraph 2 of Rule XXI. The rule provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill, or in any amendment thereto.

I submit that the paragraph in the bill now under consideration violates both the provisions of the rule. First, the appropriation is not authorized by any existing law, and, in the second place, the paragraph changes existing law in that it creates authority that does not now exist. In the discussion which has taken place thus far of this appropriation, Mr. Chairman, there has been some unanimity among the Members of the House. There seems to be a universal desire that accurate information be obtained in order to make possible the most scientific revision of the tariff possible.

Some Members have advocated this appropriation because, in their opinion, it would result in the information so desirable being obtained; and some Members upon this side of the House have announced the probability of their support of this provision in the belief that it would result in information that is desirable from other standpoints. I desire to call the attention of the House to just what this provision does. It does not purport to obtain accurate nonpartisan information for the purpose of enabling the Congress to revise the tariff. The sole purpose of this provision, as I shall show, is to prevent a discussion of the tariff or the agitation of tariff revision during the present Republican administration. Its object is to tide the Republican party past this coming election, so that the party may be able to unite its discordant elements in the hope that it may come together at the end of this administration and present a united front to the country.

I make this statement on the authority of the man who is at the head of whatever remains of the Republican party in this country. I shall produce his own statement to demonstrate that this item is not intended to enable Congress to obtain information to revise the tariff, but it is intended to prevent the agitation of the question during his administration in the hope that the Republican party will be united.

Mr. DOUGLAS. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DOUGLAS. Does the gentleman think the question he now proposes to discuss has any relation to the point of order?

Mr. FITZGERALD. I think it has and I shall show it as I proceed. I shall also show the manner in which the President

has gone from a conception of what power is given to him by section 2 of the Payne Act to a definite construction of that law to fit his desires, and I shall show that the amount of the appropriation originated at a political meeting, and that it is wholly different from the sum the President deliberately informed the Congress was necessary. I shall point out also that the committee has accepted the recommendation for the appropriation of \$250,000 without a single witness being called to sustain it, without the slightest investigation of where the money already appropriated has gone, and without any knowledge whatever of what it is proposed to do with this money.

I shall also show that this money, if appropriated under this item, will result in the collection of a mass of information that will be absolutely worthless either to the President or to the Congress. When I have finished I believe it will be very apparent that not only is the item not in order, but even if it be in order it should be unanimously eliminated from the bill.

The President made a speech at the city of Winona, in the district of the gentleman from Minnesota, on the 17th of September, 1909. In that speech he outlined what he believed to be the authority conferred by this provision. He said that he conceived that he had the right to appoint a tariff board, and he outlined the duties which he believed the board should perform, and then further on in his speech he made this statement:

I do not intend, unless compelled or directed by Congress, to publish the result of these investigations, but to treat them merely as incidental facts brought out officially from time to time and as they may be ascertained and put of record in the department, there to be used when they have all been accumulated and are sufficiently complete to justify executive recommendation based on them. Now, I think it is utterly useless, as I think it would be greatly distressing to business, to talk of another revision of the tariff during the present Congress. I should think that it would certainly take the rest of this administration to accumulate the data upon which a new and proper revision of the tariff might be had. By that time—

That is, the end of this administration—

the whole Republican party can express itself again in respect to the matter and bring to bear upon its Representatives in Congress that sort of public opinion which shall result in solid party action.

So long back as the 17th of September the President announced that it would be very distressing to have any agitation of the tariff during this session of Congress, and that he hoped by deferring it to the end of his administration to effect a solidification of his party.

Mr. Chairman, some Members have suggested that even though this provision be not in the form in which many desire it should be if authority were given to accumulate information, that the point of order should not be interposed, but that the provision should be permitted to remain in the bill, to be perfected to satisfy the majority of the House. In 1896 the late Mr. Dingley, while presiding in the Committee of the Whole House on the state of the Union, rendered a very elaborate opinion upon a question of order that was raised on the ground that a legislative provision was in violation of the rule invoked against the pending provision. He pointed out the object of the rule: The appropriation bills are for the purpose of providing the means to enable the Government to be maintained; that to prevent delay and to avoid jeopardizing these bills by differences that might exist among Members of the House or between the Members of the two Houses, or between the Congress and the Executive, the rule had been adopted to prevent legislative provisions being inserted in the bill. That the rule is salutary and necessary is evident, since it has remained practically unchanged since 1837.

He pointed out further that as the Committee on Appropriations had no jurisdiction to consider any matters except appropriations, and as there were committees of the House charged with the duty and responsibility of considering and reporting upon legislative matters, better results were inevitably obtained by having legislative items originate in and be reported from the committees which were peculiarly and specially qualified to originate and consider such matters. He explained further, and this is important at this time, that even if the legislative provision were permitted to remain in the bill, under the rules of the House amendments which would be in order if the matter were considered as a special legislative matter in a separate bill would not be in order if the item were in an appropriation bill, so that it would not be possible to perfect this amendment either by providing that a report should be made to Congress or by giving authority by which this commission should have some real power. So that those of us who believe it desirable to create the machinery to accumulate accurate information to be used in the preparation of tariff bills should hesitate long before permitting the consideration of this provision in this appropriation bill, since lured by false hopes we would be unable to perfect the provision in the way desired.

Mr. Dingley's accurate statement of the rule is found on page 630 of volume 4 of Hinds's Precedents, and is as follows:

Thirdly, another ground of objection to legislation on an appropriation bill lies in the fact that even if an amendment should be admitted here which is in nature of general legislation, changing existing law, our rules would so restrict amendments to it that it would be almost impossible to perfect it.

Mr. Chairman, the gentleman from Illinois [Mr. BOUTELL] on Saturday said that he was an optimist, and that he still continued to be an optimist even after the discussion on this bill, and that he still indulged the idle dream that he might be able to participate in the preparation of a nonpartisan tariff bill. I do not know whether he had read or whether he had overlooked the annual message of the President of the United States, but if, after reading the President's message, in which he says:

If the facts secured by the tariff board are of such a character as to show generally that the rates of duty imposed by the present tariff law are excessive under the principles of protection, as described in the platform of the successful party at the late election, I shall not hesitate to invite the attention of Congress to this fact, and to the necessity for action predicated thereon—

the gentleman from Illinois hopes for a nonpartisan tariff bill, it must be that he believes that all of the people of the United States will accept the tariff principles as laid down in the Republican platform; or he must look to the day when those who believe in the Republican party will repudiate the principles stated in their platform. It requires something more than optimism to account for the hope that a tariff bill will be made here upon a nonpartisan basis.

Mr. Chairman, I am opposed to this appropriation, because it is not, in my opinion, intended in good faith. It is not for the purpose of obtaining facts to assist in a revision of the tariff, but it is to defer any discussion of a revision until after the election which is upon us.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LONGWORTH. Does the gentleman from New York agree with the platform announced on Saturday by the gentleman from Massachusetts [Mr. Foss], that a new revision of the tariff should be undertaken immediately after the 4th of next March?

Mr. FITZGERALD. I believe it would be very beneficial to the people.

Mr. LONGWORTH. Does the gentleman stand for that?

Mr. FITZGERALD. Oh, let me answer the gentleman's question. If I have not answered it, I shall try to do it. I believe it will be very beneficial to the people and to the country, and I am convinced that if the Democratic House that will take office on the 4th of March next could then be convened to revise the tariff at once, it would result greatly to the advantage of the entire country. [Applause on the Democratic side.] Does that answer the gentleman's question?

Mr. LONGWORTH. Oh, yes; I am glad to know the gentleman's attitude.

Mr. FITZGERALD. I notice how easy it is to satisfy the gentleman from Ohio ever since this item was put in this bill. I said, Mr. Chairman, I did not believe this provision was in good faith or intended for the purpose it purports. There is information now that some of the schedules of the tariff bill should be revised, even according to the doctrine of the Republican platform.

As the gentleman from New York [Mr. HAVENS] pointed out, the President in his Winona speech called attention to the fact that although both Mr. ALDRICH and Mr. PAYNE were convinced that there should be certain reductions in the woolen schedule, there were certain interests sufficiently strong in the Republican party to make it impossible to modify it; that he considered the woolen schedule a glaring defect in this tariff law, and he wished it could be otherwise. It is unfortunate that he did not put that statement in a message to Congress instead of in his speech in the district of the gentleman from Minnesota; if he had, perhaps his wish would have been gratified. And yet he even hesitated in expressing a wish that this might be different, because the exact words he used are: "I could wish that it were different." He did not even wish it otherwise. Not only is this an instance where information exists requiring a modification of the present tariff law, Mr. Chairman, but, as the gentleman from Missouri [Mr. CLARK] pointed out, a committee was appointed, of which you, Mr. Chairman, were the distinguished chairman, to investigate the question of ground wood and print paper. That committee spent months and months in an exhaustive investigation. It was the most thorough and complete investigation made of any article affected by the tariff.

The committee made a unanimous report, four Republicans and two Democrats, agreeing upon the report, that instead of \$1.66 a ton, the duty upon ground wood fixed in the Dingley tariff law, ground wood should be placed upon the free list; and instead of \$6 a ton upon print paper fixed in the Dingley law, \$2 a ton should be placed upon print paper, with the recommendation that those rates be fixed provided that no charge or duty or tax was placed upon ground wood or print paper by the country from which print paper or ground wood might be exported to the United States. After all the labor and work put in by that special committee its recommendations were entirely disregarded, and in the Payne tariff law the duty on ground wood was left at \$1.66 a ton and the duty on print paper was fixed at \$3.75 a ton. I have often wondered how it happened that the unanimous recommendations of the special committee were disregarded. Confronted now apparently by an anxious profession for accurate information and facts as to the cost of production of articles affected by tariff rates, upon the only item in the entire range of articles upon which such information was obtained, and it came nearer to being nonpartisan because it was a bi-partisan recommendation, the Committee on Ways and Means rejected the recommendation.

Mr. BURKE of Pennsylvania. Will the gentleman yield? Would not the Congress have the same right to reject the recommendation of the President that it had to reject or ignore the report and recommendation of its own committee?

Mr. FITZGERALD. I am coming to that in a minute—

Mr. BURKE of Pennsylvania. Does not the gentleman know that one of the principal and strongest arguments made against this proposition by the gentleman from Alabama [Mr. UNDERWOOD] was that the enactment of this provision would confer upon the President virtually the right to write a tariff bill?

Mr. FITZGERALD. I am coming to that in a moment. The argument has been made, perhaps in the absence of the gentleman from Pennsylvania, that what was wanted were facts, and when the facts were had it would be possible to fix rates satisfactorily to everybody concerned. I was annoyed and bothered to know why these recommendations were rejected, and I have found the explanation. It has been explained by no less a personage than the President of the United States. In this same speech made at Winona he discussed the question of a duty on ground wood and print paper. He said there was a great controversy of what the rates should be, a considerable difference of opinion as to the facts, and he spoke about the recommendation of the special committee, and then he made this statement. I desire to use his exact language. After referring to the obstacles and the difficulties in the duties, he said:

An examination of the evidence—

That is, apparently, of the evidence taken by this special committee—

satisfied Mr. PAYNE—I believe it satisfied some of the Republican dissenters—that \$2, unless some change was made in the Canadian restrictions upon the exports of wood to this country, was much too low, and that \$4 was only a fair measure of the difference between the cost of production here and in Canada.

It is a peculiar coincidence, Mr. Chairman, that Mr. PAYNE happened to represent a State, and comes from a section of a State very near those sections in his State, in which the people were vitally interested in a high duty upon ground wood and print paper. [Applause on the Democratic side.] And, no matter what facts are collated and no matter how they are submitted, there will always be some Mr. PAYNE who, upon an examination of the evidence, will be satisfied whenever reductions are suggested in any particular schedule that the duty proposed is too low. The President might better have repeated the language used by him earlier in his speech and have said that when it was attempted to make a reduction in the duty on ground wood and print paper it was found there were certain strong interests in the Republican party which made such reductions impossible. [Applause on the Democratic side.]

Mr. HILL. I am sure the gentleman does not wish to do his colleague [Mr. PAYNE] any injustice, and if he will simply refresh his memory he will recall the fact that the precise language recommended by the special committee to which he refers was put in the tariff bill, reported by the Ways and Means Committee, contrary to his statement a moment or two ago, and passed by the House of Representatives. I think I am right about that matter. The change was made in conference.

Mr. FITZGERALD. If the gentleman will permit me, I am not talking about the bill as it was reported to this House. Everybody knew that that was not the bill that was to become the law. Everyone knew that certain provisions were put in

that bill to aid in obtaining the votes necessary to put it through this House. I am talking about the bill as it became the law, and I am using the words of the President of the United States, in which he referred to the examination of the evidence by Mr. PAYNE, by which he was convinced that the proposed duty was too low, although the four Republicans and two Democrats who had spent months in collating the evidence had reached a unanimous conclusion upon it. There always will be a Mr. PAYNE to be convinced, no matter what the facts are, that the proposed reduction is too low.

What use is there to talk of squandering \$250,000 to obtain information that will be absolutely worthless in character, and, even if it were of any value, will be wholly disregarded by the Republican Congress? The information obtained as proposed here would be worthless.

When the Committee on Ways and Means started its hearings in preparation for the tariff bill, it called from all over the country manufacturers and producers of various articles. They went before the Committee on Ways and Means in droves, and the statements they made were so brazen and so unreliable and so fraudulent on their face that the chairman of the Committee on Ways and Means was compelled to come into this House and obtain authority to put the witnesses under oath, so as to stop the scandalous exhibition that was being made over in the Office Building. There is not a word in any existing statute that can be pointed out which authorizes the persons employed by the President or this so-called board or commission to put a single individual under oath. They have no power to investigate the records of any manufacturer or producer. They can only take the voluntary statements which will be made by manufacturers, and, in view of our recent experience, God forbid that we should expend a single dollar even in printing such statements made by interested parties.

Mr. UNDERWOOD. If my colleague will allow me to interrupt him for just a moment, I wish to say in this connection the most valuable testimony that was gotten by the Ways and Means Committee in its recent investigation, on which the Payne tariff bill was written, came from the cross-examination of witnesses and not from the direct statements on their part.

Mr. FITZGERALD. Yes; and my recollection is that the gentleman from Ohio [Mr. LONGWORTH] admitted that fact in his speech the other day, and thanked the gentleman from Missouri [Mr. CLARK] and the gentleman from Alabama [Mr. UNDERWOOD] for the very efficient assistance they had given in that investigation.

Mr. LONGWORTH. I most assuredly did.

Mr. FITZGERALD. And it would have been much better had those same gentlemen been permitted to have given their able assistance in the preparation of the bill as well as in the eliciting of the information.

Mr. SIMS. As to the special committee to which the gentleman has referred, and on which I had the honor to serve, I beg to say that we were clothed with the highest inquisitorial powers; that we examined every witness under oath. We examined the contracts of the paper manufacturers with publishers. We had the benefit of the active service of consular agents of the United States abroad. No fact that we laid before this House was ever denied by the gentleman from New York [Mr. PAYNE] or anyone else.

Mr. FITZGERALD. I believe, perhaps, in justice to my colleague from New York I should make this statement. The President said an examination of the evidence convinced Mr. PAYNE that the recommendations of the special committee were too low. But he did not say which evidence was examined and which convinced Mr. PAYNE, and it is just possible instead of examining the evidence collated by the use of the great power conferred on that special committee that the gentleman from New York [Mr. PAYNE] examined the evidence of the interested witnesses given before his own or some other committee. It would be impossible for anyone to avoid being absolutely convinced from such statements that every proposed reduction was a mistake and erroneous.

Mr. Chairman, I wish to discuss for a moment the question of appropriating \$250,000 for the purposes enumerated in the provision. In the urgent deficiency act approved the 5th of August, 1909, \$75,000 was appropriated for the ten months of the fiscal year to enable the President to employ the persons authorized to procure the information to assist him in the discharge of the duties imposed upon him under the tariff law.

The President, in his annual message to Congress in December, said:

This work—

Speaking of the tariff board—

will perhaps take two or three years, and I ask from Congress a continuing annual appropriation equal to that already made for its prosecution.

So that at the beginning of December the President believed that that board should have \$75,000 for two or three years to do its work.

On the 28th day of March he transmitted to Congress a special message asking an appropriation of \$250,000 for the balance of this year and for the next fiscal year, and said that a similar appropriation would be required for two or three years. In that message he said:

Upon consulting the members of the tariff board I find that to carry out the purpose announced in my annual message it will be necessary to have an appropriation by the Congress, immediately available, for the current and the next fiscal year, of \$250,000, and I respectfully urge upon Congress this appropriation.

He accompanies this message with a letter from the chairman of the board, dated the 26th of March, 1910. This letter commences as follows:

In accordance with your instructions I have the honor to submit a statement regarding the needed appropriation for the tariff board for the year ending June 30, 1911.

In view of the fact that until the 31st of March the chief work of the board has been an investigation of foreign tariffs and regulations, in regard to the possible existence of undue discrimination against the products of the United States, the present appropriation of \$75,000 has been adequate for the work immediately in hand.

So that on the 26th of March the chairman of the board said it was occupied until the 31st of March in a certain line of work, and they would need \$250,000 for the next fiscal year, and an attempt is made to explain the necessity for such a sum.

I was somewhat curious, Mr. Chairman, to ascertain when this change had come over the President as to the amount required during the next fiscal year for the tariff board. After some investigation I ascertained that on the 12th of February last, in his Lincoln birthday speech before the Republican Club in the city of New York, when the agitation for further changes in the tariff had become very acute and when the country had been aroused by the unfolding of its iniquities, and desperate efforts were being made by the President to silence opposition in his own party, he announced that he intended to apply to Congress this year for the sum of \$250,000 to organize a tariff board through which these investigations shall be made.

There was not a single witness called before the Committee on Appropriations to ascertain what is to be done with this money, or what has been done with the \$75,000 already appropriated. No member of the committee, so far as I know, has ever obtained information of the character always demanded before a single penny of the public moneys was appropriated for any purpose. Think of the gentleman from Minnesota, whose care is so well known in this House, and so fully recognized and frequently resented in the department, consenting to an appropriation of \$250,000 upon the mere say so of any individual or department head, after his experience with President Taft as the head of a department, when he demonstrated that he was the most unreliable man in the public service upon whose statement an appropriation could be made without investigation.

The statements contained in the letter of the tariff board to the President are so familiar as to awaken the suspicions of the astute and experienced chairman of the Committee on Appropriations.

We have tried—

Said the board—

to keep these estimates down to the lowest figure consistent with the securing of satisfactory results; and believe it desirable to proceed slowly in such investigations in order that no public moneys shall be expended except for service of the highest order giving results of genuine value. If experience should prove that it is impossible to secure, during the year, enough men of the quality referred to, to warrant the utilization of this appropriation, the expenses would thereby be reduced. Under no circumstances would the board feel warranted in expending any part of the appropriation in the securing of material regarding the accuracy of which there could be any question.

Such lamb-like simplicity is not uncommon when appropriations are sought. Rarely, however, has an appropriation been granted upon so flimsy grounds. It is indefensible to legislate in such a way. The result can not be other than detrimental.

One fact stands out prominently in the statement of the board. By no possibility will there be any undue haste in the performance of its work, nor need those hoping for delay of tariff revision fear any precipitancy by the board in the accumulation of information, and so I repeat that everything points to the conclusion that the main object of the pending provision is not so much the acquisition of accurate information as it is, as pointed out by the President last September at Winona, to

have some excuse to avoid agitation and discussion, not only until the impending election is over, but during this present administration. I have much more admiration for the men on that side of the House who are willing to go before the country and take its verdict upon their work than for this new-fangled scheme of trying to evade the issue before the people. [Loud applause on the Democratic side.]

Mr. Chairman, what does the particular paragraph do? It purposes to appropriate, according to the gentleman from Minnesota, money to enable the President to do that which he is now authorized to do under the law. Three specific provisions of law are relied upon by the gentleman from Minnesota to sustain the appropriation: First, section 2 of the Payne tariff act.

Without reciting it at length, it will suffice to say that section 2 of the Payne tariff act, and everybody knows it, authorizes the President to ascertain whether any foreign country is in any manner, by duty, rate, charge, tax, or in any other way, imposing an undue discrimination upon the products of the United States going into that country, and if he finds that to be the fact, the maximum tariff under the law is imposed upon the products coming from that country to the United States. It is absolutely impossible for any intelligent man to conceive that information as to the cost of production at any place at all will be of any value to the President in the discharge of the duties imposed under that section.

The question to be determined by him is whether a government has fixed some charge, made some rate, placed some restriction, or, to express it in a manner that will be more readily understood, in some way made a less favorable market for the products of the United States in the particular country than is given to the similar products of any other country in the same place. So that even so good a lawyer as the President had some difficulty in construing this section to give him the desired power, although he has said that the power conferred in section 2 gave him authority to investigate and ascertain the cost of production of articles here and abroad.

More than that, Mr. Chairman, sections 10 and 11 of the tariff act—the administrative sections—do not give the authority stated by the gentleman from Minnesota [Mr. TAWNEY]. They authorize the appraisers, in fixing the value of articles imported into this country, to ascertain the actual market value in the country of production. Let me say that this does not include articles on the free list, but, as the statute says, articles of merchandise wholly or partly manufactured and subject to an ad valorem duty, or to a duty based in whole or in part on value. Those are the articles of which they are authorized to ascertain the actual market value in the country of production; and if they can not ascertain the actual market value in the country of production, they are authorized to use all available means to ascertain the cost of production. The gentleman from Minnesota in reading the section stopped at the word "production," but he stopped in the middle of a sentence. The provision is:

To ascertain the cost of production of such merchandise at the time of exportation to the United States and at the place of manufacture.

As it already appears, articles on the free list are not included among those of which the appraisers are authorized to ascertain the market value, and they are only empowered to ascertain the cost of production of such articles subject to duty, the market value of which can not be ascertained. The provision in the provision under consideration is not so restricted.

The provision authorizing investigation regarding cost of production of articles has no reference whatever to ascertaining the cost of production in the United States. In the United States the appraisers are authorized only to ascertain the actual wholesale price; and the actual wholesale price is never based, so far as the customs officials are concerned, upon the cost of production in the United States. Nowhere is there any provision of law which authorizes a comparison between the costs of production in this country and elsewhere, as provided in the provision in this bill.

More than that, Mr. Chairman, there is no specific authority in section 2 of the tariff act authorizing the appointment of a tariff board. The President, in his two speeches, has construed the law to mean that he has that authority; and the gentleman from Ohio [Mr. LONGWORTH] in his speech, which will be found on page 6572 of the Record, said:

Now what is, in my judgment, the most important function of this board, to wit, that of investigating costs of production here and abroad, was not specifically vested in the board by section 2 of the Payne law; but it was construed by the President that that power must necessarily exist. How otherwise would it be possible to determine whether other nations were unduly discriminating or not? The proposition here is not to confer any new powers, therefore, upon this board. It is merely to

place a legislative definition upon the powers which have been construed by the President to be possessed by the board already. It merely provides more in detail just what these powers are and how they shall be exercised, and it is specifically provided that they shall examine into the cost of all articles specified in the tariff act, both at the place of production and at the place of consumption, both in this country and the country from which such articles are imported, so that the cost of such articles produced abroad may be compared with the cost of like articles produced in this country.

Mr. Chairman, under the rules of this House any words that place even a mere legislative construction upon any law are obnoxious to the rule and subject to the point of order. Accepting the statement of the gentleman from Ohio [Mr. LONGWORTH] as the most accurate and authoritative possible regarding the meaning and intention and purpose of this particular paragraph by those proposing it, is it not apparent that the purpose is to place a legislative construction upon the paragraph by this provision? I call the attention of the Chair to a decision in paragraph 3936, volume 4, of Hinds's Precedents, that a provision proposing to construe existing law is in itself a proposition of legislation, and therefore not in order on an appropriation bill. Mr. Dingley, of Maine, was in the chair when that decision was given.

A similar decision is found in paragraph 3937 of Hinds's Precedents, when Mr. Carlisle was in the chair. A decision to the same effect can be found in paragraph 3938, with Mr. PAYNE, of New York, in the chair; and in one decision, when the House overruled the Chairman, Mr. Richardson, of Tennessee, than whom there was in his time no abler parliamentarian, took the same view as Mr. Dingley and Mr. Carlisle. I shall not take time to comment on these precedents, as they are clear, positive in point, and before the Chair for examination.

Mr. Chairman, it has also been held that in making an appropriation, when an attempt is made to make it in the exact language of the permanent law, that the slightest change whatever in the provision makes it subject to the point of order; and in paragraph 3817 of Hinds's Precedents, volume 4, an existing law that was repeated verbatim with the exception of a single word, it was held that the changing of the word "shall" to "may" to be a sufficient change to subject the paragraph to the point of order.

In paragraph 3720 is found a decision which I think will interest the House in view of the fact that the gentleman from Minnesota [Mr. TAWNEY] is contending against this point of order.

On January 29, 1904, the gentleman from Minnesota was presiding as Chairman of the Committee of the Whole House on the state of the Union. In an urgent deficiency appropriation bill was an item providing for the expenses of the commission on international exchange, appointed under the provisions of the sundry civil act of March 3, 1903, to bring about a fixed relationship between gold-standard and silver-using countries.

It appeared in the debate that the sundry civil law passed in the last preceding session of Congress contained this paragraph:

To enable the President to cooperate through diplomatic channels with the Governments of Mexico, China, Japan, and other countries for the purpose set forth in the message of the President and the accompanying notes submitted to Congress January 29, 1903, and printed as Senate Document No. 119, second session Fifty-seventh Congress, \$25,000.

The gentleman from Minnesota, acting as Chairman of the Committee of the Whole House on the state of the Union, held on a point of order that an appropriation to continue the duties of the commission was not in order if a point of order was interposed under this particular paragraph.

The gentleman from Minnesota attempted to justify this appropriation because under the Constitution the President is required to give information to the Congress.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LONGWORTH. In the last precedent cited by the gentleman, was it not a fact that that commission had finished its term of service?

Mr. FITZGERALD. It does not so appear. The gentleman from Minnesota attempted to justify the appropriation now under consideration because the President is required to give information to Congress as a part of his constitutional duty, and the gentleman from Minnesota insisted that the employment of persons to acquire this information would properly be carried by an appropriation in an appropriation bill.

Mr. Chairman, it might be just as important for the President to go some place and acquire personally the information to be transmitted to Congress as to employ persons to acquire the information for him; and yet it has been held that in the absence of any statute authorizing the appropriation an appropriation for the President's traveling expenses could not be carried in an appropriation bill. The Constitution makes the President the Commander in Chief of the Army and of the Navy

of the United States. No one would assume that in the discharge of his duties it would not be necessary for him to travel, and yet the appropriation for his traveling expenses can not be carried in an appropriation bill unless there is specific authority authorizing the appropriation to be made.

Mr. HILL. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. HILL. I think the citation the gentleman just made was made under a misapprehension. I made the point of order on which the Chairman, the gentleman from Minnesota, decided that the appropriation should go out, and it was on the ground that there never had been any authorization by law for the preceding appropriation the year before, that it was a one-year appropriation, and that the appropriation of the year before did not give any ground for the continuance of the appropriation in the succeeding year.

Mr. FITZGERALD. Will the gentleman point out any authority under which a commission is authorized here?

Mr. HILL. Section 2 of the Payne tariff act.

Mr. FITZGERALD. That says that the President may employ persons; it does not say appoint a commission or a board. Under the rule, if it be desired to appropriate in the language of the law, it must be in the exact language. Let me call attention to the fact that that has been recognized in the urgent deficiency appropriation bill in which the first appropriation is carried. The gentleman from Minnesota, in compliance with the rule, put this provision in the bill:

To enable the President to secure information and to assist the officers of the Government in the administration of the customs laws, as provided in section 2 of the tariff bill, relating to the maximum and minimum rates, \$75,000, to continue available during the fiscal year 1910.

That was in order, because it was in the exact language of the law; but when the gentleman attempts to put in an appropriation the peculiar construction which the President has placed on the law, then he is either changing existing law or else he is construing the law and is violating the rule.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. LONGWORTH. The gentleman will at least concede that if the President ever had any authority to appoint a board, the necessity for that board is still in existence and did not terminate on the 31st of April.

Mr. FITZGERALD. Oh, I have not so contended; that was drawn from the imagination of the gentleman from Minnesota. Nobody has contended that the power vested in the President in section 2 was exhausted by the 31st of March. That was simply to bolster up an otherwise weak argument; the gentleman from Minnesota put up a man of straw in order to knock him down. That is always a familiar method of argument in the House as well as out of the House.

The gentleman from Minnesota, however, overlooked some provisions in this item. Under the act of August 5, 1882—

The employment at the seat of government in any executive department or subordinate bureau or office thereof is prohibited from any appropriation for contingent expenses or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation.

Mr. Chairman, I have called the attention of the Chair to this act of August 5, 1882, which specifically prohibits expenditures at the seat of government or the employment of any person at the seat of government out of any appropriation unless the employment is specifically authorized in the law, because the original act authorizing the employment of persons by the President does not provide for their employment at the seat of government, does not authorize any expenditure for rent in the District of Columbia, does not authorize the President to fix the compensation of employees at will. The authority to be conferred upon the President to fix the compensation of all persons employed by the President under authority of section 2 of the Payne Act is in effect a modification of section 169 of the Revised Statutes, and so a change of law. It would be impossible to frame a paragraph which would contain a greater number of provisions obnoxious to the rule.

In addition, the gentleman has either extended the authority now possessed by the President or he has narrowed it in this provision providing for the employment of persons. If the President has the authority to employ persons in any capacity he desires, then the enumeration of any particular persons which will result in the exclusion of others will not be permitted under the rules of the House.

Mr. Chairman, I now desire to call the attention of the Chair to the last part of the paragraph, particularly in view of the fact that it has repeatedly been stated that this information is to be used by Congress in the preparation of tariff bills. It provides that the President may have this information classi-

fied, tabulated, and arranged for his use in recommending to Congress such changes or modifications in any existing tariff duties as he may deem necessary to prevent undue discrimination in favor of or against any of the products of the United States. If the President has authority to give information to the Congress upon the state of the Union, then this is an attempt to restrict the President to the use of this information to this particular purpose. The information can be only classified, tabulated, and arranged for his use in recommending changes in the tariff wherever it has been found that other nations are unduly discriminating against us, and no matter how much the people of the United States may be suffering from the exactions or burdens or inequalities of the law, the President, under that provision, could not use, and gentlemen on that side of the House do not wish him to use, that information for the enlightenment of Congress.

Mr. Chairman, so that there may be no misunderstanding, I believe that I can accurately state what the vast majority of the Members on this side of the House would do if they had the power. They would be willing to support a bill to create the machinery by which accurate information could be obtained for the use of Congress in the preparation of tariff bills. They do not wish to place in the hands of the Executive the power to obtain information to be used by him when he is satisfied that the facts require changes in the law, because the rates are in excess of what they should be as laid down by his platform; they do not wish information filtered through the Executive; they do not wish worthless and misleading information. Neither will they be misled into supporting this item only to have the provision adopted and then have a repetition of a recent occurrence. They do not forget readily recent actions of the Republican party. Although the President used as a club the argument that corporations should be taxed in order to insure publicity of their operations, after the law had been enacted and the information commenced to be collected the Republican Congress enacted another law which securely bottled up the information and withdrew it both from the country and from the Congress. The only purpose of this authorization is so to hoodwink the country by the size of the appropriation as to enable this administration, if possible, to suppress and to silence all agitation and to defer action upon the tariff until, as the President says, the Republican party has had an opportunity to become solidified.

In that same Winona speech of the President he pointed out that as between a perfect tariff law and a solidified party he preferred a solidified party. Like most men who wander from the straight path in the hope of accomplishing indirectly what they might have accomplished by being brave and courageous, he got neither a solidified party nor a perfect tariff bill. [Applause on the Democratic side.]

Mr. Chairman, I believe there is one other authority I wish the Chair to have before it, and that is in paragraph 3739, volume 4, of Hinds's Precedents, in which it is held that those proposing an appropriation must show the authority for the appropriation to be made. Unless the gentleman proposing this appropriation can specifically point out in some law authority for this paragraph in the form in which it now exists, it can not remain in the bill under the rule; and unless he is able to repeat verbatim without the change of a single word the law upon which the appropriation is based, it can not and it should not remain in the bill. [Applause on the Democratic side.]

Mr. DOUGLAS. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DOUGLAS. The gentleman has reserved the point of order. Is that to the whole paragraph?

Mr. FITZGERALD. Yes; I am against appropriating a dollar.

Mr. DOUGLAS. I am not asking the gentleman what he is for or against. I am trying to find out the parliamentary situation.

Mr. FITZGERALD. I am trying to explain it.

Mr. DOUGLAS. The gentleman is not trying to explain what I want. The gentleman has reserved the point of order against the whole paragraph, without any attempt to point out any parts of it which are in his judgment unauthorized.

Mr. FITZGERALD. I thought I had done that.

Mr. DOUGLAS. Well, not in attempting to point it out in the discussion of the point of order.

Mr. FITZGERALD. I have called attention to the manner in which the paragraph is obnoxious to the rule. I have not attempted to write a provision which would be in order so that the gentlemen might get the benefit of my work; let them do that themselves.

Mr. DOUGLAS. I will acquit the gentleman of any such attempt.

Mr. FITZGERALD. I did read a paragraph which, perhaps, might be in order, which was carried in a former bill, but I stated in the course of my remarks I did not believe it would be possible to frame a paragraph in this bill which would have the same provisions without making it obnoxious to the rules of the House. I doubt if the gentleman can find a single part of it which is in order. The gentleman from Minnesota did not insist very strenuously that more than the first eight lines of the paragraph were in order; the other twenty-four, he hoped, might be held in order. If he examines the paragraph a little more carefully he will find that even in the first eight lines there is sufficient change in the verbiage to make it out of order under the rule which I have invoked.

Mr. KEIFER and Mr. UNDERWOOD rose.

Mr. KEIFER. Does the gentleman from Alabama want to speak in opposition to the point of order now?

Mr. UNDERWOOD. I am in favor of sustaining the point of order.

Mr. KEIFER. Mr. Chairman, I shall try in the few minutes I shall occupy to keep as closely to the question as possible, although the example just set me is a bad one. [Laughter.] Except to repeat that the paragraph of the bill was subject to a point of order for a great many reasons not stated, and rerepeating it from time to time, there has been very little said by the gentleman making the point of order except on the question of whether or not this paragraph was put in the bill for the benefit of the Republican party. The theory of such discussion is that it will fall heavily upon the great mental powers of the Chairman of this committee in determining whether or not the language used in the paragraph is such as to change existing law or provides for an appropriation of money not previously provided for by law; and the thirty minutes that was spent in trying to tell this Committee of the Whole how far the Committee on Ways and Means a year or more ago had failed in getting testimony of a certain kind must be regarded in much the same way.

The statement was further re-reiterated over and over again by the gentleman from New York [Mr. FITZGERALD] that he did not believe the amendment or the proposition was in order under the rule, because it had not been introduced in the bill, according to his motion, in good faith. This must have been very illuminating to you, Mr. Chairman. I want to read a sentence that I think bears on this question of order:

It is not for the Chair to draw the question of consistence within the vortex of order.

Let me read that over again—

It is not for the Chair to draw the question of consistence within the vortex of order.

That was written deliberately and solemnly more than one hundred years ago by a man whose name is used and abused with great liberality even up to the present hour. It was written by Thomas Jefferson in his Manual as a guide for Democrats in that plain, old day in which he lived and presided over a legislative body, but it is often forgotten now when dealing with a purely legal question, or a question of order under parliamentary rules, if you please; the question of the construction of a rule is generally overlooked. Now, let me read another rule of construction:

The admissibility of an amendment should be judged from the provisions of the text rather than from the purpose which circumstances might suggest.

My friend from New York [Mr. FITZGERALD] found a lot of circumstances all around that he thought would operate to make this paragraph of this sundry civil bill inimical to paragraph 2 of Rule XXI that we have now in force. Well, the Chairman was told further that he ought to rule that this paragraph was in violation of Rule XXI, because the Committee on Appropriations, of which the gentleman from New York is a member and I believe is a member of the subcommittee that had this bill in charge, had not taken the pains to get testimony to find out how money that had hitherto been appropriated had been expended, and for that reason the paragraph in the bill ought to be stricken out; that is, the paragraph should be held not to be in order because he and other members of the Subcommittee on Appropriations had not performed their duty. Now, the gravity of all these propositions I shall not try to discuss. I can not meet them. I know that we want facts and information in executing the customs laws and it is only to be obtained by expending money such as would be appropriated if this paragraph becomes a law—the facts and information for the use and benefit, according to section 2 of the tariff act of August 5, 1909, of the President of the United States and all officers required by that act and by the Constitution of the United States to administer the law.

But my friend from New York receives a welcome clap from the brethren around him when he says that it is not necessary for these officers, and what is wanted to administer this law is to get a report to Congress showing facts and information to put brains into the Members of Congress. [Laughter.] They have nothing to do with the administration of the law. The Constitution makes the President the chief executive officer of the Government; the bill itself imposes on the President its execution, especially so far as the maximum and minimum rates are concerned.

The purpose and requirements of section 2 of the tariff act of 1909 was to have information furnished so that the President might act wisely, as the act states, as well as the other officers charged by law with the administration of the tariff law. But now, as against that, they say, "Oh, do not get information there; they do not need it." But I will be forgetful of my duties if I do not give the gentlemen a chance to see whether they are in good faith about that, because, unless objection is made, and if these facts are found and this information is secured, a provision will go in the bill requiring them to be reported to Congress. I would also be willing to put in the law a requirement that some gentlemen on that side should read them after they get here. There is no objection to the gentlemen having them, and they will get them.

Well, we have a lot of trouble about information for ourselves. Only a day or two ago the distinguished chairman of a committee [Mr. OLMSTED] told us of a chronic case of resolution here in this House for information for ourselves. One distinguished Member on the other side of the House, he said, introduced a resolution for information every day and had it referred to his committee. I am glad those resolutions are presented, and when they refer to matters about which we are to legislate I will vote for them for any Member who claims or thinks he needs the information sought.

Now, what about this point of order? I only promised, Mr. Chairman, to keep somewhere in sight of the others that had set me a bad example. I have already called attention to the fact that an amendment to determine whether it was in order should be judged by its text. I ought to add what all the authorities hold—that is, respectful authorities, I mean—and that is that the provision that is proposed to be put in a bill should be examined to see whether it transgresses absolutely some of our rules. That is, you must look to the ultimate purpose to be accomplished by the provision offered or which should be accomplished and which is authorized by law.

Now, there are an abundance of cases to which I might refer, but will refer but briefly to a few. Perhaps, Mr. Chairman, it has already been referred to, the matter that is in point, where a question of investigation is involved as it is here. As has already been pointed out, section 2 of the tariff act requires the President of the United States to ascertain certain facts upon which he is to act, especially in the administration of that part of the tariff law relating to the application of the maximum and minimum tariff to the different countries of the world with which we deal, and the further provision in that section that he is to gather information for his own benefit, and for all other officers charged with the administration of the law.

Now, having stated that, I will say that I state it so as to have the Chair clearly understand that we are dealing with a matter of investigation already authorized by law—broad, copious, full investigation. Who is to interpret the extent of that investigation? The gentleman from New York [Mr. FITZGERALD] says he is, because he does not know the limits the President might go to in obtaining facts essential to the administration of the tariff law. Somebody suggests that while the President might have such constitutional powers given him by express provision of the Constitution, such as to make recommendations to Congress, and so forth, that that was not a law of the land within the rule under which we are acting; that it must be some written text of the Congress of the United States, and that the Constitution was not a law.

But, Mr. Chairman, for fear somebody would raise that question some time, the framers of the Constitution put in a paragraph (par. 2, Art. VI) saying—and I give the language substantially—that the Constitution and the laws made in pursuance thereof, and treaties, "shall be the supreme law of the land."

Now, they say the Constitution is not law enough to control paragraph 2 of Rule XXI of the House of Representatives.

Let us come to the precedents about investigations. I am not going to read from the records. I will read from page 356 of the Constitution, Manual, and Digest of the House this:

Because of the requirements of law, appropriations for investigations and subjects connected with agriculture are generally in order on the agricultural appropriation bill.

That language can be applied analogously to the sundry civil bill now. Why? There is a broad investigation provided for in the tariff act, one of vital importance, an investigation that concerns the welfare of the whole country. It is there expressly authorized by law, and being so authorized, then an appropriation to carry that out must be within the provisions of the law. Somebody has said—and I have heard it for about six weeks or more, and recently—that it is an entirely new thought on the part of Republicans to want to get a provision in here—a sort of a guaranty of Republicanism in the coming campaign.

How absolutely fallacious that statement is in the light of the fact that when the tariff law of August 5, 1909, was approved by the President of the United States it had the very provision in that I have referred to, to wit, a provision for ascertaining facts and gaining information about cost of production, duties, and so forth, to be used in the successful administration of the customs laws. Yet gentlemen will say it is a new discovery. It is a part of the general plan of a wise tariff law, that it may be wisely administered in the light of the facts and the truth of such information as may be obtained anywhere and everywhere that it can be discovered in the whole world. It is all well enough, this provision for facts and information anterior to the election; and I recollect how anxious gentlemen seemed to be to get before the people. I want to say that you underrate the intelligence of the people of this country. You can not say, when you go to the people, that they have had the price of the food that they eat raised by increased duties on articles, for some fellow in the back of the audience will say, "Name the article." Then you will flounder and say, "Lemons." That is all you can say. That is the only article of food on which, by any possible construction of language, it can be said customs duties were increased, and generally they were decreased.

I want to say one thing more, off the line of proper discussion. I have heard repeated all during this session the statement that the great McKinley in his last speech in the city of Buffalo proclaimed the doctrine that the Democratic party stands for now.

I will not stop to read it, but I want to say that when Mr. Parker, the Democratic candidate in 1904, made an address in New York he quoted a part of a paragraph of that speech of McKinley, which is relied upon as Democratic doctrine. I was met next morning on the streets of my city by a little man, a tailor by trade, and he said, "Parker must be a rascal." I said, "Why do you say that? He is a great man, a great lawyer, and a great judge." My tailor friend said, "He quoted one-half of a sentence and left out the important half of it." The other half the Democrats never read. When you read what McKinley in fact said, as it turned out to be, on the threshold of the grave, he stood by the protective policy for American people, and for workmen especially.

Now, I could follow up the citations similar to the one or two I have cited, to show the paragraph in question is in order under the rules.

Another decision I will read from page 356 of the Constitution, Manual, and Digest:

An appropriation to test in the Agricultural Department a paper-producing plant by cultivation was held to be authorized by law, because there was a general provision to proceed to do such things.

I read again from the same page:

While an appropriation for the investigation of a subject relating to agriculture is in order in general appropriation bills, it is not in order to appropriate for the organization of a new bureau.

I will not follow this line of citations up further, because it is unnecessary, and I want to turn for a moment or two to the paragraph of the bill.

Mr. Chairman, I gathered from the questions propounded by the gentleman from Pennsylvania [Mr. DALZELL] to the gentleman from Indiana [Mr. CRUMPACKER] that he was under the impression that the facts that were required to be obtained under section 2 of the tariff act were solely for the use of the President in the discharge of his duty, and that that was to be limited to just such specific things as was stated in the section.

I read now the last sentence, I may say, of section 2 of the tariff act:

To secure information to assist the President in the discharge of duties imposed on him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

So it will be seen that the investigation is not to be made specifically and solely to assist the President in the discharge of duties imposed by section 2 of the tariff act, but generally to aid him and the other officers of the Government in administering the customs laws of the United States; that is, all our customs laws. Therefore all pertinent information is to be

sought for, and is authorized to be obtained and given to the President and these other officers. And in the earlier part of the bill the President is also authorized, especially with reference to the application of the maximum and minimum tariff, to secure facts on which to act in issuing or withholding proclamations as to the maximum or minimum tariff. I read:

Proclamations shall be made by the President under the authority herein conferred, and when the facts as found by the President extend to the whole of any foreign country or may be confined to or exclude from its effects any dependency, colony, or political subdivision having authority to adopt and enforce tariff legislation.

There is no limitation upon that. It is broad, and it reaches to the whole world, so far as getting the desired information is concerned.

So that we have here authorized by law an investigation to ascertain the facts and acquire information, all of which are to be made useful in the administration of the custom laws of the United States.

Now, what about the paragraph against which the point of order is made? I believe, Mr. Chairman, if I can have your attention, that there is more language used in this paragraph than need to be there; but it does not, fairly interpreted, I think, authorize the doing of anything that the President is not now authorized to do by law. Somebody will say, perhaps somebody will yet rise and say, that the paragraph authorizes the appointment of a tariff board. Well, but did the act authorize the appointment of such a board or not? That was left open to the President.

The President has appointed a board, as he calls it in his message just read by the distinguished gentleman from New York. Such board is not a board to perform the duties of a tariff commission, but a board to ascertain facts and secure information. So that it is nothing new, if it does say that. The criticism is made with great refinement. Gentlemen also state that in the latter part of the paragraph there is something said about tabulation. I would not have said anything about that if I had drawn that paragraph, but I would have said in my mind, What is the use? If a man is getting facts and figures and not tabulating them he must be an idiot, and does not intend to use them. What facts the investigation brings forth will, of course, be tabulated under section 2 of the tariff act.

Mr. TAWNEY. Mr. Chairman, will my colleague permit me to call his attention to the fact that it is because there was no authority for the tabulation of the statistics in regard to the tax returns under the corporation-tax law that the President sent to Congress for authority and appropriation for the work of tabulation?

Mr. KEIFER. I do not fully agree with the gentleman as to his statement that there was no authority for certain tabulations in relation to the returns of corporations under the corporation-tax section of the tariff act. The trouble was about making such returns public, and he sent to Congress to get authority to do that; and this was because some Republicans and some Democrats said they would like to look into other people's business and to have it open to them, and the President thought that it would be well enough to let them do it. But tabulation always follows the ascertainment of facts.

Tabulation follows the obtaining of any statistical information, and so there is nothing here in this, as I construe it, not hitherto authorized by law to be done by the President of the United States.

The following language in the bill is severely criticised:

And to enable the President to have such information classified, tabulated, and arranged for his use in recommending to Congress such changes or modifications in any existing tariff duties as he may deem necessary to prevent undue discrimination in favor of or against any of the products of the United States, \$250,000.

I have already commented on the first part of that language. The latter part of it is verbiage. If he ascertains the facts, if he gets the information, the Constitution which he took an oath to support on the 4th of March, 1909, requires him, in his discretion, to furnish that information, when he has it and believes it to be valuable, to Congress, and it was not necessary to put in the bill anything on the subject. Hence I repeat what I said in the beginning, that the real general design and purpose of the amendment must be looked to, and not the frills that are thrown around it by any language used.

I do not think I should add anything further. I think the debate should have been in a nutshell, and that this great provision of the tariff law should be administered wisely, by ascertaining the facts and information essential to its administration. The paragraph here undertaking to appropriate for that purpose \$250,000 is not to be struck down because, in the opinion of some members of the committee, it may be too large

a sum. That is for the committee to decide. It does not go to the question of order at all, but it does go to the question of administering the tariff law according to its provisions.

Mr. COX of Indiana. What valid objection can the gentleman see to making these facts public, in the event that this provision remains in the bill, and this amount of money is turned over to the President for the purpose of gathering this information?

Mr. KEIFER. I think the gentleman has been out to get his lunch. I think he did not hear what I said.

Mr. COX of Indiana. I have been here for the last fifteen or twenty minutes.

Mr. KEIFER. I think the gentleman has not been here long enough to have heard me state that that was the very thing I intended unless the Democrats objected, to require to be furnished, especially for the benefit of Democrats, who needed information as to the facts. I want to put it in. As far as I am concerned I will agree now that the proposition shall be so amended as to require all the facts and information to be reported to the House.

Mr. COX of Indiana. Does not the gentleman conscientiously believe that some members of the Republican party ought to have some information along this line?

Mr. KEIFER. Certainly.

Mr. COX of Indiana. If I mistake not, the gentleman himself voted against the Payne bill.

Mr. KEIFER. I voted against the conference report; yes; not because I was not a protective-tariff man, but because of the corporation tax that I did not like, especially in the form it was presented, and because of some gross inequities in the bill.

Mr. COX of Indiana. If I understand the gentleman's position, he is in favor of making these facts public?

Mr. KEIFER. Yes.

Mr. COX of Indiana. And after they are gathered by the President he is in favor of transmitting them to Congress?

Mr. KEIFER. Yes; and they will be made public.

Mr. COX of Indiana. Is the gentleman in favor of making it mandatory upon the President to transmit these facts to Congress?

Mr. KEIFER. Yes.

Mr. HILL. Under the terms of the bill as it is drawn the facts will be subject to the order of Congress if Congress sees fit to order them published?

Mr. KEIFER. Undoubtedly.

Mr. HILL. Is not that all-sufficient?

Mr. KEIFER. That is all-sufficient; and the President being authorized to furnish such information and such recommendations to Congress—or, rather, he is required by the Constitution in his discretion to do that—the facts and information secured would come here anyway. But for fear the gentleman would not get them, I am in favor of making it mandatory on the President to cause them to be transmitted to Congress from time to time as they are ascertained and secured.

Mr. DALZELL. Mr. Chairman, I want to submit a few observations in support of the point of order made by the gentleman from New York. Unlike those of the gentleman from New York, they will be entirely nonpartisan in character.

I think it would be difficult to conceive of any question of more importance to the Congress of the United States than the question now pending to be decided by the Chair, involving, as it does, the relations between the Executive and the Congress of the United States with respect to the taxing power. I am opposed to a tariff commission, and I propose to utilize for this occasion some remarks that I made on another occasion because they are in a more condensed form than I should probably state them here.

Under the Constitution of the United States the inauguration of all measures for the raising of revenue is exclusively intrusted to the House of Representatives, and the duty resulting to the House thereby can not by law be delegated to anyone. It would be impossible to create a commission that would have any authority even in the most remote way to fix tariff duties. For practical purposes, therefore, a tariff commission would be utterly useless. The utmost that it could do would be to recommend legislation.

But it goes without saying that no House of Representatives would be willing to accept the conclusions of an outside body merely upon its recommendation and without having direct knowledge with respect to the matters recommended.

It is urged that the tariff should be regulated by a nonpartisan commission. A nonpartisan commission is an impossibility. So long as there are two schools of economic

thought the members of any such commission must naturally divide in accordance with their views as they should happen to belong to one or other of these schools. The tariff question has been a political question ever since the foundation of the Government, and necessarily it will continue to be such.

It is further urged that such commission would have opportunities to gain expert knowledge that is not within the control of Congress. That is a mistaken assumption. No commission could be appointed which would have such varied and comprehensive means of gathering expert knowledge as the Congress has through its Committee on Ways and Means of the House and its Finance Committee of the Senate. Every government agency—the State Department, the Department of Commerce and Labor, the Bureau of Manufactures, the Bureau of Corporations, with its almost inquisitorial powers—and all the various departments of the Government clothed by law with the power to gather facts are at the service of the committees of Congress. It is within the power of those committees to possess themselves of information that no independent bureau, such as the proposed tariff commission, could command.

But the most convincing argument against the creation of such commission is to be found in the fact that such a commission would keep the business interests of the country in a state of perpetual unrest. What is needed in a tariff law is stability. Business conditions will adapt themselves to even a poorly adjusted schedule of tariff duties. They can not adjust themselves to a law likely to be suddenly changed at any time. No business man would be willing to conduct his business on an uncertainty, lay in stock, make investments for the future, if he knew that a body existed that from day to day and week to week had the power to recommend to Congress, according to its judgment, changes in the various schedules of the tariff law. I can not conceive of a more mischievous scheme to unsettle the business conditions of this country than is to be found in the proposal to establish a permanent tariff commission.

Now, Mr. Chairman, if I am opposed to a tariff commission to be created in the ordinary way by the introduction into this House of a bill and its reference to the proper committee and a report thereon, it goes without saying that I am much more opposed to the creation of a tariff commission by a rider on an appropriation bill. [Applause.]

And that is what, in my judgment, the first paragraph of this bill undertakes to do to-day—create a tariff commission. All you have to do, Mr. Chairman, to arrive at a proper decision on the point of order is to lay section 2 of the Payne tariff bill alongside of section 1 of this bill and see how much of legislation there is proposed in the latter that is not included in the former.

Section 2 of the tariff bill, which is relied upon as justifying this appropriation, reads in its closing paragraph as follows:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs law, the President is hereby authorized to employ such persons as may be required.

The Chair will observe that the information to be procured to assist the President in the discharge of the duties imposed upon him are not duties imposed upon him by the tariff law or by any other law, but by this section of the law. Now, what are the duties imposed by this section of the law? They are to find out whether or not restrictions either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, export duties, or otherwise are imposed upon the importation into or the sale in such foreign country of any agricultural, manufactured or other product of the United States which unduly discriminate against the United States or the products thereof.

Now, that is all there is, that is all the duty that is imposed upon the President of the United States by the provisions of this section.

Section 1 of the tariff law provides for the duties that shall be imposed upon various articles. Section 2 provides that there shall be a maximum and minimum duty, and that if the President shall find that there are undue discriminations against our products upon the part of foreign governments, the maximum duty shall be imposed.

That is all there is in that section, the duty upon the part of the President of finding out whether or not there are restrictions upon our commerce, and in case he does so find them he is to impose the maximum duty.

In order to enable him to ascertain whether or not any other country discriminates against us, he is empowered to employ experts; but the question as to how much it costs to make a certain article in another country, how much it costs to make

the article in France, how much it costs to make it in England, how much it costs to make it in Germany, has nothing at all to do with the duty imposed on the President. He is simply to find out whether any particular country discriminates against us as against another country. Does Germany charge us more than France; does France impose a higher duty than Austria; those are the questions he is to determine. Those are the questions about which he is authorized to employ experts.

Now, Mr. Chairman, is it not too plain to talk about that this bill accomplishes all that the law authorizes it to accomplish by way of an appropriation if you stop when you come down to the fourth line, page 2? Let me read it:

To enable the President to secure information as to the effect of tariff rates or other restrictions, exactions, or any regulations imposed at any time by any foreign country on the importation into, or sale in, any such foreign country of any agricultural, manufactured, or other product of the United States, and to assist the officers of the Government in the administration of the customs laws, as required by the tariff act approved August 5, 1909.

Is not that the whole story? Is not that as far as the appropriation is authorized to go? But it does not stop there. It says "including," which means in this section "and in addition thereto."

Including detailed information of the cost, and of each and every element thereof, of producing at the place of production and at the place of consumption of all articles specified in said tariff act, both in this country and in the country from which such articles are imported—

With relation to customs duties? Not at all—

so that the cost of all such articles produced abroad may be compared with the cost of like articles produced in this country.

Mr. Chairman, will the gentleman from Minnesota [Mr. TAWNEY] or any other gentleman point out to me any provision of law that authorizes the President of the United States to employ experts to find out the difference in cost between foreign-produced articles and articles of home production?

And if he can not, then I need go no further. In that event this paragraph is subject to the point of order. But I need not stop there:

The President, in the employment of persons required and authorized for such service, may appoint a tariff board—

Of how many? Of three, or five, or ten, or twenty? Why, if that language means anything, it means that the President of the United States can set up here under this section an independent bureau with unnumbered officers, as many as he sees fit, the compensation of whom he may fix under the provisions of this law. I say this is an important question in its relation to the legislative bodies of this Government, because it puts in the hands of a board under the control of the Executive questions that belong only to the House of Representatives, so intended to be by the men who made the Constitution—a prerogative that we and our predecessors throughout all of our history have guarded with jealous care, and upon the retention of which we have always insisted. But I need not stop there:

And he may also employ, under his personal direction, or under the direction and supervision of such tariff board—

Either the President or the board—

such competent experts in the business and methods of cost keeping—

What has that to do with finding out whether or not countries are discriminating against us in the imposition of their tariff duties? What has that to do with the administration of the customs service—a board to ascertain the methods of cost keeping? Why, there would not be an individual, firm, or corporation in all the United States that would not be liable to inquisitorial supervision if any such thing were authorized by law—

and such clerical and other personal services, including rent of offices in the District of Columbia—

Of course, if we had a tariff board, we would have to have offices in the District of Columbia—

traveling and other incidental expenses as may be necessary in the work of said board and the work of said experts engaged in such investigation; and the compensation of all such persons, whether employed permanently or temporarily, shall be fixed by the President; and to enable the President to have such information classified, tabulated, and arranged for his use in recommending to Congress such changes or modifications—

And so forth.

Mr. Chairman, it seems to me that I am imposing on good nature to further insist that there are innumerable things contained in this appropriation bill that have no justification at all in paragraph 2 of the present tariff law, which provides:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, to wit, to find out discriminations—

But if anything were wanting to conclusively prove that this paragraph is out of order it is to be found in the history of this legislation. The Senate, when the House bill went over, substituted for the House provision for a maximum tariff its own provision, which was not in terms the same as the House provision, and that Senate bill contained this paragraph, and I call the Chair's particular attention to it:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation and to the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required—

That is where paragraph 2 of the present law stops, but the Senate bill paragraph did not stop there. It went on—

such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries and all conditions affecting the same.

That provision was in the Senate bill when it went to conference. The conferees of the House and the Senate—and their action was subsequently confirmed by both Houses—struck out the words "and information which will be useful to Congress in tariff legislation," and also struck out the words "into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same."

Mr. HILL. I think if the gentleman will read the RECORD he will find, when that subject came up in the Senate, the chairman of the Finance Committee in the Senate said that the provisions, as left, were broader, less restrictive, and gave all the powers the other language did, and more, too.

Mr. DALZELL. Well, if he did say so, he did not know what he was talking about. No man can construe its terms without seeing the reason why they were stricken out. No; Mr. HALE did not say what the gentleman from Connecticut quotes from the chairman of the Finance Committee.

Mr. HILL. He said the opposite.

Mr. DALZELL. The conferees said, "You have a provision in here that looks to the creation of a tariff commission; the House is opposed to a tariff commission and will never agree to the bill in that shape"—

Mr. STAFFORD. You do not mean to say the House was opposed, but that the House conferees were opposed; the House never voted on the proposition.

Mr. DALZELL. And I venture to say a majority of the House are.

Mr. STAFFORD. That would be decided later, but we have never had an opportunity to vote on the proposition.

Mr. DALZELL. So, I submit, not to prolong this discussion, that if you lay section 2 of the Payne tariff bill alongside of this first paragraph of this bill and consider the history of this legislation you can not come to any other conclusion than that this proposed appropriation is subject to the point of order. [Applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, I desire to speak briefly on the point of order, and if apology is necessary I will apologize for confining my remarks to the precise question before the chair and the committee. Upon the subject of the merits of the proposition, as one of importance to throw light upon the most vexed question in all of the history of American legislation—the tariff—I should like, when we reach the direct discussion upon the paragraph, to make some brief remarks also. I now desire to call the Chair's attention to the point of order of the gentleman from New York [Mr. FITZGERALD], and will direct attention entirely to section 2 of the tariff act as being adequate and the only authority necessary to sustain this provision in the bill. I think the gentleman from New York does not seriously contend that there is no authority in that section for an appropriation to be made by the Congress to aid the President in gathering information that will be pertinent information in assisting him to properly administer the maximum and minimum provisions of the tariff act, and also information that will be proper for the other officers of the Government in administering the customs laws.

The only question is whether the language here imported into section 1 of this bill enlarges the power and authority given in section 2 of the tariff act. The language of section 2 which gives authority to gather information is very broad. As I understand it, it is much broader than stated a moment ago by the gentleman from Pennsylvania [Mr. DALZELL]. The President under section 2 is authorized to employ—

such persons as may be required to secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws.

As to the information gathered for the direction of the President, it is true, as the gentleman from Pennsylvania has said, that the information to be sought is to enable the President to make proper administration of the duties imposed by this section, but as to the information gathered for the benefit of the various customs officers the power or authority is not at all limited to the particular duties referred to in this section 2 of the tariff act.

Practically two general objections have been urged in support of this point of order—first, against the authority for the language set forth in this paragraph permitting the employment of a tariff board at all, and, second, as to what is claimed to be an enlargement of their powers to gather information of the comparative cost of the production of commodities at home and abroad. As to the first objection, it seems to me that the language of section 1 of the pending bill, while it is much more extended than there was any need of being, does not infringe upon or violate the rule that we must keep within the actual authority of existing law. The authority in the existing law in the gathering of this information is that the President is authorized to employ such persons as may be required. It is a very broad authority. Now, all that there is in this particular section of the pending bill upon the subject of a tariff board is limited in the very introductory lines to such persons as may be required to collect the information authorized by law.

It begins with line 11, on page 2 of the bill:

The President, in the employment of persons required and authorized for such service, may appoint a tariff board.

In other words, unless under the tariff act, section 2, a tariff board may properly be required to gather this necessary information. Unless authority is there given, it is not enlarged upon by this section; because, as I have already said, the authority to employ a tariff board in this section is limited to such tariff board as may be required or is already authorized.

Upon the subject of classification, it goes without saying that if information may be gathered at all, it needs to be classified for the purpose of making it useful. It is absolutely unnecessary, in my opinion, to enumerate any such implied or necessary power in this legislation, but the legislation is not for that reason subject to a point of order, because the test must be, Does not actually enlarge existing law or the authority of existing law? It may be criticised upon grammatical and technical grounds, but as applied to the test that must govern, whether or not it is proper legislation in an appropriation bill, it is not a sufficient criticism to say that it is very redundant in describing authority which already exists.

Mr. FITZGERALD. If it be legislation, it is subject to a point of order. It is not a question of whether it is proper legislation.

Mr. MARTIN of South Dakota. If it is new legislation.

Mr. FITZGERALD. If it is legislation. It does not have to be new legislation or old legislation or any kind of legislation.

Mr. MARTIN of South Dakota. That is simply a contention. Every appropriation bill is legislation. I am talking about what legislation is proper on an appropriation bill.

Mr. FITZGERALD. I suggest to the gentleman that any legislation is out of order on an appropriation bill. No legislation whatever is in order upon it. The bill can only carry appropriations.

Mr. DOUGLAS. Is not an appropriation bill legislation?

Mr. FITZGERALD. Not in the sense as stated in the rule. We are discussing whether this legislation is in order, and the gentleman says it is proper legislation. Legislation is out of order on an appropriation bill.

Mr. MARTIN of South Dakota. The gentleman's suggestion is purely contentious. Every bill passed by Congress is legislation, and the sense in which I am using the language on this point of order is the precise sense in which it should be applied here. Is this provision of section 1 of this appropriation bill subject to the objection that it is new legislation—that is, that it gives new authority not now in existing law?

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. COX of Indiana. Can the gentleman cite any other authority whatever other than section 2 upon which to bottom the provision now under consideration?

Mr. MARTIN of South Dakota. The gentleman from Minnesota [Mr. TAWNEY], when the gentleman from Indiana was at his lunch, or elsewhere out of the Chamber, cited a number of precedents upon the subject.

Mr. LONGWORTH. The gentleman himself cited sections 10 and 11 of the administrative act.

Mr. MARTIN of South Dakota. Sections 10 and 11 have already been referred to as applying on this proposition.

Mr. COX of Indiana. If the gentleman has cited any other authority than section 2, I beg his pardon.

Mr. MARTIN of South Dakota. I have not. I am confining my argument entirely—

Mr. COX of Indiana. Can the gentleman, or will the gentleman, cite any other organic law upon which to bottom this provision, except the section of the tariff act of last August?

Mr. MARTIN of South Dakota. I am confining such statements as I desire to make to the Chair wholly to the authority of section 2 of the tariff act. The Constitution itself, giving authority to the President to inform the Congress from time to time as to such recommendations as he may see fit to make, has been referred to as one reason, and a broad constitutional reason, why the appropriation might be made to gather information upon almost any subject on which the President might inform the Congress. Furthermore, sections 10 and 11 of the tariff act have already been referred to as bearing upon this question. As far as I am concerned, in the brief remarks I am making on this subject of the point of order, I am confining my position to section 2 of the tariff act.

Mr. COX of Indiana. Now, he is referring to the language used in section 2 of the tariff act of last August. Does not the gentleman believe that the words found in section 2 confine everything done under it to section 2, to the things enumerated in it?

Mr. MARTIN of South Dakota. If I understand the question of the gentleman, it simply is whether the language "this section" in section 2 refers to that section.

Mr. COX of Indiana. That is right.

Mr. MARTIN of South Dakota. It would be absurd to argue anything else.

Mr. COX of Indiana. That being true, the only thing that I am able to find in the reading of the section which would serve as a basis or foundation upon which to bottom the provision in the sundry civil bill would be this:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, the President is hereby authorized to employ such persons as may be required.

Now, reading the entire provision of section 2, I am unable to find anything contained in that section as set forth in the section under consideration.

Mr. TAWNEY. But the gentleman from Indiana has not read all the last part.

Mr. COX of Indiana. I am reading that which applies to the President.

Mr. TAWNEY. But the gentleman has omitted the very purpose that the President is to obtain this information for.

Mr. COX of Indiana. I have read everything relating to the President of the United States.

Mr. TAWNEY. You have not. "To assist the President and the officers of the Government in the administration of the law."

Mr. COX of Indiana. There are certain other burdens upon the President under the section, but I have covered everything that related to him.

Mr. MARTIN of South Dakota. I did not yield to the gentleman for an argument on the subject.

Mr. COX of Indiana. No.

Mr. MARTIN of South Dakota. I have already stated upon this question that the recital in the closing paragraph of section 2, of "this section," is a limitation only upon the information as gathered for the benefit of the President.

Mr. COX of Indiana. At that time.

Mr. MARTIN of South Dakota. But the President in that very paragraph, in the language immediately following, is authorized to appoint persons also to gather information.

Mr. COX of Indiana. Information concerning what?

Mr. MARTIN of South Dakota. For the use of the officers of the Government in the administration of the customs laws. In other words, information gathered for a proper administration of the customs laws for which the President is authorized "to appoint such persons as may be required." It is not confined to the information necessary to permit the President properly to administer this maximum and minimum provision of section 2, but also to the appointment of such persons to gather such information as will enable the customs officers to properly administer the customs laws.

Mr. LONGWORTH. And, if the gentleman will permit me, as provided in sections 10 and 11, the duty is laid upon them to determine the cost of production.

Mr. MARTIN of South Dakota. That has already been referred to by the gentleman from Minnesota.

Mr. COX of Indiana. Will you allow me another question?

Mr. MARTIN of South Dakota. Yes, sir.

Mr. COX of Indiana. If the gentleman can point out anything in section 2 authorizing the gathering of any information as to the manufacture at home or abroad, I would like to know it. The gentleman does not contend for a moment that it provides that he shall have information upon that point?

Mr. MARTIN of South Dakota. I can not yield to the gentleman for a speech, but I do not object to these colloquies, because I believe by them we get to a better understanding of the matter under consideration.

Mr. COX of Indiana. I am not purposely interrupting the gentleman; I am seeking information.

Mr. MARTIN of South Dakota. I was simply saying—and I desire to pass from that now, Mr. Chairman—that there is nothing in this section as to the selection of a tariff board that is not particularly authorized by the tariff act. This is particularly limited to such persons as may be required to gather information, as already authorized. Therefore a tariff board would not be authorized under this section, unless a tariff board may be said to be such persons as are required to gather this information under section 2 of the tariff act; and if they are, this section would recognize that part of this appropriation could be used for that purpose.

Mr. COX of Indiana. Right in that connection, does the gentleman believe that under section 2 of the tariff act, as passed last August, the President would be authorized to send agents abroad for the purpose of investigating the cost of the manufacture of articles abroad and imported into this country?

Mr. MARTIN of South Dakota. I do.

Mr. HILL. It is being done now every day, all the year, and has been every day for the last fifty years.

Mr. COX of Indiana. Whether it is being done or not is one thing, and whether it can be done under this section is an entirely different thing.

Mr. MARTIN of South Dakota. I will give the gentleman the benefit of my view upon that. Now, Mr. Chairman, it seems to me the real argument against this section must turn upon the language which the gentleman from Indiana [Mr. Cox] just now called attention to, and that is, the language which permits these agents who are to be selected by the President in furtherance of the purposes of section 2 of the tariff act to gather information as to the relative cost of production at home and abroad. Of course, unless the authority in the law somewhere, either in section 2 or in section 2 in connection with sections 10 and 11, is broad enough to cover this specific recital, or unless there be a bit of law somewhere broad enough to cover it, it is not proper to be in an appropriation bill.

It is to my mind clearly authorized by section 2 itself of the tariff act, in any reasonable interpretation of the duties placed upon the President by that section. The duties thrown upon the President by this section 2 are not simply to ascertain whether the tariff rate imposed by one particular country, as Germany, in the treatment of American commodities is precisely the same as the tariff rate imposed by Germany as against France for a similar commodity. If the language were that the President shall ascertain whether there were discriminations on the part of any country against this country, it would be much more limited in its application than it is. The duty is upon the President to gather information, not only as to whether there are discriminations, but as to whether there are undue discriminations against the commodities of this country in our dealings with other countries. In ascertaining whether the treatment of any particular country toward this country in this matter of tariff concessions constitutes undue discrimination, what inquiry is more pertinent than to know something as to the relative cost of production of the articles in which it is claimed we are discriminated against in the particular country in question in our own country and in the other countries that manufacture or produce similar commodities? It seems to me that the authority to ascertain as to whether discriminations are undue is broad enough to authorize an inquiry into many subjects, and that one of those proper subjects of inquiry would necessarily embrace the question of the cost of production of the articles in question. But the language of authorization does not stop there. It goes much further than the reference made by the gentleman from Pennsylvania [Mr. DALZELL]. It says further:

And that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent.

In other words, the inquiry authorized by this section 2, and the duties thrown upon the President to gather information, goes much beyond the bare inquiry as to whether the tariff rates imposed by any particular country against American commodities are the same as that country imposes against like commodities from other countries. It goes into the whole subject of whether any export duty is placed upon commodities that might come from that country to our own and as to whether we are accorded not only the same sort of treatment that that country accords to other countries, but as to whether we are also receiving reciprocal and equivalent treatment for the various concessions which we may be making to that particular country in our commercial dealings.

It seems clear that at the very threshold of that question these agents of the President could scarcely begin an inquiry of that kind and comprehend the proposition as to whether any discrimination was an undue discrimination without being at once confronted with the question as to the cost of producing the articles involved at home and abroad, to see whether certain concessions we might receive from that country were due and equivalent to certain concessions that our tariff law in its application might make to the country in question.

Mr. COX of Indiana. Will the gentleman yield, and I will make the question as brief as possible?

Mr. MARTIN of South Dakota. I will.

Mr. COX of Indiana. I understand the proper rule of construction of statutes is to take the entire section of the statute, everything that is said in it, that which is most prominently outlined by phraseology. Suppose the gentleman was on the bench and the question was put up to him whether or not everything that is said in section 2, the language contained therein, would be broad enough to justify the President of the United States to investigate the cost of manufacture of an article at home and abroad; does the gentleman think he could find that language?

Mr. MARTIN of South Dakota. I think there is ample authority in that part of the section that I have just read. The inquiry as to the relative cost of production at home and abroad is pertinent to the question of undue discrimination and applies also to the question whether we receive reciprocal and equivalent consideration for such concessions as we may make to other countries in the course of commercial dealings.

Mr. HILL. Will the gentleman yield?

Mr. MARTIN of South Dakota. Certainly.

Mr. HILL. Suppose a country should discriminate against the United States by uniformly valuing the imports introduced into the country higher than it did that of other countries, would not the President be bound to know what the value was in order to interfere?

Mr. MARTIN of South Dakota. That is a very pertinent inquiry, and I hope the Chairman will not overlook it in the consideration of this proposition. I have tried to demonstrate in a somewhat labored way that it is almost absolutely essential in the consideration of these questions governed by section 2; that you can scarcely proceed with the inquiry as to whether certain treatment is fair, just, and equivalent without knowing something about the relative cost of production.

You might need to know the cost of the article in the country referred to, if for no other purpose, for the one suggested by the gentleman from Connecticut [Mr. HILL], in ascertaining the valuations that are placed upon articles imported into this country. There is no easier way, and perhaps no way more commonly resorted to, to overcome the effects of our tariff rates than by undervaluation of commodities brought in from foreign countries. Can it be said that the President, under this broad authority, is not authorized—and I am referring to the authority of the tariff act itself, which imposes upon the President the duty not only to inform himself and the customs officers as to whether we are being unduly discriminated against, but as to whether, in fact, all of the dealings of foreign countries with our own over these tariff questions are just and equivalent and reciprocal—can it be said that the question of the valuations of articles imported is not a primary and almost a daily question of inquiry?

I think, Mr. Chairman, that a very rational and necessary reading of this section 2 must lead us to the conclusion that it covers in its authority this question of knowing something about the cost of the production of articles at home and abroad. It is worthy of consideration by the Chair and by the committee that the President himself and such agents as he has thus far employed have necessarily placed such interpretation upon this section. The President in his message of March 28 asking for this appropriation plainly considers that the authority of the act is such that he may properly seek and gain information as

to relative cost of production. In his message, in which he quotes language that he has used on a former occasion, he says:

An examination of the law and an understanding of the nature of the facts which should be considered in discharging the functions imposed upon the Executive show that I have power to direct the tariff board to make a comprehensive glossary and encyclopedia of the terms used and articles embraced in the tariff law and to secure information as to the cost of production of such goods in this country and the cost of their production in foreign countries.

The tariff agents or the board already appointed by the President placed a like interpretation upon their duties, growing out of the necessary and proper administration of that section, and in their communication to the Executive showing forth the need of this larger appropriation the tariff board states:

A larger appropriation will be needed to carry on the investigation of trade conditions and cost of production in this country and abroad—

And now mark the application of that information—

intended both to clear the character of the concessions granted by the minimum tariff of the United States and of those granted in return by foreign countries, and also to assist the officers of the Government in the administration of the customs laws.

It is perfectly apparent, Mr. Chairman, that the administrative officers in seeking to properly administer this law that we passed last August have placed, necessarily, an interpretation upon the act that they were authorized to, and they have certainly found it necessary to, gather just such information as this. It is true that the interpretation placed by the Executive and his legal officers is not controlling in this body. It is equally true that the history of this legislation in the two Houses of Congress is not controlling in this body.

I have looked with considerable care over the memorandum furnished by the gentleman from Pennsylvania as to what matters were left out of this tariff provision in conference and that were previously inserted in the bill in the Senate. A close analysis of those provisions that were left out of the bill I think will not in any way support or sustain the contention of the gentlemen who are opposing this item in this appropriation bill. It is a common rule of statutory construction that the debates of Congress in the history of legislation are not to be resorted to to illustrate the meaning of the law unless the language of the law is itself ambiguous. It seems to me that there is nothing ambiguous or uncertain in the language of section 2 and of sections 10 and 11 of this act, and I think, furthermore, that resort to contemporaneous legislative history does not throw any light on the question. These two provisions that were left out may have been left out because it was considered, as some of us still contend, that the whole subject is amply and adequately covered by the legislation that was in fact enacted. [Applause.]

Mr. STAFFORD. Mr. Chairman, I had not intended to make any remarks on the subject under consideration, but reference by the representative of the minority on the Committee on Appropriations to the work of the Select Committee on Wood Pulp and Paper Investigation, of which I had the honor to be a member, prompts me to make some observations; but before proceeding to discuss the work that was performed by that committee and its effect upon the agitation throughout the country in favor of a tariff commission, I wish to make some remarks in reply to the position taken by the distinguished gentleman from Pennsylvania [Mr. DALZELL] a few minutes ago. He lays great emphasis upon the phraseology that was omitted by the House and Senate conferees in the section of the tariff act which confers authority on the President to secure information to aid him in the ascertainment whether our Nation is being unduly discriminated against by other countries. I wish to direct the attention of the Chair to the phraseology that was omitted. As originally submitted to the House conferees, and as it passed the Senate, the clause under consideration was as follows:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation, and to the officers of the Government in the administration of the tariff laws, the President is hereby authorized to employ such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries and all conditions affecting the same.

The language that was omitted is the following in the clause just read:

And information which will be useful to Congress in tariff legislation.

Also the closing clause, beginning with the words:

To make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same.

The amendment under consideration does not in terms seek to invest the President with authority to ascertain facts that will be submitted to Congress. In no way is it attempting to create a tariff commission, so called, that will have authority to pass upon the reasonableness of tariff rates. The language in the tariff bill that was omitted by the conferees limited the phraseology as now carried in the existing law. In determining this question we can not go behind the screen as to the intention of the conferees on that bill. As was adverted to by the previous Speaker in construing a statute, a court would not be concerned with the debates or the intention of Congress as expressed in the debates unless the language was ambiguous; but the language as carried in section 2 is in no wise ambiguous, and the question before the Chair, in determining whether the present amendment is in order, depends on whether the phraseology as there found, regardless of what the phraseology may have been at some other time, is sufficient upon which to hang this pending amendment.

I contend in support of that proposition that in no wise does the language as carried in this amendment seek to give any additional authority to the President, but merely seeks to carry out that authority which is vested in him under existing law as found in section 2 of the tariff act. Considerable mention has been made as to wherein the cost of production is in any wise pertinent in the determination of the powers as vested in the President under this section. I might advert to the different arrangements of other countries whereby their products are allowed entrance into other countries. For example, take France. The products of Germany receive more consideration in their admission to France than is accorded to this country. It may be under reciprocal treaties in vogue between Germany and France and the basis for admission may be based upon the value—on the cost of production. Now, when the President is called upon to determine whether these rates are unduly discriminatory he must necessarily ascertain the cost of the article produced in Germany and determine whether this country is receiving the same fair treatment or, in the language of the statute, is not being "unduly discriminated against" so far as the products of this country are concerned.

Mr. SULZER. Will the gentleman permit me a question?

Mr. STAFFORD. I will be glad to yield.

Mr. SULZER. Why can not we get all that information through our diplomatic and consular agents abroad?

Mr. STAFFORD. The gentleman's question suggests a matter I was going to come to, but I will take it up at this time, and it is the information which was obtained by the Select Committee on the Pulp and Paper Investigation.

I wish to contend here as strongly as possible that the information that that select committee obtained could never have been obtained by the Ways and Means Committee in framing a tariff bill. We sat for weeks and weeks taking testimony and ascertaining the facts that were pertinent to the inquiry concerning the varying cost of production in this country and abroad. But more, we visited Canada, and ascertained the sentiment in that country toward this country so far as the pulp and news-print paper industry was concerned. We recognized there was a strong feeling in Canada against allowing any of the pulp wood on the crown lands to be exported from Canada to this country. We recognized that if we were to obtain that wood, which was necessary for our paper mills to continue the production of print paper in this country, it would be necessary to grant concessions to Canadian paper manufacturers to permit their print paper and pulp to come into this country.

It was not a question solely of the cost of production. It was a question of reciprocal arrangement, and the report of that select committee was based and predicated upon that fact as to the differing views held in Canada on the question of reciprocal arrangement.

We submitted to this body a report that, if it had been finally enacted into law, would have prevented the condition that confronts the newspaper publishers of the country at the present time when the price of paper is mounting high because the Provinces of Quebec and New Brunswick, following the example of the Province of Ontario, have prohibited the exportation of pulp wood into this country when cut on the crown lands, thereby causing a scarcity in the necessary supply of pulp wood in this country.

We recognized when we made the report, and we had every reason to believe after interviews with the leading paper manufacturers in Canada, that if the report as determined upon by our committee would be adopted, it would meet with approval and there would be no such prohibition in the exportation of pulp wood as has resulted by the failure of Congress to adhere to the report of the so-called Mann committee.

Again, permit me to call to the attention of the House that my belief in the need of a tariff board has been increased by my experience as a member of the pulp and paper committee. Everybody knows that the Ways and Means Committee is virtually moribund when a tariff bill is not under preparation, and that only when it is decided to revise the tariff the committee begins its investigations. On such occasions it has the results of the investigations of customs officials, but these officers are not acquainted with the conditions of manufacture in the countries throughout the world; they have no occasion to investigate whether the industry is firmly established abroad, the rate of wages paid, and the other relevant facts to determine the required amount of tariff duties to protect American industries from competition where the standard of living and the conditions of manufacture are entirely different. It is the purpose of the amendment under consideration to vest in the President the authority to ascertain just such information.

The position of the Democrats in this debate is untenable if they sincerely favor a scientific tariff based on the varying differences in cost of production at home and abroad. Are the gentlemen on the opposite side of the Chamber afraid to have the full information that this investigation under the direction of the President will furnish, so that he may advise Congress, and incidentally the country, as to needed changes of the tariff when he ascertains such to be the fact? Do even our partisan opponents who are seeking to gain political advantage at the present time, refuse to credit the President with a sincere desire to revise the tariff whenever he believes conditions warrant and the tariff rates are inequitable and unfair?

Those who worked a year ago, as it was my pleasure, in favoring every proposition for lower duties remember the difficulties that confronted the administration in several schedules, particularly the cotton schedule, where he was without information as to the extent of the changes from an ad valorem basis to specific and definite duties. The President then wished to ascertain the facts, but had no means, either through the Treasury officials or from the hearings before the Ways and Means Committee, to determine whether the new duties were reasonable and fairly protective.

To supply this necessary information is the purpose of the pending amendment.

No other construction can be given to a vote in opposition to this provision for a tariff board than that it is in favor of a stand-pat policy that does not believe in scientific investigations of the tariff and needful changes when the conditions demand.

Another value that will be gained by enabling the President to collect this information is that when obtained and when in his opinion the inequalities of the tariff schedules outweigh all other considerations and make it expedient for the commercial and general welfare of the country to have the schedules revised, the presentation of such testimony in support of his recommendations will arouse and stimulate public opinion that will compel recognition by the Congress.

I recognize the influence that will always be present of Representatives and Senators working for the advantage of local industries which may result in local gain to the detriment of the general welfare of the country. That condition will always be present, but with information of high order that has been obtained by experts to support recommendations of the President and enable Representatives who are disinterested to have the facts to contest any unwarranted duty, only beneficial results to the consumer and the public generally will accrue by the collation of pertinent facts by a board of experts.

Mr. SULZER. Mr. Chairman, just an observation. Is it not a fact that the House unanimously adopted the report of the gentleman's committee?

Mr. STAFFORD. The Ways and Means Committee embodied the report without the change of a letter in the bill as presented and which was adopted by the House. I wish to state again that if that report had been adhered to in conference, rather than diverted from, then we would not have the difficulty that now confronts the paper manufacturers of the country. Though the paper manufacturers of Wisconsin joined with the paper manufacturers in other States in trying to have that report defeated, to-day they see the mistake they made, because they recognize they can not get the necessary supply of pulp wood to keep their mills going in order to produce the necessary supply of print paper.

Mr. LONGWORTH. The gentleman from New York [Mr. SULZER] just questioned the gentleman from Wisconsin. He asked if it was not true that the Mann report was adopted unanimously by this House. It was not true, because the Democrats voted against it.

Mr. SULZER. I think the gentleman is mistaken about that. The Democratic party voted in favor of the adoption of the report, absolutely.

Mr. STAFFORD. In relation to the statement made by the distinguished gentleman from New York, I had in mind the fact that the Democratic Representatives, or minority Representatives, on the select committee joined with the four Republican Representatives in the report, and it was a unanimous report that I understood met with the full support of the Democratic minority. [Applause.]

Mr. MALBY. Will the gentleman give way for a question?

Mr. STAFFORD. I will be glad to yield.

Mr. MALBY. I would like to have the gentleman from Wisconsin state upon what authority he makes the statement that the Province of Quebec would not have imposed its present rule in reference to the exportation of pulp wood from Canada if we had adopted the Mann report. I have heard a good deal about that and I would like to know on what authority it is based.

Mr. STAFFORD. I do not wish, Mr. Chairman, to take up too much of the time of this Chamber in going over all the investigations that were made by the Mann committee in determining what should be the proper arrangement that should exist between Canada and this country, but I will refer to merely one matter that was very potential in the judgment that the committee arrived at—that our report would meet with the favor of the Canadian manufacturers. On the visit of the committee to Canada after the election nearly two years ago it had occasion to call upon the representatives of the provincial government of Ontario at Toronto, and later called upon the representatives of the provincial government of Quebec at Ottawa. We also had a conversation with the leading paper manufacturer of Canada, Mr. James R. Booth, of Ottawa. Everybody concedes that he owns more timber land than anyone in Canada, and is very potential in the legislative policy and programme of the Dominion. We also had hearings with representatives of American paper interests, who own large tracts of timber lands in Quebec.

It was our understanding from the testimony submitted by these respective parties and from conversations with them that if we would grant to Canada reasonable concessions—and no one can deny that the reduction from \$6 to \$2 was not only a real but a decided concession—and would furthermore grant the free entrance of wood pulp, that the Province of Quebec and the other provinces that were permitting the exportation of pulp wood on the crown lands would create no barrier to the free exportation of pulp wood from the crown lands into this country. We had every reason to believe that they would on such terms permit the free exportation of pulp wood on which the mills of Wisconsin and other paper mills are absolutely dependent. The shutting off of the supply of pulp wood from Canada is largely the reason for the increased price of paper, and will continue to be more and more the cause for the increasing prices in print paper that will follow in this country as the result of there not being pulp wood enough to produce the necessary print paper for home consumption.

Mr. MALBY. Will the gentleman give way for just a further suggestion?

Mr. STAFFORD. I yield to the gentleman.

Mr. MALBY. I will say, however, that I did not intend to precipitate an argument upon this matter. I simply wanted an answer, upon what authority he made that statement. I listened very carefully and I have not gotten any information. One other question: Whether there is a single line or word in the Mann testimony or report which indicates that any such bargain could be made?

Mr. STAFFORD. The report itself goes into that very specifically. It sets forth as the opinion of the members of the committee that that report would be acceptable to the Canadian paper manufacturers.

Mr. MALBY. I suppose that is true.

Mr. STAFFORD. It was acceptable to the newspaper publishers who recognize the absolute need of having cheap paper, if the 1-cent newspaper is to be assured continuance. Where is the man in this House—though, perhaps, there may be exceptions in those who come from such paper-producing States as New York and Maine—who would keep raising the price of paper used for newspapers at the sacrifice of the penny press?

For one, Mr. Chairman, I feel it is not hyperbole of statement to say that if the Mann report had been adopted there would not have been the friction that now exists between the two countries so far as pulp wood and print paper manufacture is concerned.

Mr. MALBY. Mr. Chairman, I want to say that I have not got a reply to either question yet.

Mr. STAFFORD. Well, Mr. Chairman, I do not expect to ever enlighten the distinguished gentleman from New York on this subject. Others beside myself attempted that when this matter was under consideration in debate on the Payne tariff bill, and we did not succeed, so far as his open confessions then were concerned; and I do not think I will be able now, at this belated day, with all the testimony of increasing prices of print paper and the action of Quebec and New Brunswick in prohibiting the export of pulp wood, to gain a public admission that the position he advocated has been shown to have been unwise. I was proceeding to point out that the price of news print paper has become higher, and will continue to go higher, so long as we have an insufficient supply of pulp wood in this country to make paper to meet the country's needs.

Mr. SWASEY. Will the gentleman yield for a question?

Mr. STAFFORD. I had the pleasure of listening to the gentleman when this same question was under consideration in the tariff debate, but I will be glad to yield for a question.

Mr. SWASEY. That is not the question I wished to propound.

Mr. STAFFORD. I thought it was similar to that of the distinguished gentleman, who also represents a wood-pulp paper district.

Mr. SWASEY. I want to ask the gentleman from Wisconsin if it is not true that the senior Senator from Wisconsin stated before the committee and in public that the Wisconsin mills could not continue their business unless they got \$7 duty upon their print paper?

Mr. STAFFORD. Does the gentleman refer to the Senator who is senior in service or senior in years?

Mr. SWASEY. I mean Senator LA FOLLETTE.

Mr. STAFFORD. I regret to say that although at the conference of the Wisconsin delegation when this Mann report was under consideration both Senators LA FOLLETTE and STEPHENSON were present and listened to the reasons, as expressed by me, that prompted the committee in coming to the conclusion it did, if the debates in the other body are to be taken as correct, he did not accept the decision of this tariff commission on the question of the amount of tariff that should be levied, but I believe advocated a higher duty than that which was reported by the committee.

Mr. SWASEY. One question more: Have you seen the late report of the forester of Canada, in which he says that the United States to-day has three or four times the amount of pulp wood that the Dominion of Canada has in all the provinces combined?

Mr. STAFFORD. That is not material. The question is this: This country has a demand for a certain quantity of pulp wood, because we produce more news print paper by many fold than that which is needed in the Dominion of Canada. But it is also a fact that this country has only 70 per cent or thereabouts of the pulp wood needed to produce our supply of print paper, and we must go to other parts to get it. The mere fact that away up in Alaska, perchance, as is the case, or far on the Pacific coast, or in the Rockies there may be large quantities of pulp wood does not meet the issue. The question is whether there is within available railway distance of the mills now existing a sufficient quantity of pulp wood to meet the demands of the paper manufacturers. The mere fact that there are large quantities of spruce pulp wood in Alaska or in the Rockies, beyond the reach of the railroads, is not material or relevant to this inquiry, and that is what is adverted to by the gentleman from Maine.

The facts that have developed of late confirm every principle and every statement laid down in the Mann report; and I am surprised to think that the gentleman from Maine [Mr. SWASEY] is not on his feet to-day admitting the error of his way and saying that if we had had the Mann report carried into effect we would not have the embarrassing conditions confronting the country to-day.

Mr. SWASEY. One moment. Do you know that there are 772 pulp mills in this country, in 32 States, and that because Wisconsin is dependent upon Canada for her mills is it right that 760 mills elsewhere should be closed or subjected to a lower duty to accommodate the mills of Wisconsin? You speak of the report of the Mann committee. That is a report of 3,300 pages, and \$50 of those pages are occupied with the testimony and material furnished by John Norris and Herman Ridder, free-trade Democrats and supporters of William Jennings Bryan. [Laughter.]

Mr. STAFFORD. Well, the gentleman only refers to a very small fraction of the testimony that was presented, and we did have before us some persons who were out-and-out protection-

ists, who advocated a lowering of the duties. Now, coming to the question propounded by the gentleman in the fore part of his statement, as to whether I believe our policy should be determined solely by what is for the best interests of Wisconsin, permit me to say that the gentleman again inadvertently is in confusion about the situation, because when he states the number of pulp mills he must not confuse the fact that there are pulp mills that are not dependent upon spruce wood and that are not engaged in the manufacture of pulp for news print paper, and that the pulp mills so engaged are largely located in the State which the gentleman represents and that represented by his distinguished colleague, the gentleman from New York [Mr. MALBY], and in the States of New Hampshire, Massachusetts, and some in Pennsylvania.

Now, I am proud of the fact that Wisconsin has large pulp mills and paper mills. I tried, as a member of that committee, to view this question from the standpoint of what was best for the interests of the entire country. If I had followed the requests of the Wisconsin paper makers, I would have been advocating a high prohibitive duty that would have spelled ruin, as I believe, to the Wisconsin paper mills. I gave it my best consideration, and I am happy to say that the Wisconsin paper makers have seen the error of their ways in joining with the distinguished paper makers of New York and Maine who have large holdings of pulp wood in the Adirondacks and in Maine, where more than 40 or 50 per cent of the available pulp-wood supply is found, and they are saying to-day that it would have been better for them if they had accepted the Mann report, and then they would not have been in the position to-day of having a scarcity of pulp wood to meet the growing demands of the newspaper publishers of the country.

One word in conclusion. As a member of the only tariff commission that in recent years has scientifically investigated any schedule of the tariff, I wish to repeat from the experience of ten months' work on that committee that there always will be need, with changing industrial conditions, to investigate the conditions of manufacture for the purpose of rearranging duties so as not to impose an inequitable burden upon the consumer and at the same time conserve the manufacturing and commercial welfare of the country so that all will be employed, and the policy of the greatest good for the greatest number conformed to.

I am willing to trust the President—whoever may fill that exalted station—with the investigation of these conditions and to have him recommend when in his judgment it is best for the interests of the country to have a change, and I gladly go on record as having the utmost confidence in the sincerity of purpose of President Taft and as being willing to support any recommendations for further reduction of the tariff when, upon investigation, he recommends that it is to the interest of the country for Congress to act.

Mr. FOCHT. I submit the following as a part of my remarks:

WINFIELD, UNION COUNTY, PA., May 12, 1910.

Hon. B. K. FOCHT, Washington, D. C.

DEAR SIR: I would respectfully beg to bring to your consideration the item in the sundry civil bill of \$50,000. That has been transferred from "Structural materials" and placed to the credit of the Bureau of Standards.

The work done under the head of "Structural materials" differs materially from that of the Bureau of Standards. In one case the investigation is conducted covering the entire field from the quarry to the finished product, while in the other the value of the finished product is alone arrived at, so that changing over the appropriation is doing quite an injury to a great and beneficial work that is now being carried forward under the head of "Structural materials."

The necessity of this work can be readily seen when the fact that in the quarries of the United States there are employed 300,000 men, and the value of these quarries exceeds \$350,000,000, while in the manufacturing end at least ten times as many men are employed, and manufacturing plants to a value of \$5,000,000,000 are dependent on these quarries.

The appropriation that last year was for \$100,000 has been cut to \$50,000, which we feel should not have been done, in view of the immense interests involved, so we most respectfully ask your consideration and assistance in putting the appropriation back to \$100,000, or making it \$150,000, and transferring it to "Structural materials," in the Bureau of Mines.

Yours, truly,

VANCE COMPANY,
By W. B. VANCE.

Mr. UNDERWOOD. Mr. Chairman, I will detain the House but a very few minutes. This provision to ascertain the difference in cost at home and abroad is not a new proposition. In fact, this provision may be construed as a change in existing law in that the law already provides for the performance of almost exactly the duties as laid down in this provision. As far back as 1888, when the act was passed creating the Bureau of Labor, a provision to inquire into the cost of production at home and abroad was enacted, and my understanding is when the Department of Commerce and Labor was created that prac-

tically the same provision was carried in that law. In order that the law may be shown in the RECORD, I will send to the desk and ask the Clerk to read section 7 of the act of June 7, 1888, creating the Bureau of Labor.

The Clerk read as follows:

SEC. 7. The Commissioner of Labor, in accordance with the general design and duties referred to in section 1 of this act, is specially charged to ascertain, at as early a date as possible and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States in leading countries where such articles are produced by fully specified units of production and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of the manufacturers and producers of such articles; and the comparative cost of living, and the kind of living. * * * what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country.

Now, Mr. Chairman, that law which is now on the statute book authorizes the Bureau of Labor to make the identical investigation, so far as the cost of production at home and abroad of articles that are dutiable is concerned, that the provisions of this bill authorize. It has been on the statute book since 1888, and was passed by a Democratic House. It has been there to enable the President of the United States, if he wanted to exercise the power, to obtain all of this information; but if he obtained the information under the statute that I have just read, it would be his duty to communicate it to the Congress. It would be for the benefit of the Congress to act on and not for the benefit of the President.

Now, Mr. Chairman, as to the particular point of order, I desire to say just a few words to the Chair in answer to the argument of the gentleman from Minnesota, that section 11 of the customs act of the tariff bill is a warrant for holding that this proposition is in order. The proposition before the House seeks to authorize the President to acquire such information as he desires in reference to the cost of production of all articles on the tariff list that are imported from abroad.

Section 11 of the customs act relates entirely and exclusively to articles wholly or partly manufactured and subject to an ad valorem duty. Now, under section 11, of course, no information can be obtained except on such articles imported into this country that have an ad valorem duty placed on them. For instance, pig iron has a specific duty of \$4 a ton, and under section 11 there would be no authority whatever to investigate the cost of production of pig iron at home and abroad. But under this provision, as introduced here, you could investigate the cost of the production of pig iron abroad. Now, if the gentleman bases his argument that this proposition is in order because warranted by section 11 of the customs act, it is clearly an enlargement of the terms of that act.

I say that in holding a proposition in order or out of order the purpose of the provision is to be considered as well as the specific provision. It would not be contended for a minute that if this House made an appropriation for a post-office building in the city of New York and limited it to a post-office building in the city of New York, that under that provision an appropriation could be made on an appropriation bill to build a custom-house in the city of New York, if the location was the same and the amount of money provided for was the same, because the purpose of the two buildings would be different.

There can be no question of what the purpose of this provision is, because the gentleman who wrote the provision specified. He said it was to be used by the President in recommending to the Congress such changes and modifications in the existing tariff law as he may deem necessary. The law itself provides that he may employ certain persons for the purpose of inaugurating the minimum tariff law of the United States, and making trade contracts with other nations in reference thereto, and for the purpose of the administration of the customs laws. I see no information that this board can acquire for the administration of the customs laws of the United States except under section 11, and, as I said, section 11 is limited to ascertaining information in reference to ad valorem duties.

Mr. HILL. If the gentleman will turn to section 8 and section 10, he will find that all classes of merchandise are covered, and section 11 refers to the ad valorem. In section 8 the same thing shall be done, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section 11 of this act. So that it covers all classes of merchandise, but the particular form of doing it is stated in section 11, and the other section refers to section 11.

Mr. UNDERWOOD. But section 8 does not apply to an investigation of cost in the United States.

Mr. HILL. Oh, certainly it compels them to, in order to make a fair estimate as to whether the goods have been undervalued or not.

Mr. UNDERWOOD. I do not so understand section 8.

Mr. HILL. If the gentleman will read section 8 and section 10, he will see that his argument is entirely void.

Mr. UNDERWOOD. Will the gentleman point out wherein in section 8 and 10 it applies?

Mr. HILL. Section 10 reads as follows:

SEC. 10. That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

Mr. UNDERWOOD. Certainly; but that does not apply to this case.

Mr. HILL. Certainly. That is a continuation of section 8.

Mr. UNDERWOOD. The paragraph that the gentleman read is to apply to the cost—the cost of the finished article. That is a very different thing from ascertaining the cost of production—the items that enter into it. It is a very different class of investigation. True, it may be along the same line, but just as I pointed out in section 11, this paragraph seeks to widen and broaden what is already applied in the customs law. It is certainly just as much a change of existing law if you broaden and extend existing law as it is if you wrote the paragraph over again entirely, and there can not be any question about it. The very language that the gentleman from Connecticut reads shows that it is limited, whereas the language in this paragraph is unlimited, and there is an opportunity, if this is enacted into law, for an investigation of the whole question of cost—cost of production—from one end of it to the other.

Mr. Chairman, I think that is all I desire to say. [Applause on the Democratic side.]

Mr. DOUGLAS. Mr. Chairman, I am aware of the impatience of the House to dispose of this question, and recognizing that fact I will be brief in what I have to say. I have no way of mortgaging the attention of the Chair—

The CHAIRMAN. The Chair is listening to the gentleman. The Chair is anxious to hear what the gentleman has to say.

Mr. DOUGLAS. I have no doubt, and I shall address myself strictly to the point of order that is made by the gentleman from New York.

In the first place I want to say just a word or two in reference to what seems to me to be the proper rule of construction which should govern the Chair in considering this question and this section. I submit that while it is well settled in the House that an appropriation must be justified by its mover, under existing law, nevertheless I submit with full deference to all that has been said that the question here is purely this: Whether or not the appropriation that is here sought to be made is or is not contrary to existing law. That this section undertakes to make any "change in existing law" can not be successfully argued, and therefore the question is whether, under the first clause of section 2 of rule 21, which provides that a provision under consideration must be authorized by law, this provision and all of this section 1 of the act under consideration comes within that rule and is "authorized by law."

I further admit, as the Chair himself knows, that if any part of this section is obnoxious to the rule that it is not authorized by law, then the whole section must go out and await modification or change, and that the Chair has no other alternative. But I submit this for the consideration of the committee and the Chairman, that when it comes to construing the existing law—and the Chair must determine whether or not this provision and all of the provisions of this section are authorized by existing law—that the presumption is in favor of the law. Now, I submit that there is some force in that suggestion. I do not mean the presumption is in favor of the fact that the appropriation is authorized by law, but if a fair, just, and sensible construction of the law and all parts of it will warrant the provisions of this section, then it is the duty of the Chair to so declare and to hold that this section is authorized by existing law.

I have listened with great interest to the able argument of the gentleman from Minnesota, in which he attempted to base

the authority for this section upon the constitutional provision by which the President is required to "give information to Congress." I do not think we have to go to that provision to find that this provision and all of the provisions of this section are authorized by existing law.

I submit that the provisions of section 2 of the tariff act of last summer in and of itself, rightfully considered, fully and completely authorizes the Chair, upon a fair and just construction of that section, to hold that this provision, section 1 of the present act, in all of its parts, is in consonance with the provisions of that section. In the next place I differ, most radically, with the gentleman from Pennsylvania [Mr. DALZELL] in his construction of the President's duty under section 2 of the tariff act. I submit that his definition is absolutely incapable of maintenance when the provisions of that law are properly considered. What is his claim as to the duty of the President under that act? It is, as I understand it—of course if I do not I am subject to correction—but as I understand his contention, it is simply this: That when the President has once determined whether or not a foreign country is unduly discriminating against our goods and has made proclamation accordingly, that then his duty is at an end, and that having done that he requires no further information whatever. I submit, if the committee please, that that construction of the law is absolutely controverted by the language of the act itself. I do not care to discuss it, if the Chair has full possession of the facts, and I presume he has, but if the Chair will read or permit me to read a few sentences from section 2 of that act, I think he will become immediately convinced that no such construction of the President's duty is maintainable. On page 80 of the act, beginning with the proviso of that act, the language is as follows:

That whenever, after the 31st day of March, 1910—

Whenever, after a certain day—

and so long thereafter as the President may be satisfied.

In other words, for all time, as long as we have a President and this law stands, after the 31st day of March, 1910, the duties of the President, under this act, devolve upon him.

I submit with confidence that an examination of this act shows that the duty of the President is not only constant and continuing, but that he is made the absolute guardian of the American people, so far as discriminatory duties by other countries are concerned, so long as this act remains in force. The Chair will further note that this clause reads as follows:

That so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States—

And so on.

In other words, he is to constantly guard the country as to whether or not we are properly treated by other nations; but the whole question, I submit, is set at rest by the sentence near the close of the section.

After the President has once made his decision, after he has once made his proclamation, his duties do not end, for this provision is that—

Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exists.

In other words, after he has made one proclamation, after he has ascertained and become satisfied that the conditions under which he made it no longer exist, what is his duty in the premises?

He shall issue a proclamation to this effect.

In other words, to the effect that the conditions under which he made the former proclamation no longer exist. And ninety days thereafter the provisions of the maximum tariff shall be applied to the importation of articles from such country. In other words, it is apparent, I submit to the Chair, that the duties of the President under this section are continuing duties, and that he must have the help of the men provided for in the section itself and in the bill before the House in order to enable him to perform those duties.

What, then, are the duties that he is to perform? I agree with the argument of my distinguished friend from South Dakota [Mr. MARTIN] in reference to the claim made by the gentleman from Pennsylvania [Mr. DALZELL] that there is no authority in this tariff act anywhere for that clause in the bill under consideration which provides for the examination of the "cost of production" in foreign countries.

I believe that the argument made by the gentleman from South Dakota [Mr. MARTIN], so far as it went, is unanswerable on that question; but I further submit that if the Chair will

examine sections 8, 10, and 11, which were just referred to by the gentleman from Connecticut [Mr. HILL] in connection with that clause of the tariff law, section 2, which provides at its close for securing information for "the officers of the Government in the administration of the customs laws," the Chair will find that sections 8, 10, and 11 do require the officers of the customs laws to do the very thing for which appropriate provision is made in the section now under consideration.

And so I submit that the duties of the President, as defined by this section, which is the law to which we are to look in order to determine as to how far this section is authorized or not authorized by law, require him to make the examination of the cost in foreign countries. They require him to gather that information into the form which is here required, and to appoint persons to get it for him, and it is immaterial whether you call them a "customs commission," or a "tariff board," or what you please; that is wholly immaterial, if the law itself authorizes the appropriation. And, furthermore, with reference to sections 8, 10, and 11 of the tariff law, they will show that the duties required of the customs board involve all the elements which are set forth in this bill.

Now, I have nothing more to say. I have urged these considerations, not at all for the purpose of hearing myself speak, but for the purpose of giving the Chair such light on the subject as I imagine myself to possess.

Mr. TAWNEY. Mr. Chairman, I just wanted to say one word in reply to the argument made by the gentleman from Pennsylvania [Mr. DALZELL]. The claim made by him is that this authorization amounts to an invasion of the right of Congress, and especially the House of Representatives, to initiate the exercise of the taxing power of the Government. I want to say to the gentleman from Pennsylvania that he is entirely mistaken in his interpretation of this provision, if under that interpretation he has been led to such a conclusion. It is true that under the Constitution of the United States the exercise of the taxing power of the Government can not be initiated except by the representatives of the people elected to the House of Representatives. But I submit to him that never, so far as I know, in the history of the Government has a tariff bill, either Democratic or Republican, been prepared and passed by Congress, except upon the recommendation of the President, first having been made to Congress. It is, therefore, the President who initiates the exercise of this power in so far as his recommendation can initiate the exercise of the taxing power of the Government. He has that power under the Constitution, which says that he shall, from time to time, inform Congress regarding the state of the Union, and make such recommendations as he may judge necessary and expedient.

In this case, Mr. Chairman, the President has asked Congress, in order that he may intelligently recommend to Congress such changes in existing tariff rates as the facts may justify, an appropriation of \$250,000 to enable him to ascertain such facts. I realize, Mr. Chairman, as fully as does the gentleman from Pennsylvania that when you enact a tariff law you are exercising the taxing power of the Government. So long as the Constitution vests in the President of the United States or imposes upon him the mandatory duty of advising Congress—and this, above all other questions, is the most important question on which he is called upon to advise Congress—and when he tells Congress in order to do so and carry out his constitutional functions in regard to advising Congress it is necessary for him to have the information which the law authorizes him to obtain and that he does not possess the money to obtain the information, and he therefore asks for an appropriation from Congress for that purpose, in granting that appropriation we are in no wise interfering with the rights or prerogatives of this House in respect to asserting or exercising the taxing power of this Government.

The information, our friends on the other side of the aisle say, is to be obtained for the use of the President exclusively. But gentlemen know very well when they make that statement that they do not fool anybody, not even themselves. They know that when this information is obtained by the President, or through such agencies as he is authorized to employ, that if he makes any recommendation to Congress increasing or decreasing any rate of taxation he of necessity will have to give to Congress the information and the facts upon which such recommendation is predicated. If he does not do it, Congress at any time would have the power to call upon him to furnish the information upon which he bases his recommendation. That is a well-known fact; and when gentlemen therefore say that their objection is that this information is intended for the exclusive use of the President, they know very well that such is not the fact, for the President would be held responsible by Congress and would be required by public sentiment, if not by resolu-

tion from Congress, to furnish Congress the facts upon which his recommendations for changes in existing tariff duties are based.

Now, Mr. Chairman, again referring to the interpretation of the President himself. He has interpreted his authority under this act, and he has asked Congress to make an appropriation to enable him to carry out the authority which, in his judgment, he now possesses. In conclusion, Mr. Chairman, I want to say, and I am authorized by the President to say, that whether this provision remains in the bill in the form proposed or not, if the appropriation is made in any other form, this provision expresses the purpose for which the appropriation will be expended [applause on the Republican side], and that this is so because the President interprets his authority under the law as I did when I wrote this provision.

Now, Mr. Chairman, I do not want to take up the time of the committee by repeating anything I have heretofore said, but I want to call attention to one remark made by the gentleman from New York [Mr. FITZGERALD], to the effect that this provision is not proposed in this bill in good faith. He bases that statement upon the fact that the President of the United States, when speaking on the subject of the tariff last September in my home city, said that he would not give this information to the public.

That statement, or substantially that statement, was made, but he did not say that if this information showed that it was his duty to advise Congress to make changes in existing tariff rates that he would withhold the information upon which such changes were recommended from the public or from Congress. It is absurd to say that the President of the United States, required by law to obtain certain information for his use in advising Congress respecting such an important subject as the exercise of the taxing power of our Government, would withhold information from Congress or from the country upon which his recommendations are based.

Neither is there anything in this provision to justify the statement of the gentleman from Pennsylvania that this would be a tariff commission. This provision does not clothe the tariff board that may be appointed with any authority whatever. All of the authority contained in this paragraph is vested in the President of the United States, and that is the authority vested in him by the act of August 5, 1909. The board will have no authority except such authority as the President of the United States may delegate to it, and will perform no duty except such as the President of the United States may require the board to perform. It is the same with the experts. The whole subject is under his control absolutely. In my judgment, both under existing law and the provision of the Constitution which requires him to advise Congress and his estimate or request for an appropriation in order to perform the duties devolving upon him under the Constitution, this provision is clearly in order.

The CHAIRMAN. The Chair is prepared to rule. The first paragraph in the pending bill to which the gentleman from New York [Mr. FITZGERALD] makes the point of order is as follows. The Clerk will read it.

The Clerk read as follows:

EXECUTIVE.

To enable the President to secure information as to the effect of tariff rates or other restrictions, exactions, or any regulations imposed at any time by any foreign country on the importation into, or sale in, any such foreign country of any agricultural, manufactured, or other product of the United States, and to assist the officers of the Government in the administration of the customs laws, as required by the tariff act approved August 5, 1909, including detailed information of the cost, and of each and every element thereof, of producing at the place of production and at the place of consumption of all articles specified in said tariff act both in this country and in the country from which such articles are imported, so that the cost of all such articles produced abroad may be compared with the cost of like articles produced in this country, the President, in the employment of persons required and authorized for such service, may appoint a tariff board, and he may also employ, under his personal direction, or under the direction and supervision of such tariff board, such competent experts in the business and methods of cost keeping and such clerical and other personal services, including rent of offices in the District of Columbia, traveling and other incidental expenses, as may be necessary in the work of said board and the work of said experts engaged in such investigations; and the compensation of all such persons, whether employed permanently or temporarily, shall be fixed by the President; and to enable the President to have such information classified, tabulated, and arranged for his use in recommending to Congress such changes or modifications in any existing tariff duties as he may deem necessary to prevent undue discrimination in favor of or against any of the products of the United States, \$250,000.

The CHAIRMAN. To this provision the gentleman from New York [Mr. FITZGERALD] has made the point of order that it is obnoxious to the provisions of clause 2 of Rule XXI of the House. That clause reads as follows:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not pre-

viously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

This is one of the old rules of the House, and in all of the controversy relating to the rules which has gone on in recent years the Chair believes that no one has suggested that this rule be materially changed or modified in any particular.

It is said, however, that under the provisions of the Constitution the proposition in the bill is in order. Section 3 of Article II of the Constitution, relating to the duties and powers of the President, says:

He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.

And it is claimed that because of this provision of the Constitution it is in order on an appropriation bill to make an appropriation to allow the President to acquire information in order that he may intelligently recommend to Congress such provisions as to him seem meet.

It might often occur that the President desired information in order to make recommendations to Congress. The President might desire to have full information in reference to all of the water powers of the country in order that he might recommend to Congress what legislation should be enacted in reference to the construction of dams.

The President might desire information as to all matters of public works in order that he might make recommendations to Congress in regard to them. But the Chair thinks that no one will claim that under this provision of the Constitution it would be in order on an appropriation bill to give to the President unlimited power to acquire information. The acquirement of information is not mentioned in this provision of the Constitution. The acquirement of information by the President through an appropriation must be in accordance with some law of Congress; and it is not wholly within the power of the President unless Congress gives him that power, or an appropriation, to acquire information at the public expense, even although he might consider it desirable information, in order to allow him to make his recommendations to Congress.

And the Chair does not think that under that provision of the Constitution it is in order on an appropriation bill to provide for the expenditure of money not authorized by some provision of law, for the acquiring of information to be used by the President in making recommendations to Congress.

In section 2 of the tariff act is the provision relating to the so-called maximum and minimum tariff, and it is provided in that section that the President, after the 31st of March last—

and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent.

Thereupon the President may make a proclamation awarding the minimum tariff to such country.

It will be noted that this part of section 2 applies to the question of discrimination in some form against the United States, or the manufactured, or agricultural or other products of the United States; and the discrimination is in a way defined, stating how the discrimination may be exercised, and making it then in general terms a question of discrimination which the President is authorized to ascertain.

If the discrimination exists unduly, the President then can not issue a proclamation awarding the minimum tariff, but the maximum tariff is in effect against such country. If the President finds that no undue discrimination exists, the President is authorized to issue his proclamation allowing the minimum tariff. This power of the President undoubtedly remains in force, because the President has the power at any time to make a continuing examination to ascertain whether at some future time the discrimination still does not exist, and if he finds undue discrimination has been exercised since his previous proclamation, he may issue a proclamation restoring the maximum tariff.

Then the section provides:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

Undoubtedly it is in order on an appropriation bill to make an appropriation somewhat at least in the form of the appropriation which is now existing, which was made in the law of August 5 last, which reads:

To enable the President to secure information and to assist the officers of the Government in the administration of the customs law, as provided in section 2 of the bill relating to the maximum and minimum rates—

And so forth.

And the question is now whether under this provision of section 2 giving authority to the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act, or to assist the officers of the Government in the administration of the customs laws, the pending provision is in order.

Section 2 of the law under which the President may secure information to assist him in the discharge of the duties imposed upon him by that section seems to confine the duties imposed by that section to the ascertainment of the question of undue discrimination. But it is claimed that the other provision of the section—to acquire information to assist the officers of the Government in the administration of the customs law—gives authority for the provision in the bill.

Section 8 of the customs administrative law, as amended in the Payne law, provides that when merchandise entered for customs duty has been "consigned for sale" by or on account of the manufacturer thereof, and so forth, and seems to be confined so far as the operations of section 8 are concerned to the question of ascertaining in regard to the merchandise which has been consigned for sale.

Section 10 of the administrative law as amended provides:

That it shall be the duty of the appraisers of the United States and every of them, and every person who shall act as such appraiser or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

That would seem to be confined, so far as direct authority is concerned, to the ascertainment of such value by the appraisers or some one acting as appraiser, or by the collector; but whether that be the case or not, it is plainly confined to the question of ascertainment of the market value of property which is actually imported at the time of the exportation to the United States. It can not be considered as general in character.

Section 11 of the administrative law as amended by the Payne Act provides:

That when the actual market value, as defined by law, of any article of imported merchandise, wholly or partly manufactured and subject to an ad valorem duty, or to a duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, such officer shall use all available means in his power to ascertain the cost of production of such merchandise at the time of exportation to the United States and at the place of manufacture, such cost of production to include the cost of material—

and various items that are there stated. That section of the law plainly confines the law to the collection of information concerning merchandise which is subject to an ad valorem duty, or to a duty based in whole or in part on value, and can not be construed and applied to all classes of merchandise.

There is also a section in the act creating the Department of Labor which gives to the Commissioner of Labor authority to ascertain information as to the cost of articles which are imported, but that authority under the law is confined to the Commissioner of Labor or to the Department or Bureau of Labor.

The provision which is pending, and which grammatically seems not to provide an appropriation to enable the President to secure information as to the effect of tariff rates or other restrictions, but which grammatically provides that to enable the President to secure information as to the effect of tariff rates or other restrictions and to assist the officers of the Government in the administration of the customs laws, "including detailed information of the cost," and so forth, "the President, in the employment of persons required and authorized for such service, may appoint a tariff board," and so forth.

It seems to the Chair that that is a clear authorization to the President to do a particular thing. It is said that it is authorized by existing law. As the Chair has pointed out in reference to the different sections, the authority under the existing law is an authority confined to the particular things in particular directions. But this paragraph provides:

Including detailed information of the cost of each and every element thereof, of producing at the place of production and at the place of consumption of all articles specified in said tariff act, both in this

country and in the country from which such articles are imported, so that the cost of all such articles produced abroad may be compared with the cost of like articles produced in this country.

There is no restriction in this authority. It authorizes—if it is an authorization—the President to secure this information concerning every item that is mentioned in the tariff act, whether the item be imported or not. The paragraph contains other provisions in regard to the employment of persons under the tariff board or under the personal direction of the President, and various directions as to the character of work to be performed by them.

If the President, under the existing law, has the authority to employ these persons, then this provision in the bill will be obnoxious to the rule, as a limitation upon the authority of the President. If he does not have that authority it is obnoxious to the rule, because it confers an authority which does not now exist. For the reasons stated the Chair feels compelled to sustain the point of order.

The paragraph as read includes the enacting clause of the bill. The Chair understood the gentleman to make the point of order upon the language commencing where?

Mr. FITZGERALD. With line 7, down to and including line 3, on page 3.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after the word "namely," in line 6, page 1, the following:

"EXECUTIVE.

"To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the tariff act, approved August 5, 1909, and the officers of the Government in administering the customs laws, and to give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient, including the employment of such persons as may be required; and to enable him to do any or all things in connection therewith by him deemed necessary and authorized by law, \$250,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the paragraph. In the first place it is not germane to this portion of the bill. Appropriations for the Executive are carried in a different part of the bill. In the next place—will the gentleman from Minnesota give me a copy of his amendment? In the next place it has provisions in it which are not authorized by law. Provisions regarding the Executive are found in a different part of the bill, and I call attention to the precedent which holds that an item which might be in order at an appropriate place is not in order where it is not germane to the provision which has just been read. Then I call the attention of the Chair to the language—

Mr. TAWNEY. Mr. Chairman, if the gentleman from New York will yield to me, it has been suggested by gentlemen here that it is now twenty-five minutes to 6 o'clock, and that the amendment will be printed in the RECORD, and every man can read it in the morning; therefore if the gentleman will yield to me, I will move that the committee do now rise.

Mr. FITZGERALD. All right.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 25552, the sundry civil appropriation bill, and had directed him to report that it had come to no resolution thereon.

COMMITTEE ON DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the first legislative day following the disposition of the sundry civil bill be set apart for the consideration of District business.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the first legislative day after the disposition of the sundry civil bill may be set apart for business that is in order to-day under the rule.

Mr. FITZGERALD. Mr. Speaker that might set aside calendar Wednesday.

Mr. SMITH of Michigan. Mr. Speaker, I make an exception of calendar Wednesday.

The SPEAKER. The gentleman from Michigan modifies his request by excepting calendar Wednesday.

Mr. CLARK of Missouri. Mr. Speaker, I object, anyhow.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HUMPHREYS of Mississippi was granted leave of absence for the rest of the session, on account of illness.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9101. An act to grant title to certain public land to the city of Santa Cruz, in the State of California, to be used for street purposes.

H. R. 18162. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that when the House adjourn it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I object.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. CLARK of Missouri) there were—ayes 37, noes 38.

So the motion was rejected.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles H. Whipple against The United States (H. Doc. No. 928)—to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting papers relating to the claim of Jacob F. Schild, late of Company K, Fifth Regiment United States Heavy Artillery, and recommending favorable action thereon (H. Doc. No. 929)—to the Committee on Invalid Pensions and letter only ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 26187) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 1383), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 193) for the relief of James D. Elliott, reported the same with amendment, accompanied by a report (No. 1384), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 25679) for the relief of the Sanitary Water-Still Company, reported the same with amendment, accompanied by a report (No. 1385), which said bill and report were referred to the Private Calendar.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 14673) for the relief of the Merritt & Chapman Wrecking Company, reported the same with amendment, accompanied by a report (No. 1386), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 1871) for the relief of Joseph La Barge, jr., reported the same adversely, accompanied by a report (No. 1387), which said bill and report were laid on the table.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 2365) for the relief of B. C. Thompson, reported the same adversely, accompanied by a report (No. 1388), which said bill and report were laid on the table.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 13629) for the relief

of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, reported the same adversely, accompanied by a report (No. 1389), which said bill and report were laid on the table.

Mr. GILL of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 14938) for the relief of Lemuel J. Ward, reported the same adversely, accompanied by a report (No. 1390), which said bill and report were laid on the table.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 16851) for the relief of D. C. Owings, reported the same adversely, accompanied by a report (No. 1391), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 18069) for the relief of Frederick Wyneken, reported the same adversely, accompanied by a report (No. 1392), which said bill and report were laid on the table.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 19349) for the relief of the Richmond Locomotive Works, successor of the Richmond Locomotive and Machine Works, reported the same adversely, accompanied by a report (No. 1393), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 25284) for the relief of W. P. Dalton, reported the same adversely, accompanied by a report (No. 1394), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 26188) providing for extending the lines of the government survey over such lands in Bernalillo County, Territory of New Mexico, as have not already been sectionized—to the Committee on the Territories.

By Mr. ROBERTS: A bill (H. R. 26189) to authorize the appointment of dental surgeons in the United States Navy—to the Committee on Naval Affairs.

By Mr. BATES: A bill (H. R. 26190) for the relief of the survivors of McLean's Pennsylvania regiment—to the Committee on Military Affairs.

By Mr. MANN (by request): A bill (H. R. 26191) to promote the safety of employees and travelers upon railroads by requiring the use of the block system by common carriers engaged in interstate commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HARDWICK: Resolution (H. Res. 711) providing for the consideration of the bill H. R. 22150—to the Committee on Rules.

By Mr. DRAPER: Resolution (H. Res. 712) providing for the payment of a chief clerk in the House document room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 26192) granting an increase of pension to Lewis Bloom—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 26193) granting a pension to William Stephan, jr.—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 26194) granting an increase of pension to James Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26195) granting an increase of pension to Abijah R. Fross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26196) granting an increase of pension to John C. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26197) for the relief of John M. Devereaux—to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 26198) for the relief of H. E. Spoonemore—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 26199) granting an increase of pension to David P. Sherfy—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 26200) granting an increase of pension to James Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26201) granting an increase of pension to Calvin W. Studley—to the Committee on Invalid Pensions.

By Mr. CASSIDY: A bill (H. R. 26202) granting an increase of pension to Frederick Gaybower—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 26203) granting an increase of pension to James Thorington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26204) for the relief of James M. Ray—to the Committee on Military Affairs.

By Mr. DODDS: A bill (H. R. 26205) to provide for the purchase of a site and the erection of a public building thereon at Big Rapids, in the State of Michigan—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26206) granting an increase of pension to Henry H. Weaver—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 26207) for the relief of the estate of George Vaught, deceased—to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: A bill (H. R. 26208) granting an increase of pension to George W. Starkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26209) granting an increase of pension to B. Depenbrock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26210) granting an increase of pension to James W. Ryans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26211) granting an increase of pension to John Creese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26212) granting a pension to Noah Collier—to the Committee on Pensions.

By Mr. GARRETT: A bill (H. R. 26213) for the relief of Independent Order of Odd Fellows, Trenton, Tenn.—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 26214) granting an increase of pension to Oliver P. Ellis—to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 26215) granting a pension to Sarah E. Ringo—to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 26216) granting an increase of pension to Al Newcomb Holbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26217) granting an increase of pension to Charles M. Howe—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 26218) to correct the military record of Andrew J. McWhirter—to the Committee on Military Affairs.

By Mr. HUGHES of Georgia: A bill (H. R. 26219) granting an increase of pension to Samuel Greer—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 26220) granting an increase of pension to Joseph Hacker—to the Committee on Invalid Pensions.

By Mr. JOYCE: A bill (H. R. 26221) granting an increase of pension to James S. Conner—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 26222) granting an increase of pension to John Lee, alias James Riley—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 26223) granting an increase of pension to Francis M. Glascock—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 26224) granting an increase of pension to Sylvester C. Bishop—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 26225) to remove the charge of desertion from the record of James Gilroy—to the Committee on Military Affairs.

Also, a bill (H. R. 26226) to remove the charge of desertion from the record of John Streevy—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 26227) granting a pension to Lucy A. Hopkins—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 26228) granting a pension to George P. Lawton—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 26229) granting an increase of pension to Robert A. Seaver—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26230) granting an increase of pension to Clayton P. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 26231) granting an increase of pension to William B. Reece—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Jesse Lee—previously referred to the Committee on Invalid Pensions, to the Committee on Military Affairs.

By Mr. ANDERSON: Paper to accompany bill for relief of Pauline Krauss—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Washington Chamber of Commerce, for House bill 18295 and Senate bill 5912—to the Committee on the District of Columbia.

By Mr. BOOHER: Petition of United Garment Workers, No. 12, of St. Joseph, Mo., against increase of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of citizens of Hancock County, Me., for Senate bill 6931, making appropriation of \$500,000 for extension of the work of the Office of Public Roads of the United States Department of Agriculture—to the Committee on Agriculture.

By Mr. BYRNS: Paper to accompany bill for relief of estate of Daniel McAlpin—to the Committee on War Claims.

By Mr. CARY: Resolutions adopted by the Twentieth Century Topic Club, of Wauwatosa, Wis., indorsing the resolution introduced in Congress to investigate the facts with respect to the cause of tuberculosis in cattle, etc.—to the Committee on Agriculture.

By Mr. CURRIER: Petition of 52 members La Société des Artisans Canadienne Français, of Concord, N. H., for admission of fraternal publications to the mails at second-class rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Campton (N. H.) Grange, Patrons of Husbandry, and citizens of Groveton, N. H., for enactment of Senate bill 6931, for an appropriation of \$500,000 for extension of work of the Office of Public Roads—to the Committee on Agriculture.

By Mr. MICHAEL E. DRISCOLL: Memorial of the assembly of the State of New York, for appropriation for the Watervliet Arsenal, N. Y.—to the Committee on Appropriations.

By Mr. FLOYD of Arkansas: Papers to accompany bills for relief of Mathew Grubb, John Simpson, W. M. Stroud, Jeff Phillips, and Abe McBroom—to the Committee on Military Affairs.

By Mr. FOSTER of Illinois: Petition of locomotive engineers of Chicago and Eastern Illinois Railroad, in favor of the boiler-inspection bills, House bill 22066 and Senate bill 6702—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Chicago Printed-Book Binders and Paper Cutters' Union, No. 8, of Chicago, Ill., favoring the passage of Senate bill 5578 and House bill 15441, for eight-hour law, etc.—to the Committee on Labor.

Also, petition of J. G. Petteys, attorney at law, of Morris, Ill., in favor of the passage of the Moon bill (H. R. 22075), to fix the salaries of certain federal judges—to the Committee on the Judiciary.

Also, petition of G. M. H. Wagner & Sons, of Chicago, Ill., in favor of New Orleans for proposed Panama exposition—to the Committee on Industrial Arts and Expositions.

By Mr. GARRETT: Paper to accompany bill for relief of Independent Order of Odd Fellows, of Trenton, Tenn.—to the Committee on War Claims.

By Mr. HAMILTON: Petition of citizens of Three Rivers, Mich., for House bill 22237, eight-hour day for railway telegraphers—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Barry County, Mich., against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. HIGGINS: Petition of citizens of Connecticut, against creation of department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of New Jersey: Petition of Liberty Grange, Patrons of Husbandry, of Bradevelt, N. J., favoring Senate bill 5842 and House bill 20582, relative to regulation of oleomargarine traffic—to the Committee on Agriculture.

Also, petition of Local Union, No. 834, Brotherhood of Painters, Decorators, and Paper Hangers of America, of New Brunswick, N. J., against award of contracts by the War Department to the Bethlehem Steel Company—to the Committee on Labor.

Also, petition of Board of Trade of Newark, N. J., against House bill 3075—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBARD of Iowa: Petition of the merchants of Sanborn, Sibley, Sheldon, Hoppers, Ashton, Larrabee, Calumet, Primghar, Anthon, Washta, Quimby, Cherokee, Aurelia, Royal, Melvin, Clay, Lavinia, Lytton, Sac City, Early, Galva, Holstein,

Cushing, Correctionville, and Pierson, all of the Eleventh Congressional District of the State of Iowa, against parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Petition of Asiatic Exclusion League, of San Francisco, Cal., against the immigration of Hindoos to the United States—to the Committee on Immigration and Naturalization.

Also, petition of numerous citizens of Hayward, Cal., for House bill 23259, for a federal children's bureau—to the Committee on Interstate and Foreign Commerce.

By Mr. KÜSTERMANN: Petition of Green Bay (Wis.) Lodge, No. 485, Brotherhood of Boiler Makers and Iron-Ship Builders of America, against the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of citizens of Green Bay, Wis., for House bill 22066—to the Committee on Interstate and Foreign Commerce.

By Mr. MCKINNEY: Petition of Harmony Lodge, No. 548, International Association of Machinists, of Moline, Ill., asking for removal of tax on oleomargarine—to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: Petition of Ladies of the Maccabees of the World, No. 15, of Lincoln, Nebr., relative to House bill 21321—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of Manufacturers' Club of Philadelphia, Pa., for high rate of postage on magazines and periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. NICHOLLS: Petition of certain churches of Carbondale, Pa., favoring the Burkett antigambling bill—to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: Petition of citizens of Kansas, against shipping intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. ROBERTS: Petition of Boston Society of Civil Engineers, for such legislation as will facilitate assignment of trained civil engineers to direct civil engineering work conducted by the Corps of Engineers—to the Committee on Military Affairs.

By Mr. SABATH: Petition of Local Union No. 401, of the International Union of Steam Engineers, for removal of the 10-cent tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Chicago Printed-Book Binders and Paper Cutters' Union, No. 8, favoring the passage of House bill 15441, for an eight-hour law, etc.—to the Committee on Labor.

By Mr. SHEFFIELD: Petition of Rhode Island Division of the Sons of Veterans, in favor of House bill 12390—to the Committee on Invalid Pensions.

Also, petition of the League for Suppression of Tuberculosis and the Anti-Tuberculosis Association, of Providence, R. I., for Senate bill 6049—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of citizens of Nicollet County, Minn., for an amendment to the Constitution granting women the right to vote—to the Committee on the Judiciary.

Also, petition of Minnesota Valley Medical Association, for Senate bill 6049, to create a department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of International Brotherhood of Boiler Makers, Iron-Ship Builders, and Helpers of America, in favor of House bill 22066, boiler-inspection bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. C. Sturdevant Post, No. 282, Department of New York, Grand Army of the Republic, for enactment of House bill 18899, volunteer officers' retired list bill—to the Committee on Military Affairs.

Also, petition of Mutual Alliance Trust Company, of New York, favoring New Orleans as site of the Panama exposition in 1915—to the Committee on Industrial Arts and Expositions.

Also, petition of Manufacturers' Association of New York, against House bill 23098 and Senate bill 7248—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. A. Zellers, of New York, against the establishment of the proposed department of public health, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of Sturdevant Post, No. 282, Department of New York, Grand Army of the Republic, for the volunteer officers' retired bill (H. R. 18899)—to the Committee on Military Affairs.