POSTMASTERS.

ARKANSAS.

R. Monroe Deason, El Dorado.
Albert M. Keller, Wilmot.
Samie W. Kennedy, Cotton Plant.
Andrew I. Roland, Malvern.

COLORADO.

Frank E. Baker, Fort Morgan.
Fannie Pearl, Aguilar.
Ellen E. Potter, Castle Rock.

FLORIDA.

Lawrence Brown, Milton.
Simeon C. Dell, Alachua.
Eugene D. Lounds, Crescent City.

ILLINOIS.

Howard O. Hilton, Rockford.

IOWA.

Daniel Anderson, Lamoni.
Simon D. Breuning, Ackley.
Frank V. D. Bogert, Paullina.
Maude Bower, State Center.
Walter M. Cousins, Alden.
Jacquez A. Frech, Bancroft.
Nathan O. Hickenlooper, Blockton.
Frank C. McClaskey, Toledo.
Minnie A. Muhs, Akron.
Robert P. Osier, Clarion.
Abraham L. Riseley, Rockwell City.
Charlie B. Warner, Central City.
George W. Wiltse, Montezuma.

KANSAS.

Edgar B. Dykes, Macksville.
A. W. Robinson, La Crosse.
Albert L. Utterback, Caney.
James J. Yapp, Esbon.

MICHIGAN.

W. Millard Palmer, Grand Rapids.

MINNESOTA.

Clarence J. Buckley, Delano.
John H. Carlaw, Balaton.
Fred N. Corey, Elk River.
Hakon E. Glasoe, Lanesboro.
John A. Hawkinson, Parkers Prairie.
Justin E. Stiles, Wells.

NEBRASKA.

Calvin Bradshaw, Farnam.
James M. Fox, Gretna.
George B. Guffy, Elgin.

NEW JERSEY.

Henry S. Garretson, Dunellen.
Felix S. Jacobson, Arlington.
William H. Williams, Smithville.

NORTH CAROLINA.

Robert D. Douglas, Greensboro.
J. N. Powell, Southern Pines.

OHIO.

Charles E. Fenton, Newton Falls.
Otis T. Locke, Tiffin.
Levi Roscoe, Milan.

OKLAHOMA.

Joshua F. Farris, Billings.
George H. Langston, Texhoma.
Lemuel W. Moore, Alva.
Elsworth A. Olmstead, Butler.
John R. Thomas, Beaver.
Charles L. Watson, Perry.
Franklin C. Wright, Wanette.
Richard Wynn, Ochelata.

PENNSYLVANIA.

John N. Dersam, McKeesport.
Edelbert U. Eaton, Ulysses.
George S. Stoup, Oakmont.

SOUTH DAKOTA.

Sarsfield P. Malone, Huron.

TENNESSEE.

John J. Anderson, Guild.
Robert H. Bailey, National Soldiers' Home.
William H. Delap, Lafollette.
Allen D. Keller, Union City.
W. S. Latta, Somerville.
David W. Marks, Covington.
James H. Murphy, Mountain City.
J. M. Petitt, Oakdale.
Marshall V. Siler, Jellico.

WYOMING.

Frank F. Tuttle, Thermopolis.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 24, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, whose spirit pervades all space and enters into the hearts of those who are susceptible, to uphold, sustain, and guide them in right thinking and right living.

That man can not "live by bread alone, but by every word that proceedeth out of the mouth of God" is demonstrated again and again by the men who go down to defeat by a false estimate of their own puny strength. Help us to eat of the bread of heaven and drink freely of the fountain of life that we may live to the larger life in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDUSTRIAL AND CORPORATE PROBLEMS.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to print in the RECORD a speech made by the Hon. MARTIN W. LITTLETON, a Representative from New York, at Chattanooga, Tenn., on January 19, 1912, before the chamber of commerce on the "Industrial and corporate problems." It is an able and remarkable speech, and I am of opinion it ought to be printed in the RECORD. It covers the wonderful industrial development and matchless possibilities of the Southern States.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print a speech delivered by the gentleman from New York [Mr. LITTLETON] in Chattanooga, Tenn. Is there objection?

There was no objection.

The speech referred to follows:

Mr. LITTLETON. Mr. Chairman and gentlemen, I would not have you forget the old South, rich in the illustrious names and valorous deeds of those whose fame is secure in the enduring annals of her history. But I am intent on having you turn from a grateful reflection upon these tender and inspiring memories for a brief time to a cool and impartial inquiry into the industrial and business problems which confront the South of to-day. To do this and do it with a clear head and an open mind, we must disregard the geography of war and adopt the geography of development. We must lay aside the thought of section and think only of the whole country and the South's share in and contribution to that country. Finally, we must abandon the lines deep cut by the fatal strife of the sixties and follow the deeper and more lasting lines written in the veins of your mountains, traced in the soil of your valleys, flowing along your coast, by the margin of your oceans and bays, and outlined by your rivers as they run to the sea. In these permanent gifts of nature and their true and just development will be found the fullness of your enlightened civilization. From these must eventually come the blessings of plenty and content, and upon these it is for you to build a social, economic, and political structure which will stand against the winds and tides of time.

Society in its broader sense, and government in a more limited sense, is simply a true or false interpreter of the material welfare of the age. The silent but relentless process of material growth are, in every hour of the day, giving shape and direction to social order and political advancement. The manifold hands of a tireless race of men and women are fashioning day by day the social and political issues whose wise solution calls for the exercise of the deepest knowledge and the most exalted patriotism. Deep down beneath every government are the unheard forces wielded by thrift and ambition which in the end will make of that government the medium of their final development. Constitutions are made to conform to the swelling influence of commerce. Empires take their shape from economic upheaval. Monarchies are molded by the form of material growth. Governments do not make progress. They are the manifestations of progress. They are the convenient agencies which are set up in the onward march of progress to establish justice, enforce order, and preserve the peace. If they obstruct the march of that progress, if they stand in the way of development, if they fail to interpret the demands of the age, they are altered or abolished. The old Articles of Confederation were swept aside by the growing demands of a growing commerce, and the Constitution was adopted in obedience to these demands. Political parties to even a greater extent are the

mediums of material growth and the convenient instruments of progress. When they fail to interpret that growth, when they fail to promote that progress, they are thrown aside as unsuitable and unfit means to attain the end desired. Their platforms reveal little of their real usefulness. Their solemn convention protestations and demands disclose but a small part of their real elements, and the country is coming more and more to know and allow for this. They are finally accepted or rejected upon the full knowledge of the attitude of the men who lead them as that attitude is made known by the acts and utterances of these men. And almost invariably they are rejected if, after full discussion, their leaders are believed to be opposed to material progress or incapable of promoting it.

The South has suffered in its political prestige because its leaders have not always stood for progress; not because they were not able men or patriotic men, for I think no one would challenge the ability or patriotism of the South. It is because they have been content to cling to issues in their own States which have passed into history, and have been willing to follow on national issues the leadership of obstruction. No one, North or South, seriously claims that the negro as a race should at any time or place govern white people, and yet more than one campaign has been waged in recent years upon this worn-out and frayed issue. It is not too much to say that instead of taking counsel of those agencies which will cause the earth to yield up its treasures and translate its rich resources into the countless comforts of civilization, it has too often and too long taken counsel of the fears of yesterday, and converted them into the profitless protestations of a statesmanship barren of results.

What is there in this material South to engage the attention and tax the intellect of its leading men? What are its riches, which lay outstretched in its silent valleys, which uplift themselves in its noble mountains, which reveal their footprints on the sands of its endless shores? Stripped of tradition, shorn of history and freed from sentiment, each in themselves the unwearying charm of all its generations, what is the naked wealth and worth of this southern country which must be made to serve its people under the upbuilding influence of a creative statesmanship? Mr. Dawe, the managing director of the Southern Commercial Congress, at Washington, is authority for the statement that—

"The meaning of a coast line, when satisfactorily indented, is ease of access to the commerce of the world. Viewed from this point it will be seen that the Southern States possess an enormous advantage over the other two-thirds of the United States, for the coast line of the Southern States is 3,007 miles, while the coast line of the North Atlantic States is 888 miles, and of the Pacific coast 1,557 miles. When the indentations are considered the South is naturally far ahead of the North Atlantic and immeasureably ahead of the Pacific coast.

"The natural advantages of coast line are already asserting their influence, for we are able to say that a southern port still holds the second position for exports among all ports of the United States—New Orleans in 1900 and now a southern port that nine years ago was wrecked and rent by storm—the port of Galveston.

"We are able to show that the exports along the Gulf now exceed the exports of Philadelphia and Boston by 93 per cent, and they equal more than 66⅔ per cent of the total which belongs to the overshadowing port of New York. The tables of exports for 1900 and 1908 show that 27 per cent growth in exports has taken place in New York, Philadelphia, and Boston regarded together. During the same time the exports from southern ports, handling more than $1,000,000 worth, increased 34 per cent.

"In the matter of imports—goods coming to America for distribution—we find that while the three great ports—Boston, Philadelphia, New York—have increased 27 per cent the southern ports have increased 102 per cent. This may be looked at another way. In 1898 imports along the Gulf were $13,062,729. In 1908 they had grown to $59,340,735, an increase of 354 per cent. In 1898 exports along the Gulf were $201,847,700. In 1908 they had grown to $396,552,136, an increase of 96 per cent.

"When we consider also that all this swing of commerce is taking place prior to the completion of the Panama Canal, and that the Panama Canal will help to pull southward every interoceanic movement, we must realize that southern ports will be on the very front doorstep of the world's future commerce. South America and the Pacific, by reason of their nearness, will be peculiarly available for southern growth.

"NAVIGABLE STREAMS.

"A coast line adequately fed by navigable streams means, no matter how trivally used at present, an ultimate development of vast importance; for streams can be depended upon to carry bulky freights, while the railroads, at present insufficient in the South, turn their powers toward the higher grades of freight needed within the growing South or shipped by it to other less-favored States and countries.

"The National Conservation Commission has reported that there are in the United States navigable streams amounting to 26,410 miles. Of this mileage there is in the South 18,215.

	Miles.
Tributary to the Atlantic	4,567
Tributary to the Gulf (excluding the Mississippi River)	5,212
Tributary to the Mississippi River in southern territory	7,073
The Mississippi River in southern territory	1,363
	18,215

"This enormous total does not include a single mile of the Ohio, though it benefits the Southern States through 900 miles. Neither does this total include any proportion of the Missouri River. If the Mississippi be regarded as a feeder for Gulf commerce, the mileage should be—

	Miles.
Tributary to Atlantic	4,567
Tributary to Gulf	19,124

"At present not a fraction of the advantage offered to the southern inland cities by navigable streams is utilized, but the day is coming when that utilization will be here, and when that day comes the streams of the South leading to the great and growing ports of the South will give the inland cities waterborne opportunities sufficient to make them leap more rapidly forward into commercial importance than in the marvelous 20 years just ending.

"WATER POWERS.

"The possibilities of the South in the terms of water power are as disproportionately large, when compared with the other two-thirds of the Union, excepting the extreme Northwest, as are those of coast-line and navigable streams. The most potent influence is the Southern Appalachian Range. Its vast upheaval makes it the greatest power-producing mountain range in the East, for it lies altogether in a region of plentiful and fairly distributed rainfall. The actual figures are indeterminate. However, Secretary Wilson in a recent report places it at 5,000,000 horsepower for the six high-water months. Frank S. Washburn, the eminent hydroelectric engineer, thinks that this vast figure could be doubled by well-arranged storage basins. To give an inkling of what the development of these powers will mean, it is wise to refer to New England. That whole region has chained a little over 1,000,000 horsepower. The Southern Appalachians contain nearly ten times as much potentionally available; yet the manufactured products of New England at present equal the manufactured products of the whole South—66,000 square miles, with few raw materials, equaling the pigmy efforts of a giant spreading over 1,000,000 square miles and rich in raw materials.

"The day is coming when, through conservation impulses, this water will be used to drive the wheels of industry and of transportation throughout the South, thus indefinitely extending the life of power buried now in the coal fields of the South. If we study the statistics of the matter, we find that in no similar area of this country is there 5,000,000 horsepower so conveniently arranged, so distinctly marked, or so near to extended plains and rolling country, where factories can be easily erected and the produce of the field can be carried to the factories. The South, with a potential 10,000,000 horsepower in the Appalachian Range, has the foothills all round it full of materials above ground or underground, simply waiting for the harnessing of that great power to make those foothills on every side a tremendous electrified manufacturing area. When, furthermore, it is considered that not one horsepower has been included above for the rivers falling into the western Gulf of Mexico or those tributary to the Mississippi on the west, the commercial importance of the South in aiding to extend the life of the national coal beds will be comprehended.

"MINERALS AND FORESTS.

"The minerals of the South are worthy of serious consideration as a guide to what awaits her in development. In oil barrels she has increased since 1880 from 179,000 to 74,128,019. In sulphur she has rapidly appropriated over 98 per cent of the country's product. While in coal resources all other States of the Union are exceeded by Wyoming, North Dakota, Montana, and Colorado, the coal fields of the South are peculiarly accessible to navigable streams—a privilege denied the Western States mentioned above. The headwaters of the Ohio tap rich coal regions in West Virginia and in effect make Pennsylvania a contributor of coal to the Southern States by way of the Mississippi; the Alabama coal field, estimated to contain 68,000,000,000 tons in its 8,000 square miles, is tapped by the river system flowing by Mobile. Also, since the southward tendency of railroad construction set in, every new line has served to place southern coal fields within commercial reach of the coast.

"The coal possessions of the Southern States, according to the report of the National Conservation Commission, are stated below in millions of short tons:

	Millions.
Alabama	68,656
Arkansas	1,851
Georgia	981
Kentucky	103,844
Maryland	7,823
Missouri	39,854
North Carolina	200
Oklahoma	79,219
Tennessee	25,539
Texas	30,978
Virginia	22,414
West Virginia	230,389
Total	611,748

"Add to coal the great iron riches of the Southern Appalachians, where ore, coal, and limestone are frequently in juxtaposition; then add to these the practical monopoly in phosphate rock, the complete monopoly in bauxite and asbestos, the leadership in fuller's earth, in manganese, in sulphur, and in some of the rarer minerals; then add to this the clays, the building and ornamental stones, and, last, the immense cement resources near to navigable streams; then there comes into sight a certain unapproachable mineral advantage given by nature to the South.

"Against minerals, which are irreplaceable, the South is still able to show ownership of 41 per cent of the remaining forest area of the United States, a gift that is replaceable under proper impulses and extensible, if used aright. The forest area has some board details; the hardwood area is largely confined to the Appalachians; a mixed area takes a huge sweep around the Appalachians; and the long-leaf yellow pine area lies in another broad belt around the Gulf of Mexico.

"TEMPERATURE AND PRECIPITATION.

"It may be safely said of warmth and precipitation that warmth without rain produces a desert; that rain without warmth produces a frozen and forbidding area. The South combines more markedly than any other third of the Union a fine growing temperature and a copious yearly rainfall. The effect is clearly seen by those who wish to see.

"If we go to the southern portion of Florida we will find tropical fruits. If we go in winter time to Florida and Texas we find northern vegetables growing for winter marketing. If we follow up the Florida coast we find celery and lettuce growing for the consumption of New York City while New York City is shivering in zero temperature. Follow the whole vast agricultural area of the South, from the Everglades of Florida and from Brownsville, Tex., up to the Mason and Dixon line, and we have to declare that for agricultural range and possibility there is no area of the United States that can vie with the Southern States. The isothermal lines, which have a very irregular range in the Southern States, produce the anomaly, in the State of Alabama for instance, of wheat growing within a hundred miles of cotton; yet wheat is the great hope of the northwestern territory of Canada. We can put it down as an incontrovertible fact that the materials for both food and raiment coming out of the ground are all produceable in the extraordinary range of climate which belongs to the Southern States.

"AGRICULTURAL LANDS.

"Though the South holds the American monopoly on cotton, her possibilities in that and all other agricultural lines have not yet been scratched. This can be plainly shown. There are 612,096,900 acres of land in the Southern States. Of these less than 25 per cent are improved, or 145,185,999 acres. The more or less shiftless agriculture of the past is being rapidly supplanted in many regions by intelligent and intensive methods. This will shortly show itself by the South ceasing to depend on western produce."

Mr. Finley, president of the Southern Railway Co., recently contributed an interesting and instructive comparative statement as to the growth of manufactures and railroads in the South. Hear what he says:

"Between 1880 and 1905 the total volume of the products of manufacture in the States south of the Ohio and Potomac and east of the Mississippi increased from $287,110,628 to $1,135,468,795, or 295 per cent. The increase was really considerably greater than is indicated by these figures, for the reason that the census of manufactures of 1905 included only those conducted on the factory system and omitted small establishments and what are classed by the Census Bureau as 'neighborhood industries,' which were included in 1880.

"This increase in manufacturing has embraced a large variety of industries, but it has naturally been greatest in those industries drawing their raw materials from the South. Thus, in 1880 there were only 561,360 cotton spindles in the South, and in 1908 there were 10,200,903, an increase of 1,717 per cent. In 1880 southern cotton mills used only 188,748 bales of cotton, and in 1908 they used 2,187,096 bales, an increase of 1,058 per cent. From practically nothing in 1880 the cottonseed-crushing industry of the South has grown until, in 1907, it crushed 3,843,981 tons of seed, producing 175,724,840 gallons of oil and 1,785,804 tons of cake and meal. Pig-iron production in the Southeastern States increased from 335,864 tons in 1880 to 3,033,388 tons in 1907, or 803 per cent. Coke production increased from 372,436 tons to 9,289,471 tons, or 2,394 per cent. Coal production increased from 3,793,308 tons to 84,978,700 tons, or 2,140 per cent, and the lumber cut increased from 2,652,015,000 feet to 11,899,984,000 feet, or 348 per cent.

"While this great industrial advance has taken place southern agriculture has not stood still. Leaving out of account the enormous increase in agricultural production in the newly settled regions west of the Mississippi River, in the States east of that stream cotton production increased from 3,816,250 bales in 1880 to 7,444,805 bales in 1908, or 95 per cent, and corn production increased from 331,105,000 bushels in 1880 to 452,324,000 bushels in 1908, or 46 per cent. This same period has witnessed a large increase in the production of fruits and vegetables in the Southern States, both for northern markets and for local use.

"Both southern agriculture and southern manufacturing have had their greatest development in the production of commodities in demand in other parts of the United States and in other countries. Such development is possible only when means exist for carrying products which can not be consumed locally to markets where they are in demand. Therefore, as an inevitable consequence of the very large industrial development and the considerable increase in agricultural production, the railways of the South have been called upon to transport a rapidly increasing volume of traffic. In 1880, according to Poor's Manual, there were 14,817 miles of railway in the States south of the Ohio and Potomac and east of the Mississippi. In 1890 there were in this territory 24,535 miles, and in 1907, 39,068 miles, showing an increase of 164 per cent over 1880 and 59 per cent over 1890. In 1890 there were less than 30 miles of double-track railway in all this territory. In 1907 there were 1,321 miles of double track, and the total mileage of operated tracks, including single tracks, second tracks, yard tracks, sidings, and spurs, increased from 27,830 miles in 1890 to 50,533 miles in 1907. The number of locomotives increased from 3,310 in 1890 to 7,400 in 1907, or 123 per cent, and the number of cars of all classes in service increased from 109,669 to 293,230, or 167 per cent. This increase in the number of locomotives and cars has been accompanied by a very considerable increase in the average tractive power of locomotives and in the average carrying capacity of freight cars.

"Southern agricultural and industrial growth will continue largely along the line of the greatest development in the past—that of producing commodities in demand in other regions. Cotton has not only been the most important agricultural product of the South, but it is the foundation of two great and growing southern manufacturing industries—the cotton-textile industry and the cottonseed-crushing industry. The limit of cotton production has not nearly been reached even in the older cotton States east of the Mississippi. As the world demand for cotton textiles and cottonseed products increases the South will meet it with a larger production, due not only to bringing additional land under cultivation, but also to an increased average yield per acre, brought about by more intensive farming and scientific crop rotation. The cotton mills of other lands and of other sections of the United States will continue to draw on the southern crop, but, as a result of the economic force tending to draw the industry to proximity to its source of raw material, we may expect the multiplication of spindles and looms to proceed more rapidly in the cotton-growing States than elsewhere. The rate at which the cotton mill is being drawn to the cotton field is shown by the fact that, while in 1880 the consumption of the mills in the cotton States equaled only 3.28 per cent of the crop of 5,755,359 bales grown in that year, in 1908 it equaled 15.62 per cent of the crop of 13,697,310 bales grown in that year. Cottonseed crushing will continue to be distinctively a southern industry, and its growth will keep pace with the growth of cotton production."

From the Manufacturers Record we gather the following facts as to the general increase in all branches of commerce and industry between the years 1880 and 1907–8 in the Southern States:

"Value of property has increased from $7,505,000,000 to $20,073,686,216; increase, $12,568,686,216, or 167 per cent. Capital in manufactures has increased from $257,244,564 in 1880 to $2,100,000,000 in 1908, an increase of $1,842,755,436, or 716.6 per cent. Products of manufactures increased from $457,454,777 in

1880 to $2,600,000,000 in 1908; increase $2,142,545,223, or 486.9 per cent. Capital in cotton mills increased from $21,000,000 in 1880 to $266,500,000 in 1908, an increase of $245,500,000, or 1,169 per cent. Capital in cotton-oil mills has increased from $3,800,000 in 1880 to $90,000,000 in 1908; increase of $86,200,000, or 2,268 per cent. Production of pig iron increased from 397,301 tons in 1880 to 3,445,221 tons in 1907; increase of 3,047,920 tons, or 767 per cent. Coke output has increased from 372,436 tons in 1880 to 9,289,461 tons in 1907; increase of 8,917,035 tons, or 2,394 per cent. Value of lumber products have increased from $39,000,000 in 1880 to $365,000,000 in 1908, an increase of $326,000,000, or 836 per cent. Lumber cut has increased from 3,410,294,000 feet in 1880 to 19,303,983,000 feet in 1907, an increase of 15,893,689,000 feet, or 466 per cent. Value of farm products has increased from $660,000,000 in 1880 to $2,225,000,000 in 1908, an increase of $1,565,000,000, or 237 per cent. Cotton produced increased from 5,723,934 bales in 1880 to 10,582,966 in 1908; increase of 4,859,032 bales, or 85 per cent. Production of corn, wheat, and oats increased from 577,328,440 bushels in 1880 to 818,318,000 bushels in 1907, an increase of 240,789,560 bushels, or 41 per cent. Value of mineral products creased from 6,037,003 tons in 1880 to 94,829,835 tons in 1907; increase $273,000,417, or 1,976 per cent. Coal mined has increased from 6,037,003 tons in 1880 to 94,829,835 tons in 1907; increase of 88,792,832 tons, or 1,470 per cent. Iron ore mined has increased from 842,454 tons in 1880 to 6,316,027 tons in 1907; increase of 5,473,573 tons, or 649 per cent. Production of petroleum has increased from 179,000 barrels in 1880 to 27,239,057 barrels in 1907; increase of 27,060,057 barrels, or 15,118 per cent. Phosphate mined has increased from 190,763 tons in 1880 to 2,253,198 tons in 1907; increase 2,062,435 tons, or 1,081 per cent. Railroads have increased in mileage from 20,612 miles in 1880 to 67,181 miles in 1908, an increase of 46,596 miles, or 221 per cent. Aggregate resources of national banks have increased from $171,464,172 in 1880 to $1,100,117,838 in 1908; increase of $928,653,663, or 541 per cent. Capital of national banks has increased from $46,688,930 in 1880 to $162,558,230 in 1908, an increase of $115,869,300, or 248 per cent."

Selecting from the statistical data contained in these reviews of the South's resources, the items of wealth which must be organized and managed with skill and efficiency, let us consider the iron ore, the coal, the cotton, the corn, the wheat, the lumber, the tobacco, and ascertain, if we can, the business agencies and industrial instrumentalities which have been created for the purpose of developing and caring for these products in a thorough and systematic fashion.

In the first place, take the industrial and manufacturing corporations, such as mining, lumber, and coke companies; rolling mills, foundries, and machine shops; sawmills; flour, woolen, cotton, and other mills; manufacturers of cars, automobiles, elevators, agricultural implements, and of other articles manufactured wholly or in part from metal, wood, or other material; manufacturers and refiners of sugar, molasses, sirups, and other products; ice and refrigerator companies; slaughterhouses, tanning, packing, and canning companies—these have been organized for the purpose of bringing forth, manufacturing, and marketing the raw wealth of the South, and in them is locked up a very great measure of the wealth of the South. Of this class of corporations, which have a net income in excess of $5,000 a year, there are in each of the Southern States the following:

States.	Number.	Aggregate capital stock.	Bonded indebtedness.	Net income.
Alabama	557	$153,433,328.82	$87,342,194.91	$7,375,297.50
Arkansas	570	40,490,764.55	21,328,363.06	2,767,451.58
Florida	362	31,660,168.13	17,170,472.24	2,767,874.63
Georgia	1,332	127,716,042.57	72,802,523.13	8,140,698.03
Kentucky	1,333	137,180,572.00	44,288,740.83	9,824,480.09
Louisiana	942	123,779,511.34	81,303,916.98	8,312,940.30
Maryland	1,032	188,664,817.47	101,170,637.37	10,501,360.04
Mississippi	382	24,755,863.45	20,714,986.37	2,720,369.21
North Carolina	1,058	93,514,188.49	53,559,340.06	5,965,211.56
South Carolina	569	81,063,757.13	70,132,128.52	4,178,392.57
Tennessee	1,234	141,952,064.59	75,434,853.54	6,986,841.16
Texas	1,750	221,636,736.00	100,948,935.00	13,144,444.00
Virginia	869	401,162,441.58	120,752,761.94	11,354,551.35
Total	11,990	1,767,010,256.12	866,949,863.05	94,039,912.02

In the second place, let us consider those corporations created and conducted for the purpose of transporting the raw material and the manufactured article, such as railroads, steamboat, ferryboat, and stage line companies; pipe line, gas, and electric light companies; transportation and storage companies; telegraph and telephone companies. These corporations represent the next step in the progress of development, and of these the Southern States have the following in number, capitalization, bonded indebtedness, and net income:

States.	Number.	Capital stock.	Bonded indebtedness	Net income.
Alabama	109	$49,702,258.33	$81,969,399.77	$6,069,659.81
Arkansas	226	54,073,399.50	57,482,587.76	2,105,230.12
Florida	147	26,320,298.06	49,978,969.66	1,934,264.92
Georgia	464	145,767,936.57	161,220,126.00	7,390,531.26
Kentucky	500	139,316,648.99	202,493,539.31	14,840,541.08
Louisiana	171	132,253,482.64	21,998,062.32	6,106,919.43
Maryland	360	431,912,342.11	497,650,528.65	21,660,025.93
Mississippi	53	19,645,546.75	19,507,986.69	872,320.05
North Carolina	276	53,247,533.55	26,969,078.10	1,999,370.74
South Carolina	206	15,868,159.91	22,450,591.71	1,236,756.06
Tennessee	255	103,134,574.51	82,599,500.77	7,663,751.50
Texas	788	245,407,863.00	444,783,750.00	19,504,219.00
Virginia	380	465,368,604.56	676,220,771.20	27,009,757.71
Total	3,935	1,882,018,648.48	2,346,024,841.94	118,393,347.61

In the third place, let us take these corporations which are organized and conducted for the purpose of furnishing the money, and conveniently and promptly transacting the essentially financial business of the South's development. Of these the Southern States have in number, capitalization, bonded indebtedness, and net income, the following:

States.	Number.	Capital stock.	Bonded indebtedness.	Net income.
Alabama	235	$20,586,278.50	$1,339,830.16	$2,449,169.88
Arkansas	410	16,560,537.58	9,875,742.17	2,251,013.18
Florida	216	11,728,841.29	1,163,579.48	1,822,817.61
Georgia	734	41,464,150.03	2,394,959.09	5,327,218.59
Kentucky	672	41,965,341.95	7,334,506.12	3,664,569.75
Louisiana	303	27,451,497.82	3,228,118.12	3,296,726.53
Maryland	699	48,731,893.91	4,566,900.23	6,895,172.40
Mississippi	275	14,780,179.23	1,371,053.21	1,902,351.25
North Carolina	488	20,060,164.63	1,428,504.39	2,199,879.84
South Carolina	783	26,155,673.06	7,573,301.18	2,915,922.28
Tennessee	516	30,189,215.84	1,042,479.62	3,400,707.20
Texas	1,308	81,259,785.00	12,100,112.00	11,533,289.00
Virginia	481	35,333,798.29	1,432,440.39	3,812,033.80
Total	7,120	416,256,357.13	54,851,526.16	51,470,862.31

In the fourth place, let us take these corporations devoted almost wholly to the marketing of the finished products, such as mercantile corporations, including all dealers in coal, lumber, grain, produce, and all goods, wares, and merchandise. Of these the South has in number, capitalization, bonded indebtedness, and net income the following:

States.	Number.	Capital stock.	Bonded indebtedness.	Net income.
Alabama	467	$16,524,913.59	$10,400,853.18	$2,017,923.62
Arkansas	667	17,894,767.01	10,527,325.15	2,983,866.32
Florida	374	15,234,188.23	12,363,276.53	2,515,970.95
Georgia	1,284	32,595,741.05	27,624,308.17	5,831,538.99
Kentucky	892	33,222,981.71	14,349,367.11	4,587,353.49
Louisiana	781	33,977,888.39	30,514,111.70	4,273,991.09
Maryland	366	11,031,810.98	6,634,434.41	2,509,523.93
Mississippi	311	11,516,757.51	7,320,146.35	1,907,766.15
North Carolina	1,046	16,186,772.80	12,304,700.32	2,215,871.06
South Carolina	851	12,185,032.94	7,915,301.80	2,739,536.69
Tennessee	788	26,720,369.68	20,080,822.48	4,546,206.55
Texas	1,944	70,896,248.00	42,980,141.00	11,284,022.00
Virginia	1,057	29,908,385.64	20,729,580.34	4,207,278.72
Total	10,828	327,895,857.53	223,744,368.54	51,620,419.56

In the fifth place, let us take those corporations of a miscellaneous character which the growth of the South and the various steps in the progress of that growth has called into existence, such as architects, contractors, hotels, and theaters. Of these the South, according to States, has the following in number, capitalization, bonded indebtedness, and net income:

States.	Number.	Capital stock.	Bonded indebtedness.	Net income.
Alabama	429	$21,067,956.15	$13,621,713.94	$1,388,744.91
Arkansas	416	13,649,991.12	6,305,273.16	501,534.48
Florida	455	23,382,221.93	15,756,612.91	2,021,882.15
Georgia	1,039	40,590,721.68	21,998,775.06	2,168,249.56
Kentucky	920	34,149,063.83	12,644,065.42	2,249,966.80
Louisiana	623	45,457,412.08	22,594,188.06	2,413,191.80
Maryland	700	34,336,344.44	19,176,507.08	1,332,322.17
Mississippi	84	3,337,257.50	1,229,218.40	197,627.34
North Carolina	539	11,998,696.00	6,219,710.30	654,525.63
South Carolina	183	2,200,716.12	1,836,489.49	246,521.60
Tennessee	735	41,582,930.35	27,885,288.44	2,008,927.38
Texas	1,485	86,470,299.00	36,551,133.00	4,593,582.00
Virginia	1,133	67,530,148.83	63,278,834.89	2,578,523.78
Total	8,741	425,753,759.03	249,097,810.15	22,355,629.60

Finally, let us take all of the corporations, of all classes, for each of the Southern States, and ascertain the number in each State, the aggregate capital stock, the bonded and other indebtedness, and the net income. These are shown in the following statement:

Total for corporations of all classes for each Southern State.

State.	Number.	Capital stock.	Bonded indebtedness.	Net income.
Alabama	1,797	$261,314,735.39	$194,673,991.96	$19,300,825.72
Arkansas	2,289	142,658,459.76	105,519,291.30	10,609,095.68
Florida	1,554	108,325,717.64	96,432,910.82	11,062,810.26
Georgia	4,853	388,134,591.90	286,040,691.45	28,858,286.43
Kentucky	4,317	385,834,608.48	281,110,218.79	35,166,911.21
Louisiana	2,820	362,919,792.27	259,638,397.18	24,403,769.15
Maryland	3,157	714,677,208.91	629,199,007.74	42,888,404.47
Mississippi	1,105	74,035,604.44	50,143,341.02	7,600,434.00
North Carolina	3,407	195,007,355.47	100,481,333.17	13,034,858.83
South Carolina	2,592	137,473,339.16	109,907,822.70	11,317,129.20
Tennessee	3,528	343,579,154.97	207,042,944.85	24,606,433.79
Texas	7,275	705,670,931.00	637,364,071.00	60,059,556.00
Virginia	3,920	999,303,378.90	883,114,388.76	48,962,145.36
Total	42,614	4,818,934,878.29	3,840,668,410.74	337,870,610.10

With these tables we are able to definitely determine and classify those corporate agencies which are engaged in transforming the raw wealth of the South; those corporations which are engaged in transporting this wealth; those corporations which are necessary in financing this wealth; and the aggregate number, capital, bonded indebtedness, and net income of all these corporations. These are the agencies and instrumentalities which human ingenuity has found necessary and convenient for doing the business and promoting the industrial growth of the Southern States; and more and more, as time goes on and the wealth of the Southern States becomes necessary to the welfare of the human race, will these agencies and instrumentalities be employed and increased to meet that necessity.

On account of these corporate agencies and instrumentalities, and combinations of them, there has been much political discussion, much legislative enactment, many judicial decisions, and a vast amount of popular agitation. Some of our public men have contented themselves with a blind and unenlightened attack upon corporations generally. While these attacks have been useful to these men in furthering their political advancement, they have not been, nor will they be, sufficient to take out of the hands of southern industry the right use of these indestructible and indispensable agencies of development.

A great many people do not understand what a corporation is. They do not understand why it is created. They have never thoroughly comprehended its usefulness, its convenience, or its efficiency; and it is to the uninformed prejudices of this class of people that some of our public men appeal in order to advance their own political fortunes. I venture to say that some of the public men themselves have never really understood the advantage of an efficient and well-organized corporation. It does seem to me that the time has come when intelligent men should no longer allow themselves to be misled and, if I may say so, fooled into the belief that they should maintain a hostile attitude toward corporate development.

What is this thing called a corporation which has inspired so many with fear? Which arouses in so many a prejudice? Which has furnished to many others an object of indiscriminate and wholesale attack? What is there about it which brings men connected with it into disrepute? Why is it that corporations are continually characterized as unpatriotic institutions; and the men who conduct them as men not measuring up to the highest standard of citizenship? Why have we heard so much in politics of this corporate monster? Why do members of the bar find themselves excluded from public consideration because they are or have been attorneys for corporations?

This device known as a corporation is, after all, the division of a given amount of wealth into shares which may be purchased by men wishing to become shareholders, and who, according to the number of shares held by them, shall have a voice in the selection of a few well-qualified shareholders to conduct the business in which the corporation is engaged. It has the advantage of having a corporate existence. It has the advantage of assembling the most experienced and intelligent men to direct its affairs and shoulder its responsibilities. It has the advantage of gathering to itself a little of the wealth of a great number of men, without embarrassment to them, and which enables it by reason of the total sum thus gathered to do big things. It has the advantage of being able to distribute, in shares, the value of a property or plant or an enterprise infinitely. It has the advantage which comes with concentration, economy of organization, and the combination of the wealth of many. It represents the cooperative enlightenment of modern business. It stands for the collective energy, intelligence, and wealth of modern industry. It is the most flexible, resourceful, convenient, and effective instrument yet devised by the wit of man to bring forth, manufacture, transport, and market the raw wealth of the earth. It has been universally adopted by the human race in all civilized countries. It finds its highest example in the structure of human government. It has its charter, which stands for its fundamental constitution. It has its by-laws, which govern its conduct. It has its directors, who discharge the representative trust reposed in them by the shareholders. It has its shareholders in whom its ultimate sovereignty is vested; and it has in its treasury the combined contributions from the wealth of those who own it. It has brains in its board; foresight and daring in its officers; loyalty and support in its stockholders; and adequate means in its treasury to employ the training and skill necessary to make any industry in which it engages a success. In its final and last analysis it represents perfect organization, complete union, concerted action, trained intelligence, and a capital which reasonable and judicious venture can not strain.

This, my friends, is the agency or device which I have pointed out to you occupies so large a place even in the agricultural South. With it your railroads were developed, your factories builded, your banks and trust companies organized. With it the whole wondrous mechanism of your modern civilization is operated. And yet see how little the South after all has made use of it. Consider for a moment how backward the South has been in using this intelligent medium of development. Reflect upon the hostility which has been cultivated in the Southern States toward this intelligent agency.

The total net income from all of the corporations in all of the Southern States was, in round numbers, $350,000,000 for the last year; and yet in the State of Illinois alone the net income of all its corporations for the last year was $337,000,000; Ohio, $222,000,000; Pennsylvania, $424,000,000; New York, $689,000,000; Minnesota, $127,000,000; Massachusetts, $158,000,000; and Michigan, $91,000,000.

There are 270,202 corporations in the United States whose income is in excess of $5,000 annually. These have an aggregate capital stock of $57,886,430,519.04, a bonded and other indebtedness of $30,717,336,008.84, and an aggregate net income of $3,360,250,642.65. Allowing for inflated capitalization, which we all know exists, let us consider the character of this colossal wealth.

It is corporate. It is distributed in shares, and as such it is the surest guaranty of the inviolability of the right of private property. Look at it from an even broader standpoint and consider it in connection with the nations of the earth. It means the ownership of American values in other countries, and it means the ownership by Americans of the values of other countries. Our bonds and stocks are in English, French, and German markets and are owned by the citizens and subjects of those countries. The bonds and stocks of other countries are in our markets and are owned by our citizens. All of this is distinctly collective ownership. It tends strongly and inevitably to unite in an inseparable industrial alliance and to bring into common interest the welfare of the nations made interdependent by this class of ownership. I had almost said that it was upon this silent and resistless knitting together of the interests of the human race we can rely more than upon arbitration for the peace of the world.

What are the other kinds of wealth in our country? How do we judge of this wealth? How do we estimate the thrift and enterprise of the people of our country? Over against this corporate wealth, over against this collective and colossal empire of property, let us set off that distinctly individualistic ownership, that naked individualism for which agriculture stands. The estimated value of farm products for the year 1911 is $8,417,000,000. This is the gross value of farm products, without subtracting the cost of production. No estimate has been made of the cost of this production, but I dare say if we subtract it from the gross figure, $8,417,000,000, it would bring the net value of farm products not very far from the figure $3,360,250,642.65, which was the net income of corporate or collective property. The estimated value of the corn crop is $1,700,000,000 for the year 1911. The estimated value of the cotton crop is $775,000,000. The estimated value of the hay crop is $700,000,000. The estimated value of the wheat crop is $600,000,000. The estimated value of the oats crop is $380,000,000. The estimated value of the potato crop is $213,000,000. And yet, only two of these, corn and cotton, exceed the net income of all the corporations in one State, the State of New York, which was $689,000,000 in round numbers.

The corn crop, which as a wealth producer is practically equal to the combined values of the cotton, wheat, and oats

crops, is $1,700,000,000 in value; and yet the net income of the corporations of Illinois, Ohio, Pennsylvania, and New York together equal $1,672,000,000, or practically these four States yield in the net income of their corporations as much as the great wealth-producing crop of the Nation.

Thus we have, on the one hand, the great collective ownership of property represented by these 270,000 corporate agencies; and, on the other hand, the distinctly individualistic ownership of the farm represented by this gross income of $8,417,000,000. Each of these classes of property, each of these fields of human activity, are necessary to the growth, the welfare, and the continued prosperity of our country. As the ownership and use of all property must be, in an orderly government, regulated by law, we are confronted with the questions, What shall be the attitude of the Government toward these two distinct classes of property? How shall we regulate and govern the use of these sources of wealth in the hands of the individual citizens? How shall we prevent the abuse of ownership?

As to the use of the agricultural lands and the disposition of agricultural products, the problem seems simple. The farmer buys his farm, obtains title, tills the soil, pays his taxes, and in an uncomplicated fashion produces his wealth. If every man in the country were engaged in agriculture, our laws would be less in volume and our Government would be less perplexed with problems. The really difficult question which engages and will continue to engage the attention of those in authority is the question of how to preserve centralized industry, which is represented in the great corporate development of the country, and at the same time insure industrial liberty. In order to thoroughly understand and correctly solve this problem it must be approached without prejudice, without passion, without bias; and as I look out over this great southern territory, made up of 13 States whose bosoms are fertile with unused wealth and whose future is rich with the prospect of industrial and business development, I know of no section of our great country which needs to summon its intelligence, its courage, and its common sense more than do the people of the South.

In a distinctly material and commercial era the energy and ability of our strongest men is devoted to the getting of wealth. More than in any other period of the world's history we have cultivated and enlarged the creative faculties of our race. It can not be that simple greed is the single impulse which drives the brains and hands of men to the great tasks which they have undertaken. It can not be that the mere love of ownership, the naked lust of gain, is the sole inspiration underneath the great work which men have set themselves to do. It must be that the creative instinct, the constructive genius bidden by the inviting resources of a great country and stimulated by the competitive struggle, has raised the sordid mind above the level of glutted greed and set in its very center an ambition lofty enough to hope for the betterment of mankind as a whole.

In order to afford the fullest freedom to the people of our country to create wealth and acquire property we have established and maintained economic liberty—that is, the right to work, to invent, to plan, to acquire, to own, and, finally, to have dominion over property. We have said to the individual: "If you transfuse your blood, brain, and muscle into a thing called property, you shall become its owner, and shall enjoy and use that ownership for your comfort and happiness."

So long as this was done by the individual by his individual labor and ability, we did not need, and hence did not make, many laws to regulate his ownership and control of property. He could keep what he had earned and the range of his economic liberty was almost unlimited. But when the corporate charter came into general use and men about to engage in business enterprises clothed these enterprises with these charters, the State, because it had, acting for the people, granted the privileges which the charter conferred, was required to take and hold supervision of these corporate enterprises; and it was just here that corporate development became involved in the first instance in the politics of the country. While the corporate enterprise remained wholly within a single State, its regulation and control was exclusively in the hands of the State government, for the domestic sovereignty of the State was designed to deal with it and all domestic concerns. As a distinctly State problem it presented the questions of capitalization, private monopoly, and taxation, and in public-service corporations the additional questions of eminent domain, freight and passenger rates, and all of the features common to the regulation of railroads.

As these new and intricate corporate agencies were introduced into new States, they were challenged at each step in their progress by the public, and the hostility to their use and adoption found its effective expression in many crude and ill-considered statutes which, instead of being directed toward a rational supervision of them, were designed to indiscriminately outlaw them. "In 1889 Kansas, Maine, Michigan, Missouri, Nebraska, North Carolina, Tennessee, Texas, and the Territories of Idaho, Montana, and North Dakota passed antitrust laws; and the new States of Washington and Wyoming introduced similar provisions into their constitutions. In 1891 Kentucky and Missouri introduced antitrust provisions into their constitutons and Alabama, Illinois, Minnesota, and the Territory of New Mexico enacted similar laws. New York and Wisconsin followed in 1892; and in 1893 California forbade combinations in live stock and Nebraska forbade combinations in coal and lumber. Thirty States and 2 Territories subsequently passed such laws, and in 17 States antitrust provisions were inserted in the State constitution." Notwithstanding these States enjoyed to the full the authority of the common law, which for hundreds of years had denounced monopolies, and notwithstanding the fact that their development imperatively called for the employment of centralized capital in convenient corporate form, these States, in order to translate their rage and resentment into an offensive weapon, went far beyond the principles defined and settled by common law and enacted statutes drastic in character, antagonistic in temper, and in many instances, so largely the product of political wrath rather than the result of wise deliberation, wholly or partially unconstitutional.

In 21 States it was made criminal for two or more persons to enter into any agreement, reasonable or unreasonable, which prevented competition in production or sale. "In 17 States it was made criminal conspiracy for two persons to agree to regulate the quantity or the price of any article to be manufactured, mined, produced, or sold, regardless of whether prices were raised or lowered. In 16 States it was criminal for two or more persons to attempt to monopolize any commodity. In Missouri it was criminal conspiracy to maintain a trust, pool, combine, agreement, confederation, or understanding to regulate prices or to fix the premium for fire insurance. In Mississippi it was criminal conspiracy not only to regulate prices but also for two or more persons to settle the price of an article between themselves, or between themselves and others."

There were 3 States, West Virginia, Delaware, and New Jersey, which kept open the door which had been closed by the other States. A corporate franchise can not be forfeited except in the State where the charter is granted, and then only when the laws of that particular State are violated; and as West Virginia, Delaware, and New Jersey passed no antitrust laws, they could and did grant almost all of the charters to all sorts of enterprises which, when incorporated, proceeded into other States to do business at will. Thus, the States which had enacted the most prohibitive laws against all conceivable forms of agreements and arrangements found themselves invaded by alien concerns which they were powerless to attack or dissolve.

The legislation which had been enacted in all but 3 of the States was the result, in my opinion, of a failure to carefully study and fully understand the substantial welfare of these States. To be sure, it was just and proper to safeguard the consumer against those restraints of trade which the history of the common law had shown were against their interest. But how much more sensible and effective it would have been to have resorted to the common law for protection than to have cluttered up the statutes with this unseasoned assortment of political legislation. How much more statesmanlike it would have been to have looked the problem squarely in the face and to have realized that modern civilization had taken hold of these industrial and business agencies with which to work out the development of the country and to have exercised a cool and discriminating judgment in the rejection of these agencies, instead of stirring the passions of the people until they grew into prejudices, and clinging to these prejudices until they were enacted into laws. The very fact that these States did not content themselves with the ample remedies afforded by the common law, but rushed into crusades against corporate business which eventuated in these unreasonable statutes indicates that in each State the question had been made a political one and leaders were driven, by the storm which they had raised, to do foolish and extreme things.

No one will ever be able to estimate the damage done to the growth of these States nor the extent of the restraint imposed on the prosperity of their people by the unthinking prejudices which wrote these laws upon their books and fixed these policies in their creed.

In 1890 the Federal Congress, under the constitutional authority to regulate interstate and foreign commerce, enacted what has become generally known as the Sherman antitrust law.

It may be assumed that one of the controlling reasons for the assertion by the Federal Government of its unused powers conferred by the Constitution was the fact that three States continued to grant charters and suffer combinations which all of the other States were powerless to prevent and without ability to control, and that as these concerns were crossing and recrossing the lines of interstate commerce it was thought expedient and necessary to draw a line around the field of this interstate commerce and set up a standard to which every interstate concern should finally conform.

Another and more general reason is to be found in the fact that the close knitting together of the whole country by the countless threads of communication had drawn the commerce of the States out into that field located between the States, and the activity and volume of this commerce called into exercise those long-dormant powers lodged in the Federal Constitution. However much or little these two reasons contributed, it is undoubtedly true that the immediate, acute, and irritating cause of the enactment of the Sherman law was the fact that concerns doing interstate business, and hence not wholly within reach of the corrective remedies wielded by a single State, had entered into and were continuing to enter into secret agreements to control the output, advance the prices, and lower the quality of their products. The ungoverned and unguarded field of interstate commerce furnished an unmolested territory, where these hurtful and antisocial practices could be indulged without fear.

The Sherman law was the result of much interesting and instructive debate, followed by practically unanimous vote, and for these reasons alone should not be inconsiderately condemned. Furthermore, it has been touched upon and reviewed in as many as 100 opinions of the courts of our country in a serious effort to make its meaning clear and its provisions effective.

Let us see what it says:

"SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

The effect of the enactment of this statute was not plain to be seen until the opinion of Mr. Justice Peckham in the Trans-Missouri Freight Association case was handed down in 1897. From 1890 until 1897 nothing occurred either in or out of court to indicate what the attitude of the Government would be in regard to its enforcement nor to what extent its enforcement would affect the then organized industrial and business affairs of the country.

The decision in the Trans-Missouri Freight Association case in 1897 directed the attention of all business and industry to the fact that pooling arrangements and loose agreements between concerns in restraint of trade, whether reasonable or unreasonable, were unlawful. The effect of this decision upon the course of development in business and industry was most unexpected.

The Sherman law was entitled "An act to protect trade and commerce against unlawful restraints and monopolies." Its first effective enforcement resulted in a united effort on the part of those engaged in business and commerce to do the very thing which it had been designed to prevent. It had been supposed that this act of Congress would strike asunder the vicious agreements in restraint of trade and restore, at least, the competitive contest between the large concerns engaged in business and industry. It was no doubt intended to make impossible all of the agencies, devices, and subterfuges by which competition was being eliminated from our business and industrial life.

Just as soon as those engaged in business realized the effect of the decision of the court in the Trans-Missouri Freight Association case, and that it construed the Sherman antitrust law to prohibit every agreement, contract, trust, or combination in restraint of trade, and that there could be no arrangement of any character between competing companies, they adopted one of two courses. Either they procured the organization of "holding" companies, to which they transferred the stock of the competing companies and in turn received a proportionate amount of the stock of the holding company and thus consolidated into one great enterprise any number of smaller enterprises; or they procured the organization of a huge corporation, with capital sufficient to embrace the combined capital of any number of competing concerns, then dissolved and wound up the constituent companies and transferred the physical properties to the newly organized concern. In either case the result was the same, for we witness then the coming of those stupendous corporations whose dominance has alternately been the wonder and apprehension of this great corporate era.

Prior to 1897 there were not more than 60 concerns that were dominant in their respective trades. Within the three succeeding years 183 corporations dominant in their respective trades were organized. In the year 1899 alone 79 of these, with a total capitalization of $4,000,000,000, were organized. It has been estimated that these enormous combinations comprise one-seventh of the manufacturing industry of the United States, one-twentieth of the total wealth of the Nation, nearly twice the amount of money in circulation in the country, and more than four times the capitalization of all the manufacturing consolidations that were organized between 1860 and 1893. From 1897 and throughout the years following, until 1904, the country came to recognize and adopt the method of holding companies and huge corporations; and these were treated, tacitly, at all events, as compliance with the Sherman antitrust law. Not until 1904, when the Northern Securities case was decided, was there a general, if not universal, revival of the antitrust crusade. The decision in that case marked the second epoch in the history of the Sherman antitrust law and its enforcement, and set on foot the prosecutions which from time to time have been conducted by the Government.

If the Sherman antitrust law as it has been finally interpreted by the Supreme Court had from the beginning been strictly enforced and the policy of the Nation firmly established, one of two things would have resulted. Either industry and business would have taken on some new and competitive form or the Sherman law would have been amended or supplemented. In any event, the tumult resulting from this interpretation and enforcement would have less of a nation's industrial structure to disturb and less of a nation's habits to change.

When the Government, either because of its failure or refusal to enforce the law, had from 1897 to 1904 openly allowed the formation of holding companies and the creation of huge corporations, in which untold wealth was invested and to which incalculable interests had become attached, it was natural that the whole country should view with apprehension the sudden and drastic enforcement of the Sherman law.

The country waited with obvious impatience the final decisions of the Supreme Court in the Standard Oil and Tobacco cases. The Standard Oil opinion was delivered on May 15, 1911, and around this has revolved all industrial discussion since that time. The whole country, with patriotic unanimity and with a fine regard for the preeminence of that great court, has accepted its last word as law; but the economic condition resulting from that interpretation is one which the country is struggling with as it never struggled before.

We have seen what the effect of the decision in the Trans-Missouri Freight Association case in 1897 was upon the industrial and business development of the country. We have observed how an inactive Government, from 1897 to 1904, permitted the country to come to the conclusion that huge industrial and business holding companies were legitimate agencies for the development and conduct of business generally. Let us now examine, as far as we are able to do so, the legal effect of the decisions in the Standard Oil and Tobacco cases; and this can perhaps be better stated by reference to the opinion of Mr. Justice White, in which he declares the conclusive meaning of the Sherman Act, as follows:

"In view of the common law and the law in this country as to restraint of trade, which we have reviewed, and the illuminating effect which that history must have under the rule to which we have referred, we think it results:

"(*a*) That the context manifests that the statute was drawn in the light of the existing practical conception of the law of restraint of trade, because it groups as within that class not only contracts which were in restraint of trade in the subjective sense, but all contracts or acts which theoretically were attempts to monopolize, yet which in practice had come to be considered as in restraint of trade in a broad sense.

"(*b*) That in view of the many new forms of contracts and combinations which were being evolved from existing economic

conditions it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidences the intent not to restrain the right to make and enforce contracts, whether resulting from combinations or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint.

"(c) And as the contracts or acts embraced in the provision were not expressly defined, since the enumeration addressed itself simply to classes of acts, those classes being broad enough to embrace every conceivable contract or combination which could be made concerning trade or commerce or the subjects of such commerce, and thus caused any act done by any of the enumerated methods anywhere in the whole field of human activity to be illegal if in restraint of trade, it inevitably follows that the provision necessarily called for the exercise of judgment which required that some standard should be resorted to for the purpose of determining whether the prohibitions contained in the statute had or had not in any given case been violated. Thus, not specifying but indubitably contemplating and requiring a standard, it follows that it was intended that the standard of reason which had been applied at the common law and in this country in dealing with subjects of the character embraced by the statute was intended to be the measure used for the purpose of determining whether in a given case a particular act had or had not brought about the wrong against which the statute provided."

In other words, the first section denounces "combinations, contracts, conspiracies, etc.," not of a particular class, but of a general character; and whether or not they are unlawful can only be determined by accurately foretelling their ultimate effect on trade. It does not denounce contracts or agreements which do or attempt to do some specific thing, but it denounces contracts and agreements whose effect is general and well-nigh country-wide; so that a violation of the first section does not depend upon (1) the intent of the person doing the act, nor (2) upon the knowledge of the person doing the act, nor (3) upon the motive of the person doing the act. But it depends upon whether the person making the contract is able to survey the whole field of interstate trade and to calculate with accuracy the final effect of his contract, and this final effect, which he must be able to foresee, must be so precisely foreseen and estimated as to enable him to say whether the effect is reasonable or unreasonable, due or undue, direct or indirect.

Having done this, he is not yet finished. He must make the concluding and all-important calculation as to whether his two estimates, to wit, the general effect of his contract on trade, and whether that effect is reasonable or unreasonable, will coincide with the opinion of the court before which his contract is to be construed.

The second section abandons all effort at classification and, as construed, declares in effect that if any person does anything whatsoever which would result in the same thing that the acts denounced in the first section do result in he has violated the law. So that a person capable of the foresightedness demanded by the first section, having dismissed that section from his mind and honestly endeavoring to meet the requirements of the second section, is confronted with this problem: That anything which he may do, although no mention is made in the second section of the kind, quality, character, or extent of the thing he may be doing, which is afterwards held to be an attempt to monopolize any part of trade or commerce, is an unlawful act and subjects him to punishment. The law in the first section, as construed, does not declare what sort of contracts are to be considered as in restraint of trade. It does not declare what, in the mind of the lawmaker, would amount to a restraint of trade. The lawmaker has no idea himself as to what should be deemed a contract in restraint of trade. But he leaves it to the man making the contract to judge for himself as to whether it is in restraint of trade, and to judge at his peril. All that the Supreme Court has accomplished is to require the person making the contract to go one step farther and ascertain whether the effect of his contract upon trade is reasonable or unreasonable restraint.

Having to some extent ascertained the strictly legal effect of this decision in the Standard Oil case, let us inquire just what has been the general effect of the decision upon the business of the country.

For a time at least, even if not at the present time, the distinctly business section of the country stood still in a state of uncertainty and doubt; those concerns already organized in many instances fearful of prosecution; those which were in contemplation, arrested lest they should transgress the law. The immediate bewildering consequence was that a dense fog of uncertainty settled down upon and completely enveloped American enterprise. This condition resulted in much discussion and many proposals of remedies.

When the result of the dissolution of the Standard Oil Co. and the Tobacco Co. had finally been worked out and the country came to understand, as fully as it could understand, the complicated readjustment which took place in the affairs of each of these companies, the weight somewhat shifted to the other foot. The leaders of radical thought in the country and those most extreme in their desires to restrain and repress the organization of large industrial units suddenly took alarm. Their view was, in homely speech, that "the mountain had labored and brought forth a mouse," and they began to bitterly complain of the ineffective and impotent machinery of the Sherman law, so that to-day we have two distinct antagonistic classes of public opinion in regard to the wisdom and efficiency of the Sherman law as enforced. One class rather leans to the opinion that if its worst is no worse than the result in the Standard Oil and Tobacco cases, then its worst can be endured. The other class maintains that if its best and highest efficiency is exemplified in the Standard Oil and Tobacco cases, then at its maximum enforcement it is impotent and inadequate. In fact, organized business generally, while welcoming a short period of peace, lives in dread of the future, organized politics stands confused in front of the problem, and organized labor incessantly demands the amendment of the Sherman antitrust law. Neither the radical nor the conservative in politics is satisfied with it. Neither organized labor nor organized capital approves it.

With the question in this unsatisfactory condition and the public mind in this unsettled state, and the welfare of our country vitally interested in the right and just settlement of the problem, we are confronted with the specific question as to what step should be taken by the legislative branch of the Government to bring about its solution. What we stand in need of, what we most desire, is not felicitous phrases, incisive epigrams, or turgid editorials, but a clear pointing out of the steps which can be taken and which should be taken, which will be effective in reaching a right solution. As one individual, I shall proceed to point out to you what I think should be done and leave it to you to take the suggestions for what they are worth.

The question is one which reaches down through the very vitals of business and commerce to the foundation of the country's prosperity, and its remotest influence finds its way to the very farthest end of the detail of the lives of our people. The thoughtless disturbance of this great and extensive fabric sends a tremor of uncertainty and fear far down to the very ends of human interest and employment. No one man knows enough to know the full and final influence of a change in the established policy of dealing with these concerns. There is no such organized difference of opinion between the political parties as would require the settlement of this question either properly or necessarily as a political adjustment. There is no line of cleavage between political parties upon this industrial question, either as to what the end desired is or the means adequate to reach that end. It is of the utmost importance that the question as a whole should be cut clean loose from the agitation and uncertainties of politics and dealt with upon the bare questions of intrinsic merit. Therefore it is my opinion that the legislative branch of the Federal Government, in whose hands the question is exclusively lodged, should create a joint body of the Senate and the House for the purpose of considering the whole question.

This committee should be created without regard to the political affiliations of its members. This would provide a rational, constitutional method of treating the question. The committee should take counsel and advice of organized capital and organized labor. It should consult the interest of every class of citizens, and should ascertain, as far as possible, the effect of legislation upon each class. It should inquire into the experience of other countries in dealing with industrial growth and corporate development, study the measures adopted by these countries, analyze the results of these measures, and profit, as far as possible, by their experience. Its sole aim and object should be sound legislation. This committee should examine carefully all of the judicial interpretations of the various courts of our country of the Sherman law, in order to fully understand its judicial history and its judicial growth. The committee should carefully analyze the result of the enforcement of the law, particularly the result as illustrated in

the reorganization in the Standard Oil and Tobacco Co. cases—this with a view of determining whether its enforcement has cured the evils denounced by the Supreme Court in its opinion.

The selection of such a committee would concentrate the energy and ability of the legislative branch of the Government upon the solution of this problem. It would focus the attention of the whole country upon the committee and its work and reduce under its impartial and judicial inquiry the agitation of this country to orderly and constitutional treatment.

This committee could draw a line around the field of interstate commerce and consider, first, under what terms and conditions concerns desiring to do interstate business should enter this field, whether by Federal license, Federal incorporation, Federal registration, or Federal certification; second, just how elaborate and exacting these terms and conditions should be; third, this committee could consider what laws should be enacted to govern concerns in this field of interstate commerce after they had complied with the terms and conditions of their entry; fourth, the committee could consider the manner in which an offending concern should be excluded from the field of interstate commerce and devise an orderly and constitutional method by which the concern condemned in the eyes of the law should be excluded from this field and wound up.

In fact, such a committee, giving its time, industry, and intelligence to the solution of this problem, would insure order in the place of chaos, impartiality in the place of partisan appeal, and judicial temper in the place of political rancor.

If you should ask me what I, as an individual, think would be a solution of the question, I can give you a general indication of my views, conscious that they fall short of a complete remedy and anxious that they shall be considered only as a suggestive contribution rather than a perfected program.

The real vice in the treatment of the whole problem heretofore has been the attempt to legislate solely against the result or effect of a series of acts instead of specifically defining and prohibiting these acts. In an effort to prevent and punish confessedly conspicuous evils we have set all business groping and feeling about with uncertain step, like a man in the dark. We must first realize that competition is a final law of all life, but that it is a growth, just as cooperation is a growth; that it is the law of trade and barter and not the law of statutes; that no government ever had roots so deep or standards so high as to be able to enforce compulsory competition any more than the mightiest man is able to make the right hand the earnest competitor of the left. It will always exist at one time or another, but it can not be legislated into commerce any more than it can be legislated out of commerce. To be exact, it is not competition which we seek to maintain, but the unhindered right to compete. We do not make men go into business to compete with others. We maintain just laws so that if a man chooses to go into business and has the efficiency to win in the contest he shall not be molested in his pursuit. Competition is not a concrete and stationary thing to be preserved. It is an ebbing and flowing tide of industrial life which may run high upon the shores in one period and ebb into the middle of the sea in another.

To change the figure, it may be strangled to death by superior strength unjustly used. It is an ever-changing, ever-diminishing, ever-enlarging condition of industry. It is a state of industrial liberty and economic freedom. It must be free, but not by coddling the inefficient or holding everyone back for the laggard. It is bound to mean a reduction in the number of competitors and not a permanent appropriation of the thing competed for. In the hard struggle of industry and business life there must be an elimination of those who are unable to endure it, but this elimination should be solely upon the inability of those eliminated to survive an honest contest waged under the most enlightened rules of business warfare.

When corporations found that it was necessary and profitable to combine, and either turned themselves over to a holding agency or dissolved and united in one huge corporation, they did it in order to economize in the expense of administration and to enable them to control prices. Whatever the purpose was, the effect in many cases was to give the holding company or the huge corporation the monopoly of the business in which it was engaged. We were confronted then, and we are confronted now, with the question as to how we should deal with the monopoly, and it is by no means an easy task.

In many of our constitutions and most of our laws we have forbidden the creation of monopolies by the Government; that is, we have said that no concern should be granted the exclusive right to do a particular kind of business, and, except in the case of allowing exclusive patent rights, we do not grant such rights. But the withholding of such grants by the Government has not prevented monopoly.

We have monopolies which have been created by individual ingenuity and effort, and it is this individual ingenuity and effort with which the Government must deal in attempting to prevent or regulate monopoly.

There are monopolies which have been built up by unfair practices employed against competitors, such as the getting of rebates; the use of large amounts of capital to starve out the competitor; the selling below cost to drive a less resourceful competitor out of business; the getting control of the sources of supply of necessary raw material, so that no competitor could get it except at prices which would bankrupt him; the advantages of high tariff, so that no similar article could be brought from abroad.

Then there is the monopoly which is created in the first instance by the promoter who collects a large sum for the work of putting several or many concerns into one, and this is made possible by the hope of the different owners that they will add to the value of what they have the combination value, and that they will get a larger dividend without the great cost and trouble of maintaining several establishments. This monopoly also offers the attraction of speculation, which to many is a great temptation.

Now, these two classes of monopoly are abnormal and result from the desire of a few people, by fair means or foul, to take a short cut to getting money. They do not represent the efficiency of combination nor do they promise any benefit to the public.

There is still another and third kind of monopoly which presents a much more difficult problem and which must not be confused with the first-mentioned two classes. This kind of monopoly is the result of intelligent organization, skillful combination, and proven efficiency. There can be no doubt that organization when intelligent and systematic, combination when brought about for the purpose of embracing all of the processes from the beginning to the end of the manufactured thing, and proven efficiency in the actual work of production or manufacture will improve the quality of the thing produced, reduce the cost of production, and cheapen the price to the consumer. Such monopolies so created stand for the best that is in our civilization. They represent the survival of the highest efficiency. They are simply the winners in the final contest of competition. Because of all these qualities which they have, all of these advantages which they enjoy, such monopolies in different fields of endeavor may come into exclusive control of the thing which they manufacture or produce. In other words, by organization, combination, and efficiency they may drive all competitors from the field. This leaves them in such unchallenged control that they are able, at least for a time, to do much harm to the public if unrestrained, because the public must go to them and no one else for the thing which they manufacture or produce.

The question presents itself then, In what way are we to deal with these three classes of monopoly? How are we to treat them? Can we apply the same laws to each?

While they are each created by different methods, varying in their character from strangulation of competitors to simple superiority of work and skill, they each at last come to control the thing manufactured or produced so as to be able to extort from the public an unreasonable price. We can not say we will make it impossible for any one of the three classes to exist, for in doing so we throw away the very fruits of organization, combination, and efficiency. We can not prosecute skill as a crime along with coercion. We can not indict organization as an offense along with conspiracy. We can not punish efficiency as guilt along with oppression.

We must establish some rules which will permit the best that is in our race to develop and yet keep in check the worst that is manifested.

In my opinion, we should make definite laws governing competition. These laws should be specific, as far as possible, in defining and punishing unfair methods of competition. They should prevent holding companies, secret rebates, underselling for the purpose of driving out competitors, factors' agreements, and exclusive control of raw material, such as ore, coal, or oil; and they should prohibit the combination of corporations producing the same things in the same way for the purpose of controlling prices. They should authorize any person injured or threatened with injury to apply for an injunction to prevent the threatened injury. Competitors should be made by law to play fair, and the means of enforcing this law should be in the hands of every man who is about to be injured by the unfair play. We should so enact these laws as to make it impossible, or well-nigh impossible, for a monopoly of the first two classes named to be built up on unfair practices and foul tactics, and

then provide that if, by chance, one should escape the prevention of these laws and grow up the Government would not only prosecute it, but actually destroy it and every vestige of its existence.

Now, if with these laws demanding fair play in competition, thoroughly enforced, a concern belonging to the third class should, by intelligent organization, skillful combination, and high efficiency, and without resort to any of the unfair means denounced by law, produce the best and cheapest article, and one by one drive all competitors from the field and come into complete control of that field, what shall the Government say to that concern? If it should undertake to prohibit the steps taken by the concern, it would be legislating against intelligence, skill, and efficiency. If it should undertake to denounce the concern as a monopoly when it had come into complete control of the field, it would be denouncing the fruits of intelligence, skill, and efficiency. In whatever way the Government should undertake to prevent the growth and prosperity of such a concern it would, after all, be trying to prevent the useful employment of the best that is in the human race.

But you ask, How are we to prevent this concern, when it has come into complete control of the field by driving out its competitors, from raising the price and reducing the quality of the thing produced? You will be answered by some that the only way is for the Government to regulate the prices to the consumer. This contention is justified on the ground that the control which the monopoly has obtained gives it such a power for public injury that the Government, acting for the public, has a right to prevent that injury. I think if it were true that the monopolistic control thus obtained did give such a permanent power to injure the public that the Government would have a perfect right to prevent that injury even by the regulation of prices; but I think those who have reached this conclusion have done so hastily and without considering all of the elements of the situation.

If monopoly is the result solely of intelligent organization, skillful combination, and proven efficiency, and if unfair methods are made unlawful and the means for preventing these methods are made speedily effective, if the unhindered right to compete is preserved in full and the field kept entirely open and the monopoly may not prevent or check the coming of competition, then by the very law and logic of its creation the monopoly must charge reasonable prices and keep up the standard quality of the article; for as it could not have driven competitors from the field except by breaking the law on the one hand, or by the highest efficiency and the lowest prices on the other, it can not prevent the return of competitors except by breaking the law on the one hand or maintaining the highest efficiency and the lowest prices on the other. And if, in each instance, the law requiring fair play is enforced, the monopoly must keep its control by the same means that it got control—that is, by intelligent organization, skillful combination, and proven efficiency—all within the law governing competition. The moment that a monopoly raises the prices or reduces the quality of its article, it invites into a free and open field all of the competitive ability and ingenuity in the country—that very same competitive ability and ingenuity which it drove out of the field.

The point is keeping the field free, protecting competition, making the rules of competition fair. No doubt for a short time the monopoly could reap a harvest of high prices, but with this protected competition its harvest would be soon cut short.

It is my belief that the Federal Government should resolutely challenge every corporate concern seeking entrance into the field of interstate commerce, and compel it to conform to a standard which will insure, first, that the concern has behind every issued share of stock the real value which the share represents, not only for the protection of those who buy the stock but to insure that it will not lower the standard of its product to force a dividend on excessive capitalization and thus tend to demoralize the industry in which it is engaged. To do this effectively both as a security to the public and as a reacting influence upon the policy of the State the Federal Government should require corporate concerns entering the field of interstate commerce to submit their status, their true condition, to a board created for that purpose. A record of each company examined, with full and authentic data, should be kept and the rules governing the conduct of the board should be enacted into law by Congress; and no concern should be allowed to enter the field of interstate commerce until the board had issued a certificate to the effect that the concern had complied with the laws governing its admission. The board should not have the slightest discretion as to what classes or kinds of concerns should be admitted, but only the right to say that it had complied with the laws enacted by Congress. This certificate issued by the board should contain a statement of the laws governing their admission and should stand for and in the place of a charter entitling the concern to do interstate commerce. It ought to be provided that this certificate should be forfeited for a violation of the conditions of entry, as well as for a violation of any law governing the transaction of interstate commerce or business, this forfeiture to be upon notice and after a hearing. Thus at the very foundation of interstate commerce the Federal Government would take a good grip upon the instruments and agencies engaged in it and would hold that grip against the commission of economic wrongs and evils.

One of the fundamental difficulties is the slipshod way in which companies go into interstate commerce and the loose and unsound way in which they are incorporated. Having set up the machinery through which companies coming into interstate commerce must pass, having erected a standard by which they must be tested, and put upon them a restraint which can be exercised for the protection of the public, it seems to me that we could then proceed to enact some specific laws for their guidance and control. They should not be directed merely toward reducing the size of industrial units. Their purpose should not be to make the contest an even contest by law. There should be no handicap placed upon genius, efficiency, and skill. These laws should be drafted as an industrial code prohibiting specifically the well-known devices by which one concern takes unfair advantage of another. A clear distinction should be made between industrial centralization, which brings together like concerns producing similar products by similar means for the purpose of controlling output and fixing prices, and the natural and orderly combination of enterprises, which assembles under one control those corporations which step by step and stage by stage do their respective work in making a finished product out of raw material. In other words, there may be a very efficient, useful, and harmless combination of corporations, each of which performs a portion of the whole labor necessary to perfect a manufactured article. Such a combination would increase profits and cheapen the article to the consumer, while a combination of corporations engaged in the same work upon a like article or enterprise, through reducing somewhat the cost of production, would acquire a dangerous control of output and prices. As to what these devices are the joint committee could ascertain by inquiry for the purposes of legislation. Some of them are well known. From time to time, as new devices for unfair competition or advantages should be developed, they should be added to the prohibitions of the statute. We should save the field of interstate commerce as a territory into which certain corporate concerns, after passing a proper examination, should be allowed to enter, and, having entered, they should be governed by a definite code of industrial regulations enacted by Congress. Gradually, by the careful study of industrial development, by requiring elaborate reports, and by wise and just control, a system of rules governing interstate commerce could be developed, and these rules would become familiar to everyone engaged in it.

Instead of lodging the exclusive right to apply for and obtain an injunction in the hands of the Attorney General, it should be provided that any person whose property, estate, business, or enterprise is threatened with injury or damage in violation of any one of the prohibited acts, or in violation of the conditions on which the concern was admitted to the field of interstate commerce, could apply to any Federal court having territorial jurisdiction for an injunction to restrain the person or corporation threatening the injury. If a concern admitted to the field of interstate commerce should obey the rules and laws provided for its government in that field and should by skill, efficiency, and energy grow to enormous size and earn rich rewards, I would count these rewards as the fruits of that industry, the harvest of energy and genius, and the crowning triumph of a civilization resting upon the doctrine of individualism.

Whatever of success shall attend us in the just and wise settlement of these questions will not come from the counsel of those who strive to set one class against another. We can not afford to hearken to the apostle of discontent arousing hopes which the test of his teaching will not make real; we can not follow the leader who continually makes but never settles issues on public questions. We will not advance if we commit our cause to the keeping of those who can not lead save when prejudice follows, who can not serve save in the struggle for their own glory, and who can not advocate save in the forum of organized disorder.

The men who work and plan and think and invent, and from whose working, planning, thinking, and inventing the whole country gathers the momentum of its progress, must take their places in the ranks of political service and never leave the field until they have driven into retreat or surrender those enemies

of the country's growth who are serving in the cause of organized prejudice.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. The Committee on Interstate and Foreign Commerce have had the call and occupied the time of the House two days. As I understand the rule, if this bill were out of the way we could not take up another bill until the call had again reached the Committee on Interstate and Foreign Commerce.

The SPEAKER. That is correct; the call would rest with the Committee on the Judiciary.

Mr. ADAMSON. The parliamentary inquiry I wish to make is: Can this bill be laid aside or postponed, or how can it be done so that it may be called up when the committee is reached again?

The SPEAKER. Will the gentleman restate that question?

Mr. ADAMSON. I would like to know if there is any parliamentary method by which this bill can be laid aside until the committee is again reached on the call, or are we compelled to go on with the consideration of this bill?

The SPEAKER. Mr. Speaker CANNON ruled once that the House could do anything by unanimous consent, and that is the only way the Chair knows to get at it, if that is the way. The question of consideration might be raised.

Mr. ADAMSON. I do not know whether it lies in my mouth to raise that question or not.

The SPEAKER. Suppose the gentleman tries the unanimous-consent plan first.

Mr. ADAMSON. May I first make a statement before that proposition is put?

The SPEAKER. The Chair is ready to hear the gentleman.

Mr. ADAMSON. We consumed two days, and I had a sort of private suspicion that some gentlemen spoke longer than they otherwise would for fear that we might take up some bill that they were not anxious to have taken up. That reason is now removed because we can not call up another bill when this is out of the way. The committee can not call up another bill until that committee is again reached under the call.

I will state further that a great many of the friends of the bill are absent on an official or semiofficial visit to inspect public works on the coast. We would like to lay the bill aside until the next Calendar Wednesday and allow the House to do something else to-day. I ask unanimous consent, Mr. Speaker, that that course be adopted.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill S. 3024, the Weymouth Back River bridge bill, which was discussed on last Calendar Wednesday, go over until next Calendar Wednesday, and be at that time the unfinished business. Is there objection?

Mr. SIMS. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Tennessee reserves the right to object.

Mr. HARDWICK. Mr. Speaker, I also reserve the right to object.

Mr. SIMS. Mr. Speaker, I want to make a statement and ascertain some information from the chairman of the Committee on Interstate and Foreign Commerce. It seems to me there ought not to have been very much time consumed in discussing this bill. I do not object to its going over, provided some agreement is made as to the length of time that it will be debated and then voted upon. I am opposed to using this or any other bill as a mere buffer. I know the chairman does not want anything of that sort.

Mr. FITZGERALD. Mr. Speaker, I spoke at some length upon this bill, but it was not to prevent any other bill from being called up. I thought there were legitimate objections to this bill. I do not believe, however, that any advantage should be taken of the gentleman from Georgia or those who are interested in the bill. Some Members are absent in connection with another matter. They are interested in the bill, and I think it is but fair that the request of the gentleman from Georgia be granted and that this bill go over until a day when all those who are interested may have an opportunity to be present.

Mr. HARDWICK. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HARDWICK. Would not this course, if adopted, give the Committee on Interstate and Foreign Commerce a preference over any other committee in the House on next Calendar Wednesday?

Mr. ADAMSON. Not at all; not until it is reached again in the regular order.

Mr. HARDWICK. I understood the request, if we granted it in the form my colleague put it, would grant to this committee preference of call. If his proposition is to merely withdraw this bill until his committee is reached again I have no objection to it.

Mr. FITZGERALD. What I understood the gentleman from Georgia to desire was that this bill have preference on next Calendar Wednesday. It is before the House now and it has the right of way at this time. I understood his desire to be to waive his right on this bill to-day and call it up next Wednesday, and not to give his committee any peculiar advantage.

Mr. ADAMSON. If the committee should be reached again to-day I would not want to call this bill up, but I would desire to dispose of some other little bills that are uncontested. There are a good many of them.

I want to state, in answer to the suggestion of the gentleman from Tennessee [Mr. SIMS], that as he is well aware a great deal of the time in debate during the last two days on which this bill was discussed was consumed by the opponents of the bill. There are several gentlemen who earnestly advocate the bill and they insist upon being heard. I have no disposition to prolong the debate. I did not believe that it would take half an hour when the bill was first called up. If the gentleman insists upon an agreement as to time, I am perfectly willing to limit the time when we go into Committee of the Whole, provided those who are advocating the bill have the right to be heard.

Mr. SIMS. Mr. Speaker, if the gentleman from Georgia will couple with his request a condition that general debate, when the bill is taken up, shall close within so many hours, to be divided between the two sides, I have no objection, and I will say further that I am quite willing to give those who favor the bill a larger division of the time than those who oppose it.

Mr. ADAMSON. I do not want to make a long speech myself, but the author of the bill himself has had no time as yet.

Mr. SIMS. I am willing that the gentleman from Georgia should control more than half of the time allowed for general debate on next Wednesday.

Mr. ADAMSON. Is the gentleman willing to agree to two hours' time, after which a vote shall be taken?

Mr. MANN. We ought to have a little more than two hours' time.

Mr. SIMS. I am willing, Mr. Speaker, that three hours be devoted to general debate, two hours to be controlled by those who favor the bill.

Mr. ADAMSON. Very well; I agree to that. Then, Mr. Speaker, I couple with my request, at the suggestion of the gentleman from Tennessee, the condition that when we resume consideration of this bill on next Wednesday or at any future time when it is resumed on the call, general debate be limited to three hours, two hours to be controlled by myself and one hour by the gentleman from Tennessee.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. If that is agreed to, what effect will that have upon those of us who have had time reserved?

Mr. FITZGERALD. That will wipe it out.

Mr. HAMLIN. We debated the bill under the one-hour rule.

The SPEAKER. That would undoubtedly cut gentleman out of their reserved time.

Mr. SIMS. There will be debate under the five-minute rule.

Mr. ADAMSON. Yes.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill, which is the unfinished business to-day, go over until next Calendar Wednesday, and be then the unfinished business, and coupled with that that the general debate on the bill on next Wednesday, or whenever it comes up, shall be limited to three hours—two hours to be controlled by the gentleman from Georgia and one hour by the gentleman from Tennessee [Mr. SIMS]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. ADAMSON. The rights of the committee are exhausted on this call, I understand.

The SPEAKER. That is correct; the call rests with the Committee on the Judiciary.

The Clerk called the Committee on the Judiciary.

Mr. HEFLIN. Mr. Speaker, the chairman of the Committee on the Judiciary [Mr. CLAYTON] is on his way from the committee room to the House, and I ask that the call be passed for the present, as he has something to call up.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that the Committee on the Judiciary be passed for the present without prejudice.

Mr. MANN. Mr. Speaker, reserving the right to object, what is the special reason?

Mr. HUGHES of New Jersey. The gentleman from Alabama is on his way to the House from the committee room.

The SPEAKER. The request of the gentleman from Alabama is that the Committee on the Judiciary be passed temporarily until the chairman of the committee arrives. Is there objection?

Mr. MANN. I would like to know what the reason for the request is.

The SPEAKER. The request is that the Judiciary Committee be passed until the chairman of the Judiciary Committee arrives.

Mr. ADAMSON. Mr. Speaker, may I say that the chairman of the Judiciary Committee expected the regular order to go on, and only when we began the discussion of laying it aside was he notified to come over, and he is on his way from his office.

The SPEAKER. Is there objection?

Mr. MANN. With the understanding that the passing of it is only for to-day——

Mr. ADAMSON. It is only for a few minutes.

The SPEAKER. The passing is only until the chairman of the Judiciary Committee arrives in the Hall; that is the request.

Mr. MANN. He may not arrive to-day——

Mr. HEFLIN. He has left his office. He is on his way now.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry. If some other committee were called, then we could not return to the Judiciary Committee until the other committee had been disposed of.

The SPEAKER. Of course, if we started in on a bill we would have to go on with it, I suppose. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will call the next committee.

Mr. ADAMSON (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker——

Mr. FOSTER of Illinois. Mr. Speaker——

Mr. ADAMSON. Mr. Speaker, I am instructed by the Committee on Interstate and Foreign Commerce——

Mr. FOSTER of Illinois. Mr. Speaker, the understanding as I construed it was that this committee was not to be called to-day.

Mr. ADAMSON. Not until the call gets around to it under the regular order. These are bridge bills which are uncontested.

Mr. HARDWICK. Mr. Speaker, I raise the question of order——

The SPEAKER. What is the point of order raised by the gentleman from Illinois [Mr. FOSTER]?

Mr. FOSTER of Illinois. The question I raised was that under the rules this committee could not be called at this time.

Mr. HARDWICK. Until the other committees are called.

The SPEAKER. There is no question in the world about it; it can not be called. The Clerk will proceed with the call.

Mr. MANN. Mr. Speaker, this committee is reached in regular order.

Mr. ADAMSON. Mr. Speaker, I understood the Clerk had reached it again. [Laughter.] I want to pass these uncontested bills.

Mr. MANN. Mr. Speaker, if I may call the attention of the Speaker to the situation, the bill which was passed over until next Wednesday was called up by the committee, I think, two or three weeks ago. After that bill was called up on Calendar Wednesday there was a call of committees on another day than Calendar Wednesday, and under that call the call went to the Committee on the Judiciary, so that the Committee on Interstate and Foreign Commerce is now reached under the regular call in regular order and is not calling up a bill under the old call of that committee, but asks now to call up a bill under the call of committees to-day.

Mr. ADAMSON. So that we have again been reached on the call going around.

Mr. FOSTER of Illinois. Mr. Speaker, I think under the understanding which was arrived at this morning that this committee was to give way this day and not call up bills until next Wednesday, regardless of what the rule might be; but, so far as I am concerned, I understand that this committee only wants to call up these bridge bills over which there will be no contest——

Mr. ADAMSON. That is right.

Mr. FOSTER of Illinois. And I desire to say that, so far as the gentleman from Georgia is concerned, the chairman of the committee, I should not object to any unanimous consent that those bills be passed at this time, but I do not believe it can be done without unanimous consent.

Mr. MANN. Will the gentleman yield for a question?

Mr. FOSTER of Illinois. Yes, sir.

Mr. MANN. Does the gentleman understand that this committee would have no right to call up any other bill on next Wednesday, after it completes the consideration of the Massachusetts bridge bill?

Mr. FOSTER of Illinois. I do; yes, sir. Under that provision it has no right then to call any other bill at that time.

Mr. MANN. So there is no reason why it should not call up other bills now?

Mr. ADAMSON. Mr. Speaker, the RECORD will show that I requested the Massachusetts bill be passed until the committee should be reached again in regular call, provided that that bill should not be taken up again until next Wednesday, but if the call went around and this committee was reached again there is nothing in the way of the committee taking up other bills in the regular course. The bills we have now are simply some uncontested bridge bills. I do not think any of them will develop into any such contest as referred to.

Mr. HARDWICK. Mr. Speaker, under the express provision of paragraph 4 of the rule governing this matter, which is Rule XXIV, this committee can not be called again after it has had two days until after the other committees are called. So that if the Clerk has called it before other committees are called the call is not in order.

The SPEAKER. The Chair will ask the gentleman from Georgia what he thinks of the suggestion made by the gentleman from Illinois [Mr. MANN].

Mr. HARDWICK. The proposition is——

The SPEAKER. His contention is, as I understand it, that this bill which the gentleman from Georgia [Mr. ADAMSON] has in charge came up on the regular call of the committees and not on the call of committees on Calendar Wednesday.

Mr. HARDWICK. If the Speaker please, Rule XXIV, clause 4, provides this in the last provision—

> That whenever any committee shall have occupied the morning hour on two days it shall not be in order to call up any other bill until the other committees have been called in their turn.

That means all the other committees. There are committees that I know of in this House that have pending legislation and that have not been called on any Calendar Wednesday. Therefore, under this rule, it is not in order for this committee to be called again until all the other committees are called, if I understand the rule.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. MANN. Does the gentleman understand that since the Massachusetts bridge bill was called up by the Committee on Interstate and Foreign Commerce every other committee has been called?

Mr. HARDWICK. No.

Mr. MANN. The gentleman is mistaken, because that is the fact. Every other committee of the House has now been called since the Massachusetts bridge bill was first called up in the House.

Mr. HARDWICK. That was not a call on Calendar Wednesday under the rule under which we are operating.

Mr. MANN. It was on Calendar Wednesday.

Mr. HARDWICK. But not under the rule under which we are operating.

Mr. MANN. This is the specific provision: Under the ruling of the Chair, if a Union Calendar bill is called up on Wednesday, as the committee has a right to call it up, and the bill is not finished on that day, and there is a subsequent call of committees on another day than Calendar Wednesday, say on Union Calendar day, and it is not taken up, but the call of the committee proceeds. A Union Calendar bill comes up under unfinished business on the next Calendar Wednesday. But the call of the committees proceeds in regular order.

Mr. HARDWICK. Except that when the committee has been called on two successive days it shall not be called again until all the other committees in the House have been called.

Mr. MANN. The Committee on Interstate and Foreign Commerce has not been called and has not called up the Massachusetts bridge bill.

Mr. HARDWICK. It has been called.

Mr. MANN. That was unfinished business.

Mr. HARDWICK. I do not think that they can operate on Calendar Wednesday in that way. There is one vital difference between the call of committees on Calendar Wednesday and the call of committees on days other than Calendar Wednesday. When the committees are called on any day except Wednesday, only bills on the House Calendar shall be called up—Rule XXIV, clause 4—whereas when the committees are called on Calendar Wednesday—Rule XXIV, clause 7—bills may be called up both from the House Calendar and the Union Calendar. Therefore it seems to me that the call of committees on Calendar Wednes-

day should be kept entirely distinct from the call of committees on other days.

Mr. CLAYTON. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from Alabama will state it.

Mr. CLAYTON. Is it permissible at this time for the Committee on the Judiciary to call up bills reported by that committee and on the calendar?

The SPEAKER. It will be as soon as we get through with this matter, whatever it is. [Laughter.]

Mr. CLAYTON. I was like the Speaker. I was unable to tell what this is, and therefore I was desirous of putting before the House something that we know about and know what it is. [Laughter.]

The SPEAKER. After this pending matter is disposed of, the Speaker will give his attention to the matter which the gentleman from Alabama has in mind. The Chair would like to inquire of the gentleman from Georgia [Mr. HARDWICK] how this Massachusetts bridge bill came to be reached?

Mr. HARDWICK. I do not know, Mr. Speaker.

Mr. FOSTER of Illinois. It must have been on the call of committees on Calendar Wednesday.

Mr. HARDWICK. If so, it ought not to have been reached again until every other committee of the House was called.

Mr. FOSTER of Illinois. It could not have been got up on Calendar Wednesday except by the regular call.

Mr. ADAMSON. I will say for the information of the gentleman from Illinois, Mr. Speaker, that it was tied up as unfinished business until the House had proceeded to call up every other committee, and now the call has again come around to us.

Mr. MANN. If the Speaker will pardon one further suggestion——

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. It seems perfectly patent that if there had been a call of committees yesterday, as there might have been, and the call resting, as it was, on the Judiciary Committee, and the Judiciary Committee had been passed and the Committee on Interstate and Foreign Commerce had been called yesterday, it could have called up any bill on the House Calendar, although it could not have called up, and there would not have come up, the Massachusetts bridge bill, that being a Union Calendar bill. The Committee on Interstate and Foreign Commerce would have been reached on the call yesterday if there had been a call that came to that committee, and it would not be barred from calling up a bill on the House Calendar on the call of committees yesterday, because it had unfinished a bill on the Union Calendar which could only be considered as unfinished business on Calendar Wednesday.

The SPEAKER. The Chair would like to inquire of the gentleman from Illinois how he construes this proviso at the end of subdivision 4 of Rule XXIV—

Provided, That whenever any committee shall have occupied the morning hour on two days it shall not be in order to call up any other bill until the other committees have been called in their turn.

Mr. MANN. But, Mr. Speaker, they have all been called in their turn. All of the committees were called, or else the call would have rested with the Committee on Interstate and Foreign Commerce. Since that committee called up that bill all of the committees have been called, and the call has come around in regular order again to the Committee on Interstate and Foreign Commerce.

Mr. HARDWICK. Mr. Speaker, of course the gentleman does not want to make an inaccurate statement. I am sure of that. But I am informed by members of other committees that their committees have not been called.

Mr. MANN. The gentleman is mistaken, because the gentleman from Georgia [Mr. HARDWICK] can readily see that if the call rested with the Committee on Interstate and Foreign Commerce, as it did when that committee called up the Massachusetts bridge bill, the call could not now rest with the Committee on the Judiciary until it was reached in regular order, and the Committee on the Judiciary on the call is only the third committee ahead of the Committee on Interstate and Foreign Commerce. Since the Committee on Interstate and Foreign Commerce called up the Massachusetts bridge bill we have called up the committees and have gone clear around again to the Committee on the Judiciary.

Mr. FOSTER of Illinois. I think not since we called on the Committee on Interstate and Foreign Commerce.

Mr. MANN. Oh, certainly since we called on the Committee on Interstate and Foreign Commerce. It has passed beyond that committee; necessarily so. Otherwise the call could not have rested with the Committee on the Judiciary to-day.

Mr. FOSTER of Illinois. Not since it was called before.

Mr. MANN. On last Wednesday the Committee on Interstate and Foreign Commerce was not called at all. The Massachusetts bridge bill came up as unfinished business. The call rested last Wednesday with the Committee on the Judiciary. There is no doubt about that.

Mr. ADAMSON. Mr. Speaker, I wish to call the attention of the two gentlemen from Illinois, as well as the attention of the Speaker, to paragraph 4 of that rule which fixes the manner of calling by committees, and the only way in which paragraph 7 affects that is to say that no other business shall be called on Calendar Wednesday except in accordance with paragraph 4. But if you get a committee tied up in the Committee of the Whole on a matter of unfinished business, so that it is thereby prevented from calling anything else up under the rule for Calendar Wednesday, and the committees are called under paragraph 4 of Rule XXIV, the committee could call up bills on other days, unaffected by the call provided for Calendar Wednesday; so that, regardless of the fact that it is Calendar Wednesday, if the committee is reached again under the call provided in paragraph 4, as on the Calendar Wednesday call, it may call up other bills.

The SPEAKER. The Chair believes that if this was an ordinary call of committees the Committee on Interstate and Foreign Commerce would have a right to call up some business; but that committee has occupied two whole Calendar Wednesdays, and the rule says positively that it shall not occupy more than two days until the other committees have a chance. In the opinion of Chair there is an important difference between the regular morning hour and Calendar Wednesday. While the other committees have been called under the regular call, they have not been called under Calendar Wednesday. The Chair believes a fair construction of the rule would give the other committees of the House priority to-day over the Committee on Interstate and Foreign Commerce; therefore the point of order of the gentleman from Illinois [Mr. FOSTER] is sustained.

JUDICIAL DISTRICTS IN MISSISSIPPI, NORTH DAKOTA, AND SOUTH CAROLINA.

Mr. CLAYTON (when the Committee on the Judiciary was called). Mr. Speaker, I call up the bill (S. 2750) to amend sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The bill was read, as follows:

Be it enacted, etc., That sections 90, 99, 105, and 186 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and they hereby are, amended to read as follows:

"SEC. 90. The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Coahoma, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Quitman, Tallahatchie, Tate, Tippah, Tunica, Union, Webster, and Yalobusha, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; and for the western division, at Oxford on the first Mondays in June and December, and at Clarksdale on the third Mondays in June and December: *Provided*, That suitable rooms and accommodations for holding courts at Clarksdale are furnished free of expense to the United States. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson, Jefferson Davis, Lawrence, Lincoln, Leflore, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Bolivar, Claiborne, Issaquena, Sharkey, Sunflower, Warren, and Washington, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, and Pearl River, which constitutes the southern division of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the first Mondays in January and July; for the eastern division, at Meridian on the second Mondays in March and September; and for the southern division, at Biloxi on the third Mondays in February and August. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held, at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place at which court is now held in his district."

"SEC. 99. The State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of July, 1910, in the counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, Sheridan, Adams, Bowman, Dunn, Hettinger, Morton, Stark, and McKenzie shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Dickey, Sargent, Lamoure, Ransom, Griggs, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the north-

eastern division; and the territory embraced on the date last mentioned in the counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Montraille, Burk, and Renville shall constitute the western division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; and for the western division, at Minot on the second Tuesday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is now held in his district."

"SEC. 105. The State of South Carolina is divided into two districts, to be known as the eastern and western districts of South Carolina. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Abbeville, Anderson, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Lancaster, Laurens, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union, and York. Terms of the district court for the western district shall be held at Greenville on the third Tuesdays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Aiken, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg. Terms of the district court for the eastern district shall be held at Charleston on the first Tuesdays in June and December; at Columbia on the third Tuesday in January and the first Tuesday in November, the latter term to be solely for the trial of civil cases; and at Florence on the first Tuesday in March. The offices of the clerk of the district court shall be at Greenville and at Charleston; and the clerk shall reside in one of said cities and have a deputy in the other."

"SEC. 186. No person shall be excluded as a witness in the Court of Claims on account of color or because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness on the part of the Government."

Mr. CLAYTON. Mr. Speaker, I ask the Clerk to read the report (H. Rept. No. 226) which I have prepared in explanation of this bill, which report is presented on behalf of the Committee on the Judiciary.

The SPEAKER pro tempore (Mr. CLINE). If there be no objection, the report will be read in the gentleman's time.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 2750) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, submit the following report:

When the judicial-code bill was under consideration in the Senate and House, through oversight the committee failed to offer amendments to the sections defining the judicial districts of Mississippi, North Dakota and South Carolina, so as to have carried into those sections the new counties created in those States during the year preceding July 1, 1910.

This bill seeks to make the proper amendments, viz:

Sec. 90: By an act passed March 16, 1910 (p. 236), the Legislature of Mississippi created the county of George from territory taken from Green and Jackson Counties. The latter counties belong in the southern division of the southern district. The amendment places George County in that division and district.

Sec. 99: During the year preceding July 1, 1910, the Legislature of North Dakota divided into counties all that portion of the State not within any organized county.

From that portion not so included, and lying south of the twelfth standard parallel, the counties of Hettinger, Adams, Bowman, Stark, Morton, Dunn, and a portion of McKenzie were formed; and

From that portion lying north of the twelfth standard parallel the counties of Burke and Renville and a portion of McKenzie were created.

With the exception of McKenzie County, the amendment proposes to place each county in the division to which the territory out of which they were formed belonged.

As to McKenzie County, it is proposed to place it entirely in the southwestern division, the court for which is held at Bismarck, rather than in the western division, the court for which is held at Minot, for the reason that the railroad facilities for reaching Bismarck are better than those for reaching Minot.

This is done upon the recommendation of the district attorney.

Sec. 105: By an act passed February 5, 1910 (p. 863), the Legislature of South Carolina created Dillon County from territory taken from Marion County. The latter county being in the eastern district, the amendment places Dillon County in that district.

Sec. 186: In engrossing the judicial-code bill the word "or," following the word "color," in the second line of the section, was inadvertently omitted. The proposed amendment restores the word and perfects the sense of the section.

Your committee therefore reports the bill back with the recommendation that the same do pass.

Mr. CLAYTON. Mr. Speaker, those who have paid attention to the reading of the report will observe that the first object of this bill is to put new counties in the States of Mississippi, North Dakota, and South Carolina into their proper judicial districts. The committee having jurisdiction of the codification of the laws failed to note, when the matter was under consideration in the respective Houses, the changes necessitated by the creation of new counties, and the new counties in the three States enumerated in the bill were not placed in any judicial districts. This bill simply places the new counties in Mississippi in their proper judicial districts, and the same is true of North Dakota and South Carolina.

The other object of the bill is to amend section 186 of the judicial code as adopted by inserting a word that was inadvertently omitted. Section 186, as it stands in the judicial code, reads as follows:

SEC. 186. No person shall be excluded as a witness in the Court of Claims on account of color because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

The word omitted is the disjunctive "or" following the word "color." We amend it so that it shall read:

On account of color, or because he or she is a party to or interested in the cause or proceeding.

It is merely to correct a mistake committed by inadvertence, to perfect the law and make it as it should be. Unless some Member desires to say something, I ask for a vote on the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

TERMS OF COURT AT NEWPORT, R. I.

Mr. CLAYTON. Mr. Speaker, I call up the bill (H. R. 2973) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 104 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended so as to read as follows:

"SEC. 104. The State of Rhode Island shall constitute one judicial district, to be known as the district of Rhode Island; terms of the district court shall be held at Providence on the fourth Tuesday in May and the third Tuesday in November."

Mr. CLAYTON. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. O'SHAUNESSY] such time as he may desire.

Mr. O'SHAUNESSY. Mr. Speaker, the necessity for this bill is so well stated in the language of one of our judges that I take the liberty of reading some pertinent paragraphs from his letter to me:

"In abolishing the circuit court the act as originally framed abolished the principal terms for the transaction of jury business. An amendment was proposed which made new terms of the district court to correspond with the terms of the circuit court which had been abolished, but the preservation of terms at Newport can only lead to confusion."

It is further stated that:

"No business has been transacted at Newport for many years. As the act stands, however, we should probably be obliged to bind over the greater part of our criminal cases to the Newport terms—a result which no one has intended and no one desires.

"Furthermore, the arrangement of the terms of court on the fourth Tuesday in May and the third Tuesday in November was made only a few years ago in order that our trial terms might not conflict with engagements in Boston, either in the circuit court or the circuit court of appeals.

"For more than 20 years the only use of the provision for Newport terms for civil or criminal trials has been to cause the clerk and marshal to take a trip to Newport, open the court, and adjourn it to Providence.

"Unless this amendment can be made there is danger of great embarrassment which may arise from the necessity of binding over criminal cases to Newport, where there is no courthouse nor clerk's office and no facilities for the trial of cases."

This bill, Mr. Speaker, provides for facilitating legal business by the abolition of a term of court at Newport, at once inconvenient and practically useless.

Mr. MANN. Will the gentleman yield for a question?

Mr. O'SHAUNESSY. Certainly.

Mr. MANN. I can recall in the early days the fact of reading about Newport as a place for plutocratic residents. Is this bill another blow at plutocracy? [Laughter.]

Mr. O'SHAUNESSY. No; I can assure the gentleman that it is not.

Mr. MANN. Have the criminals all escaped from Newport?

Mr. O'SHAUNESSY. The people want to have their cases tried in a place where there is a courthouse, a clerk, and all the other necessaries for the disposition of civil and criminal cases.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TERMS OF THE UNITED STATES DISTRICT COURT IN VERMONT.

Mr. CLAYTON. Mr. Speaker, I call up bill S. 1650, to amend section 110 of "An act to codify, revise, and amend the law relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 110 of "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and it is hereby, amended by striking out all of said section 110 and inserting in lieu thereof the following:

"SEC. 110. The State of Vermont shall constitute one judicial district, to be known as the district of Vermont. Terms of the district court shall be held at Burlington on the fourth Tuesday in February, at Windsor on the third Tuesday in May, at Rutland on the first Tuesday in October, and at Brattleboro on the third Tuesday in December. In each year one of the stated terms of the district court may, when adjourned, be adjourned to meet at Montpelier and one at Newport.

The Clerk read the following committee amendment

Amend by striking out the following words in lines 6 and 7 of the bill, to wit, "by striking out all of said section 110 and inserting in lieu thereof the following," and inserting in lieu of these words stricken out by this amendment the following words: "so as to read as follows."

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 2, line 6, by inserting after the word "Newport" the following:

"*Provided, however,* That suitable rooms and accommodations shall be furnished for the holding of said court and for the use of the officers of said court at Brattleboro, free of expense to the Government of the United States until the public building provided for by act of Congress shall be erected."

The SPEAKER pro tempore. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, will the gentleman from Alabama yield?

Mr. CLAYTON. Certainly.

Mr. MANN. In the amendment just agreed to I notice the use of the word "holdings" of the court. Does that not mean the holding of the court?

Mr. CLAYTON. I think the plural word is the proper word, because more than one court will be held. Therefore I think it is proper to say "holdings," and I hope the gentleman will not insist upon putting in the singular form of the word.

Mr. MANN. I merely called the gentleman's attention to it. I think the usual form is "holding." I care nothing about it myself.

Mr. CLAYTON. It is a Senate bill, as the gentleman will observe.

Mr. MANN. Yes; but this is a House amendment.

Mr. CLAYTON. The word "holdings" is a House amendment, it is true, but it follows the correspondence had on the subject with the judge there, and that is the reason why the committee put in the plural, "holdings." I think it is entirely a proper word, and I hope the gentleman from Illinois will entertain the same opinion.

Mr. MANN. Mr. Speaker, I am quite willing to take the opinion of the gentleman from Alabama.

The SPEAKER pro tempore. The question is on the third reading of the amended bill.

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

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table,

TO AMEND SECTIONS 1 AND 118 OF THE ACT OF MARCH 3, 1911, ENTITLED "AN ACT TO CODIFY, REVISE, AND AMEND THE LAWS RELATING TO THE JUDICIARY."

Mr. CLAYTON. Mr. Speaker, I now call up the bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"SECTION 1. In each of the districts described in chapter 5 there shall be a court, called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington there shall be an additional district judge in each, and in the northern district of Illinois two additional judges, and in the southern district of New York three additional district judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further*, That the district judge for the middle district of Alabama shall continue, as heretofore, to be a district judge for the northern district thereof. Every district judge shall reside in the district, or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

SEC. 2. That section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"SEC. 118. There shall be in the second and eighth circuits, respectively, four circuit judges, in the fourth circuit two circuit judges, and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of $7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit."

Mr. EVANS. Mr. Speaker, I think the Clerk has read the wrong bill, not the bill called up by the gentleman from Alabama.

Mr. MANN. Mr. Speaker, I call the attention of the Speaker to the fact that this is a bill on the Union Calendar.

Mr. CLAYTON. Mr. Speaker, I called up the bill H. R. 17595, and I have been informed that the Clerk has read an entirely different bill.

The SPEAKER pro tempore. The Clerk has reported the bill H. R. 17595, which is on the Union Calendar, and which the gentleman called up.

Mr. CLAYTON. Mr. Speaker, there is so much confusion going on that I could not hear what the Clerk was reading. I was informed that he was reading the wrong bill.

In this connection, Mr. Speaker, I ask the indulgence of the House now to make an observation. Every time bills come from the Committee on the Judiciary the chairman of that committee is besieged by Members asking about the nature and scope of the particular bill that has been called up. The chairman can not listen to the reading of the Clerk, listen to the rulings of the Speaker, and at the same time explain to individual Members who flock around him the contents of each particular bill. I desire to say this in all good humor, in order that gentlemen who are interested in these bills may hereafter examine the calendar and get the reports, whereby in a moment of their valuable time they may be able to understand the contents of each bill. That will save a good deal of confusion on the floor of the House and contribute to the orderly proceedings of this body.

As this bill is on the Union Calendar, Mr. Speaker, I ask that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The SPEAKER pro tempore. The Chair will state to the gentleman from Alabama that under the rule the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. CLAYTON. Then, Mr. Speaker, I ask that that automatic machinery get to work. [Laughter.]

The SPEAKER pro tempore. The gentleman from Mississippi, Mr. SISSON, will take the chair.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17595, with Mr. SISSON in the chair.

Mr. CLAYTON. Now, Mr. Chairman, I ask that the Clerk read for the information of the House the report of the committee on this bill.

The CHAIRMAN. The Chair will call the attention of the gentleman from Alabama to the fact that the Clerk will have to read the bill first unless the first reading is dispensed with by unanimous consent.

Mr. CLAYTON. Mr. Chairman, I ask unanimous consent that the reading of the bill be dispensed with, it having been read in the House.

Mr. CARLIN. That will lay it open to amendment?

Mr. FOSTER of Illinois. No; not the first reading.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the first reading of the bill is dispensed with and the Clerk will read the report.

The Clerk read as follows:

Report No. 240 to accompany H. R. 17595.

The Committee on the Judiciary, to whom was referred the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," having fully considered the same, report thereon with the recommendation that said bill do pass.

The committee beg leave to submit to the House the considerations which induced the committee to recommend the passage of the bill, in which recommendations the committee was unanimous.

There are at present four circuit court judgeships for the seventh circuit, consisting of Indiana, Illinois, and Wisconsin. Circuit Judge Grosscup has resigned, leaving a vacancy in a circuit court judgeship.

Since January 1, 1912, all circuit court judges became judges of the circuit court of appeals, which court consists of three judges. During the last three years there have been in the circuit court of appeals for said circuit 321 cases docketed, of which 34 cases were dismissed by consent, 53 cases affirmed or dismissed without written opinions, and 198 opinions were rendered in the said three years. This is at a rate of 66 opinions a year.

In the last year in the eastern district of the northern division of the State of Illinois, in which Chicago is situate, and in which district

there are but two district judges. It has been necessary to call in the assistance of Judge Sanborn, of Wisconsin, Judge Humphrey, of Springfield, Ill., and Judge Anderson, of Indiana, and these judges during the last year held court 156 days. With the increase in the jurisdiction of the district judges under the act of March 3, 1911, which went into effect January 1, 1912, commonly known as the judicial code, all nisi prius matters will come before the district court judges—chancery, common law, admiralty, bankruptcy, and all statutory and criminal proceedings.

Furthermore, one of the judges of the Commerce Court appointed from the seventh district may be assigned to circuit court duty in case a need should arise at the end of next year. The committee is of the opinion that there is a greater need for three district court judges for the said district than for four circuit court judges, and that therefore the abolition of one circuit court judgeship and the creation of one district court judgeship will be a step toward the more rapid administration of justice.

The committee has also ascertained that the Bar Association of Chicago, the two sitting district judges, and the press of the city are all of the opinion that the bill should pass.

The committee therefore, having carefully considered the entire question, recommend that the bill do pass.

Mr. CLAYTON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. EVANS] such time as he may desire. How much time does the gentleman wish?

Mr. EVANS. I should think about 2 minutes.

Mr. CLAYTON. I will yield to the gentleman 10 minutes, or so much thereof as he may desire.

Mr. EVANS. Mr. Chairman, this bill relates to Chicago and northern Illinois alone, not, as some gentlemen think, to Minnesota and other States. The confusion arises out of the fact that the amendment recites the provisions of the original act, which mentions several other States. The only change made by this bill is to change four circuit court judgeships to three and two district court judgeships to three. The reason for that is that, to use a Chicago Board of Trade expression, we are long on circuit court judges and short on district court judges. It takes now but three judges to constitute the circuit court of appeals, and we have four. One judge of the circuit court of appeals has resigned, leaving but three, and for the district courts we have not enough judges for the work, and the new law increases the work of the district courts. This is apparent. Now, it may be said by some that a circuit court judge may be sent down to do district court work. This is perfectly true, and yet I think there is not a lawyer in this House who does not know that if he has an emergency matter he has to go to a circuit court in the first place, he has to find the senior circuit court judge, and he has got to get him to agree that there is an emergency or a need of a judge in the district. He has got to get a certificate from the senior circuit court and the district court then has to determine what cases the judge shall try down in the district court. Now, it is also true that the district court judge may be sent to the upper court. The procedures are different. As one district judge writes me in support of this bill, he says that any practicing lawyer—while the law may be that one judge may be transferred from one court to another and back again, that any practicing lawyer who has tried to get a judge from the circuit court of appeals to come down and sit in the lower court knows he has difficulty in so doing, and there is therefore no occasion and no reason why we should go through this machinery.

As it appeared last year 156 court days were held in the district court by outside judges, while Judge Carpenter and Judge Landis were both working all the time. This is simply a detail for the more speedy administration of justice. Every newspaper in Chicago has approved of this bill. The bar association has approved of it, and the bar association has approved of it because Judge Carpenter and Judge Landis, the district-court judges, recommend it. It is therefore a mere detail for a more speedy administration of justice which the people interested in Chicago have passed upon. One thing further may be noted. Judge Mack, of the Commerce Court, may at any time be sent back to the circuit court; he is already a circuit court judge; so that we have a plethora of circuit court judges, and we are certainly in need of another district court judge. A circuit court judge has resigned, and this bill simply provides that his vacancy shall not be filled, but that a district court judge shall be appointed instead. It seems to me that there can be no substantial reason for opposing this bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. EVANS. Certainly.

Mr. MANN. I understood my colleague to say that the circuit court judge could only be assigned to sit in the district court in case of emergency.

Mr. EVANS. In the opinion of the circuit court judge. You have first to convince the senior circuit court judge under the statutes that the conditions arising are such that a circuit court judge could be sent to the district court.

Mr. MANN. There is no question, as I understand it, of an emergency in the matter at all.

Mr. EVANS. It is not only a question of making application every time an emergency arises—and it arose last year for 156 court days—to the senior court judge, and if he is not there, to go to the Chief Justice, in order to get an order sending a circuit court judge to do the work in a district court when we ought to have enough district court judges there.

Mr. MANN. My colleague refers to last year, when the law in reference to the subject did not take effect until the 1st day of January this year.

Mr. EVANS. The district court judge, then, I suggest to the honorable gentleman, will now have the entire jurisdiction, and last year he did not have it. Yet last year there were 156 court days held in the district by outside judges.

Mr. MANN. But under the provision that is in the law that took effect the 1st of January a circuit court judge can be assigned permanently to sit as a district judge. It does not require a case of emergency. It does not require anybody to go to the judge about any case that is pending and where there is an extra number of circuit judges, as there is in two other circuits and will be also in our circuit when the Commerce Court judge now moves back to the circuit, as the law provides he will. I suppose one of the circuit court judges will be assigned. It has no relation to any practice in the past, because it is a new provision that we inserted in here to guard against just such a contingency.

Mr. EVANS. The gentleman from Illinois is a lawyer as well as a statesman, even if he has been out of court practice for a number of years. The gentleman should take into account the fact that the bankruptcy business in Chicago is growing at a tremendous rate, and we have to anticipate the work of the nisi prius court is going to constantly increase. Here is an opportunity where we can add another nisi prius judge without any additional expense and cut off a circuit court judge that is not needed, and the growth of the practice will certainly require more nisi prius judges. Every lawyer knows that.

In the appellate court 56 opinions a year have been rendered, which court is composed of three judges—that is their average for the last three years—and yet we have four judges who compose that court. One of them will be idle most of the time. I suggest that the main reason why we should abolish one office is that it is not needed, but we should delegate a judge where there is plenty of work for him to do. That is the sum and substance of the whole matter.

Mr. CLAYTON. Does the gentleman from Illinois [Mr. MANN] desire any time?

Mr. MANN. I just wish to speak for a moment.

Mr. Chairman, I do not know that I have any objection to the passage of this bill at all. As my colleague [Mr. EVANS] has stated, the purpose of the bill is to abolish one circuit judgship in the seventh circuit and create an additional district judge in the northern district of Illinois. The occasion presents itself because Judge Grosscup, of the circuit bench, has resigned, and it is possible to abolish one circuit judgship without interfering with the tenure of office of any judge now holding office. Undoubtedly the bar of Chicago, which requested the passage of this bill, did so under the apprehension that the existing law, taking effect the 1st of January, was the same as the law in effect prior to that date. And under the law in effect prior to that date it was difficult at times, or at any time, to have a circuit judge sit as a district judge, but when we abolished the circuit court, as we did in the judicial-title act, and provided only for the district court and court of appeals, we provided that any circuit judge might be designated either by the senior circuit judge or by the circuit justice to sit as a district judge. And the only effect of this bill is to pay a man who holds court in Chicago a salary of $6,000 a year instead of $7,000 a year. It is to be presumed that ordinarily where there were four circuit judges the junior circuit judge would be assigned to sit in the district court. The situation will arise in our district in Chicago later. Judge Mack has been appointed as circuit judge from the seventh district, sitting in the Commerce Court. But in the course of a few years, under the law he will go back to the circuit, going out of the Commerce Court, and probably because of the great amount of judicial business in Chicago will go back to his home and hold court there, and will then be the fourth circuit judge.

There is no special need now of more circuit judges in Chicago. That is true with respect to the court of appeals. Judge Mack or some other circuit court judge will undoubtedly be assigned to hold district court; and the same thing is true of the other two circuits in which there are four circuit judges. But if the people out home have expressed a desire, under a mistaken apprehension of what the law is, to have a district judge instead of a circuit judge, I shall interpose no objection,

but at the proper time shall offer an amendment, endeavoring to increase the salaries of all of the district judges and the circuit judges on this bill.

Mr. EVANS. Mr. Chairman, may I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. EVANS. The gentleman from Illinois is mistaken in assuming that the bar association and the Chicago judges who ask for this change were not aware of the law that went into effect on the 1st of January. The suggestion was made to me by the honorable member, and I have in my possession letters from Judge Carpenter, of the district court, and members of the bar association, stating that they are well aware of the change in the law; that the proposition they submit is really one that addresses itself to lawyers who know the difficulty of getting judges to sit in a lower court from an upper court. I do not differ from the gentleman at all as to what the law is, but the bar association did know and Judge Carpenter did know of the change of the law at the time they made this recommendation

Mr. MANN. I understand that the law has been called to the attention of these gentlemen. I have talked with some of the judges on the Federal bench in Chicago in reference to it. There is a division of sentiment and of opinion in regard to the bill, although I do not think that is material here. I have talked also with some of the lawyers, who suggested, at least in one instance, that they did not know anything about the change of the law. They admitted, they said, that they did not know what the effect of the change of the law would be. We put the provision in the law for the express purpose of covering the contingency that exists in that and in other circuits. I think the wisdom of Congress was called upon amply to provide for that contingency, and I think Congress did provide for it.

Mr. CANNON. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. CLAYTON. I yield to the gentleman from Illinois.

Mr. CANNON. Mr. Chairman, I have listened with much interest to my two colleagues, both of them representing Chicago districts. It may be said that this is a matter that does not concern me. Yet I believe this circuit is composed of the States of Indiana, Wisconsin, and Illinois. Am I right?

Now, there are four circuit judges in that territory; three judges and one vacancy, as I understand it. Here is a proposition to make one less circuit judge and increase one district judge for the Chicago district.

There are three judicial districts in my State; one the eastern, one the southern, and one the northern. The law provides that the district judge shall reside in the district. I have listened with much interest to the gentleman who was so forceful in enacting this legislation—my colleague Mr. MANN. I think we all voted for it and thought it good legislation. It went into effect on the first day of this year, I believe. But lo and behold, before the first 30 days have passed around it is proposed now to amend that law, which has just recently gone into effect. Why? The other gentleman, my colleague Mr. EVANS, says it is troublesome to get a circuit judge to preside. "Oh, no," says my other colleague Mr. MANN, who helped enact the law; "there is no trouble about that. We had that in mind, and now a circuit judge can do, and it is his duty under the law to do, the nisi prius work where it is necessary. There is no trouble about that at all."

Now, I will tell you where I think the milk in the coconut is. If a circuit judge is appointed it would be from a circuit composed of the States of Indiana, Wisconsin, and Illinois. If, however, this law is amended, and the circuit judgeship is abolished, we have a district judge at $6,000 a year, and the gentleman says he is going to offer an amendment to make the salary $7,000, the same as that of a circuit judge, and he is to be appointed from the Chicago district, cutting out the other two districts of Illinois and all of the States of Wisconsin and Indiana. That is blessed by a statement that the Chicago bar want it that way; that the two district judges want it that way, and therefore the press in Chicago want it that way. Ergo, be still and let it pass. [Laughter.] I am against it. I do not want to march up the hill one day and have a law go into effect on the 1st day of January and then repeal it for the reasons specified; and I trust the House, understanding the thing fully, and the absolute nonnecessity for doing it, will let the law stand as it is. [Applause.]

Mr. CLAYTON. Mr. Speaker, I believe the matter is thoroughly understood by the House, and I ask that the reading of the bill be proceeded with.

The CHAIRMAN. If there is no general debate, the bill will be read by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"SECTION 1. In each of the districts described in chapter 5 there shall be a court, called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington there shall be an additional district judge in each, and in the northern district of Illinois two additional judges, and in the southern district of New York three additional district judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further*, That the district judge for the middle district of Alabama shall continue, as heretofore, to be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

Mr. MANN. Mr. Chairman, I move to amend page 2, line 7, by inserting after the word "additional" the word "district," so that it will read "two additional district judges." This seems to be an accidental omission.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 7, by inserting after the word "additional" the word "district."

Mr. MANN. All through the bill where the district judge is referred to he is referred to as the district judge, and in the other parts of this bill where additional district judges are referred to they are spoken of as additional district judges.

Mr. EVANS. This is the language of the act.

Mr. MANN. I beg the gentleman's pardon. This is not the language of the act. The gentleman is mistaken about that.

Mr. CLAYTON. I accept the amendment offered by the gentleman from Illinois. This seems to have been an oversight in drafting the bill.

Mr. MANN. That is quite evident.

Mr. CLAYTON. I think the amendment is entirely proper.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 2, after line 23, by inserting as a new section the following:

"SEC. 2. That section 2 of the said act of March 3, 1911, be amended so as to read as follows:

"'SEC. 2. Each of the district judges shall receive a salary of $7,000 a year, to be paid in monthly installments.'"

Mr. FITZGERALD. I reserve a point of order against that amendment.

Mr. MANN. I had just as lief have the point of order passed upon at one time as another.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. FITZGERALD].

Mr. CLAYTON. Mr. Chairman, I make the point of order against the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I make the point of order that the amendment is not germane to this bill.

Mr. CLAYTON. The gentleman from New York [Mr. FITZGERALD] reserved the point of order. I make the point of order now that the amendment is not germane.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Alabama, chairman of the Committee on the Judiciary, upon the question.

Mr. CLAYTON. Mr. Chairman, this bill has for its purpose the amending of two sections referred to therein, which purpose is manifest from reading the bill. It is not intended by this bill to deal with the question of salaries or the amount of compensation of judges at all. That is introducing an entirely new subject matter into the bill. The bill itself does not deal with, but leaves the existing law as it is on that subject. In that phase of the question the amendment is a novation, so far as this bill is concerned. It is a new proposition, sought to be grafted onto it, and it is not related to the bill as presented by the committee.

Mr. FOSTER of Illinois. May I suggest that it is not germane to this particular part of the bill?

Mr. CLAYTON. No; if the amendment were in order; otherwise it is not germane to this particular part of the bill where the gentleman offers it. Mr. Chairman, it is well known that two subjects are not necessarily germane because they are related. This bill deals with the subject of judges and not with salaries of judges. I do not desire to discuss the point any further, but refer you to subdivision (d), section 781, of the Manual, Digest, and Rules of the House, under the heading "Subjects not necessarily germane because related."

Mr. MANN. I did not offer it to the first section of the bill.

Mr. FOSTER of Illinois. That is not the part that fixes the salary. Unless you are taking up that particular section, I do not think it will be in order.

Mr. MANN. That is the purpose, to take up that particular section. Mr. Chairman, this is a bill to amend the judicial act. The bill itself proposes to amend two sections of that act. It proposes in one section of the bill to fix the salary of the circuit judges; that is section 2 of the bill. It is quite competent, so far as the question of germaneness is concerned, in my opinion, to amend any other section of the bill, certainly as to any other section of the bill similar to the section now before the committee.

The first section of the act and the first section in this bill fixes the districts; the second section of the act fixes the salary of the district judges. Section 118 of the law and the second section of this bill fixes the salary of the circuit judges and fixes the number of circuit judges. It certainly can not be contended that on a bill to amend an existing law, when the amendatory bill itself undertakes to fix the salaries of certain officials, and undertakes to fix the number of other officials, that it is not germane to fix the salary of the additional official. It can hardly be contended that when it is proposed to provide an additional district judge for the northern district of Illinois it is not germane to fix his salary.

Mr. FITZGERALD. It is not germane to fix the salary of every other district judge.

Mr. MANN. The gentleman from New York does not seem to comprehend that this is a reenactment fixing the number of district judges. Here is a law fixing the number of district judges all over the United States, and it certainly is competent when you undertake to fix and provide for district judges and what their salaries shall be. Would anyone contend that if you brought in a bill to provide an additional district judge at Chicago it would not be a germane amendment to fix his salary? Yet these gentlemen seem to assume that the only thing in this bill is that which differs from existing law, but this bill covers the whole subject. It has been frequently held where you are amending different sections of an act that it is in order and germane to amend any other section of the act.

Mr. FITZGERALD. Mr. Chairman, the subject matter of this bill is the proposition to amend two specific sections of the act of March 3, 1911. There is nothing in this legislation which affects the compensation of the district judges. There is nothing in this proposed legislation to which such an amendment is germane. The compensation of the district judges has been fixed by an entirely different statute.

Mr. MANN. Does the gentleman from New York contend that the salary of the district judges is fixed by a different statute?

Mr. FITZGERALD. A different provision of law.

Mr. MANN. But by the act of which this is amendatory——

Mr. FITZGERALD. The gentleman from Illinois has not shown his usual resourcefulness by citing any of the numerous decisions to which he refers as sustaining his amendment. The amendment proposed must be germane to the subject matter of the bill under consideration.

The CHAIRMAN. The Chair would like to ask the gentleman from New York a question. The object of the bill is to amend section 118 of "An act to codify, revise, and amend the laws relating to the judiciary." Why would not a motion to amend any section of that act now be in order? It would be in order to repeal the whole act at this time, would it not? Suppose an amendment was offered to repeal the whole act, would not that be in order?

Mr. FITZGERALD. That would be in order under a decision that where an existing statute is proposed to be amended in more than one respect an amendment to repeal is in order, but that ruling came about in a peculiar way. It came about because an attempt was made, and it was held that it was not in order to offer as an amendment a provision to repeal an existing law to a bill proposing to amend the law in one respect.

But the subject matter of this bill is the provision to fix the number of district judges. There is nothing whatever in the bill about their compensation. It seems to me that it is not germane to attempt to fix their compensation.

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. BURKE of Pennsylvania. Does not the purpose of the bill, as disclosed in the title, indicate the intention of the committee to amend the whole section and not a particular word in the section? It is specifically pointed out in the title that the purpose is to amend sections 1 and 118. Section 118 refers to two things—the number of judges and their salaries. You do not say that the purpose of this bill is to amend a certain word of section 118, but the intention is to amend the whole section. Having indicated that, why is it not germane to amend any line or word of the section?

Mr. FITZGERALD. The gentleman from Illinois is not proposing to amend any portion of section 1 or 118 of the act of March 3, 1911. He proposes to amend a section not enumerated here at all.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. This morning we passed Senate bill 2750, amending section 90 of the judicial title, section 99 of the judicial title, section 105 and section 186 of the judicial title. Does the gentleman contend that when that bill was up for consideration no amendment could be offered to it amending any other section of the judicial title?

Mr. FITZGERALD. Mr. Chairman, if such an amendment had been in order, I am quite certain that the gentleman from Illinois would have proposed his amendment to that bill. Without having examined the bill to which he refers, on his own statement I am inclined to believe that he must have been convinced that his amendment would not have been in order, otherwise he would have offered it.

Mr. MANN. Mr. Chairman, I notice the gentleman is very skillful in sidestepping an answer to the question.

Mr. FITZGERALD. Mr. Chairman, fortunately for me, I am not called upon to rule upon all of the hypothetical cases that the gentleman from Illinois may suggest under the rules of the House. One can imagine what my predicament would be if I were to spend all of my time endeavoring to pass upon all of the cases that could be suggested by the gentleman from Illinois.

Mr. MANN. Does the gentleman from New York think that with a Senate bill covering these four sections to which I have referred, some of which could have no possible relation to each other and did not relate to anything like the same subject matter, the House Committee on the Judiciary could not have reported an amendment to the bill respecting another section of the judicial title?

Mr. FITZGERALD. The question before the committee is——

Mr. MANN (interrupting). The same question, precisely, that I asked the gentleman and which he has sidestepped.

Mr. FITZGERALD. Not at all. What the Committee on the Judiciary might have reported and what might be in order as an amendment to a bill that is reported are two different matters.

Mr. MANN. The gentleman would not contend that the committee could report an amendment to the judicial title and that a Member on the floor could not offer from the floor?

Mr. FITZGERALD. When that question is presented to me I shall be very glad to examine it.

Mr. MANN. That question is presented now to the gentleman.

Mr. FITZGERALD. I shall examine such a proposed amendment when offered. I do not intend to mislead the Chair——

Mr. MANN. A committee has no greater power to offer an amendment than has a Member on the floor.

Mr. FITZGERALD (continuing). By answering questions of such character when they have absolutely no bearing on the matter under discussion.

The CHAIRMAN. The Chair is ready to rule. The Chair does not find in the casual examination that he has had time to give to the matter any precedent, but if it were offered now to amend the whole of this section, to strike it out, the precedents are uniform that that amendment would be in order. Section 1 of this bill deals with the districts and the district judges throughout the United States. The Chair thinks the amendment is in order, and, therefore, overrules the point of order.

Mr. MANN. Mr. Chairman, just a word. This bill proposes to create an additional district judge in Chicago, who under the existing law would receive a salary of $6,000 a year. That salary is wholly inadequate for a district judge in Chicago. We pay our ordinary nisi prius judges there $10,000 a year, both superior and circuit judges. Recently the legislature of the State passed an act, which, however, was not approved by

the people, fixing the salary of the municipal or police court judges at $8,000 or $10,000, I think $10,000 a year. I myself thought that was too much, but $6,000 a year is not a fair salary for a judge in those large cities. I do not doubt that for a salary of $6,000 or even possibly a less salary it is quite possible to obtain quite competent lawyers as judges. Still it seems to me that we can afford to pay them a reasonable salary. We ought not to expect men on the bench to work for nothing. Recently we increased the salaries of the Supreme Court judges from $12,500 to $14,500. Those may not be the exact figures, but in any event we increased their salaries $2,000 a year. Yet it is said that one of them who recently died left practically no estate.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FOWLER. I desire to inquire if the amendment which the gentleman has proposed is broad enough to increase the salaries of all of the district judges throughout the United States?

Mr. MANN. The amendment would increase the salaries of all the district judges.

Mr. FOWLER. I will be glad if the gentleman will inform me as to the number of such judges, if he has the information.

Mr. MANN. Well, there is one in every—I have not the information.

Mr. FOWLER. Between 90 and 100.

Mr. MANN. I think there must be that many.

Mr. FOWLER. So, if the gentleman's amendment passes, it will add to the appropriation $1,000 for each one of these judges?

Mr. MANN. It would; probably $100,000 a year.

Mr. FOSTER of Illinois. Mr. Chairman, not being a lawyer, I may not know much about courts nor very much about judges. In this day when we hear of men getting large sums in the practice of law for corporations and where they get retainer fees amounting into the thousands, $6,000 a year may seem like a small amount, yet when we consider that a lawyer who has been appointed a judge receives that appointment for life, it is a place to be sought after by lawyers. So far as the necessaries of life and comforts are concerned, a man who can not live on $500 a month is not a very economical man. And while it is pointed out that a Supreme Court judge died a short time ago, after serving for many years on the bench, and left but little property, yet I dare say in the United States to-day there are probably not 25 per cent of the lawyers who receive this amount of money, and any one of you can count among your acquaintances men who have practiced law, who have been good lawyers, who have been brilliant lawyers, and with all their practice, when they came to die, they were poor and left but little estate. They were not insured $10,000 or $14,000 or $6,000 a year during their lifetime, but have had to struggle in the world for what they got. The same conditions exist in the practice of medicine. I regard a man who could go in the practice of medicine with an insurance of $500 a month for the balance of his days and work on the line of work in which he was educated is the greatest fortune that could come to a physician, and I regard a lawyer when he gets a reasonable amount that he can live on, though he may not save much money, it is true, yet when he gets a competency that keeps him the balance of his life, takes care of his family and educates them, the public has bestowed upon him one of the greatest blessings that can be bestowed upon a professional man. And so it is with these judges that in the course of years they are retired and then their pay goes on. Where in all the vocations of life do you find such a favored condition as that? I do not believe that it should be the policy of this House to increase the salaries of these men beyond what they are now receiving, and I hope the amendment will be defeated. [Applause.]

Mr. MOON of Pennsylvania. Mr. Chairman, I trust the House will adopt this amendment. As a member of the Judiciary Committee and as one who has been interested in legislation respecting the judges of the country, I have of necessity given a somewhat exhaustive examination of this subject. Last session the Committee on the Judiciary of the House reported out unanimously a bill favoring very much more substantial increases of salaries of both the district and circuit court judges than is proposed here. Before that committee there appeared a committee of the leading lawyers of the United States, coming from all sections of the country. We had hearings occupying one or two days, and the unanimous testimony of all those great lawyers was that the salaries paid to the Federal judges of this country were really a disgrace to the Nation. The salaries paid by all the other great nations of the earth is so largely in excess of the insignificant sum paid to our judges that it amounts almost to a reflection against our reverence for the law.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOON of Pennsylvania. Certainly.

Mr. STEPHENS of Texas. Has the gentleman examined the salaries received by the supreme court judges of the supreme courts of the various States; and if so, does not he know that in nearly all of those instances that the Federal judges get much more money than those in the State courts?

Mr. MOON of Pennsylvania. Mr. Chairman, I will say in reply to that query, that is not the result of my study of this question. I know that in some of the States the salaries paid to supreme court judges of the State would not equal those paid to the Federal judges; but in the majority of the States, in my own State, in the State of New York, and in all the Middle Western States, according to my recollection, the salary is below the salaries paid to the judges of those States. That fact was impressed upon our minds at the hearings to which I refer. Instances were given where judges who had been serving the country with great credit and with ability had resigned because the salary was insufficient to maintain their families.

It was urged upon us at that hearing—and we all know it to be true—that the man who is selected as a judge and goes upon the bench is and ought to be a man of large legal attainments; a man of years of experience, thoroughly trained in the science of the law; and a man competent, by reason of those qualifications, to earn a large salary. The difficulty in securing the best men in the country to accept these positions is apparent to men who have investigated this subject, when you come to consider the great official limitations that are placed upon these men. Every man who occupies a place on the Federal bench, if he has money to invest, is restricted as to the investments he could make. It is absolutely impossible for him to accept emoluments from any other source; his entire earning power is measured by his salary.

Mr. FITZGERALD. I understood the gentleman to say that the Committee on the Judiciary in the last Congress went thoroughly into this matter of the compensation of Federal judges. How much was it in the bill you reported?

Mr. MOON of Pennsylvania. My recollection is that we reported in the bill for district judges $7,500 and for circuit judges $8,500. It was that much, if not more. The bill as originally introduced by me and presented to the Judiciary Committee carried $9,000 and $10,000, but the report of the committee, according to my recollection—and I know it was not less than that—carried $7,500 for the district judge and $8,500 for the circuit judge.

Mr. FITZGERALD. In the opinion of the gentleman from Pennsylvania $7,500 was sufficient?

Mr. MOON of Pennsylvania. Not by any means.

Mr. FITZGERALD. Why trifle with these judges and offer them what seems to be an inadequate salary?

Mr. MOON of Pennsylvania. It is difficult to answer that question seriously. It does seem to me when an opportunity is afforded to give them some increase we should not ignore it because we can not get all we want.

Mr. FITZGERALD. The opportunity is not afforded to do that. The gentleman is mistaken in the premises.

Mr. MOON of Pennsylvania. I think the opportunity is afforded. We have already increased the salary of the Supreme Court justices $2,500 a year, and we should now do some measure of justice to the district judges.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOON of Pennsylvania. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOON of Pennsylvania. In those two minutes I only desire to say that I trust the Members of this House will take into consideration the fact that these judges are inadequately paid; that it is necessary to select the judiciary from the highest type of legal talent in this country; that the highest interests of the country demand that the corporations who seek to evade our laws are seeking and always secure men of that kind. They are necessarily unlike men in any other profession which I know. Their freedom is more circumscribed and their professional duties are more exacting, and they should be at least moderately compensated.

Mr. MICHAEL E. DRISCOLL. I would like to ask, if the gentleman will yield, what pensions these gentlemen now get?

Mr. MOON of Pennsylvania. They get a pension at the age of 70 equal to the salaries they receive. And I want to say, to the honor of the judiciary, that they do not retire at 70. I could cite a great number of district judges and circuit judges who have served five and six years beyond that period, and that is true, as we know, of the great justices of the Supreme Court

of the United States. They do not retire at the age of 70, and therefore the retiring provision amounts to practically little. And I hope, therefore, with this opportunity being afforded to the House to testify and indicate their appreciation of the great judiciary of this country, they will vote this meager addition.

Mr. CLAYTON. Mr. Chairman, I had hoped that this bill, which has for its object a very simple purpose, which is to facilitate the trial of cases in the district court of Chicago and to designate a judge to do work there who may not feel called upon to do it under the general law as imperatively as he would if this act were passed—I had hoped that this bill, which comes with the unanimous recommendation of the bar of Chicago, of lawyers there who know what they want and what is for the best interests of the administration of public justice, would pass as was suggested by the bar of Chicago to the Committee on the Judiciary, through the medium of the bill as drawn by the gentleman from Illinois [Mr. EVANS]. I had hoped that there would be interposed no objection whatever to it, and I am exceedingly regretful that this proposition to increase the salaries of the district judges should be injected into the measure now, when it can have but one possible effect, in my opinion, and that is the defeat of the bill. I take it that this House would rather this bill should fail than to engraft this whole new proposition upon the measure. I, for one, would rather this bill should fail than to have the amendment offered by the gentleman from Illinois [Mr. MANN] passed. I would rather deny this reasonable request, proffered by the bar of Chicago, and this good measure in the interest of the administration of public justice, than to have adopted the proposition offered by the gentleman from Illinois [Mr. MANN] to increase the salaries of district judges.

Now, Mr. Chairman, this is not a new question, this proposal to increase the salary or compensation of district judges. It has been before this House in one form and another many times during the last decade. Not many years ago these district judges were allowed $5,000 a year salary. It has been increased during my membership in the House of Representatives to $6,000 a year, and provision has also been made, in addition to their salary of $6,000 a year, to give these judges their expenses when they are away from their homes or actual residences on official business.

It seems that Congress has been liberal in dealing with the district judges and that the law now relating to their compensation is liberal. We know, Mr. Chairman, that whenever in the life of a district judge two things concur he is retired upon his salary for the remainder of his lifetime. Whenever he shall have served 10 years and shall have reached the age of 70 years, he can retire on pay. It seems to me those judges have been singled out from all other classes of civil employees so as to be cared for in their old age, so that they might feel independent while discharging their duties as judges and not feel compelled to engage in other business pursuits.

That seems to me to be a wise law, and I have no disposition to disturb that law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. CLAYTON. I think the salary proposition ought not to come up at this time in this way, to amend a bill which has for its purpose the remedying of the situation in Chicago. This proposition as to an increase of salary is a larger subject than any mere locality, and it is unfortunate, I think, that it should have been injected into this measure at this time.

Now, I want to make an observation in reply to some remarks made by the gentleman from Pennsylvania [Mr. MOON], who seemed to derive great satisfaction from the fact that some judges have served after they had reached the age of 70 years. I think, Mr. Chairman, that members of the bar, and I believe of the judiciary, too, who have not reached the age of senility themselves will, as a rule, agree that a judge ought to retire when he reaches the age of 70 years. It would have been better for the country, for the public service, for the administration of public justice, had judges always been compelled to retire from the bench when they have reached the age of 70 years. I am told that a distinguished public servant after years of valuable public service proposed to resign his office, and his friends and admirers protested and said, "You are in the very zenith of your intellectual powers and you ought not to quit." He said, "That is the reason of my quitting now, because I am in full possession of my intellectual powers. In a few years I will lose a part of my intellectual vigor, and then I will not have sense enough to resign and let somebody else discharge the duties of the office." [Applause.]

I intend, Mr. Chairman—and it is not new with me—at some time to draw and introduce a bill compelling judges to retire from the bench when they have reached the age of 70 years, else forfeit their right to draw any salary when they do retire. [Applause.] Army officers are allowed to retire at the age of 62 and are forced to retire at the age of 64. I see no reason why a judge should not retire or be retired at the age of 70, after he shall have served at least 10 years.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, within a week there was held in this city a convention of civil-service employees of the Government for the purpose of securing legislation granting pensions to all of the civil employees of the Government who become sick, disabled, or too old to render efficient service. Two of them from my home city of Syracuse called on me, one representing the post-office clerks and the other the letter carriers, and requested me to favor such legislation. I did not promise them I would favor that measure, but in the course of our conversation or argument they said to me, "You pension our judges, do you not; and you have from time to time increased their salaries?" I answered, "Yes; we are pensioning our judges, and if I had my way about it they would get no pensions—that is, I would not vote to pension any employees of the Federal Government high up in the service, who, during the active years of their lives draw big salaries, and if prudent and economical can save some part of their income for their support in their old age. If I favor a pension for any class of Government employees it is the poor men and poor women who can not save much during their many years of service, and who, if thrown out of employment when they are old, disabled, and superannuated, have nothing left on which to live." I did not expect to have the opportunity so promptly to make my promise good, but I stand for that statement now. [Applause.]

I will not vote to increase the salaries of men high up in the Government service and who are now drawing large salaries until the condition of the Public Treasury is such as to warrant an increase of the salaries of employees lower down in the service. I believe in consistency and fair treatment of all the people who work for the Government in all grades of service. What can we say to the poorer employees, when they ask us for an increase of their salaries and when they ask us to relieve their burdens, if we increase our own salaries and the salaries of judges and other high-salaried officers of the Government? It is much easier and agreeable to say yes than no to people, especially when those people are friends who ask us for an increase of salary out of the Federal Treasury.

If they get what they ask they will think they have received only what they are entitled to. If they do not get what they demand they may remember it and think they are not properly treated. However, the Congress is only an agent of all the people in the making of appropriations, and the executive officers, agents in the expenditure of those appropriations, whose duty is to see that the Government gets the value of the money spent. The money which the Congress appropriates does not come out of the clouds, but is a tax on all the people and especially on those least able to pay it. Taxes may be levied on imports, on homemade goods, on corporations, on incomes, or in any other way which the ingenuity of man may devise, but ultimately and in the last analysis the men and women throughout the country who work do, and in the future will, have to pay such taxes; and the public generally on whose shoulders the burden of taxes falls should watch more carefully than they do the manner in which appropriations are made and the purposes for which public moneys are expended.

This question came up suddenly to-day by an amendment offered by our distinguished leader, the gentleman from Illinois [Mr. MANN], else we could have more data to submit in opposition to this proposed amendment.

In the last session of Congress the gentleman from Pennsylvania [Mr. MOON], who has just addressed this body, tried to amend the law increasing the salaries of district and circuit judges. That question was thoroughly thrashed out at that time in an extended debate. Facts and figures were submitted from all parts of the country showing that the great majority of the State judges are receiving much smaller salaries than those now paid to district judges of the United States court. If you increase the salaries of our district judges, the State judges whose salaries are smaller will demand that their salaries be raised to that of the United States judges who live in their States, and they will use every advance in the salaries of the Federal judges as a lever to boost up their own salaries. That is the way in which salaries are generally increased. The man who wants a larger salary says, "This man

gets so much, and am I not entitled to as much? Do I not work as hard? Are not my duties as responsible? Should not I be as well paid as he?" This accounts for much extravagance all along the line in the public service.

The proposed amendment a year ago, after full consideration, was defeated by a substantial majority. I am aware that $6,000 a year is not a large income for a prominent lawyer in the city of Philadelphia, the city of New York, or the city of Chicago, who is in the full swing of practice and earning large fees; but it is a good fair income for the ordinary judge in almost any other part of the country. Perhaps not more than one in ten of the lawyers of the country earns as much one year with another after his office expenses are paid, and it is more than the great majority of the highest judges in the several States of the Union now receive.

Again, the United States judges, district as well as circuit and Supreme Court judges, receive pensions after they arrive at the age of 70 equal to their salaries when in active service. There is no position in the public service more attractive or comfortable to a lawyer in his declining years, when he doesn't care so much for the wear and tear and strife of trial work, than a place on the bench. He holds his position during life or good behavior and can be removed only by impeachment. He enjoys the honor and the dignity which the members of his profession always concede to their members who are elevated to high judicial positions. While other members of the bar have to keep up the struggle in life with younger men in order to make a living and support their families, the judge has no occasion to worry about his livelihood from year to year, the support of his family, or for the future. He has the best kind of insurance against sickness or poverty in his old age, because his Uncle Samuel is rich and the pension is sure and liberal.

How many attorneys are there in this House who would not surrender their uncertain tenure of office for a seat in the district court of the United States at its present salary? Does anyone claim that an increase of salary would increase the character, personnel, efficiency, or honesty of those judges? Does any man here claim that the increase of the congressional salaries in any possible way raised the character or efficiency or industry of Representatives or Senators?

The Japanese have an old saying that when a nation's civil servants begin to love wealth and its fighting men begin to love life, then the end of that nation is not far distant.

This has particular application to the high officials in the civil government of a nation and the officers in its military establishment, and means that if a nation's legislators, judges, and executive officers think more of their salaries, emoluments, and pecuniary rewards than of the honor and dignity of their positions and of serving their country to the best of their ability, the civil government of that nation is on the downward course; and if its army and naval officers when engaged in battle think more of saving their lives than of winning the victory, they are doomed to defeat. This is not a mere formula, but a living, controlling principle in Nippon. Her statesmen and jurists value more the honor of serving their countrymen in an official capacity and striving to raise the civil government to a higher degree of honesty and efficiency than of the modest salaries which their relatively poor country can afford to pay; and her fighting men, from the highest in command to the lowest in the ranks, when in the face of the enemy, vie with each other for the position of greatest peril and freely offer their lives for the honor of their flag and the glory of their country. That spirit of self-abnegation and devotion has raised them in a few years from a hermit people to one of the foremost nations.

Our history is replete with examples which measure up to this Japanese standard. Able statesmen, jurists, and executives have served their country for meager compensation compared with their earning power. They have esteemed more highly the honor of their offices and the opportunity of doing something worth while for their country than the accumulation of wealth by the capitalization of their great reputations. Is this proud record to be lowered in the future? Are high positions in the public service to be belittled by reducing them to the dollar standard? Will the honor and distinction which go with these high and responsible offices and the confidence and approval of their countrymen have no attraction for men who are qualified to fill them with credit?

A Federal judgeship is a place of unusual honor and power. The judge is raised above his brethren at the bar. If, in accepting a seat on the bench, a lawyer makes some money sacrifice, he is compensated by the dignity of his position, the security of his tenure, and the deference accorded him by the bar and the public. The judges who have rendered the most valuable services and left their impressions on the institutions of our country have been those who thought more of rendering sound and righteous judgments than of their salaries.

When a vacancy occurs in a Federal court, is there a dearth of candidates? Are there not always so many able and honest men who are not only willing but anxious for the appointment that the President is embarrassed in making a selection? They know what the duties are, also the salary and pension. The lucky candidate who wins the prize and gets the appointment should be content with the salary, or resign.

The Constitution, which provides that the compensation of judges shall not be diminished during their continuance in office, does not go far enough. Every constitution in a government like ours, whether of the Nation or the States, should provide that the compensation of high officials in the government should neither be increased nor diminished during their continuance in office or at any time after their election or appointment to such offices. Such a provision would tend toward economy and peace of mind.

In conclusion let me say that we are facing a deficit in the Public Treasury. The Congress and the administration are trying to economize. The amount involved here is not large, only about $100,000 a year, but it is the example which it would set. It is the principle that I object to in raising the salaries of men who do not need them and refusing to raise the salaries of men and women lower down in the service, who are as faithful and efficient in their lines of duty and actually do need increased compensation. [Applause.]

Mr. FOWLER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amend the amendment in line 5, after the word "of," by striking out the word "seven" and inserting in lieu thereof the word "five."

Mr. FOWLER. Mr. Chairman, I supposed this bill was intended by its author to give relief to a locality where business is congested. I feel quite sure from my limited knowledge of the amount of business transacted in the city of Chicago that this bill would give that desired relief. I had no idea when the bill was presented that anyone would ask for another relief, which I think is not warranted.

That relief which the bill originally sought is justifiable, but when it comes to the question of tacking on an amendment increasing the salary, I think it is time to call a halt.

I understand that these honorable judges received $5,000 a few years ago for their salary. They lived upon that amount, and I never have heard of one of them resigning because of the inadequacy of the salary. I do not believe that there is a Congressman on the floor of this House who would resign such a judgeship, carrying with it the magnificent salary of $5,000. I seek, Mr. Chairman, rather to cut down the appropriation than to increase it.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. FOWLER. I will.

Mr. LAFFERTY. I would like to inquire of the gentleman if he is aware of the constitutional provision that the salary of a district judge shall not be reduced during his continuance in office?

Mr. FOWLER. Well, Mr. Chairman, the gentleman raises a question which may be potent, but if my amendment carries it need not affect the salary of a man who is in office during the term of his appointment, but would apply only to newly-appointed district judges. There are many instances where the salaries are both increased and decreased by new acts or by amendments to existing laws, but they are not construed by the courts to violate constitutional provisions. But in reply to the gentleman from Oregon [Mr. LAFFERTY], I desire to say that there is another legal proposition which provides that salaries can not be increased during the term of office. Here is a new position being created, and that new position is for the purpose of taking the place of what might be styled legislation for an additional judge.

Mr. MANN. Will the gentleman yield?

Mr. FOWLER. I will yield to the gentleman.

Mr. MANN. Will my colleague allow me to read the provision of the Constitution with reference to this matter?

Mr. FOWLER. I will.

Mr. MANN (reading):

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Mr. FOWLER. In reply to the gentleman, my colleague [Mr. MANN], I wish to say that if my amendment to his amendment is adopted it need not apply to any officer or to any judge during his present term of office, but it may apply to the new

judgeship that is sought to be created by this bill, and may fix his salary at the sum of $5,000. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. I ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, I have no ulterior purpose in this amendment. I have no design upon the judiciary of this country, but I want to call the attention of my friends who are in favor of increasing the salary of district judges to the fact that we have State courts in every State in this Union.

I have been inquiring of gentlemen who sit around me as to the various salaries paid to the circuit judges of the State courts, and I find in that limited investigation that their salaries run from $3,000 to $5,000 annually. You must remember that these men hold a circuit court in which they are compelled to go from county to county at large expense. Their duties are as arduous as those of the district judges of the United States courts. Their time is as fully employed, their expenses are much larger, and their salaries in most instances are far less than the sum fixed by the amendment which I propose to this bill, that of $5,000 a year.

Mr. Chairman, there is another vast difference between the two classes of judges. The circuit judge of the State must go to the people and ask them if he can sit on the bench and try lawsuits. The Federal judge gets his place by appointment, and it does not cost him the raising of his finger to get it. Then, Mr. Chairman, when he retires at the age of 70 years, or later, if he sees fit to hold on, he gets a princely pension to retire upon in order to support himself, and the State judge has not that advantage.

I want to ask you gentlemen what explanation you are going to give to the citizens of your district when you go back home and tell them that you voted a few days ago to pay men $240 a year to go down on the market in this city and clean up garbage every day in the year, Sunday, if necessary, included, and soon thereafter stood on the floor of this House and voted to increase a princely salary of $6,000 to $7,000? [Applause.] I want to know, Mr. Chairman, what you gentlemen are going to say to the people who elected you and sent you here to make laws for them—the common people, because they are the people who carry the great majority of votes [applause]; I want you to say to them what you have done for them during your term of office here; then I want you to tell them what you have done and tried to do for men high up in office—tell them how you tried to increase their large salaries—yes; salaries already big enough for the support of a king. [Applause.]

Mr. CLAYTON. Mr. Chairman, it is interesting to note the progress that some gentlemen make during their service in the House. It is interesting to note that sometimes the conditions in the House change and the opinions of some of the Members in the House in respect to some questions change with the changed complexion of the House. I am not impugning at all the motive of my friend from Illinois [Mr. MANN] in offering this suggestion, in the shape of this amendment, to increase the salaries of these judges. Perhaps he was wrong on a former occasion, and I take it that he thinks he is right now. I do not question that he thinks that he is right now, but I think that when he served in this House and his party was charged with responsibility and he and his party had the right to so act on this matter as to increase the salaries of these judges he was right, when charged with responsibility, in refusing to increase them. Now, when he is not charged with responsibility, and when that side of the House is not charged with responsibility, he changes his views and offers to increase the salaries of all of these judges. Times change and men change with them. I shall not undertake to give you the Latin of that old adage, but will leave that to my good friend Speaker CLARK. Suffice it to say that we have this condition here to-day: That on December 7, 1910, the distinguished leader of the Republican side in this Chamber, the gentleman from Illinois [Mr. MANN], able, adroit, industrious, conscientious at all times, when his party was in control had a certain view in respect to this matter, and I am going to read from a colloquy that occurred in debate at that time:

Mr. MANN. Mr. Speaker, I move to strike out the last word. I will not undertake to say that I am in favor of increasing the salaries of judges. I would be very glad for some gentleman to offer an amendment on that subject and let us try out the House as to whether they are in favor of increasing the salaries of judges.

Mr. BUTLER. Mr. Speaker——

Mr. MANN. I see no reason——

Mr. BUTLER. My friend is in favor of increasing the salaries of judges?

Mr. MANN. To which friend does the gentleman refer?

Mr. BUTLER. The one who is standing; the only friend I have. [Laughter.]

Mr. MANN. I have never declared myself so, and I have always voted against them.

Mr. BUTLER. To those who are favorable toward increasing the salaries of judges I suggest not to attempt it through this bill.

Mr. MANN. Why not?

Mr. BUTLER. In an entire Calendar Wednesday we have passed 3 pages out of 203, and at this rate I see this bill's death during this session. Think of it, 3 pages!

Mr. MANN. The gentleman is mistaken. We have done very well. We commenced with this bill at half past 2 and closed general debate, but if we had the naval bill up reported by the gentleman we would have been three or four days on general debate without making any progress.

Mr. BUTLER. I never reported a naval bill. I never stood high enough in the House to report anything——

Mr. MANN. When the gentleman does, in the Sixty-third Congress.

Mr. BUTLER (continuing). Because others had places I thought I should have. [Laughter and applause.] Some gentlemen had all of the places. Hereafter they will be divided. [Applause.]

Mr. MANN. If the gentleman wants to increase salaries, this is a very good time to do it. The matter is before the House. The opportunity is offered to the gentleman, who thinks he can carry it through this House, to increase the salaries that have already been increased once in the last 10 years. If any gentleman of the House thinks he can put through a provision to increase the salaries of judges, let him try it now. The opportunity is here.

Mr. PARSONS. Mr. Speaker, a point of order.

Mr. FOSTER of Illinois. We are not complaining of the Judiciary Committee if they will not offer the amendment now.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. PARSONS. The point of order is that we have considered section 2 and the Clerk has reported and read section 3.

Mr. MANN. The gentleman is mistaken; he is always mistaken on a point of order. I doubt whether the gentleman would recognize a point of order.

Mr. PARSONS. Mr. Speaker, I insist upon my point of order.

The SPEAKER pro tempore. The Chair thinks some gentleman, the gentleman from New York, rose and addressed the Chair before the Clerk began the reading.

Mr. MANN. And I have a motion pending to strike out the last word of section 2.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. MANN. No gentleman is willing to offer an amendment; then let us put in no more time at this session in talking about increasing the salaries of judges of United States courts.

Mr. Chairman, so say we now. Let us put in no more time discussing this subject, but pass this bill, which will afford relief, and on some other occasion, when a Democratic administration is in power and the country is not confronted with a probable deficit, we can take up and discuss at length the question of the salaries of these judges. [Applause.]

Mr. MANN. Mr. Chairman, I have nothing to retract from the statements which the gentleman has just read, quoting from the RECORD of some time ago. At that time the Committee on the Judiciary, of which the distinguished gentleman from Alabama is now the chairman and was then the ranking Democrat, had already reported to the House, or had agreed to report to the House, as I recall it, a bill increasing the salaries of district judges to a point much higher than is now proposed. I did not think the bill could pass.

Mr. CLAYTON. Mr. Chairman, may I interrupt the gentleman to correct him? The gentleman from Alabama never did offer such a proposition.

Mr. MANN. I did not say the gentleman from Alabama offered it. I said the Judiciary Committee had reported or intended to report such a measure, and when it was reported my recollection is that it came to the House with a unanimous report from that committee. I dared the gentlemen then who were in favor of increasing the salary of district judges to a much higher salary than now proposed by me to bring it on the floor of the House and let the House settle it without expressing any opinion of my own in reference to whether it ought to go through or not. Subsequently I did bring before the House a proposition in the consideration of the same bill to increase the salary of the Supreme Court justices of the United States $2,000 a year, and it was agreed to. I brought before the House in the consideration of the same bill a proposition to increase the salaries of circuit court judges from $7,000 to $8,500, and yet the gentlemen in the House said they could not support that because it carried no increase for the district judges, so this time I have commenced at the ground and worked upward, commencing with the district judges. I said in the consideration of that bill—which by the way, notwithstanding the fears of my genial friend from Pennsylvania [Mr. BUTLER], did become a law, was passed by both Houses, and went to the President—I said then that the chance to consider a proposition which gentlemen were in favor of was when the opportunity presented itself, and while I have frequently, when in charge of a bill on the floor of this House, seeking to prevent proper or germane amendments to it, urged Members not to vote for an amendment which had not been considered, I have always felt free and shall continue to be free where I am in favor of a proposition and the opportunity presents itself to bring it before the House, to

do it then. I have been in this legislative body long enough to know that it is very well to be in favor of something that can never come up. That is idle; but if you are really in favor of a proposition, bring it up when you can, and I have got this up and it takes a vote.

Mr. RUCKER of Missouri. Mr. Chairman, I am glad the gentleman from Alabama [Mr. CLAYTON] furnished an opportunity for the gentleman from Illinois [Mr. MANN] to get his records together. [Laughter.] I was sorry, however, that the distinguished gentleman from Alabama, who seldom ever makes a mistake, made the mistake of implying or insinuating that the gentleman from Illinois [Mr. MANN] is ever inconsistent. He is always wrong, therefore always consistent with himself. [Laughter.] Mr. Chairman, I am opposed to the amendment which the gentleman from Illinois [Mr. MANN] has offered to this bill because that is wrong, too. If it were not for the Constitution I would be inclined to support the amendment offered by his colleague [Mr. FOWLER], who is much nearer right than the gentleman from Chicago. Since I have had the honor of being a Member of this House it has not occurred once in a while but very frequently that this question has been brought up in some form or another and generally by Members on the other side of the aisle, who lash themselves into a frenzy and deliver panegyrics on the great characters who serve the country in the capacity of district and circuit judges. The fact is I have been watching the course of events and find that many of those elevated to the Federal bench are lame ducks who once had seats in this or the other end of the Capitol. After the next election there will be more men hunting vacancies and the President may have the opportunity to make other appointments before the expiration of his term. In addition to judges furnished by the House and from the other end of the Capitol we find many gentlemen from the States, good lawyers, distinguished lawyers, pure men, good men, who have been promoted to these places. But I for one will never subscribe to the doctrine for one minute that a Federal judge who has behind him, so far as the world knows, only the approval of the President, with all other influences back of him a profound secret, unknown to the public, is entitled to more credit, more honor and respect, than a man who goes before the people of his State and secures election at their hands. As was stated a moment ago by the distinguished gentleman from Chicago, Mr. DRISCOLL——

Mr. MICHAEL E. DRISCOLL. From New York.

Mr. RUCKER of Missouri. I beg the gentleman's pardon, and I hope he will not invite me to leave the room because I did not intend to say that. [Laughter.]

Mr. MANN. He would if you had said Missouri.

Mr. RUCKER of Missouri. I say I was interested in the speech of the distinguished gentleman from New York. He expressed a thought here awhile ago worthy of being reflected upon. He called attention to the fact that this Congress readily yields to every sort of suggestion made to increase salaries already munificent and great, but has no time to hear the appeals from 100,000 people in this District, who are working for salaries scarcely sufficient to pay the daily expenses of the household. Now, I want to say frankly I am not in favor of a civil-pension list. I do not believe I ever will vote for such a measure. I believe it is the worst form of paternalism. Nor am I in favor of pensioning or increasing the salaries of every man who wins presidential favor and gets a circuit court judgeship or a district court judgeship.

The gentleman from New York [Mr. MICHAEL E. DRISCOLL] reminded me of some poetry—something I seldom think of—and that is a stanza of poetry which is entirely apt at this time. Longfellow wrote the lines, which I quote:

> A blind man is a poor man, and blind a poor man is,
> For the former seeth no man, and the latter no man sees.

That seems to be true here.

Why do not some of you gentlemen, who are so vociferous in demanding increased salaries for circuit judges and district judges, make an appeal for the poor fellow, for the poor man, who is working by the day?

Mr. MANN. We did the other day and you knocked it out.

Mr. RUCKER of Missouri. When?

Mr. MANN. On the District bill here.

Mr. RUCKER of Missouri. On the district bill? I have been threatening to do this for some time, and I am going to do it now. Sometimes gentlemen profess things which they do not really believe, and sometimes, in the language of Lady Macbeth:

> False face must hide what false heart doth know.

Your side did not favor it, and I venture the opinion that you will not say you favored it or expected legislation on that bill.

Mr. MANN. Your side did not favor it when it came from this side of the House.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CULLOP. Mr. Chairman, the amendment here proposed by the gentleman from Illinois [Mr. MANN] is to increase the salary of Federal district judges from $6,000 to $7,000 a year. No valid reason has been offered for this increase. Simply because a man is clothed with the ermine of a Federal judgeship is the only justification that has been attempted. They say it is to get a higher grade of men. Where are they to come from? Are not the very best lawyers in this country, at the salaries now paid, asking for these judgeships? Are they getting them? Who is getting the Federal judgeships of this country? I would be glad to see made public the recommendations upon which the Federal judgeships are appointed. While you are making publicity laws for campaign funds, why would it not be proper to have published the recommendations upon which the appointment of Federal judgeships are made in this country? It is a life tenure of office, a matter with which no man ought to be clothed, and I hope to see an amendment to the Constitution providing that, instead of the President appointing these judgeships for life, they will be appointed as other judgeships, for a specified term or chosen by the electorate of the district which they are to serve. [Applause.] Can any man on this floor give a valid reason why the people of a Federal circuit are not as competent to elect their judges as they are to elect the judges of their supreme courts, their circuit and other courts? If they are liable, as has been intimated, to elect Republicans, they ought to have Republicans. A majority of the people ought to have what they want in this country, it does not make any difference what their politics is. What do these Federal judges do? Is there a circuit court in any of the States where the judge does not do as much if not more work annually than any one of these Federal judges do? What is the expense? He has no office to keep up. He has a fixed salary for life, and when he retires he still feeds at the Public Treasury, and the taxpayers foot the bill. It is unfair and it is unjust to the American people. I would favor a law that would make public the recommendation and the sources from which these recommendations come—the controlling influences behind them. I mean no reflection by this, but I do think it fair to the people that they be informed by whose indorsements appointments are made.

Who are you getting upon the Federal bench? Upon what meat have these men fed that they are superior to other men? They come from the common walks of life. But usually you find the appointment coming from some great interest by which they have been employed and which recommends them and urges their appointment; too often the case, I fear, and much to the injury of the administration of justice. If any of them feel that they can not live upon their salaries, they can retire. There is no law which prevents them from retiring under such circumstances or any other. Others behind them can be appointed to fill the positions, with as much credit, doubtless, as they have done. If you will take the circuit judge in your State and the Federal judge in your district, you will find that there is not a circuit in that district where as a rule the judge of the State court does not try more cases and performs more service than the Federal judge in that circuit. And in 9 cases out of 10 he is as good, if not a better, lawyer. He knows better the wants of the people and comes in closer contact with them.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. And he doubtless is as well read, if not better, in the law, as competent to transact business and does it as satisfactorily, and in 9 cases out of 10 less arbitrarily, than does the judge upon the Federal bench, as every practicing lawyer knows. The proposition for which I am contending here to-day will come sooner or later, because the people are aroused on this issue and will sooner or later secure its adoption. No appointing power can afford to deny the public this information, and it is no reflection on such power for the public to require it. By giving it to the public it will avoid much criticism of the courts, preserve their integrity, and enlarge their influence with the public. It is just, fair, and highly proper that such information should be made public, in the interest of justice and a pure public sentiment.

Now, Mr. Chairman, I opposed this amendment when it was before the House a year ago. I am opposed to it now, though I am free to say that if it were not for the constitutional provision I would vote for the amendment offered by the gentleman from Illinois [Mr. FOWLER] to reduce the salary, but can not vote for the amendment of Mr. MANN to increase it. And yet

I believe every public servant ought to have pay commensurate with the work he performs. [Applause.]

Mr. CANNON. Mr. Chairman, it is perfectly patent that the amendment offered by my colleague from Illinois [Mr. MANN], and I think the amendment to the amendment, will, neither of them, prevail. It is now 3 o'clock. This committee is still on call, and I believe I will test the sense of this committee upon a motion to strike out the enacting clause of this bill. I submit that motion, and want to make a remark about it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Amend, on page 1, by striking out the enacting clause.

Mr. CANNON. Mr. Chairman, I say again—because there are more Members in the House now present than there were when I had the honor of addressing the House for a few minutes a while ago—this bill, covering two pages and a half of language, does just two things: It amends the law which went into force on the 1st day of January, not yet a month ago, by going to the seventh circuit, composed of the States of Indiana, Illinois, and Wisconsin, and decreasing one circuit judge, making three instead of four; one circuit judge having deceased and the place not yet having been filled.

Now, under that law it is perfectly competent for the President to nominate, by and with the advice and consent of the Senate, somebody from Wisconsin or somebody from Indiana or somebody from Illinois, outside that great and growing city of Chicago. In this condition this bill is reported to create one more district judge, they already having two in the northern district of Illinois, and making it three, and to make one less circuit judge. If this legislation is enacted, the judge will come from the northern district, from the city of Chicago. There are already two from the city of Chicago. That would make three.

Now, my colleague [Mr. MANN] says, and says truly, that the circuit judge under the new law is required to do the nisi prius duty the same as the district judge, so that there is no point, from the standpoint of utility, in changing this law. It had better read, "A bill to enable the President to appoint an additional district judge from the city of Chicago," in lieu of his power to appoint a circuit judge anywhere from among the three States mentioned.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. CANNON. Certainly.

Mr. MICHAEL E. DRISCOLL. Does the gentleman think that the President could find a first-rate lawyer who would be willing to serve at the present salary outside of the city of Chicago?

Mr. CANNON. Oh, I fancy there are many good lawyers out there in that circuit, and, perchance, as good as anywhere in the United States, that would be quite willing to accept this place. It is a place of high honor and of high responsibility.

Now, with the greatest respect to everybody, to my colleague Mr. MANN, to my colleague Mr. EVANS, and to the Committee on the Judiciary, who have reported this bill, it seems to me that this motion which I have submitted, to strike out the enacting clause and dispose of this bill, should be agreed to.

Mr. LAFFERTY and Mr. BURKE of Pennsylvania rose.

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized for five minutes.

Mr. LAFFERTY. Mr. Chairman, during this discussion I consider it an opportune time to call to the attention of Congress and of the country one of the most important reforms that could possibly be adopted by the people. I refer to the direct election of Federal judges. The present provision of the Constitution on this question reads as follows:

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Mr. CANNON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. I have no objection to the gentleman taking his five minutes by unanimous consent, but my point of order is founded upon the following decision, found in the Manual at page 419:

The motion—

To strike out the enacting clause—

is debatable as to the merits of the bill, but may not go beyond its provisions.

It does seem to me that the committee ought to be brought to a vote upon this matter, and therefore I make the point of order; but not to appear invidious I will ask unanimous consent, if the point of order is sustained, that the gentleman from Oregon may address the committee for five minutes.

Mr. LAFFERTY. I am quite willing to have the Chairman rule on the point of order without further argument.

The CHAIRMAN. What is the point of order?

Mr. CANNON. At page 419, about the middle of the page of the Digest, if the Chair will turn to it, in the precedents under the motion to strike out the enacting clause of a bill, the Chair will find:

The motion is debatable as to the merits of the bill, but may not go beyond its provisions.

The purpose of that is to bring it to a vote. Now, the gentleman is proceeding to address the House, as I understand it, upon the recall of judges, or rather upon the direct election of judges.

Mr. LAFFERTY. Upon the election of judges. I may get to the recall a little bit later, if I am permitted to proceed in order.

Mr. CANNON. I make the point of order that the debate is not upon the merits of the bill.

Mr. CARLIN. The effect of the gentleman's point of order, if sustained, would be to take the gentleman from Oregon off the floor.

Mr. CANNON. Precisely; but I have given notice that I have no objection to the gentleman speaking, and I will ask unanimous consent that he have his five minutes after this point of order is disposed of.

Mr. LAFFERTY. Then I ask that I may be permitted to proceed in order.

The CHAIRMAN. The point of order of the gentleman from Illinois is that after the motion is made to strike out the enacting clause, if a Member does not discuss the merits of the bill he is not in order under the rule?

Mr. CANNON. Precisely. That is my point—that he is not discussing the merits of the bill.

The CHAIRMAN. The Chair sustains the point of order. Does the gentleman from Illinois now ask unanimous consent——

Mr. CANNON. I now ask unanimous consent that the gentleman from Oregon may be permitted to address the committee for five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent that the gentleman from Oregon be permitted to address the committee for five minutes. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Chairman, adverting again to the section of the Constitution which now obtains, I desire to say that I shall introduce in the House to-day the following joint resolution proposing a constitutional amendment, substituting for the section which I read a while ago a section making all Federal judges elective:

Joint resolution proposing an amendment to the Constitution of the United States making the Federal judiciary elective and subject to recall.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of section 1 of Article III of the Constitution of the United States the following section be proposed as an amendment to said Constitution, which, when ratified by the legislatures of three-fourths of the States, shall be valid to all intents and purposes as a part of the Constitution:

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices for a term of 12 years each, and shall at stated times receive for their services a compensation, which shall not be diminished during their continuance in office. Successors to all judges now in office, both of the supreme and inferior courts, shall be elected at the first general election at which presidential electors shall be chosen after the adoption of this amendment: *Provided*, That the Congress may by law prescribe that successors to only one-third of the membership of the Supreme Court shall be elected every four years until successors to the entire membership of said court shall be elected. The terms of all judges now in office, both of the supreme and inferior courts, shall expire and terminate on the first Monday in January following the election of their successors. The President, by and with the advice and consent of the Senate, may appoint judges, either of the supreme or inferior courts, to fill temporary vacancies. All judges, both of the supreme and inferior courts, shall be subject to recall at any general election at which presidential electors shall be chosen. Congress shall enact appropriate laws for carrying the provisions of this section into effect.

RECALL NOT INSISTED UPON.

It will be observed that the proposed amendment also makes the Federal judges subject to the recall at any election at which presidential electors shall be chosen. That means that no judge could be subjected to recall, or rather to reelection, which is the real meaning of the recall, until he has served four years. I desire it distinctly understood, however, that I do not insist upon the recall feature of this amendment being left in the

resolution. If this Congress is willing to submit this amendment to the States for ratification, with the recall feature stricken out, I shall be glad to consent to that amendment to the resolution. I doubt if a majority of the people of the country desire to adopt the recall, as applied to Federal judges, or as applied to any Federal officers.

But I do believe that a great majority of the people of this country are in favor of making the Federal judges elective and fixing their terms at 12 years. There is every reason why they should favor this amendment that exists in favor of the direct election of United States Senators.

Personally, I am heartily in favor of the direct election of Federal judges. The administration of the law is just as important to the welfare of the country as the enactment of the law.

SELF-GOVERNING NATION SHOULD ELECT JUDGES.

At the present time Federal judges are not responsive in any way to the wishes or consent of the governed. These life judges may with absolute impunity disregard the wishes or consent of the millions of human beings whose destinies they control. The judges can be entirely honest, as I know they are, and still be completely out of accord with the heart throbs of a great Nation that is supposed to be self-governing. This is not as it should be. The people should have the right to elect judges who are in sympathy with the progress of the country.

There be those who say, "No; it is best to have judges who are entirely removed from and independent of the popular will." If this be true, it must be owned that we are incapable of self-government and that we must have a governing power over us whose wisdom is superior to the combined wisdom of the people as expressed at the ballot box.

The defects in the present Federal judicial system are manifold. The Federal judiciary has appropriated unto itself powers that the Constitution never contemplated it should have. For example, it was four times proposed in the Constitutional Convention that the Supreme Court should be given the power to hold acts of Congress unconstitutional and void, and each time the framers of the Constitution voted that proposition down. The States would never have ratified the original Constitution had it given such autocratic powers to the Supreme Court. No supreme court in any other country on earth exercises such power.

Mr. BURKE of Pennsylvania. Mr. Chairman, I regret to have to oppose the amendment submitted by the gentleman from Illinois [Mr. CANNON]. If it had been submitted earlier in these proceedings, I would probably have very willingly voted for its adoption. But inasmuch as it succeeds the offering of the amendment by my colleague, Mr. MANN, and inasmuch as the adoption of this amendment to strike out the enacting clause would destroy the effect of the amendment offered by Mr. MANN, I shall oppose its adoption at this time.

Now, the main question before this committee at this time relates, as I understand it, to the raising of the salary of these judges from $6,000 to $7,000 a year. I say without any hesitation that if there is any set of men engaged in the discharge of the public service in this country who are inadequately paid it is the Federal judges. It may be easy for some gentlemen to secure places in the Congress of the United States and easy to attain distinction in other walks of life, but the bench is one place which men can not aspire to or attain without great difficulty. The apprenticeship they must serve, through years of toil and study, is not to be compared, I believe, with that in any other branch of the public service. They must not only, as a rule, spend time in colleges and universities, but after they are admitted to the bar they must by their efforts and ability attain some degree of distinction in the community before the President of the United States can be induced to recognize them by appointment or confer upon them so great an honor.

Mr. FOWLER. Will the gentleman yield?

Mr. BURKE of Pennsylvania. I will yield to the gentleman for a question.

Mr. FOWLER. Does not the gentleman think the appointment confers great enough honor to pay them for all the time the judges have spent in preparation?

Mr. BURKE of Pennsylvania. I do not, any more than I regard the conferring of the honor of membership in this House being sufficient to compensate him for his services while he remains here.

In addition, Mr. Chairman, the conditions that obtained years ago and exist now are wholly different. Gentlemen on that side and one on this side of the House have suggested that they will soon adopt a method by which the selection of these judges shall be changed. As far as gentlemen on that side are concerned, I submit that the men who wrote the provision that made it incumbent upon the President of the United States to select judges had quite as much wisdom as the statesmen of the present day. Under that system we have proceeded for 130 years. With what result? Some gentlemen are inclined to ask questions that indirectly cast suspicion on the Federal judiciary and the President who is called upon to appoint them. If there is any grave injustice being practiced in this country to-day—and I abhor its suggestion in the Congress of the United States—it is the unjust criticism of Federal judges, and the unjust criticism of men who are called upon from time to time to make these appointments which are so important to the American people.

We have been asked here within the last 20 minutes "who inspires these appointments. I would like to have some publicity on the subject." No man's mouth is closed in this Congress. If publicity is desired, and any man here or elsewhere has knowledge of improper influences being exercised in bringing about the appointment of Federal judges, it is his duty, and certainly it is his right, to make known that knowledge to the American people.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BURKE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CLAYTON. Mr. Chairman, I shall not object, but I give notice now that I shall hereafter object to any extension of time.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Pennsylvania is recognized for five minutes more.

Mr. BURKE of Pennsylvania. Mr. Chairman, in addition to the duties that existed years ago, there never was a time when the duties of Federal judges were increasing as rapidly as they are now, to a very large extent owing to the activities of men on both sides of this House. The powers and the activities of the States are constantly being devoured—a word used very properly and learnedly by my friend, Mr. MCCALL, in a recent debate—while the activities of the Federal Government are increasing every hour; and as these activities increase the duties and responsibilities of Federal judges increase. So far as the criticisms that have been uttered from time to time are concerned, they have been unjust.

Mr. MICHAEL E. DRISCOLL. Does the gentleman actually believe that an increase of salary will get better judges?

Mr. BURKE of Pennsylvania. I believe that the increase of salaries will bring about a condition more in harmony with justice than that which exists to-day.

Mr. CULLOP. Will the gentleman yield?

Mr. BURKE of Pennsylvania. Certainly.

Mr. CULLOP. Would the gentleman have any objection to making public the indorsements of an applicant for a judgeship?

Mr. BURKE of Pennsylvania. Personally I would have no objection whatever, but what I insist upon is this, that men having the right to make known any improper conduct or any improper influence that may have been exercised at any time or place, instead of not making it known, as they do, by dealing in innuendos and insinuations that have the ultimate result of casting aspersions upon the judiciary and bringing the law into contempt, shall frankly state what that misconduct or improper influence is.

If there is any body of men in this world that ought to inspire confidence in the law and bring about an added degree of confidence in the men who administer it, it is the Congress of the United States, whose duty it is to make the laws. [Applause.] And let me say, in passing, that from the time of the founding of this Government until now there never was a man called upon to exercise this particular duty of appointing special Federal judges who has exercised it with greater caution, greater care, or more sincerity of purpose than the present Chief Executive of this Republic, William H. Taft. [Applause on the Republican side.] This administration, nor no administration that I know of in my memory or within my reading knowledge, has ever been called upon to defend itself in this particular matter; and I hope, Mr. Chairman, that at some time these aspersions will end and that all men who may be called from time to time to the Capital of their country to make laws to govern the Nation will exercise their right and perform their duty by not only enacting laws wisely, but of inspiring confidence in the men who are called upon to administer them as we would have others inspire confidence in us. [Applause.]

Mr. CLAYTON. Mr. Chairman, in reply to the remarks made by the gentleman from Illinois [Mr. CANNON], I desire to say, so that the House may fully understand this measure, that this bill recognizes the fact that there are four circuit judges in the Chicago circuit, and there are but two district judges in the

Chicago district. Judge Grosscup, one of the circuit judges, has resigned, and his successor has not been appointed. The circuit judges will constitute the circuit court of appeals. There is no necessity there for more than three judges to sit on the circuit court of appeals. There are in this Chicago district but two district judges, and the district judges now, as we all know, discharge all of the duties formerly incumbent upon the circuit judges, because the circuit courts have been abolished, other than the circuit court of appeals. The necessity there is for another district judge, and the public can well dispense with the services of one of the four circuit judges. The proposition, therefore, is simply to authorize the appointment of a district judge in lieu of this fourth circuit judge, who is unnecessary. The bill is in the interest of economy. Under this bill the district judge will get $6,000, whereas, if a successor to Judge Grosscup be appointed, he will get $7,000 a year. That is the effect of the bill and the purpose of it, and it ought to pass.

Mr. CANNON. Mr. Chairman, will the gentleman permit an interruption?

Mr. CLAYTON. Certainly.

Mr. CANNON. The gentleman says that there are two district judges for Chicago.

Mr. CLAYTON. Two for that district.

Mr. CANNON. And four for the district; but there are two for Wisconsin, and there are two others in Illinois—the eastern and southern judges.

Mr. CLAYTON. Two other what?

Mr. CANNON. District judges. There is also one in Indiana.

Mr. CLAYTON. Yes.

Mr. CANNON. I feared the gentleman might mislead the House by saying there was nothing in this whole question except Chicago.

Mr. CLAYTON. I did not intend to do that. If my remarks were subject to that criticism, I am very much obliged to the gentleman for making the suggestion. The whole proposition, Mr. Chairman, is this: To dispense with one circuit court judge, who is unnecessary, and, in dispensing with him, to have a district judge, who is necessary. Now, Mr. Chairman, I move that all debate on this paragraph and pending amendments thereto be closed. [Applause.]

The CHAIRMAN. The gentleman from Alabama moves that all debate upon this paragraph and all pending amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is upon the motion made by the gentleman from Illinois [Mr. CANNON] to strike out the enacting clause of the bill.

The question was taken, and the Chair announced that the Chair was in doubt.

The committee divided; and there were—ayes 25, noes 67.

So the amendment was rejected.

The CHAIRMAN. The question now is upon the motion of the gentleman from Illinois [Mr. FOWLER] to amend the amendment of the gentleman from Illinois [Mr. MANN] by substituting five thousand for seven thousand.

The question was taken, and the amendment was rejected.

Mr. CANNON. Mr. Chairman, I move the following amendment.

The CHAIRMAN. There is an amendment pending that has not yet been voted upon. The vote now is upon the amendment offered by the gentleman from Illinois [Mr. MANN] increasing the salary of district judges from $6,000 to $7,000.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 25, noes 76.

So the amendment was rejected.

Mr. CANNON. Mr. Chairman, I move in line 7, page 2, to strike out the word "two" and insert the word "one."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 2, line 7, by striking out the word "two" and inserting in lieu thereof the word "one."

Mr. CANNON. So that it will read——

The CLERK (reading):

One additional district judge.

Mr. CANNON. Mr. Chairman, just a word, and a word only. Under the law now there are two district judges in Chicago. This will increase it by one additional, so that there will be three. It brings up the same question I asked a moment ago. That is all there is in the bill, that——

Mr. MANN. And the decrease.

Mr. CANNON. Yes; the circuit judge would come later.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that he is proceeding by unanimous consent. As the Chair understood the motion made, it was that all debate be closed on this section and amendments thereto.

Mr. CANNON. Pending amendments, I believe. I do not desire to debate it further, but to just give notice that if this amendment is to stay in it will leave the law as it is and will be followed by another amendment to strike out the word "three," section 118, in line 6, and insert "four."

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Illinois to strike out the word "two" and insert the word "one," on page 2, in line 7.

The question was taken, and the Chair announced the "noes" seemed to have it.

On a division (demanded by Mr. CANNON), there were—ayes 32, noes 46.

So the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add as a new section as follows:

"That hereafter before the President shall appoint any district, circuit, or Supreme Court judge he shall make public all indorsements made in behalf of any applicant."

Mr. CULLOP. Now, Mr. Chairman, the purpose of that is that the public may know exactly who is indorsing an applicant.

Mr. CLAYTON. Mr. Chairman, I will accept that amendment. [Applause.]

Mr. CULLOP. Thank you, sir.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. AUSTIN. Division!

The CHAIRMAN. The ayes have it——

Mr. CANNON. A division was demanded, Mr. Chairman.

The CHAIRMAN. No one was on his feet——

Mr. HEFLIN. Mr. Chairman, I understood the gentleman from Illinois demanded a division.

Mr. CANNON. I did not, but I will.

Mr. BURLESON. I make the point of order it is too late.

The CHAIRMAN. The Chair did not see anyone on his feet. The understanding of the rule is that a gentleman desiring recognition shall arise and address the Chair. The Chair did not hear any such request and did not see anyone on his feet——

Mr. BURLESON. Regular order!

The CHAIRMAN. Therefore the Chair declined to recognize——

Mr. OLMSTED. Just one moment, Mr. Chairman. Somebody did cry "Division." Whether he rose or not I do not know, but evidently the gentleman from Illinois [Mr. CANNON], who intended to move for a division, was misled by that. The gentleman from Illinois was on his feet, because we all saw him.

The CHAIRMAN. The gentleman from Illinois distinctly stated he did not call for a division.

Mr. CANNON. I did not, because somebody else called for a division.

Mr. AUSTIN. Mr. Chairman, I called for a division.

The CHAIRMAN. I will ask the gentleman from Tennessee if he rose and addressed the Chair.

Mr. AUSTIN. I will ask the Chair if he looked in my direction.

The CHAIRMAN. The Chair will state that he did, and did not see the gentleman. I heard a voice over in that direction, but saw no one standing.

Mr. AUSTIN. I think the gentleman from New York [Mr. LITTLETON] will bear out my statement that I demanded a division.

Mr. LITTLETON. I was sitting by the side of the gentleman from Tennessee [Mr. AUSTIN]. When the vote was announced, he cried "Division," and started to rise from his desk. The gentleman from Illinois [Mr. CANNON] was standing on his feet, and I think the gentleman from Illinois [Mr. CANNON] was misled by hearing the demand for a division by the gentleman from Tennessee.

Mr. CLAYTON. Mr. Chairman, regular order.

The CHAIRMAN. Regular order is demanded, and the Clerk will read.

The Clerk read as follows:

SEC. 2. That section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"SEC. 118. There shall be in the second and eighth circuits, respectively, four circuit judges; in the fourth circuit two circuit judges, and in each of the other circuits three circuit judges, to be appointed by

the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of $7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit."

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of finishing the remarks I had almost concluded a while ago when the gentleman from Illinois [Mr. CANNON] objected. I desire to make it clear that I would not add anything to what has been said here touching the integrity of the Federal judiciary. I believe that the Federal judiciary of this country is of the highest character, composed of the very best men of our legal profession; that they are appointed by the President from the loftiest motives and for the best interests of our common country. But I do believe, and I will say here, that if it were submitted to a vote of the people of the United States it would be decided that our Federal judges ought to be elected by the people for a term of 12 years each instead of being continued as life judges, with a practical impossibility of removal. It is the system I complain against and not the fact that any one of our Federal judges now is dishonest. The system we have, however, at the present time does lead toward abuses, or, rather, I should say, toward the administration of the law in a manner that is not to the best interests of the country. No supreme court of any other civilized country on earth has the power of holding an act of its legislature unconstitutional.

The Federal district judges have also shown a marked tendency toward the exercise of autocratic power, as every lawyer in this country knows. These judges are simply human beings, and they are only following the bent of human nature to exercise such powers when they are given to them. It is the life tenure and the practical impossibility of removal that causes the trouble. The people are to blame if they do not change the system and make these judges elective. This Congress should give to the States an opportunity to adopt an amendment to the Constitution making these judges elective.

I want to give one illustration of the work of the Federal courts. Five years ago I filed suits for settlers in the Federal court at Portland, Oreg., against the Oregon & California Railroad Co., to compel it to sell granted lands to actual settlers in quantities not greater than 160 acres to any one settler and at prices not to exceed $2.50 per acre, as required by a plain act of Congress. Certain laymen said to me that the cases would be in court for 20 years. I replied to them they did not know what they were talking about, that they were simply prejudiced against the Federal courts; and I assured them I would have the test cases in the Supreme Court of the United States inside of three years. I had practiced law for eight years in the State courts. I had got justice there. I had never been balked in the trial of a lawsuit. I did not expect in these Federal cases to let any rule day go by without being there and taking the necessary orders to expedite these suits. But when I filed those complaints five years ago an assistant to the Attorney General showed up on the scene. He went into the chambers of the Federal judge, as he told me himself, and he told that Federal judge that he would regard it as unfortunate if any decision should be rendered in my cases in advance of the filing of a Government complaint which he promised would be filed soon thereafter.

In this railroad land-grant case the judge refused for more than a year to take any action whatever on my complaints for the settlers, awaiting the filing of a suit by the Attorney General. Then the court ordered the complaints consolidated. Later demurrers to the complaints were argued and the court gave four months for filing briefs, which was all right. But the Attorney General took 17 months to file his brief and the judge willingly acquiesced in this delay. Five years have now gone by and the railroad land-grant case has not yet been tried in the court of first instance. It will probably be decided in about a year now. It will then be appealed to the Court of Appeals at San Francisco, and when it shall finally be decided there it will be appealed to the Supreme Court at Washington. It is now manifest that the laymen who predicted in a derisive way, as I thought, that the case would be permitted to drag along for 20 years were nearer right than I was, because I confidently expected to get the case to the Supreme Court in three years. Where is the man who will have the credulity to believe that this case would be dragging along at this snail-like pace if Federal judges were accountable to the people for their elections? I shall continue to fight this case and the conditions that have made it possible for it to be held up in this manner so long as I remain a Member of Congress. There are doubtless thousands of other cases in which the people of this Union are equally interested that are being handled in the same manner.

CHIEF JUSTICE CLARK'S ADDRESS.

I am pleased to incorporate, as a part of my speech, the most able address on the Constitution that I have ever read. The author is the chief justice of the Supreme Court of North Carolina. This eminent jurist favors the direct election of Federal judges, and he gives reasons why this must be done if we are to be in practice, what we claim to be in theory, a self-governing Nation. The address, from which I have omitted a few portions, follows, and I bespeak for it most careful consideration:

SOME DEFECTS IN THE CONSTITUTION OF THE UNITED STATES.

(An address to the law department of the University of Pennsylvania, Apr. 27, 1906, by Walter Clark, chief justice of North Carolina.)

In Philadelphia on July 4, 1776, was proclaimed "Liberty throughout all the land and to all the inhabitants thereof." And here, too, 11 years later, was another notable event, when on September 17, 1787, was issued to the world the Constitution of these United States. It is of the latter—"its defects and the necessity for its revision"—that I shall speak to you to-night.

Just here it is well to call to mind the radical difference between these two conventions. That which met in 1776 was frankly democratic. Success in its great and perilous undertaking was only possible with the support of the people. The great Declaration was an appeal to the masses. It declared that all men were created equal and endowed with certain inalienable rights—among them life, liberty, and the pursuit of happiness—to secure which rights governments are instituted, deriving their just powers from the consent of the governed, and that when government becomes destructive of these ends it is the right of the people to alter or abolish it and institute a new government in such form as shall seem most likely to effect their safety and happiness. Never was the right of revolution more clearly asserted or that government existed for the sole benefit of the people, who were declared to be equal and endowed with the right to change their government at will when it did not subserve their welfare or obey their wishes. Not a word about property. Everything was about the people. The man was more than the dollar then. And the convention was in earnest. Every member signed the Declaration, which was unanimously voted. As Dr. Franklin pertinently observed, it behooved them "to hang together or they would hang separately."

The convention which met in 1787 was as reactionary as the other had been revolutionary and democratic. It had its beginning in commercial negotiations between the States. Wearied with a long war, enthusiasm for liberty somewhat relaxed by the pressing need to earn the comforts and necessities of life, whose stores had been diminished and oppressed by the ban upon prosperity caused by the uncertainties and impotence of the existing government of the Confederacy, the convention of 1787 came together. Ignoring the maxim that government should exist only by the consent of the governed, it sat with closed doors, that no breath of the popular will should affect their decisions. To free the members from all responsibility members were prohibited to make copies of any resolution or to correspond with constituents or others about matters pending before the convention. Any record of yeas and nays was forbidden, but one was kept without the knowledge of the convention. The journal was kept secret, a vote to destroy it fortunately failed, and Mr. Madison's copy was published only after the lapse of 49 years, when every member had passed beyond human accountability. Only 12 States were ever represented and one of these withdrew before the final result was reached. Of its 65 members, only 55 ever attended, and, so far from being unanimous, only 39 signed the Constitution, and some actively opposed its ratification by their own States.

That the Constitution thus framed was reactionary was a matter of course. There was, as we know, some talk of a royal government, with Frederick, Duke of York, second son of George the Third, as King. Hamilton, whose subsequent great services as Secretary of the Treasury have crowned him with a halo, and whose tragic death has obliterated the memory of his faults, declared himself in favor of the English form of government, with its hereditary Executive and its House of Lords, which he denominated "a most noble institution." Failing in that, he advocated an Executive elected by Congress for life, Senators and judges for life, and governors of States to be appointed by the President. Of these he secured, as it has proved, the most important, from his standpoint, the creation of judges for life. The convention was aware that a Constitution on Hamilton's lines could not secure ratification by the several States. But the Constitution adopted was made as undemocratic as possible, and was very far from responding to the condition, laid down in the Declaration of 1776, that all governments derive their just powers from the consent of the governed. Hamilton, in a speech to the convention, stated that the members were agreed that "we need to be rescued from the democracy." They were rescued. Thomas Jefferson unfortunately was absent as our minister to France and took no part in the convention, though we owe largely to him the compromise by which the first 10 amendments were agreed to be adopted in

exchange for ratification by several States which otherwise would have been withheld.

In truth, the consent of the governed was not to be asked. In the new government the will of the people was not to control and was little to be consulted. Of the three great departments of the Government—legislative, executive, and judiciary—the people were intrusted with the election only of the House of Representatives, to wit, only one-sixth of the Government, even if that House had been made equal in authority and power with the Senate, which was very far from being the case. The Declaration of 1776 was concerned with the rights of man. The Convention of 1787 entirely ignored them. There was no Bill of Rights and the guaranties of the great rights of freedom of speech and of the press, freedom of religion, liberty of the people to assemble, and right of petition, the right to bear arms, exemption from soldiers being quartered upon the people, exemption from general warrants, the right of trial by jury and a grand jury, protection of the law of the land, and protection from seizure of private property for other than public use, and then only upon just compensation; the prohibition of excessive bail or cruel and unusual punishment, and the reservation to the people and the States of all rights not granted by the Constitution—all these matters of the utmost importance to the rights of the people were omitted, and were inserted by the first 10 amendments only because it become imperatively necessary to give assurances that such amendments would be adopted in order to secure the ratification of the Constitution by the several States.

The Constitution was so far from being deemed satisfactory, even to the people and in the circumstances of the time for which it was framed, that, as already stated, only 11 States voted for its adoption by the convention, and only 39 members out of 55 attending signed it, some members subsequently opposing its ratification. Its ratification by the convention in the several States was carried with the greatest difficulty, and in no State was it submitted to a vote of the people themselves. Massachusetts ratified only after a close vote and with a demand for amendments; South Carolina and New Hampshire also demanded amendments, as also did Virginia and New York, both of which voted ratification by the narrowest majorities and reserving to themselves the right to withdraw; and two States (North Carolina and Rhode Island) rejected the Constitution, and subsequently ratified only after Washington had been elected and inaugurated—matters in which they had thus no share.

George Washington was president of the convention, it is true, but as such was debarred from sharing in the debates. His services, great as they were, had been military, not civil, and he left no impress upon the instrument of union, so far as known. Yet it was admitted that but for his popularity and influence the Constitution would have failed of ratification by the several States, especially in Virginia. Indeed, but for his great influence the convention would have adjourned without putting its final hand to the Constitution, as it came very near doing. Even his great influence would not have availed but for the overwhelming necessity for some form of government as a substitute for the rickety Articles of Confederation, which were utterly inefficient and whose longer retention threatened civil war.

An instrument so framed, adopted with such difficulty, and ratified after such efforts and by such narrow margins, could not have been a fair and full expression of the consent of the governed. The men that made it did not deem it perfect. Its friends agreed to sundry amendments, 10 in number, which were adopted by the first Congress that met. The assumption by the new Supreme Court of a power not contemplated, even by the framers of the Constitution, to drag a State before it as defendant in an action by a citizen of another State, caused the enactment of the eleventh amendment. The unfortunate method prescribed for the election of President nearly caused a civil war in 1801 and forced the adoption of the twelfth amendment, and three others were brought about as the result of the great Civil War. The Convention of 1787 recognized itself that the defects innate in the Constitution, and which would be developed by experience and the lapse of time, would require amendments, and that instrument prescribed two different methods by which amendments could be made.

Our Federal Constitution was adopted nearly a century and a quarter ago. In that time every State has radically revised its constitution and most of them several times. Indeed, the constitution of New York requires that the question of a constitutional convention shall be submitted to its people at least once every 20 years. The object is that the organic law shall keep abreast of the needs and wants of the people and shall represent the will and progress of to-day and shall not, as is the case with the Federal Constitution, be hampered by provisions deemed best by the divided counsels of a small handful of men in providing for the wants of the Government considerably more than 100 years ago. Had those men been gifted with divine foresight and created a Constitution fit for this day and its development, it would have been unsuited for the needs of the times in which it was fashioned.

When the Constitution was adopted, in 1787, it was intended for 3,000,000 of people, scattered along the Atlantic slope from Massachusetts to the southern boundary of Georgia. We are now trying to make it do duty for very nearly 100,000,000 of people. Then our population was mostly rural; for three years later, at the First Census, in 1790, we had but five towns in the whole Union which had as many as 6,500 inhabitants each, and only two others had over 4,000. Now we have the second largest city on the globe, with over 4,000,000 of inhabitants, and many that have passed the half-million mark, some of them of over a million population. Three years later, in 1790, we had 75 post offices, with $37,000 annual post-office expenditures. Now we have 75,000 post offices, 35,000 rural delivery routes, and a post-office appropriation of nearly $200,000,000.

During the first 10 years the total expenditures of the Federal Government, including payments on the Revolutionary debts, and including even the pensions, averaged $10,000,000 annually. Now the expenditures are 75 times as much. When the Constitution was adopted Virginia was easily the first State in influence, population, and wealth, having one-fourth the population of the entire Union. North Carolina was third, and New York, which then stood fifth, now has double the population of the whole country at that date, and several other States have now a population greater than the original Union, whose very names were then unheard and over whose soil the savage and the buffalo roamed unmolested. Steamboats, railroads, gas, electricity (except as a toy in Franklin's hands), coal mines, petroleum, and a thousand other things which are a part of our lives to-day were undiscovered.

Corporations, which now control the country and its Government, were then so few that not till four years later, in 1791, was the first bank incorporated (in New York), and the charter for the second bank was only obtained by the subtlety of Aaron Burr, who concealed the banking privileges in an act incorporating a water company—and corporations have had an affinity for water ever since.

Had the Constitution been perfectly adapted to the needs and wishes of the people of that day, we would still have outgrown it. Time has revealed flaws in the original instrument, and it was, as might be expected, wholly without safeguards against that enormous growth of corporations, and even of individuals, in wealth and power, which has subverted the control of the Government.

The glaring defect in the Constitution was that it was not democratic. It gave, as already pointed out, to the people—to the governed—the selection of only one-sixth of the Government, to wit, one-half—by far the weaker half—of the legislative department. The other half, the Senate, was made elective at second hand by the State legislatures, and the Senators were given not only longer terms but greater power, for all presidential appointments and treaties were subjected to confirmation by the Senate.

The President was intended to be elected at a still further remove from the people by being chosen by electors, who, it was expected, would be selected by the State legislatures. The President thus was to be selected at third hand, as it were. In fact, down till after the memorable contest between Adams, Clay, Crawford, and Jackson, in 1824, in the majority of the States the presidential electors were chosen by the State legislatures, and they were so chosen by South Carolina till after the Civil War, and, in fact, by Colorado in 1876. The intention was that the electors should make independent choice, but public opinion forced the transfer of the choice of electors from the legislatures to the ballot box, and then made of them mere figureheads, with no power but to voice the will of the people, who thus captured the executive department. That department, with the House of Representatives, marks to-day the extent of the share of the people in this Government.

The judiciary were placed a step still further removed from the popular choice. The judges were to be selected at fourth hand by a President (intended to be selected at third hand) and subject to confirmation by a Senate chosen at second hand. And to make the judiciary absolutely impervious to any consideration of the "consent of the governed" they are appointed for life.

It will be seen at a glance that a Constitution so devised was intended not to express, but to suppress, or at least disregard, the wishes and the consent of the governed. It was admirably adapted for what has come to pass—the absolute domination of the Government by the "business interests," which, control-

ling vast amounts of capital and intent on more, can secure the election of Senators by the small constituencies, the legislatures which elect them, and can dictate the appointment of the judges; and if they fail in that the Senate, chosen under their auspices, can defeat the nomination. Should the President favor legislation and the House of Representatives pass the bill, the Senate, with its majority chosen by corporation influences, can defeat it; and if, by any chance, it shall yield to the popular will and pass the bill, as was the case with the income tax, there remains the judiciary, who have assumed without any warrant, express or implied in the Constitution, the power to declare any act unconstitutional at their own will and without responsibility to anyone.

The people's part in the Government in the choice of the House of Representatives, even when reenforced by the Executive, whose election they have captured, is an absolute nullity in the face of the Senate and the judiciary, in whose selection the people have no voice. This, therefore, is the Government of the United States—a government by Senate and judges—that is to say, frankly, by whatever power can control the selection of Senators and judges. What is that power? We know that it is not the American people.

Let us not be deceived by forms, but look at the substance. Government rests not upon forms, but upon a true reply to the question, "Where does the governing power reside?" The Roman legions bore to the last day of the Empire upon their standards the words, "The Senate and the Roman people," long centuries after the real power had passed from the curia and the comitia to the barracks of the Pretorian Guards, and when there was no will in Rome save that of their master. There were still tribunes of the people and consuls and a senate and the title of a republic, but the real share of the people in the Roman Government was the donation to them of "bread and circuses" by their tyrants.

Years after the victor of Marengo had been crowned Emperor and the sword of Austerlitz had become the one power in France, the French coins and official documents still bore the inscription of "French Republic"—"République Française."

In England to-day there is a monarchy in form, but we know that in truth the real government of England is vested in a single House of Parliament, elected by the people, under a restricted suffrage; that the real executive is not the King, but the prime minister and his cabinet, practically elected by the House of Commons and holding office at the will of the majority in that House; that the King has not even the veto power, except nominally, since it has not been exercised in a single instance for more than 200 years; and that the sole function of the House of Lords—a club of rich men representing great vested interests—is in the exercise of a suspensive veto (of which the King has been deprived), which is exercised only till the Commons make up their mind the bill shall pass, when the House of Lords always gives way, as the condition upon which their continued existence rests. So in this country we retain the forms of a Republic. We still choose our President and the House of Representatives by the people; but the real power does not reside in them or in the people. It rests with those great "interests" which select the majority of the Senate and the judges.

This being the situation, the sole remedy possible is by amendment of the Constitution to make it democratic and place the selection of these preponderating bodies in the hands of the people.

First, the election of Senators should be given to the people. Even then consolidated wealth will secure some of the Senators; but it would not be able, as now, at all times to count with absolute certainty upon a majority of the Senate as its creatures. Five times has a bill proposing such amendment to the Constitution passed the House of Representatives by a practically unanimous vote, and each time it has been lost in the Senate; but never by a direct vote. It has always been disposed of by referring the bill to a committee which never reports it back, and never will. It is too much to expect that the great corporations which control the majority of the Senate will ever voluntarily transfer to the people their profitable and secure hold upon supreme power by permitting the passage of an amendment to elect Senators by the people. The only hope is in the alternative plan of amendment, authorized by the Constitution, to wit, the call of a constitutional convention upon the application of two-thirds of the States, to wit, 30 States. More than that number have already instructed in favor of an amendment to elect Senators by the people.

It may be recalled here that in the convention of 1787 Pennsylvania did vote for the election of Senators by the people. A strong argument used against this was that the farming interests, being the largest, would control the House and that the Senate could only be given to the commercial interests by making its Members elective by the legislatures—which was prophetic—though the deciding influence was the fear of the small States that if the Senate was elected by the people its membership would be based on population.

The most important of the changes necessary to place the Government of the Union in the hands of the people is to provide for the direct election of Federal judges. By far the most serious defect and danger in the Constitution is the appointment of judges for life, subject to confirmation by the Senate. It is a far more serious matter than it was when the convention of 1787 framed the Constitution. A proposition was made in the convention—as we now know from Mr. Madison's Journal—that the judges should pass upon the constitutionality of acts of Congress. This was defeated June 5, receiving the votes of only two States. It was renewed no less than three times, i. e., on June 6, July 21, and finally again for the fourth time on August 15; and though it had the powerful support of Mr. Madison and Mr. James Wilson, at no time did it receive the votes of more than three States. On this last occasion (August 15) Mr. Mercer thus summed up the thought of the convention: He disapproved of the doctrine that the judges, as expositors of the Constitution, should have authority to declare a law void. He thought laws ought to be well and cautiously made, and then to be incontrovertible.

Prior to the convention the courts of four States—New Jersey, Rhode Island, Virginia, and North Carolina—had expressed an opinion that they could hold acts of the legislature unconstitutional. This was a new doctrine never held before (nor in any other country since) and met with strong disapproval. In Rhode Island the movement to remove the offending judges was stopped only on a suggestion that they could be "dropped" by the legislature at the annual election, which was done. The decisions of these four State courts were recent and well known to the convention. Mr. Madison and Mr. Wilson favored the new doctrine of the paramount judiciary, doubtless deeming it a safe check upon legislation, since it was to be operated only by lawyers. They attempted to get it into the Federal Constitution in its least objectionable shape, the judicial veto before final passage of an act, which would thus save time and besides would enable the legislature to avoid the objections raised. But even in this diluted form, and though four times presented by these two very able and influential members, this suggestion of a judicial veto at no time received the votes of more than one-fourth of the States.

The subsequent action of the Supreme Court in assuming the power to declare acts of Congress unconstitutional was without a line in the Constitution to authorize it, either expressly or by implication. The Constitution recited carefully and fully the matters over which the courts should have jurisdiction, and there is nothing, and after the above vote four times refusing jurisdiction there could be nothing, indicating any power to declare an act of Congress unconstitutional and void.

Had the convention given such power to the courts, it certainly would not have left its exercise final and unreviewable. It gave the Congress power to override the veto of the President, though that veto was expressly given, thus showing that in the last analysis the will of the people, speaking through the legislative power, should govern. Had the convention supposed the courts would assume such power, it would certainly have given Congress some review over judicial action and certainly would not have placed the judges irretrievably beyond "the consent of the governed" and regardless of the popular will by making them appointive, and, further, clothing them with the undemocratic prerogative of tenure for life.

Such power does not exist in any other country, and never has. It is therefore not essential to our security. It is not conferred by the Constitution; but, on the contrary, the convention, as we have seen, after the fullest debate, four times, on four several days, refused by a decisive vote to confer such power. The judges not only have never exercised such power in England, where there is no written constitution, but they do not exercise it in France, Germany, Austria, Denmark, or in any other country which, like them, has a written constitution.

A more complete denial of popular control of this Government could not have been conceived than the placing of such unreviewable power in the hands of men not elected by the people and holding office for life. The legal-tender act, the financial policy of the Government, was invalidated by one court and then validated by another, after a change in its personnel. Then the income tax, which had been held constitutional by the court for a hundred years, was again so held, and then by a sudden change of vote by one judge it was held unconstitutional, nullified, and set at naught, though it had passed by a nearly unanimous vote both Houses of Congress, containing many lawyers who were the equals, if not the superiors, of the vacillating judge, and had been approved by the President

and voiced the will of the people. This was all negatived (without any warrant in the Constitution for the court to set aside an act of Congress) by the vote of one judge; and thus $100,000,000 and more of annual taxation was transferred from those most able to bear it and placed upon the backs of those who already carried more than their fair share of the burdens of government. Under an untrue assumption of authority given by 39 dead men one man nullified the action of Congress and the President and the will of 75,000,000 of living people, and in the 13 years since has taxed the property and labor of the country, by his sole vote, $1,300,000,000, which Congress, in compliance with the public will and relying on previous decisions of the court, had decreed should be paid out of the excessive incomes of the rich.

In England one-third of the revenue is derived from the superfluities of the very wealthy by the levy of a graduated income tax and a graduated inheritance tax, increasing the per cent with the size of the income. The same system is in force in all other civilized countries. In not one of them would the hereditary monarch venture to veto or declare null such a tax. In this country alone the people, speaking through their Congress and with the approval of their Executive, can not put in force a single measure of any nature whatever with assurance that it shall meet with the approval of the courts; and its failure to receive such approval is fatal, for, unlike the veto of the Executive, the unanimous vote of Congress (and the income tax came near receiving such vote) can not prevail against it. Of what avail shall it be if Congress shall conform to the popular demand and enact a "rate-regulation" bill and the President shall approve it if five lawyers, holding office for life and not elected by the people, shall see fit to destroy it, as they did the income-tax law? Is such a government a reasonable one, and can it be longer tolerated after 120 years of experience have demonstrated the capacity of the people for self-government? If five lawyers can negative the will of 100,000,000 of men, then the art of government is reduced to the selection of those five lawyers.

A power without limit, except in the shifting views of the court, lies in the construction placed upon the fourteenth amendment, which passed, as everyone knows, solely to prevent discrimination against the colored race, has been construed by the court to confer upon it jurisdiction to hold any provision of any statute whatever "not due process of law." This draws the whole body of the reserved rights of the States into the maelstrom of the Federal courts, subject only to such forbearance as the Federal Supreme Court of the day or in any particular case may see fit to exercise. The limits between State and Federal jurisdiction depend upon the views of five men at any given time, and we have a government of men and not a government of laws, prescribed beforehand.

At first the court generously exempted from its veto the police power of the several States. But since then it has proceeded to set aside an act of the Legislature of New York restricting excessive hours of labor, which act had been sustained by the highest court in that great State. Thus labor can obtain no benefit from the growing humanity of the age, expressed by the popular will in any State, if such statute does not meet the views of five elderly lawyers, selected by influences naturally antagonistic to the laboring classes and whose training and daily associations certainly can not incline them in favor of restrictions upon the power of the employer.

The vast political power now asserted and exercised by the court to set aside public policies, after their full determination by Congress, can not safely be left in the hands of any body of men without supervision or control by any other authority whatever. If the President errs, his mandate expires in four years, and his party as well as himself is accountable to the people at the ballot box for his stewardship. If Members of Congress err, they, too, must account to their constituents. But the Federal judiciary hold for life, and though popular sentiment should change the entire personnel of the other two great departments of government, a whole generation must pass away before the people could get control of the judiciary, which possesses an irresponsible and unrestricted veto upon the action of the other departments—irresponsible because impeachment has become impossible, and if it were possible it could not be invoked as to erroneous decisions unless corruption were shown.

The control of the policy of government is thus not in the hands of the people, but in the power of a small body of men not chosen by the people and holding for life. In many cases which might be mentioned, had the court been elective, men not biased in favor of colossal wealth would have filled more seats upon the bench, and if there had been such decision as in the income-tax case, long ere this, under the tenure of a term of years, new incumbents would have been chosen, who, returning to the former line of decisions, would have upheld the right of Congress to control the financial policy of the Government in accordance with the will of the people of this day and age, and not according to the shifting views which the court has imputed to language used by the majority of the 55 men who met in Philadelphia in 1787.

It may be that this power in the courts, however illegally grasped originally, has been too long acquiesced in to be now questioned. If so, the only remedy which can be applied is to make the judges elective and for a term of years, for no people can permit its will to be denied and its destinies shaped by men it did not choose and over whose conduct it has no control, by reason of its having no power to change them and select other agents at the close of a fixed term.

It may be said that the Federal judges are now in office for life and it would be unjust to dispossess them. So it was with the State judges in each State when it changed from life judges to judges elected by the people; but that did not stay the hand of a much-needed reform.

It must be remembered that when our Federal Constitution was adopted, in 1787, in only one State was the governor elected by the people, and the judges in none, and that in most if not all the States the legislature, especially the senate branch, was chosen by a restricted suffrage. The schoolmaster was not abroad in the land, the masses were illiterate, and government by the people was a new experiment and property holders were afraid of it. The danger to property rights did not come then, as now, from the other direction—from the corporations and others holding vast accumulations of capital and by their power crushing or threatening to crush out all those owning modest estates.

In the State governments the conditions existing in 1787 have long since been changed. In all the States the governor and the members of both branches of the legislature have long since been made elective. In all the 45 States save 4—Delaware, Massachusetts, New Hampshire, and Rhode Island—the judges now hold for a term of years, and in three of these they are removable, as in England, upon a majority vote of the legislature, thus preserving a supervision of their conduct which is utterly lacking as to the Federal judiciary. In Rhode Island the judges were thus dropped summarily once when they had held an act of the legislature invalid. In 33 States the judges are elected by the people, in 5 States by the legislature, and in 7 States they are appointed by the governor, with the consent of the senate. Even in England the judges hold office subject to removal upon the vote of a bare minority in Parliament—though there the judges have never asserted any power to set aside an act of Parliament. There the will of the people, when expressed through their representatives in Parliament, is final. The King can not veto it, and no judge has ever dreamed he had power to set it aside.

There are those who believe and have asserted that corporate wealth can exert such influence that even if judges are not actually selected by the great corporations, no judge can take his seat upon the Federal bench if his nomination and confirmation are opposed by the allied plutocracy. It has never been charged that such judges are corruptly influenced. But the passage of a judge from the bar to the bench does not necessarily destroy his prejudices or his predilections. If they go upon the bench knowing that this potent influence, if not used for them, at least withheld its opposition to their appointment or their confirmation, and usually with a natural and perhaps unconscious bias from having spent their lives at the bar in advocacy of corporate claims, this will unconsciously, but effectively, be reflected in the decisions they make. Having attempted as lawyers to persuade courts to view debated questions from the standpoint of aggregated wealth, they often end by believing sincerely in the correctness of such views, and not unnaturally put them in force when in turn they themselves ascend the bench. This trend in Federal decisions has been pronounced. Then, too, incumbents of seats upon the Federal circuit and district bench can not be oblivious to the influence which procures promotion; and how fatal to confirmation by the plutocratic majority in the Senate will be the expression of any judicial views not in accordance with the "safe, sane, and sound" predominance of wealth.

As far back as 1820 Mr. Jefferson had discovered the "sapping and mining," as he termed it, of the life-tenure, appointive Federal judiciary, owing no gratitude to the people for their appointment and fearing no inconvenience from their conduct, however arbitrary, in the discharge of such office. In short, they possess the autocratic power of absolute irresponsibility. "Step by step, one goes very far," says the French proverb. This is true of the Federal judiciary. Compare their jurisdiction in 1801, when Marshall ascended the bench, and their jurisdiction in 1906. The Constitution has been remade and rewritten by the judicial glosses put upon it. Had it been under-

stood in 1787 to mean what it is construed to mean to-day, it is safe to say not a single State would have ratified it.

As was said by a great lawyer lately deceased, Judge Seymour D. Thompson, in 1891 (25 Am. Law Review, 288): "If the proposition to make the Federal judiciary elective instead of appointive is once seriously discussed before the people, nothing can stay the growth of that sentiment, and it is almost certain that every session of the Federal Supreme Court will furnish material to stimulate that growth."

Great aggregations of wealth know their own interests, and it is very certain that there is no reform and no constitutional amendment that they will oppose more bitterly than this. What, then, is the interest of all others in regard to it?

For my part, I believe in popular government. The remedy for the halting, halfway popular government which we have is more power to the people. When some one observed to Mr. Gladstone that the "people are not always right," he replied, "No; but they are rarely wrong." When they are wrong their intelligence and their interests combine to make them correct the wrong. But when rulers, whether kings or life judges, or great corporations, commit an error against the interests of the masses, there is no such certainty of correction.

Mr. CLAYTON. Mr. Chairman, I move that the House do now rise and report the bill, with amendments, favorably to the House, and recommend that the bill as amended be passed.

The CHAIRMAN. The gentleman from Alabama [Mr. CLAYTON] moves that the Committee of the Whole House on the state of the Union rise and report the bill, with sundry amendments thereto, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SISSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 17595) to amend section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is there a separate vote demanded on any amendment?

Mr. MANN. I ask, Mr. Speaker, that a separate vote be had on each of the amendments.

The SPEAKER. The gentleman from Illinois will state which ones.

Mr. MANN. I think there are only two amendments.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

On page 2, line 7, after the word "additional," insert the word "district."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the second amendment.

The Clerk read as follows:

Add, as a new section, the following:
"That hereafter, before the President shall appoint any district, circuit, or supreme judge, he shall make public all indorsements made in behalf of any applicant."

The SPEAKER. The question is on agreeing to the second amendment.

The question was taken.

Pending the announcement of the result—

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FOSTER of Illinois. The yeas and nays, Mr. Speaker.

The SPEAKER (after counting). One hundred and thirty-one gentlemen are present—not a quorum. The Doorkeeper will close the doors, and the Clerk will call the roll. Those in favor of the amendment will, when their names are called, answer "Yea," and those opposed will answer "Nay."

The question was taken; and there were—yeas 151, nays 85, answered "present" 12, not voting 143, as follows:

YEAS—151.

Adair	Burke, Wis.	Cullop	Dyer
Akin, N. Y.	Burleson	Curley	Faison
Alexander	Byrnes, S. C.	Daugherty	Farr
Allen	Callaway	Davenport	Fergusson
Anderson, Minn.	Carlin	Davis, Minn.	Ferris
Ansberry	Carter	Dent	Finley
Barnhart	Claypool	Denver	Fitzgerald
Blackmon	Clayton	Dickinson	Flood, Va.
Boehne	Cline	Dickson, Miss.	Floyd, Ark.
Booher	Collier	Dixon, Ind.	Foster, Ill.
Brown	Cooper	Doremus	Fowler
Bulkley	Cox, Ohio	Doughton	Francis
Garner	Lafferty	Oldfield	Smith, Tex.
Godwin, N. C.	La Follette	Page	Stedman
Goeke	Lamb	Palmer	Steenerson
Goodwin, Ark.	Lee, Ga.	Patten, N. Y.	Stephens, Miss.
Gould	Lenroot	Pou	Stephens, Tex.
Gray	Lindbergh	Prouty	Stone
Gregg, Pa.	Linthicum	Raker	Sulzer
Gregg, Tex.	Littlepage	Randell, Tex.	Taggart
Hamlin	Lloyd	Rauch	Talcott, N. Y.
Hardwick	Lobeck	Rees	Taylor, Colo.
Hardy	McGillicuddy	Reilly	Thomas
Hay	McLaughlin	Roberts, Nev.	Tribble
Heflin	Macon	Roddenbery	Tuttle
Helgesen	Maguire, Nebr.	Rothermel	Underhill
Henry, Tex.	Maher	Rouse	Underwood
Houston	Martin, Colo.	Rubey	Volstead
Howard	Mays	Rucker, Colo.	Watkins
Hughes, N. J.	Miller	Rucker, Mo.	Webb
Hull	Moon, Tenn.	Russell	Wedemeyer
Jacoway	Moore, Tex.	Shackleford	Wilson, N. Y.
Johnson, Ky.	Morse, Wis.	Sheppard	Wilson, Pa.
Jones	Moss, Ind.	Sherwood	Witherspoon
Kendall	Murdock	Sims	Woods, Iowa
Kent	Nelson	Sisson	Young, Kans.
Kinkead, N. J.	Norris	Sloan	Young, Tex.
Konop	Nye	Smith, N. Y.	

NAYS—85.

Austin	French	Humphrey, Wash.	Post
Bartholdt	Fuller	Kahn	Powers
Bingham	Gardner, Mass.	Kinkaid, Nebr.	Reyburn
Bowman	Gardner, N. J.	Knowland	Sherley
Bradley	Garrett	Korbly	Slemp
Brantley	Good	Lafean	Smith, J. M. C.
Browning	Green, Iowa	Littleton	Smith, Saml. W.
Burke, Pa.	Griest	McCall	Speer
Burke, S. Dak.	Guernsey	McGuire, Okla.	Sulloway
Calder	Hamilton, Mich.	McKenzie	Switzer
Cannon	Hammond	McKinney	Taylor, Ohio
Crago	Hanna	Madden	Thistlewood
Crumpacker	Harris	Mann	Towner
Curry	Hayes	Moon, Pa.	Utter
Dalzell	Henry, Conn.	Morgan	Vreeland
Danforth	Higgins	Morrison	White
Dies	Hill	Needham	Wilder
Dodds	Hinds	Olmsted	Willis
Draper	Holland	O'Shaunessy	Young, Mich.
Driscoll, M. E.	Howland	Payne	
Dwight	Hubbard	Peters	
Foster, Vt.	Hughes, W. Va.	Pickett	

ANSWERED "PRESENT"—12.

Adamson	Diefenderfer	McMorran	Sharp
Bartlett	Esch	Parran	Tilson
Cary	McDermott	Riordan	Weeks

NOT VOTING—143.

Aiken, S. C.	Donohoe	James	Prince
Ainey	Driscoll, D. A.	Johnson, S. C.	Pujo
Ames	Dupre	Kennedy	Rainey
Anderson, Ohio	Edwards	Kindred	Ransdell, La.
Andrus	Ellerbe	Kitchin	Redfield
Anthony	Estopinal	Konig	Richardson
Ashbrook	Evans	Kopp	Roberts, Mass.
Ayres	Fairchild	Langham	Robinson
Barchfeld	Fields	Langley	Rodenberg
Bates	Focht	Lawrence	Sabath
Bathrick	Fordney	Lee, Pa.	Saunders
Beall, Tex.	Fornes	Legare	Scully
Bell, Ga.	Foss	Lever	Sells
Berger	Gallagher	Levy	Simmons
Borland	George	Lewis	Slayden
Broussard	Gillett	Lindsay	Small
Buchanan	Glass	Longworth	Smith, Cal.
Burgess	Goldfogle	Loud	Sparkman
Burnett	Graham	McCoy	Stack
Butler	Greene, Mass.	McCreary	Stanley
Byrns, Tenn.	Gudger	McHenry	Stephens, Cal.
Campbell	Hamill	McKellar	Stephens, Nebr.
Candler	Hamilton, W. Va.	McKinley	Sterling
Cantrill	Harrison, Miss.	Malby	Stevens, Minn.
Catlin	Harrison, N. Y.	Martin, S. Dak.	Sweet
Clark, Fla.	Hartman	Matthews	Talbott, Md.
Connell	Haugen	Mondell	Taylor, Ala.
Conry	Hawley	Moore, Pa.	Thayer
Copley	Heald	Mott	Townsend
Covington	Helm	Murray	Turnbull
Cox, Ind.	Hensley	Padgett	Warburton
Cravens	Hobson	Patton, Pa.	Whitacre
Currier	Howell	Pepper	Wickliffe
Davidson	Hughes, Ga.	Plumley	Wilson, Ill.
Davis, W. Va.	Humphreys, Miss.	Porter	Wood, N. J.
De Forest	Jackson	Pray	

So the amendment was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RIORDAN with Mr. ANDRUS.

Mr. BARTLETT with Mr. BUTLER.

On this vote:

Mr. BELL of Georgia with Mr. CARY.

Until further notice:

Mr. GALLAGHER with Mr. MCKINLEY.

Mr. REDFIELD with Mr. SELLS.

Mr. THAYER with Mr. WARBURTON.

Mr. WICKLIFFE with Mr. WOOD of New Jersey.

Mr. RAINEY with Mr. PRAY.

Mr. MURRAY with Mr. PORTER.

Mr. LEVER with Mr. PLUMLEY.

Mr. LEE of Pennsylvania with Mr. PATTON of Pennsylvania.
Mr. KITCHIN with Mr. MOTT.
Mr. HUGHES of Georgia with Mr. MOORE of Pennsylvania.
Mr. HARRISON of New York with Mr. MONDELL.
Mr. HARRISON of Mississippi with Mr. MARTIN of South Dakota.
Mr. HAMILTON of West Virginia with Mr. MCCREARY.
Mr. GUDGER with Mr. JACKSON.
Mr. GOLDFOGLE with Mr. HOWELL.
Mr. DUPRE with Mr. HAWLEY.
Mr. COX of Indiana with Mr. GILLETT.
Mr. COVINGTON with Mr. FORDNEY.
Mr. CONNELL with Mr. FOCHT.
Mr. CANTRILL with Mr. DAVIDSON.
Mr. AYRES with Mr. CATLIN.
Mr. LEGARE with Mr. LOUD.
Mr. AIKEN of South Carolina with Mr. AMES.
Mr. DIFENDERFER with Mr. ESCH.
Mr. MCCOY with Mr. MALBY.
Mr. PUJO with Mr. MCMORRAN.
Mr. PADGETT with Mr. FOSS.
Mr. FIELDS with Mr. LANGLEY.
Mr. EDWARDS with Mr. KENNEDY.
Mr. FORNES with Mr. BATES.
Mr. SMALL with Mr. RODENBERG.
Mr. PEPPER with Mr. PRINCE.
Mr. CLARK of Florida with Mr. SIMMONS.
Mr. BATHRICK with Mr. ROBERTS of Massachusetts.
Mr. HENSLEY with Mr. KOPP.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. CONRY with Mr. CAMPBELL.
Mr. SLAYDEN with Mr. STEPHENS of California.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. BUCHANAN with Mr. WILSON of Illinois.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. LEWIS with Mr. ANTHONY.
Mr. MCKELLAR with Mr. GREENE of Massachusetts.
Mr. ANDERSON of Ohio with Mr. COPLEY.
Mr. GRAHAM with Mr. HEALD.
Mr. ELLERBE with Mr. CURRIER.
Mr. DANIEL A. DRISCOLL with Mr. AINEY.
Mr. BROUSSARD with Mr. SMITH of California.
Mr. DONOHOE with Mr. MATTHEWS.
Mr. HELM with Mr. DE FOREST.
From January 3 to January 21:
Mr. JAMES with Mr. LONGWORTH.
From January 19 to January 29:
Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.
Mr. KINDRED with Mr. HARTMAN.
Mr. CANDLER with Mr. BARCHFELD.
From January 24 to January 26:
Mr. BEALL of Texas with Mr. TILSON.
Until February 1:
Mr. ASHBROOK with Mr. LANGHAM.
Mr. BURGESS with Mr. WEEKS.

Mr. WEEKS. I am paired with the gentleman from Texas, Mr. BURGESS. I inadvertently voted "no." I wish to withdraw that vote and to answer "present."

Mr. TILSON. Mr. Speaker, I desire to know if the gentleman from Texas, Mr. BEALL, is recorded as voting.

The SPEAKER. He is not recorded.

Mr. TILSON. I voted "no." I am paired with the gentleman from Texas, Mr. BEALL. I wish to withdraw my vote and to vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The amendment is agreed to. A quorum being present, the Doorkeeper will open the doors. Further proceedings under the call are dispensed with. The question is on the engrossment and third reading of the amended bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 117, noes 85.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 93, answered "present" 10, not voting 141, as follows:

YEAS—147.

Adair	Blackmon	Callaway	Covington
Akin, N. Y.	Boehne	Cantrill	Cullop
Alexander	Booher	Carlin	Curley
Allen	Brown	Carter	Daugherty
Ansberry	Burke, Wis.	Claypool	Davenport
Ayres	Burleson	Clayton	Davis, Minn.
Barnhart	Byrnes, S. C.	Cline	Dent
Bell, Ga.	Byrns, Tenn.	Collier	Denver
Dickinson	Holland	Moon, Tenn.	Sims
Dickson, Miss.	Houston	Moore, Tex.	Sisson
Dixon, Ind.	Howard	Morgan	Smith, N. Y.
Doremus	Hughes, N. J.	Moss, Ind.	Smith, Tex.
Doughton	Hull	Murdock	Stedman
Evans	Jacoway	Norris	Steenerson
Faison	Johnson, Ky.	Nye	Stephens, Miss.
Fergusson	Johnson, S. C.	Oldfield	Stephens, Nebr.
Ferris	Jones	Page	Stephens, Tex.
Finley	Kendall	Palmer	Stone
Fitzgerald	Kent	Patten, N. Y.	Sulzer
Flood, Va.	Kinkead, N. J.	Porter	Taggart
Floyd, Ark.	Konop	Pou	Talcott, N. Y.
Foster, Ill.	Lafferty	Raker	Taylor, Colo.
Fowler	Lamb	Randell, Tex.	Thomas
Francis	Lee, Ga.	Redfield	Tribble
Garner	Lindbergh	Reilly	Tuttle
Godwin, N. C.	Linthicum	Richardson	Underhill
Goeke	Littlepage	Roberts, Nev.	Underwood
Goodwin, Ark.	Lloyd	Roddenbery	Volstead
Gould	Lobeck	Rothermel	Watkins
Gray	McGillicuddy	Rouse	Webb
Green, Iowa	McHenry	Rubey	Wedemeyer
Gregg, Pa.	McLaughlin	Rucker, Colo.	White
Hamlin	Macon	Rucker, Mo.	Wilson, N. Y.
Hardwick	Maguire, Nebr.	Russell	Wilson, Pa.
Hardy	Maher	Shackleford	Witherspoon
Heflin	Martin, Colo.	Sheppard	Young, Tex.
Henry, Tex.	Mays	Sherwood	

NAYS—93.

Anderson, Minn.	Fuller	Knowland	Powers
Austin	Gardner, Mass.	Korbly	Prouty
Bartholdt	Gardner, N. J.	Lafean	Rees
Bowman	Garrett	La Follette	Reyburn
Bradley	Gillett	Lenroot	Sherley
Brantley	Good	Littleton	Slemp
Browning	Griest	McCall	Sloan
Burke, Pa.	Guernsey	McKenzie	Smith, J. M. C.
Burke, S. Dak.	Hamilton, Mich.	McKinney	Smith, Saml. W.
Calder	Hammond	Madden	Speer
Cannon	Harris	Mann	Sulloway
Catlin	Haugen	Martin, S. Dak.	Switzer
Cooper	Hawley	Miller	Thistlewood
Crago	Hayes	Mondell	Towner
Dalzell	Helgesen	Moon, Pa.	Utter
Danforth	Henry, Conn.	Morrison	Vreeland
Dies	Higgins	Morse, Wis.	Wilder
Dodds	Hill	Needham	Willis
Draper	Hinds	Nelson	Woods, Iowa
Driscoll, M. E.	Howland	Olmsted	Young, Kans.
Dwight	Hubbard	O'Shaunessy	Young, Mich.
Dyer	Hughes, W. Va.	Payne	
Farr	Humphrey, Wash.	Peters	
French	Kahn	Pickett	

ANSWERED "PRESENT"—10.

Adamson	Difenderfer	Riordan	Weeks
Bartlett	Esch	Sharp	
Cary	McMorran	Tilson	

NOT VOTING—141.

Aiken, S. C.	Driscoll, D. A.	Kennedy	Pujo
Ainey	Dupre	Kindred	Rainey
Ames	Edwards	Kinkaid, Nebr.	Ransdell, La.
Anderson, Ohio	Ellerbe	Kitchin	Rauch
Andrus	Estopinal	Konig	Roberts, Mass.
Anthony	Fairchild	Kopp	Robinson
Ashbrook	Fields	Langham	Rodenberg
Barchfeld	Focht	Langley	Sabath
Bates	Fordney	Lawrence	Saunders
Bathrick	Fornes	Lee, Pa.	Scully
Beall, Tex.	Foss	Legare	Sells
Berger	Foster, Vt.	Lever	Simmons
Bingham	Gallagher	Levy	Slayden
Borland	George	Lewis	Small
Broussard	Glass	Lindsay	Smith, Cal.
Buchanan	Goldfogle	Longworth	Sparkman
Bulkley	Graham	Loud	Stack
Burgess	Greene, Mass.	McCoy	Stanley
Burnett	Gregg, Tex.	McCreary	Stephens, Cal.
Butler	Gudger	McDermott	Sterling
Campbell	Hamill	McGuire, Okla.	Stevens, Minn.
Candler	Hamilton, W. Va.	McKellar	Sweet
Clark, Fla.	Hanna	McKinley	Talbott, Md.
Connell	Harrison, Miss.	Malby	Taylor, Ala.
Conry	Harrison, N. Y.	Matthews	Taylor, Ohio
Copley	Hartman	Moore, Pa.	Thayer
Cox, Ind.	Hay	Mott	Townsend
Cox, Ohio	Heald	Murray	Turnbull
Cravens	Helm	Padgett	Warburton
Crumpacker	Hensley	Parran	Whitacre
Currier	Hobson	Patton, Pa.	Wickliffe
Curry	Howell	Pepper	Wilson, Ill.
Davidson	Hughes, Ga.	Plumley	Wood, N. J.
Davis, W. Va.	Humphreys, Miss.	Post	
De Forest	Jackson	Pray	
Donohoe	James	Prince	

So the bill was passed.

The following additional pairs were announced:

For to-day:

Mr. BULKLEY with Mr. MCGUIRE of Oklahoma.

For the balance of the day:

Mr. GREGG of Texas with Mr. BINGHAM.

Until further notice:

Mr. Cox of Ohio with Mr. TAYLOR of Ohio.
Mr. TURNBULL with Mr. KINKAID of Nebraska.
Mr. STANLEY with Mr. HANNA.
Mr. MURRAY with Mr. CURRY.
Mr. MCDERMOTT with Mr. CRUMPACKER.
Mr. DAVIS of West Virginia with Mr. DAVIDSON.

The result of the vote was then announced as recorded.

On motion of Mr. CLAYTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 69. An act for the relief of William O. Mallahan;

S. 3813. An act to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes;

S. 4339. An act to authorize the Lewisburg & Northern Railroad Co. to construct, maintain, and operate a railroad bridge across the Cumberland River in the State of Tennessee; and

S. 4351. An act to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings.

The message also announced that the Vice President had appointed Mr. SWANSON a member of the joint committee, on the part of the Senate, to confer with the Fiftieth Anniversary of the Battle of Gettysburg Commission, in compliance with concurrent resolution of the House of Representatives No. 47, Sixty-first Congress, second session, in place of Mr. RAYNER, excused from further service on his own request.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 69. An act for the relief of William O. Mallahan; to the Committee on Military Affairs.

S. 3813. An act to require all street railroad companies in the District of Columbia to issue free transfers, interchangeable from the lines of one company to those of another, and for other purposes; to the Committee on the District of Columbia.

S. 4351. An act to authorize and direct the Secretary of the Interior and the Secretary of the Treasury to deliver to the governor of the State of Arizona, for the use of the State, certain furniture and furnishings; to the Committee on the Territories.

HOUSE BILL REFERRED.

H. R. 14055. An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes, with Senate amendment, was referred to the Committee on Indian Affairs.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13278. An act to authorize the construction of a bridge across Caddo Lake, in Louisiana.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, 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. 14664. An act authorizing the Secretary of the Interior to grant further extension of time within which to make proof on desert-land entries in the counties of Weld and Larimer;

H. R. 13112. An act authorizing the construction of a bridge and approaches thereto across the Tug Fork of Big Sandy River;

H. R. 14111. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14110. An act to extend the time for building a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 14108. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14109. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

H. R. 14125. An act to authorize the construction, maintenance, and operation of a bridge across the Little River, at or near Lepanta, Ark.;

H. R. 15920. An act to authorize the board of county commissioners for Beltrami County, Minn., to construct a bridge across the Mississippi River; and

H. R. 13278. An act to authorize the construction of a bridge across Caddo Lake in Louisiana.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to:

Mr. BARTHOLDT, for one week, on account of important business.

Mr. CARY, indefinitely, on account of sickness in his family.

Mr. ANDERSON of Ohio, for four days.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Thursday, January 25, 1912, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12686) granting a pension to William L. Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11076) granting a pension to Isaac R. Turckheim; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: A bill (H. R. 18643) for the relief of certain homesteaders in Nebraska; to the Committee on the Public Lands.

By Mr. WARBURTON: A bill (H. R. 18644) providing for the establishing of a Weather Bureau station in Hoquiam or Aberdeen, Wash.; to the Committee on Agriculture.

By Mr. SWITZER: A bill (H. R. 18645) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and commonly known as the Judicial Code, so as to provide for sittings of the United States court at the city of Portsmouth, in the southern judicial district of Ohio; to the Committee on the Judiciary.

By Mr. WARBURTON: A bill (H. R. 18646) making appropriation for the improvement of the Hoquiam River, at Hoquiam, Wash.; to the Committee on Rivers and Harbors.

By Mr. HANNA: A bill (H. R. 18647) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. LLOYD: A bill (H. R. 18648) providing for the erection of a public building at Unionville, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. PORTER: A bill (H. R. 18649) to provide for a public building at Tarentum, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. HEFLIN: A bill (H. R. 18650) to require the delivery of cotton sold on contracts and to require a public record to be kept of all sales of cotton on the exchange, together with the grade and the amount of cotton actually delivered and the amount and grade of cotton on hand at the exchange from time to time; to the Committee on Agriculture.

By Mr. WARBURTON: A bill (H. R. 18651) making an appropriation of $62,500 for the construction of a canal between Port Townsend Bay and Oak Bay; to the Committee on Railways and Canals.

By Mr. GODWIN of North Carolina: A bill (H. R. 18652) providing for the erection of a monument at Elizabethtown, N. C., to commemorate the distinguished services of the American Army at the battle of Elizabethtown during the American Revolution; to the Committee on the Library.

Also, a bill (H. R. 18653) to provide for the purchase of the land upon which Fort Fisher and the outlying batteries connected therewith were located, in the State of North Carolina, and to establish a national park thereat; to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 18654) to authorize the Secretary of Commerce and Labor to acquire for the Government of the United States by condemnation proceedings the gas works, plant, and equipment of the Washington Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and

power, or for any public use in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 18655) to authorize the Secretary of Commerce and Labor to acquire for the Government of the United States by condemnation proceedings the gas works, plant, and equipment of the Georgetown Gas Light Co., now used, owned, and employed by said company in the manufacture, distribution, and sale of gas for heat, light, and power, or for any public use in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER: A bill (H. R. 18656) to allot minor Indians of the Bois Fort Band of Chippewas, Minn.; to the Committee on Indian Affairs.

By Mr. FRENCH: A bill (H. R. 18657) to amend sections 2324 and 2325 of the Revised Statutes; to the Committee on Mines and Mining.

By Mr. HELGESEN: A bill (H. R. 18658) providing for a survey of the Red River of the North from the junction of the Ottertail and Bois de Sioux Rivers to the Canadian boundary; to the Committee on Rivers and Harbors.

By Mr. FLOOD of Virginia: A bill (H. R. 18659) to authorize the Director of the Census to collect and publish statistics of apples; to the Committee on the Census.

By Mr. HOWLAND: A bill (H. R. 18660) to authorize the change of name of the steamer *Salt Lake City;* to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 18661) to provide for an extension of time of payment of all unpaid payments due from homesteaders on the Coeur d'Alene Indian Reservation, as provided for under an act of Congress approved June 21, 1906; to the Committee on Indian Affairs.

By Mr. SULZER: A bill (H. R. 18662) to control and regulate corporations engaged in commerce among the several States or foreign nations; to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. LAFFERTY: Joint resolution (H. J. Res. 227) proposing an amendment to the Constitution of the United States making the Federal judiciary elective and subject to recall; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 18663) granting an increase of pension to Samuel S. Hall; to the Committee on Invalid Pensions.

By Mr. CARLIN (by request): A bill (H. R. 18664) for the relief of James Taylor, administrator of Henry Hopkins Sibley, deceased; to the Committee on Claims.

By Mr. COOPER: A bill (H. R. 18665) granting an increase of pension to Henry Pruess; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 18666) for the relief of the legal representatives of Sewell Coulson, deceased; to the Committee on Claims.

By Mr. DRAPER: A bill (H. R. 18667) granting an increase of pension to Delia M. Williams; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 18668) for the relief of Columbus W. Bryan; to the Committee on War Claims.

By Mr. FRANCIS: A bill (H. R. 18669) for the relief of Wickliff Fry for horse lost while hired by the United States Geological Survey; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 18670) for the relief of James C. Connor and Patrick Connor, sole surviving heirs at law of Patrick Connor, deceased; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 18671) granting an increase of pension to Marshall M. Eccleston; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 18672) granting a pension to Claude A. Holder; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 18673) granting a pension to Albert Albright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18674) granting an increase of pension to Edwin Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18675) for the relief of Mary L. Piatt; to the Committee on War Claims.

Also, a bill (H. R. 18676) for the relief of the estate of T. N. Duvall, deceased; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 18677) granting an increase of pension to Samuel J. Couch; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18678) granting an increase of pension to Isaac Adkins; to the Committee on Invalid Pensions.

By Mr. LEVY: A bill (H. R. 18679) granting a pension to Rachel A. Lindeman; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 18680) authorizing the President of the United States to appoint Ensign O. C. F. Dodge, United States Navy, now on the retired list, a lieutenant on the retired list; to the Committee on Naval Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 18681) to correct the military record of Eleazer W. Atwood; to the Committee on Military Affairs.

By Mr. McKINNEY: A bill (H. R. 18682) granting an increase of pension to Charles F. W. Schell; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 18683) granting an increase of pension to Emma Nies; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 18684) granting an increase of pension to A. N. Hopkins; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 18685) granting a pension to Eli Leffler; to the Committee on Pensions.

By Mr. NORRIS: A bill (H. R. 18686) granting an increase of pension to A. H. Williams; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 18687) granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 18688) to correct the military record of Silas Overmire; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 18689) granting a pension to Yank McFarland; to the Committee on Pensions.

Also, a bill (H. R. 18690) granting a pension to Felix L. Huff; to the Committee on Pensions.

Also, a bill (H. R. 18691) granting a pension to Cobb T. Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18692) granting a pension to Frank Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18693) granting an increase of pension to William McKee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18694) granting an increase of pension to Moses G. Lewis; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 18695) granting a pension to Laura E. Beshore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18696) granting an increase of pension to Ellen G. Frame; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 18697) granting an increase of pension to Ellen R. Stearns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18698) granting a pension to Thomas W. Crossman; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18699) granting a pension to John Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18700) granting an increase of pension to Daniel Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18701) granting an increase of pension to Emanuel Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18702) granting an increase of pension to Isadore Shell; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 18703) granting an increase of pension to Rufus K. Cornish; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 18704) for the relief of Jennie S. Sherman; to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 18705) to pay certain sums to navy-yard employees; to the Committee on Appropriations.

By Mr. SWITZER: A bill (H. R. 18706) granting a pension to Melissa Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18707) granting a pension to Bertha J. Stewart; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 18708) granting a pension to Ellen E. Beck; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 18709) granting an increase of pension to Daniel D. Jennings; to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 18710) granting an increase of pension to William H. Barnes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of Boles, Mo., protesting against the enactment by Congress of any legislation for the extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of George Phillpott and others, of McClure, Ohio, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of Lodge No. 134, Switchmen's Union, of St. Louis, Mo., in favor of the reduction of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of 11 citizens of St. Louis and St. Louis County, Mo., in favor of a reduction of the duty on sugar; to the Committee on Ways and Means.

Also, memorials of German Catholic Societies of St. Louis, Mo., urging the passage of the Esch phosphorus bill (H. R. 2896); to the Committee on Ways and Means.

By Mr. BROWNING: Petition of S. S. Conover and 5 other citizens of Harrisonville, N. J., opposing extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of Woman's Christian Temperance Unions of Pensauken and Magnolia, N. J., favoring Kenyon-Sheppard bill to withdraw from interstate-commerce protection liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

Also, resolution of the New Jersey Society of the Sons of the American Revolution, to preserve against destruction and for all time the captured flags and banners in the possession of any department of the Government; to the Committee on Naval Affairs.

By Mr. BURKE of Wisconsin: Petitions of citizens of Sheboygan, Wis., in favor of old-age pensions; to the Committee on Pensions.

Also, petition of citizens of Brandon, Wis., praying for the enactment into law of House bill 9433, for the observance in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of St. Francis of Assissi Society, of Kewaskum, Wis., favorable to the passage of the Esch bill (H. R. 2896), which is a measure designed to prevent the use of poisonous phosphorus in the manufacture of matches; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee: Petitions of citizens of Tennessee, urging the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petitions of citizens of Kansas, against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. COOPER: Petition of George Fries, of Racine, Wis., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of J. A. Toole and others, of Beloit, Wis., asking that the duties on raw and refined sugars be totally eliminated; to the Committee on Ways and Means.

By Mr. COX of Ohio: Memorial of the Dayton (Ohio) Branch of the United States Civil Service Retirement Association, urging passage of Hamill retirement bill; to the Committee on Reform in the Civil Service.

By Mr. DALZELL: Petitions of Second Presbyterian and Trinity Reformed Churches, of Wilkinsburg, Pa., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. DANFORTH: Petitions of citizens of New York State, asking that the duties on raw and refined sugars be reduced; to the Committee on Ways and Means.

Also, petition of Wilmot Castle Co., of Rochester, N. Y., urging amendment to corporation-tax law; to the Committee on Ways and Means.

By Mr. FLOOD of Virginia: Petition of citizens of Fancy Hill and Buchanan, Va., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of George W. Baling (H. R. 17795); to the Committee on Military Affairs.

By Mr. FRANCIS: Petition of Jefferson County (Ohio) Granges, Patrons of Husbandry, urging the passage of a general parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of C. E. Ward, of Decatur, Ill., in favor of 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of the Illinois State Veterinary Medical Association, favoring House bill 16843, to consolidate the veterinary service in the United States Army; to the Committee on Military Affairs.

Also, petition of Portland Commercial Association, of Oglesby, Ill., in favor of reduction in the duty on sugar; to the Committee on Ways and Means.

By Mr. GARNER: Petition of citizens of Maverick County, Tex., urging improvements of Aransas Pass Harbor, Tex.; to the Committee on Rivers and Harbors.

By Mr. GOULD: Petition of citizens of Maine, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GREGG of Pennsylvania: Petition of J. M. Binkey and 2 other citizens of Westmoreland County, Pa., praying for the reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of officers and members of the Woman's Christian Temperance Union of Lititz, Pa., urging the enactment into law of House bill 16214 and Senate bill 4043, favoring the withdrawal from interstate commerce protection of liquors imported into "dry" territory for illegal use; to the Committee on the Judiciary.

By Mr. HANNA: Resolutions of the Grand Forks Trades and Labor Assembly, of Grand Forks, N. Dak., in favor of the Esch bill, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

Also, petition of D. S. Helms and 6 others, of Carson, N. Dak., against an extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Rodenburg & Schwoebel, of New Rockford, N. Dak., against extension of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of Oliver Stromme and Henry M. Heggen, of Bergen, N. Dak., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HARTMAN: Memorial of the Woman's Christian Temperance Union, and Presbyterian, St. John's Reformed, Methodist Episcopal, and Council of Trinity Lutheran Churches, of Bedford, Pa., for the passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HOUSTON: Resolution of the Tennessee State Public School Officers' Association, approving the plans of the Commissioner of Education for the immediate improvement of the work of the National Bureau of Education; to the Committee on Education.

By Mr. KENDALL: Petition of De Wit Bros. & Watland, of New Sharon, Iowa, protesting against the enactment by Congress of any legislation for the extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Memorial of the Commission for the Investigation and Control of the Chestnut Tree Blight Disease in Pennsylvania, for eradication of chestnut-tree blight; to the Committee on Agriculture.

Also, memorial of Engineers' Club of St. Louis, Mo., concerning the necessity for remedial patent legislation; to the Committee on Patents.

Also, petition of C. A. P. Turner, of Minneapolis, Minn., urging for certain improvements in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of N. Weyland, of Minnesota, against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, resolutions of the State Association of Farmers' Mutual Insurance Companies of Minnesota, in opposition to the Canadian reciprocity pact, etc.; to the Committee on Ways and Means.

By Mr. McKELLAR: Petition of citizens of Pocahontas, Tenn., in favor of the passage of an effective interstate-commerce law; to the Committee on the Judiciary.

By Mr. McMORRAN: Petitions of citizens of Michigan, asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. MOON of Tennessee: Papers to accompany bill for the relief of W. W. Rutledge; to the Committee on War Claims.

By Mr. MOTT: Petition of J. A. Bort, of Fulton, N. Y., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of W. D. Mackin and others, of Oswego, N. Y., for reduction in the duties on raw and refined sugars; to the Committee on Ways and Means.

By Mr. OLDFIELD: Papers to accompany bill for the relief of Esther Emmart; to the Committee on War Claims.

By Mr. POST: Petition of Armory Company F, Fourth Regiment Infantry, Ohio National Guard, in favor of House bill

8141, known as the National Guard pay bill; to the Committee on Military Affairs.

Also, resolutions of the St. George Benevolent Society, of Springfield, Ohio, in favor of House bill 2896, protesting against the use of white phosphorus in the manufacture of matches; to the Committee on Ways and Means.

Also, resolutions of the Chicago Civil Service League, in favor of House bill 5970 and Senate bill 1162; to the Committee on Reform in the Civil Service.

Also, memorial of National Federation of Post Office Clerks, protesting against executive orders depriving them of rights, etc.; to the Committee on Reform in the Civil Service.

By Mr. POWERS: Petition of citizens of eleventh congressional district of Kentucky, remonstrating against the extension of the parcel-post system beyond its present limitations; to the Committee on the Post Office and Post Roads.

By Mr. SLOAN: Petition of John Ogden and 82 others, of Polk County, Nebr., in favor of parcel post; to the Committee on the Post Office and Post Roads.

Also, petitions of E. Hemenover and 9 others, of Daykin; Diller Mercantile Co. and 12 others, of Diller; C. D. Lynde and 2 others of Endicott; William Wilkes and 3 others, of Harbine; A. B. Cowley and 6 others, of Marquette; F. C. Harris & Co. and 6 others, of Phillips; T. O. Dexter and 6 others, of Stockham; W. F. Young and 11 others, of Milford; William Lessmeier and 3 others, of Goehner; H. F. Hatz and 6 others, of Cordova; Pelan & Sabata and 4 others, of Bee; Eager Mercantile Co. and 8 others, of Beaver Crossing; Claus Peters and 3 others, of Yutan; Tony Kriz and 6 others, of Weston; Henry C. Friesen and 9 others, of Jansen; Miller & Miller and 10 others, of Carleton; G. A. Burnham and 8 others, of Belvidere; M. T. Allen and 9 others, of Alexandria; Karl Kath & Co. and 7 others, of Utica; Pearse Bros. and 5 others, of Tamora; Henry Funks and 4 others, of Staplehurst; Goehner Bros. and 1 other, of Seward; W. L. Wallace and 2 others, of Pleasantdale; Robert Armstrong and 62 others, of York; D. T. Plants and 4 others, of Waco; Schundt & Mueller and 7 others, of Thayer; J. W. Ashmore and 4 others, of McCool Junction; M. W. Strater and 5 others, of Lushton; J. J. Peters and 8 others, of Henderson; Diers Bros. and 7 others, of Gresham; Lou Hagemeister and 1 other, of Charleston; D. A. Sandall and 5 others, of Bradshaw; A. Schneider and 8 others, of Benedict; W. F. Scholl and 3 others, of Hubbell; F. E. Whyman & Sons and 7 others, of Adams; McFarland Bros. and 6 others, of Ohiowa; E. M. Nebergall and 7 others, of Strang; C. J. Shaw and 7 others, of Shickley; Frank Hardy and 8 others, of Milligan; C. H. Rossman and 6 others, of Grafton; L. W. Thompson and 5 others, of Geneva; Ed. L. Duckworth and 14 others, of Fairmont; F. M. Ziska and 7 others, of Exeter; J. M. Lambert and 1 other, of Carlisle; C. R. Palmer and 11 others, of Ulysses; C. S. Shane and 5 others, of Surprise; L. C. Munns and 27 others, of Rising City; J. A. Reznicek and 6 others, of Octavia; Frank Faytinger and 4 others, of Linwood; A. E. Piller & Co. and 3 others, of Garrison; Krenk & Kavka and 4 others, of Dwight; George Schweser and 18 others, of David City; J. F. Stava & Son and 6 others, of Bruno; G. A. Falk and 7 others, of Brainard; S. H. Day and 6 others, of Bellwood; F. J. Roh and 4 others, of Abie; Clarke Hardware Co. and 11 others, of Ashland; C. E. Danielson and 1 other, of Swedeburg; Vlasak Bros. and 10 others, of Prague; Walla Bros. and 5 others, of Morse Bluff; George E. Bricker and 5 others, of Memphis; A. G. Carlson & Co. and 6 others, of Mead; Bradenburg & Thompson and 8 others, of Malmo; D. R. Phelps Lumber & Coal Co. and 3 others, of Ithaca; G. H. Dubois and 3 others, of Colon; Winter Bros. and 4 others, of Ceresco; Cash Hardware Co. and 7 others, of Cedar Bluffs; Cerveny Bros. and 9 others, of Wilber; F. E. Timmerman and 6 others, of Western; Malone-Steele Co. and 5 others, of Tobias; J. Buising and 8 others, of Swanton; C. L. Klein and 6 others, of Friend; J. E. Waller, M. D., and 7 others, of Dorchester; Carl H. Niemeyer and 4 others, of De Witt; H. M. Cole and 5 others, of Crete; Wilson-Castile Co. and 13 others, of Stromsburg; Fred J. Strain and 8 others, of Shelby; Sundberg & Son and 12 others, of Polk; W. O. Johnson Co. and 13 others, of Osceola; C. I. Clark and 9 others, of Steele City; McVay Bros. and 4 others, of Reynolds; E. G. Wildhaber and 9 others, of Plymouth; and Rudolph Koch and 13 others of Deshler, all of the State of Nebraska, against parcel post; to the Committee on the Post Office and Post Roads.

By Mr. SPEER: Papers to accompany House bill 18568, granting an increase of pension to Artimes W. Kinnear; to the Committee on Invalid Pensions.

By Mr. STEDMAN: Petition of citizens of Guilford County, N. C., for the passage of an effective interstate liquor law; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Memorial of the German-American Alliance of Minnesota, protesting against the passage of bill prohibiting interstate commerce in intoxicating liquors in certain cases; to the Committee on the Judiciary.

Also, memorial of the Current Topic Club, of St. Paul, Minn., favoring a Territorial legislature for Alaska; to the Committee on the Territories.

Also, petition of Minnesota Cooperative Live Stock Shippers' Association, favoring the establishment of a bureau of markets of the Department of Agriculture; to the Committee on Agriculture.

By Mr. SULZER: Petition of citizens of Nebraska, for the passage of House bill 14, to extend the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: Memorials of Lamar Commercial Club Association, of Lamar, and of the Arkansas Valley Commercial Association, of Pueblo, Colo., for protection of the sugar-beet industry of Colorado; to the Committee on Ways and Means.

By Mr. TILSON: Memorial of German Catholic Society of New Haven, Conn., favoring House bill 2896, to provide for a tax upon white phosphorus matches, and for other purposes; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petitions of citizens of Kanona, N. Y., and of New York State, protesting against any legislation to reduce the duty on potatoes; to the Committee on Ways and Means.

By Mr. WHITE: Memorial of Thirty-sixth and Ninety-second Ohio Regimental Association, opposing House bill 13533; to the Committee on Military Affairs.

By Mr. WILSON of New York: Memorial of Fairmount Park Art Association, of Philadelphia, Pa., for Lincoln memorial as recommended by national commission; to the Committee on the Library.

Also, memorial of the Republican Club of the city of New York, favoring the establishment of a national health service; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Welfare Department, National Civic Federation of New York and New Jersey, urging the passage of House bill 8768; to the Committee on the District of Columbia.

Also, memorial of American Federation of Labor, favoring a law that will provide that 8 hours' work in 10 consecutive hours shall constitute a day's work for post-office clerks; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *January 25, 1912.*

The Senate met at 2 o'clock p. m.

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

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the last legislative day.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Bacon	Curtis	McCumber	Root
Bailey	Dillingham	McLean	Simmons
Borah	du Pont	Martin, Va.	Smith, Ga.
Bourne	Gallinger	Martine, N. J.	Smith, Md.
Brandegee	Gamble	Myers	Stephenson
Briggs	Gardner	Nelson	Swanson
Bristow	Gronna	Nixon	Taylor
Bryan	Guggenheim	Oliver	Thornton
Burnham	Heyburn	Overman	Tillman
Chilton	Hitchcock	Owen	Townsend
Clapp	Johnson, Me.	Page	Warren
Clark, Wyo.	Jones	Penrose	Williams
Crane	Kern	Percy	Works
Crawford	Lea	Perkins	
Culberson	Lippitt	Pomerene	
Cullom	Lodge	Rayner	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER].

Mr. BRYAN. I desire to state that my colleague [Mr. FLETCHER] is necessarily absent from the Senate.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present.

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

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, schedules of the useless papers, books, etc., on the files of the Interior Department, its bureaus and offices, which were not needed in the transaction of the public business and have no permanent value or historical interest.