

Also, memorial of the board of directors of the Merchants' Exchange of St. Louis, Mo., favoring passage of Senate bill 6810, known as the Pomerene Senate substitute bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of St. Louis, Mo., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. CLINE: Papers to accompany bill granting an increase of pension to Elizabeth Lane; to the Committee on Invalid Pensions.

By Mr. DYER: Memorial of the Board of Directors of the Merchants' Exchange of St. Louis, Mo., favoring passage of Senate bill 6810, known as the Pomerene Senate substitute bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Washington Chamber of Commerce, concerning legislation for the District of Columbia; to the Committee on the District of Columbia.

By Mr. KINKEAD of New Jersey: Petition of William C. Meehan, of Jersey City, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Papers to accompany House bill 24193; to the Committee on the Public Lands.

By Mr. SABATH: Memorial of Odessa Unter Varin, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Memorial of the Chamber of Commerce of Cleveland, Ohio, favoring the continuance of the Bureau of Trade Relations in the Department of State and asking an appropriation therefor; to the Committee on Appropriations.

## SENATE.

THURSDAY, July 18, 1912.

The Senate met at 11 o'clock a. m.

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

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 21094) to create a Commission on Industrial Relations, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 774, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station in said District, the original having been lost or mislaid. (H. Res. 634.)

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore (Mr. GALLINGER) presented a resolution adopted by the Wholesale Grass Seed Dealers' Association Convention, held at Chicago, Ill., June 25, 1912, favoring the enactment of legislation to prohibit the admission of certain adulterated seeds and seeds unfit for seeding purposes without the proposed Senate amendment to section 4, which was ordered to lie on the table.

Mr. PERKINS. I present a large number of petitions in the forms of telegrams signed by 800 members of the Chamber of Commerce of San Francisco and other representative citizens of California, praying that legislation as to tolls on American vessels passing through the Panama Canal shall be such as to insure free competition, and remonstrating against any action which would limit an American vessel, irrespective of ownership, in the amount of coastwise cargo she can carry when engaged in transoceanic trade, and declaring dangerous and unjust the concluding provision of paragraph 1, section 11, of the canal bill, which reads as follows:

That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports.

I move that the petitions lie on the table:

The motion was agreed to.

Mr. SMITH of Arizona. I present resolutions adopted by members of the Mohave County Medical Society, of Arizona, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

KINGMAN, ARIZ., May 30, 1912.

To Hon. MARCUS A. SMITH.

United States Senate, Washington, D. C.:

At a meeting of the Mohave County Medical Society, held on May 28, 1912, the following resolutions were adopted and are respectfully submitted:

Whereas Senate bill No. 1, known as the Owen bill, is soon to be voted upon; and

Whereas a very large proportion of the deaths throughout the country are due to preventable causes, a condition that is a disgrace to modern civilization, and needs corrective measures; a country's most valuable asset is the health of its citizens, and its most important product is its children; therefore does it behoove us to see that the health of our citizens is maintained and our children given their rightful energies by means of sanitary conditions;

Whereas it has been fully demonstrated that preventive medicine has made it possible to save lives by organized and coherent efforts, such as the world has witnessed in Cuba and the Panama Canal Zone, without which organization such efforts would have been futile. We believe that this stands as an example of what could be expected within our borders, by limiting preventable diseases if the efforts of our physicians were directed by proper organization such as the Owen bill contemplates;

Whereas our Government has appropriated vast sums of money for curbing diseases among horses, cattle, hogs, and plants, and no adequate sum for the conservation of the health of its citizens; and

Whereas the opponents of the Owen bill have claimed that the intent of the measure is to make a "medical trust" which will preclude a citizen from employing a medical advisor of choice; we refute this argument of the patent medicine vendors and of those sects professing to heal, who have no knowledge of sanitary conditions, and will not report contagious diseases as set forth in our health laws. And inasmuch as the object of this bill is to prevent disease and is of a strictly sanitary nature, without any reference whatever to the treatment of disease, it is evident that their argument is selfish, and purely mercenary without any idea of public welfare: Therefore be it

Resolved, That the Mohave County Medical Society petition the honorable Senators for the State of Arizona to give the Owen bill their most hearty support.

W. H. BUCHER, M. D., President.  
A. M. COWIE, M. D., Secretary.

Mr. FLETCHER presented a petition of members of the Wholesale Grocers' Association of Jacksonville, Fla., praying for the passage of the so-called weight or measure branding bill, which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of Columbian Division, No. 519, Brotherhood of Locomotive Engineers, of Chicago, Ill., and a petition of the Illinois State Legislative Board, praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry employees of the National Printing & Publishing Co., of Chicago, Ill., remonstrating against the enactment of legislation to increase the postal rates on printed matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Proviso, Ill., praying for the enactment of legislation to prohibit the use of insignia or garb of any denomination in the Indian public schools, which was referred to the Committee on Indian Affairs.

Mr. PENROSE presented resolutions adopted by members of the Aero Club of Pennsylvania, favoring the enactment of legislation for the regulation and control of the navigation of the air by all forms of air craft and for the issuance of licenses under governmental supervision, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a memorial of the Record Publishing Co., of Derry, N. H., and a memorial of the Inquirer Job Printing Co., of Cincinnati, Ohio, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of members of the Illinois Manufacturers' Association, remonstrating against the enactment of legislation to define and punish contempt of court, which was referred to the Committee on the Judiciary.

### REPORTS OF COMMITTEES.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank under certain conditions, reported it without amendment and submitted a report (No. 944) thereon.

He also, from the same committee, to which was referred the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes,

reported it with amendments and submitted a report (No. 945) thereon.

Mr. HEYBURN. In regard to the last bill reported by the Senator from California [Mr. WORKS], I would not like to have it appear that it is a unanimous report. I may file a report on behalf of those members of the committee who do not agree to the bill.

Mr. SMOOT, from the Committee on Printing, to which was referred S. Res. No. 356, submitted by Mr. SMITH of Michigan on the 13th instant, providing for the printing of 18,000 additional copies of Senate Document No. 806, Sixty-second Congress, second session, reported it with an amendment.

Mr. MARTIN of Virginia, from the Committee on Claims, to which was referred the bill (H. R. 4512) for the relief of Mary Beal, reported it without amendment and submitted a report (No. 946) thereon.

He also, from the Committee on Commerce, to which was referred the bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw, reported it with an amendment and submitted a report (No. 947) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (S. 7252) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 21963) to make Fort Covington, N. Y., a subport of entry, reported it without amendment and submitted a report (No. 948) thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11149) to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes, reported it without amendment and submitted a report (No. 949) thereon.

#### IMMIGRATION STATION AT HAMPTON ROADS, VA.

Mr. LODGE. From the Committee on Immigration I report back favorably with amendments the bill (S. 7130) to provide for the establishment of an immigration station at Hampton Roads, in the State of Virginia, and the erection of a public building on a site to be selected for said station. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

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

Mr. CULBERSON. I did not hear the amount appropriated.

The PRESIDENT pro tempore. Two hundred and fifty thousand dollars.

Mr. SWANSON. It will be covered by the immigrant fund.

Mr. LODGE. It is the same amount that was used for the establishment of an immigrant station at Baltimore and at New Orleans. There is no doubt that we need this station at Hampton Roads. The bill should be amended to remove it from the immigrant fund, because that no longer exists.

Mr. OVERMAN. I am not going to object to the consideration of the bill, but did I understand that the money is to be paid out of the immigrant fund?

Mr. LODGE. The immigrant fund was abolished some years ago.

Mr. OVERMAN. That is what I understood.

Mr. LODGE. It is to be paid out of any money in the Treasury not otherwise appropriated.

Mr. OVERMAN. I understand that the immigrant fund is now covered into the Treasury.

Mr. LODGE. It is now covered into the Treasury.

Mr. WARREN. Reserving the right to object if the bill leads to any debate, I will consent to its consideration.

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

The amendments were, in line 10, after the word "appropriated," to insert the words "out of any money in the Treasury not otherwise appropriated"; in line 11 to strike out the words "which sum shall be paid from the immigrant fund" and insert "and"; and after the word "sum," in line 12, to strike out the word "to" and insert "shall," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish an immigration station at Hampton Roads, in the State of Virginia, and to cause to be erected, on a site to be selected, a public building to temporarily accommodate and care for immigrants arriving at said place.

SEC. 2. That the sum of \$250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of said building, and said sum shall include purchase of land and dock room necessary for said station and building, heating and ventilating apparatus, elevators, and approaches.

The amendments were agreed to.

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

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

#### IRRIGATION DITCH IN HAWAII.

Mr. CLAPP. Some weeks ago the Committee on Pacific Islands and Porto Rico reported the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii. The bill was brought up for passage and read. It was objected to in its then form by the junior Senator from the State of Washington [Mr. POINDEXTER] and the junior Senator from Kansas [Mr. BRISTOW]. The bill has been referred back to the committee and the objections of the Senator from Washington and the Senator from Kansas have been considered and met.

I report the bill back with an amendment and ask for its present consideration.

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

The amendment was, on page 9, line 9, after the word "revenues," to insert the words "in connection with all other revenues of the company."

Mr. STONE. What does the bill accomplish?

Mr. CLAPP. It is a bill to authorize an irrigation project in Hawaii, Territory of Hawaii. The bill was reported and brought up for consideration and read, and the Senator from Washington and the Senator from Kansas objected to the form of it. It was referred back to the committee. Their objections were considered and met by the amendment which has been offered.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

#### THE "TITANIC" DISASTER.

Mr. SMOOT. From the Committee on Printing I report back Senate resolution 355, submitted by the Senator from Michigan [Mr. SMITH] on the 13th instant, with an amendment to strike out all after the resolving clause and insert a substitute. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was to strike out all after the resolving clause and insert:

That 500 additional copies of Senate Document No. 726, Sixty-second Congress, second session, Hearings on the Titanic Disaster, be printed for the use of the Senate folding room.

The amendment was agreed to.

The resolution as amended was agreed to.

#### PUBLIC BUILDING AT FORT FAIRFIELD, ME.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (S. 6596) to provide for the purchase of a site and the erection of a public building thereon in the town of Fort Fairfield, in the State of Maine (S. Rept. 943), and I ask unanimous consent for its immediate consideration.

Mr. WARREN. Mr. President, I do not think we ought to transact all our business in the morning hour. I shall not object to the consideration of this bill, but I will feel constrained to object to the continuous passage of bills in the morning hour.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and customhouse, in the town of Fort Fairchild, county of Aroostook, State of Maine, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of \$60,000.

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

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

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

## BILLS INTRODUCED.

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

By Mr. CULBERSON:

A bill (S. 7328) granting an increase of pension to Charlotte R. Wynne (with accompanying paper); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7329) for the relief of Job S. Beals; to the Committee on Claims.

A bill (S. 7330) for the relief of James Boyle, alias James Black; to the Committee on Military Affairs.

A bill (S. 7331) granting a pension to James Murphy; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 7332) granting a pension to R. H. Catlett (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 7333) granting an increase of pension to George W. Cook; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7334) for the relief of Elijah Watts (with accompanying paper); to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 7335) for the relief of James D. Butler (with accompanying paper); to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate \$10,000 for additional cost of the post-office building at Albany, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted an amendment providing that all persons employed in or under the Bureau of Light-houses upon work relating to the establishment of changes in aids to navigation shall have had at least three years' actual service afloat in the handling and piloting of vessels, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

He also submitted an amendment providing that retired officers of the Navy shall be eligible for appointment as lighthouse inspectors, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

Mr. POMERENE. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask to have printed and lie on the table, and for the information of the Senate I ask that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed, to lie on the table, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. POMERENE to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913. On page 101, after line 5, insert the following:

## "PENSION BUREAU.

"Three hundred thousand dollars, or so much thereof as may be necessary to employ, temporarily, extra clerks by the Commissioner of Pensions to aid him in the work incident to the adjudication of pension claims filed under the act entitled 'An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico,' approved May 11, 1912, at salaries not to exceed \$1,200 each; and in order to facilitate said work the Commissioner of Pensions is authorized to employ clerks heretofore employed in other departments of the Government service, or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil-service laws: *Provided, however,* That none of said extra clerks shall continue in the service beyond the fiscal year of this appropriation without further legislation, or, by reason of said employment alone, be eligible for transfer to the service in other departments, or be continued longer than may be necessary to do the work hereby provided for."

Mr. SHIVELY. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask to have printed, printed in the RECORD, and that it lie on the table.

There being no objection, the amendment was ordered to be printed, to lie on the table, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SHIVELY to the bill (H. R. 25069) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, viz:

On page 98, after line 5, insert the following:

"*Provided,* That no allowance or disallowance heretofore made shall preclude an officer or enlisted man of the United States or Volunteer Army, or his next of kin or personal representative, from applying for and receiving any pay and allowances which may be due him under a decision of the Supreme Court of the United States or under a decision of the Court of Claims where no appeal is taken therefrom: *And*

*provided further,* That in the settlement of claims for pay and allowances on account of services of commissioned officers in the volunteers or militia during the Civil War the accounting officers of the Treasury shall credit as service in the Army of the United States within the meaning of the Army pay laws all service rendered from date of enrollment to date of muster as of the grade stated opposite the officer's name on the muster rolls: *And provided further,* That in cases where such officer was duly promoted and appointed to fill a vacancy due to a casualty of the service at any time during the Civil War his pay shall be held to commence from the date his predecessor's pay ceased, provided it be shown by the records or other satisfactory evidence that service was rendered by such officer for which no payment has been made, or that service was rendered in a higher grade than paid for, and that such officer was present with his command during the time for which pay is claimed, or, if absent, that such absence was caused by disability or capture by the enemy; all payments made as of any lower grade to be deducted, and all laws in conflict herewith are hereby repealed."

## PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 23349) providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States, which was referred to the Committee on the Judiciary and ordered to be printed.

## WITHDRAWAL OF PAPERS—JOSEPHUS EWING.

On motion of Mr. GUGGENHEIM, it was

*Ordered,* That the papers accompanying S. 5297, Sixty-second Congress, second session, granting an increase of pension to Josephus Ewing, be withdrawn from the files of the Senate, no adverse report having been made thereon.

## WITHDRAWAL OF PAPERS—GEORGE MILLHOLLAND.

On motion of Mr. SHIVELY, it was

*Ordered,* That the papers accompanying the bill granting an increase of pension to George Millholland, S. 538, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

## WITHDRAWAL OF PAPERS—EMMA D. M'MANUS.

On motion of Mr. SHIVELY, it was

*Ordered,* That the papers accompanying the bill granting an increase of pension to Emma D. McManus, S. 3078, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

## METROPOLITAN COACH CO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of vehicles of the Metropolitan Coach Co.

Mr. JONES. I move that the Senate disagree to the amendments of the House of Representatives, ask a conference with the House on the disagreeing votes, and the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. JONES, Mr. KENYON, and Mr. PAYNTER conferees on the part of the Senate.

## SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore. Is there further morning business?

Mr. SIMMONS and Mr. WARREN addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. SIMMONS. I ask that the Senate proceed—

The PRESIDENT pro tempore. The morning business has not yet closed.

Mr. SIMMONS. I thought the Chair announced that the morning business was concluded.

The PRESIDENT pro tempore. Are there concurrent or other resolutions?

[Mr. MARTIN of Virginia submitted a report from the Committee on Claims and one from the Committee on Commerce, which appear under their appropriate heading.]

The PRESIDENT pro tempore. Is there further morning business?

Mr. WARREN. Mr. President—

The PRESIDENT pro tempore. If not, the morning business is closed.

Mr. SIMMONS. Mr. President—

Mr. WARREN. I move to take up House bill 25069, the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent to proceed to the consideration of House bill 25069, the sundry civil appropriation bill. Is there objection?

Mr. SIMMONS. Mr. President, I object.

Mr. WARREN. I move, then, that the bill be taken up.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. The Chair will state the motion. The Senator from Wyoming moves that the Senate proceed to the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. SIMMONS. On that I ask for the yeas and nays. I wish to call up the wool bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I do not see that Senator in the Chamber, and I therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I do not know how he would vote. If he were present I would vote "yea."

Mr. THORNTON (when Mr. FOSTER's name was called). I wish to announce the absence of my colleague [Mr. FOSTER] on account of illness. He is paired with the Senator from Wyoming [Mr. WARREN]. I make this announcement for the day.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him in the Chamber. I will therefore withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and will therefore not vote.

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY], and will vote. I vote "nay."

The roll call was concluded.

Mr. LIPPITT. I have a pair with the senior Senator from Tennessee [Mr. LEA]. If he were here and I were at liberty to vote, I should vote "yea."

Mr. WETMORE (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I voted inadvertently, not noticing his absence, and therefore I will withdraw my vote.

Mr. CULLOM. I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from New York [Mr. ROOR], and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the Senator from Massachusetts [Mr. CRANE], and will vote. I vote "yea."

Mr. BRADLEY. I desire to transfer my pair with the Senator from Maryland [Mr. RAYNER] to the senior Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. BRANDEGEE (after having voted in the affirmative). When I voted I did not notice the absence from the floor of the junior Senator from New York [Mr. O'GORMAN]. I am paired with that Senator, and therefore withdraw my vote.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. As he has not voted, I withhold my vote.

Mr. MARTINE of New Jersey. I am requested to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I desire this announcement to stand for the day.

Mr. CHAMBERLAIN. I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the day.

The result was announced—yeas 37, nays 27, as follows:

YEAS—37.

Borah	Cummins	La Follette	Smith, Mich.
Bourne	Dillingham	Lodge	Smoot
Bradley	du Pont	McCumber	Stephenson
Bristow	Fall	McLean	Sutherland
Burton	Gallinger	Massey	Townsend
Catron	Gamble	Nelson	Warren
Clapp	Gronna	Olliver	Works
Clark, Wyo.	Guggenheim	Page	
Crawford	Heyburn	Perkins	
Cullom	Kenyon	Poindexter	

NAYS—27.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnson, Me.	Paynter	Stone
Bryan	Johnston, Ala.	Percy	Swanson
Chamberlain	Martin, Va.	Pomerene	Thornton
Culberson	Martine, N. J.	Reed	Tillman
Fletcher	Myers	Simmons	Williams
Gardner	Newlands	Smith, Ariz.	

NOT VOTING—30.

Balley	Crane	Lea	Sanders
Bankhead	Curtis	Lippitt	Shively
Brandegee	Davis	O'Gorman	Smith, Md.
Briggs	Dixon	Owen	Smith, S. C.
Brown	Foster	Penrose	Watson
Burnham	Gore	Rayner	Wetmore
Chilton	Jones	Richardson	
Clarke, Ark.	Kern	Root	

So Mr. WARREN's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. WARREN. Mr. President, if I have kept a right account, the reading of the bill on yesterday proceeded to the top of page 74. I inquire if that is correct?

The PRESIDENT pro tempore. The Chair is so informed. The Secretary will resume the reading of the bill at that point.

Mr. WARREN. Mr. President, this bill contains 200 pages and carries appropriations aggregating \$115,000,000, or about that amount. I now ask unanimous consent that the Senate proceed with the consideration of the remainder of the bill without the formal reading and that the amendments of the committee may be considered as we proceed.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the further formal reading of the bill may be dispensed with.

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects. The Secretary will resume the reading of the bill at the point reached on yesterday.

The Secretary resumed the reading of the bill, beginning with line 1, page 74, and continued down to the end of line 16, on page 91.

Mr. REED. I have been trying to follow the reading of the bill, but it is so rapid and so informal that I can not understand it well enough to follow the text. I should like to inquire where the clerk is reading.

The PRESIDENT pro tempore. The clerk has reached page 91, line 17, the Chair is informed.

Mr. REED. I should like to have the bill read so that I can follow the reading.

The reading of the bill was resumed and continued to line 21, on page 106, the last paragraph read proposing to appropriate \$20,000 for the opening of Indian reservations.

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

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEYBURN. At what stage will an amendment be appropriate to the portion of the bill just read?

The PRESIDENT pro tempore. The Chair would suggest that after the reading of the bill has been completed, the reading proceeding for the purpose of information to the Senate, that presumably the committee amendments will first be considered, and then amendments from the floor will be in order.

Mr. HEYBURN. As in Committee of the Whole?

The PRESIDENT pro tempore. As in Committee of the Whole.

Mr. HEYBURN. I merely wanted the Record at this point to show that the inquiry was made and answered by the Chair.

Mr. REED. Mr. President, the Chair states that presumably the committee amendments will first be considered. Does the Chair mean to say by that that there has been any agreement or arrangement to that effect?

The PRESIDENT pro tempore. Not so far as the Chair is concerned. The Chair simply states what is the usual custom of the Senate.

Mr. REED. My reason for the inquiry was the remark of the Senator that he was making the inquiry now in order that there might be a record; and I would not want to have it go by common consent that that is to be the method. I think it may become important in the consideration of this bill whether we are to proceed that way or not.

The PRESIDENT pro tempore. The Chair will state to the Senator that no agreement has been made nor has any suggestion been made to the Chair.

Mr. REED. So, it is clear.

Mr. HEYBURN. It may be proper for me to state that I made the inquiry in view of the fact that the chairman of the committee renewed his request this morning with reference to the consideration of committee amendments and asked for unanimous consent; and I thought it right that this proceeding should contain some record of the fact that we were proceeding under that order or rule of business.

The PRESIDENT pro tempore. The reading will continue.

The Secretary resumed the reading of the bill, and read to page 121, line 5.

Mr. STONE. Mr. President, I make the point that there is no quorum.

The PRESIDENT pro tempore. The Senator from Missouri makes the point that there is no quorum present. The Secretary will call the roll.

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

Ashurst	Cullom	McCumber	Shively
Bacon	Cummins	McLean	Smith, Mich.
Borah	Dillingham	Martin, Va.	Smoot
Bourne	du Pont	Martine, N. J.	Stephenson
Bradley	Fall	Massey	Sutherland
Brandegee	Fletcher	Nelson	Swanson
Briggs	Gallinger	Newlands	Thornton
Bryan	Gamble	Overman	Tillman
Burnham	Gronna	Page	Townsend
Catron	Heyburn	Percy	Warren
Clapp	Johnston, Ala.	Perkins	Wetmore
Clark, Wyo.	Jones	Poindexter	Works
Crane	Kenyon	Pomerene	
Crawford	La Follette	Root	
Culberson	Lodge	Sanders	

Mr. SHIVELY. I desire to state that my colleague [Mr. KEEN] is unavoidably absent from the Chamber, and that he is paired with the junior Senator from Tennessee [Mr. SANDERS]. I wish this statement to stand for the day.

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. A quorum of the Senate is present. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill, at page 121, line 6, and read to page 161, line 11.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business be temporarily laid aside that the pending appropriation bill may be proceeded with.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. SIMMONS. Mr. President, I object.  
The PRESIDENT pro tempore. The Senator from North Carolina objects, and the unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, a day or two ago in the discussion of this bill the senior Senator from New York [Mr. Root] in giving his views as to the construction of the treaty and the consequences involved in a possible award of the Hague tribunal against the construction advocated by the junior Senator from New York [Mr. O'GORMAN], stated that if the decision of The Hague tribunal should be against the contention that we could exempt our domestic coastwise shipping from tolls then we would be under obligation to repay to the foreign ships from which we had collected it all the tolls collected during the time between the opening of the canal and the decision. The question was raised, I think, by the Senator from South Dakota [Mr. CRAWFORD] as to the possible amount of those tolls. There was no definite information in the testimony at that time about it, although the special commissioner appointed by the President in relation to matters concerning the Panama Canal had estimated that in round numbers in 1915 the total annual tonnage through the canal would be something like 10,250,000 tons. Of course at a dollar a ton, which has been the rate that has been most talked about as being a fair rate, that would be a collection of ten and a quarter million dollars in tolls from vessels passing through the canal in that year.

In view of the fact that there was no more definite estimate than that, and from that statement of Prof. Johnson it was not clear what portion of the total tonnage estimated would be domestic or port to port, sometimes called coastwise tonnage, and what proportion of that tonnage would come from the vessels of foreign nations, I asked him to give me the figures separately, and I send—

Mr. FLETCHER. Mr. President—  
Mr. BRANDEGEE. Will the Senator excuse me just a moment? I send to the desk and ask that the Secretary may read the inclosed letter just received from him and also the

table which he has prepared, after the Senator from Florida has asked the question that he desires to ask.

Mr. FLETCHER. I wish to ask the Senator in this connection what is the estimate as to the cost of maintenance of the canal. I understand the tolls to be estimated at something like ten million and a quarter a year. Outside of any question of interest on the money invested there, I should like to inquire what estimate there is as to the actual expense of maintenance.

Mr. BRANDEGEE. I will give the Senator those figures as soon as this letter has been read.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Secretary read as follows:

ISTHMIAN CANAL COMMISSION,  
Washington Office, July 17, 1912.

Senator FRANK B. BRANDEGEE,  
United States Senate, Washington, D. C.

MY DEAR SENATOR BRANDEGEE: I inclose a memorandum separating into three divisions the estimated tonnage of shipping that will use the Panama Canal in 1915, 1920, and 1925. The tonnage for each year is divided into (1) American shipping employed through the canal in the coastwise trade, (2) American shipping employed in carrying through the canal foreign commerce of the United States, and (3) foreign shipping using the canal to carry the foreign commerce of the United States and the commerce of foreign countries with each other.

It will be seen from the memorandum that about four-fifths of the tonnage of the ships using the Panama Canal will be under foreign flags.

Very truly, yours,

EMORY R. JOHNSON.

Classification of estimated shipping using the Panama Canal in 1915, 1920, and 1925.

	1915	1920	1925
Coast-to-coast American shipping.....	1,000,000	1,414,000	2,000,000
American shipping carrying foreign commerce of the United States.....	715,000	905,000	1,150,000
Foreign shipping carrying commerce of the United States and foreign countries.....	5,785,000	11,025,000	13,850,000
Total.....	10,500,000	13,344,000	17,000,000

Mr. STONE. Mr. President, I should like to ask the Senator from Connecticut if he is advised upon what authentic data the author of this letter predicates that table. Is it a mere estimate, a mere guess, or has he something tangible upon which to make the estimate?

Mr. BRANDEGEE. I think that is a very pertinent inquiry, Mr. President. The fact is that this gentleman, who is especially competent as an investigator along these lines as a political economist and expert on trade conditions, occupies a chair in the University of Pennsylvania. He is the same Dr. Johnson who was employed by the Canal Commission some years ago, who investigated the same matters contained in his present report and who brought them down to 1909, perhaps. I think that was the date. It may have been 1905. At any rate the President appointed him to carry on his work and bring it down to date.

I do not think that the estimates are mere guesses. Of course they are estimates of conditions that have not yet arisen, and of course are not pretended to be anything more than his conclusions from all the evidence that he could get access to. He has made—

Mr. STONE. If the Senator will pardon me—  
The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Certainly.  
Mr. STONE. Does Dr. Johnson undertake to inform the chairman of the committee as to the sources of information upon which he predicates this table?

Mr. BRANDEGEE. When the Senator asked his last question I was about to say that his estimates are based upon exhaustive investigations both here and in the commercial centers and seaports of the world as to the actual movements of vessels during long periods of time in the past and as to the present use of the Suez Canal. All the facts and figures that can be shown with regard to the amount of business the Suez Canal had when it was first opened, the percentage of the ocean-borne commerce that was done by steam vessels as compared with that done by sailing vessels, the increase from year to year of the tonnage through the canal and the comparison of that tonnage with the tonnage through all the other canals of the world, the rates of toll charged when the Suez Canal was opened and the estimates and expectations that were held by experts at that time as to what that traffic would develop—all those things have been methodically compiled. The entire report has not yet been completed or printed. It was designed, in my opinion, not so much for the use of Congress—because at that time I do not think it was expected that Congress would attempt to fix the tolls—but it was designed, I assume, for the

use of the President or the commission to which Congress was expected to delegate the duty of fixing the tolls.

So I say the entire completed work of the professor is not available for Congress at present, but realizing that the discussion would necessitate the results of his investigation upon certain features of his report, he has taken the liberty to publish in advance of his entire report certain chapters of his report, which will later be made to Congress or the President, I do not remember which. Those have been forwarded to me and have been heretofore printed as a Senate document and laid upon the desk of every Senator and are in the document room. Anyone who reads either or both of them will see that the investigation has been exceedingly thorough. But like every other matter that is not yet determined into actuality it is simply his best judgment upon his investigations. Of course, no more importance will attach to it than to the investigation of any other skilled scholar having all the knowledge available upon the subject.

In answer to the inquiry of the Senator from Florida [Mr. FLETCHER], I read now from page 10 of the minority views of the Committee on Interstate and Foreign Commerce in the House, which cites the majority report. It states not as a citation, but in reference to it, as follows:

The careful and detailed estimates of Col. Goethals show that the total annual cost of the operation and maintenance of the canal, including the cost of sanitation and civil government, will not exceed \$4,000,000, and that it is hoped to realize a profit from the sale of supplies, etc., to bring this down to \$3,500,000. (See committee hearings, pp. 410, 411, 413, and 417.)

Of course, those are the House hearings.

Analyzing the figures of Prof. Johnson, we find that a toll of \$1 per net register ton would bring in a total annual revenue during the first year, exclusive of passenger tolls, of \$10,500,000. Subtracting the interstate-commerce traffic (American coastwise), which Prof. Johnson estimates at 1,160,000 tons, we would still have an annual revenue of \$9,340,000, more than double the operating expenses, with the tonnage annually increasing.

Does that answer the question of the Senator from Florida?

Mr. FLETCHER. That answers the question, Mr. President. I did not know but that the Senator might have some other figures than these. I read this report, but I did not know, but that the Senator's investigation might have caused him to reach a different conclusion as to these estimates.

Mr. BRANDEGEE. No, Mr. President. The testimony of Col. Goethals both on the Isthmus before the Committee on Inter-oceanic Canals and before the same committee here was to that effect. I simply read it from that document because I found it more accessible than the other. I could not take it from the other without hunting through the index.

Mr. HITCHCOCK. Those figures do not include the cost of military occupation, I assume.

Mr. BRANDEGEE. Oh, no; it says simply the cost of operating the locks, putting vessels through, and the cost of the necessary sanitation on that portion of the zone which will need to be sanitized.

Mr. HITCHCOCK. I understand that it does include the cost of civil government there.

Mr. BRANDEGEE. Oh, yes.

Mr. HITCHCOCK. But not military.

Mr. BRANDEGEE. The cost of civil government of course will be very light after the locks of the canal are in operation, unless it should be the policy of Congress to induce immigration into the zone and try to settle it up. The opinion of the War Department and of Col. Goethals and, I think, of a majority of the Senate committee was that it would be the wisest policy not to attempt to settle up that zone, which was acquired primarily for canal purposes, but to denude it so far as possible of settlers; and that then there would be less danger from disease, less danger from public enemies, and less cost to the Government to operate. But that is a separate question. I do not care, unless the Senator wants me to do so, to enter upon the discussion of that feature of it at this time.

Mr. CUMMINS and Mr. STONE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. I yield to the Senator from Missouri. I did not see that the Senator from Iowa had risen.

Mr. STONE. Oh, no; let the Senator from Iowa proceed.

Mr. BRANDEGEE. Then I will yield to the Senator from Iowa.

Mr. CUMMINS. I was called from the Chamber and just a moment ago returned as the Senator from Connecticut was stating the probable revenue. I only want to ask whether the revenue is estimated on the basis of \$1 for a net registered ton?

Mr. BRANDEGEE. Yes. I will state for the information of the Senator that I was reading an extract from the views of the minority of the committee in the House, and it was based,

as the Senator says, upon the assumed arbitrary unit of \$1 per net registered ton.

Mr. STONE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Certainly.

Mr. STONE. Did I understand the Senator from Connecticut in his last statement to quote from some estimate that the revenue to be derived from the canal the first year would approximate \$10,000,000?

Mr. BRANDEGEE. Yes, Mr. President; that was the statement contained in the minority report of the House committee based upon the statement of Prof. Johnson, to whom I have referred. It was that, in his opinion, in 1915, the first year of the opening and operation of the canal, there would be—I see the exact figure is 10,500,000 net registered tons of domestic and foreign commerce going through the canal; and if we collect a toll of \$1 per net registered ton it would equal ten and a half million dollars as the total amount of receipts from tolls on vessels passing through the canal.

Mr. STONE. Is not that higher in 1915 than the estimate given in the statement accompanying the letter which the Senator just had read from the Clerk's desk?

Mr. BRANDEGEE. I could not tell the Senator. He can ask the Secretary to read the statement of Prof. Johnson again.

Mr. STONE. I looked at it a moment ago.

Mr. BRANDEGEE. The statement I sent to the desk is dated as of to-day. The other statement was made several weeks, if not months, ago, and it may be that Prof. Johnson has modified his view since then.

Mr. STONE. Somewhat; not very much.

I wish to call attention to this fact: If the estimates made by Dr. Johnson are reliable, then what I am about to call attention to is a fact. We have had some discussion here, particularly from the Senator from New York [Mr. ROOT], who led off in it—and I think his view was concurred in by others—that if free tolls so-called should be admitted to American vessels passing through the canal, and the question raised by that should be referred to The Hague court and decided against us, we would have to refund to vessels of other countries passing through the canal in the interval between the opening and the decision of the court whatever had been collected. There was a question raised before the Senate as to the probable amount that would have to be refunded, if refunded at all. I think the Senator from Iowa [Mr. CUMMINS] suggested that it would exceed \$15,000,000 or \$20,000,000.

Mr. CUMMINS. I said \$15,000,000 to \$25,000,000.

Mr. STONE. Between \$15,000,000 and \$25,000,000. The Senator from New York insisted that a hearing of this importance between these two great nations and a controversy of this character before that court would probably require 5 to 10 years in its consideration before the decision should be reached. Now, if Prof. Johnson's estimate is correct, it will be much more than that and much more than the amount suggested by the Senator from Iowa. It is important to know, therefore, something about the accuracy of this estimate in that view of the case.

Mr. CUMMINS. Mr. President—

Mr. STONE. Just a moment, if the Senator pleases. I took the table a moment ago and attempted to strike an average between the extremes; that is to say, an average between the estimated revenue to be received in 1915 and the estimated revenue to be received in 1925, covering a period of 10 years, and the average, as I make it (I am certainly approximately correct), would be \$10,200,000 annually. If it would require five years to dispose of this arbitration before the court at The Hague tolls would have been collected amounting to \$51,000,000. I suppose from that ought to be deducted the amount contained in the table, as the amount that would be collected from American vessels going through, with the tolls imposed upon them as upon foreign vessels, but that is comparatively small, as stated by Dr. Johnson. The amount we would have to refund at the end of five years, if that estimate is correct, would be in the neighborhood of \$45,000,000.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. Certainly.

Mr. CUMMINS. In making the estimate I did not give full reliance to the estimate of Dr. Johnson. I think he is rather sanguine with regard to the volume of business that will pass through the canal in the next five years. I also, as the Senator from Missouri will remember, said that controversy, if it goes to The Hague, to which I do not agree, should be settled within from three to five years, and that therefore, in my opinion, the

extreme amount we would be called upon to pay would be more than \$25,000,000.

Of course it is a mere estimate. Nobody can tell what volume of business will pass through this canal, as I will endeavor to show when I come to consider the question of tolls. It depends entirely upon the action of our competitors as to what business will pass through the canal.

Mr. NELSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. BRANDEGEE. Certainly.

#### RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. I desire to present and move the adoption of the conference report on the river and harbor bill, and if it is necessary to make a request in connection with it, I ask that the unfinished business be temporarily laid aside.

Mr. LODGE. That is not necessary.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Senator from Minnesota presents a conference report, which will be read by the Secretary.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 12, 28, 35, 93, 105, 106, 107, 156, 183, 184, 185, 186, 188.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 7, 9, 10, 15, 16, 17, 18, 19, 20, 23, 25, 26, 27, 29, 31, 32, 33, 34, 36, 38, 40, 42, 43, 45, 46, 47, 48, 53, 54, 55, 56, 58, 59, 62, 63, 64, 65, 67, 68, 69, 70, 71, 73, 74, 77, 79, 81, 82, 83, 84, 87, 88, 89, 90, 92, 94, 95, 98, 108, 109, 110, 111, 112, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 154, 155, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 178, 179, 181, 187; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Pollock Rip Channel through the shoals lying near the entrance to Nantucket Sound, Mass., in accordance with the report submitted in House Document No. 536, Sixty-second Congress, second session, \$125,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "five hundred thousand dollars" and insert in lieu thereof the words "three hundred thousand dollars"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In the proposed amendment strike out all after the words "five thousand dollars"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "five hundred thousand" and insert in lieu thereof the words "three hundred thousand"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the proviso contained in the proposed amendment insert the following: "Provided, That the land required for making said cut-offs, or easements therein, shall be furnished free of cost to the United States, and the United States shall be released from all claims for damages arising from the proposed diversion of the stream"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Improving Elk and Little Elk Rivers, Md.: Completing improvement in accordance with the report submitted in House Document No. 770, Sixty-second Congress, second session, and subject to the conditions set forth in said document, \$4,040"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Provided, That the provisions of section 11 of the river and harbor act of March 3, 1899, are hereby made applicable to the Potomac and Anacostia Rivers, and hereafter harbor lines in the District of Columbia, or elsewhere on said rivers, shall be established or modified as therein provided; and all laws or parts of laws inconsistent with this proviso are hereby repealed: *Provided further*, That hereafter the officer in local charge of the improvement shall have authority, with approval of the Chief of Engineers, United States Army, when no public building is available, to rent suitable offices, to be paid for pro rata from the appropriations for works in his charge: *And provided further*, That the proviso in the act of June 3, 1896, entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' under the item 'Improving Potomac River, Washington, D. C.' is hereby repealed"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "printed in House Document No. 589, Sixty-second Congress, second session, and the foregoing appropriation shall be devoted to that purpose; for the improvement and maintenance of said inland waterway, \$100,000; in all, \$600,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "six months from the date of the approval of this act," and insert in lieu thereof the words "one year from February 27, 1912"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That the provision in the river and harbor act approved March 3, 1905 (33 Stat., p. 1128), granting Louis M. Tisdale the right and authority to construct and operate a channel through Mobile Bay, and to construct and maintain wharves, piers, anchorage and turning basins, and other similar structures in said bay, is hereby revived and reenacted: *Provided*, That the said provision is hereby so amended as to vest in the South Mobile Terminal Co., its successors and assigns, all the rights, privileges, and authority thereby granted to the said Louis M. Tisdale, subject to all the terms and conditions of said act, upon full and complete assignment and transfer of all such rights, privileges, and authority of said Tisdale to the said South Mobile Terminal Co.: *Provided also*, That the said provision is hereby further amended so as to extend the time for completing the work therein authorized for a period of five years from the approval of this act: *And provided also*, That the right to alter, amend, or repeal this act, in so far as it relates to this franchise, is hereby expressly reserved"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "of which amount \$120,000 may be applied to the purchase or construction of a suitable dredging plant: *Provided*, That the U. S. dredge Barnard may be transferred back to the improvement from which it was transferred by act approved February 27, 1911, and the balance remaining on hand of the \$60,000 authorized by the act of February 27, 1911, to be expended for the repair and modification of the U. S. dredge Barnard, may be expended for the purchase or construction of the dredging plant herein authorized"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The Secretary of War may appoint a board of three engineer officers whose duty it shall be to examine and report upon the following harbors and channels in Texas, at or near Galveston, to wit: Galveston Harbor and Channel, Texas City Harbor and Channel, Port Bolivar Harbor and Port Bolivar Channel leading thereto, all with a view to securing a depth of 35 feet"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of

the language stricken out insert the following: "And the said board shall also report whether the waters lying between Harbor Island and the mainland may be exempted from the operation of the laws relating to navigable waterways of the United States"; and the Senate agree to the same.

Amendments numbered 49, 50, 51, 52: That the House recede from its disagreement to the amendments of the Senate numbered 49, 50, 51, 52, and agree to the same with an amendment as follows: In lieu of all the words contained in this paragraph, after the words "heretofore authorized," insert the following: "and for an accurate instrumental survey of the river as recommended in the Annual Report of the Chief of Engineers for 1911, \$425,000; continuing improvement and for maintenance by open channel work, \$15,000; in all, \$440,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the language of the proposed amendment insert the following: "For improving the Arkansas River, in Arkansas: For protecting the north bank thereof, in the bend in front of the Crawford County Levee, south of Van Buren, in sections 8, 9, and 10 in township 8 north, range 30 west, which shall be considered extraordinary emergency work, \$30,000. This appropriation shall be expended as soon as practicable in accordance with plans to be prepared by the Chief of Engineers of the War Department"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Ohio River: For the raising and strengthening of the levees in the city of Cairo, Ill., on the Ohio and Mississippi Rivers, and in the Cairo drainage district, which shall be considered extraordinary emergency work, \$250,000: *Provided*, That the city of Cairo shall expend, or cause to be expended, the same amount for the same purpose"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "For the raising and strengthening of the levees in the city of Mound City, Ill., on the Ohio River, which shall be considered extraordinary emergency work, \$20,000 on the condition that the city of Mound City shall furnish an equal amount for the same purpose"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the language proposed insert the word "three"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That in view of the existing emergency \$4,000,000 of the money hereby appropriated is set apart for the repair and construction of levees"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The traveling expenses of the civilian members of the Mississippi River Commission, and of the Assistant Engineer of the Board of Engineers for Rivers and Harbors, when on duty, shall be computed and paid in the same way as the traveling expenses of the Army members of said commission, and of said board"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "Bayou Sara" and insert in lieu thereof the words "Baton Rouge, La., and between Bessie, Lake County, Tenn., and Memphis, Tenn.," and strike out the words "twenty thousand" and insert in lieu thereof the words "thirty thousand"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That cooperation from the localities benefited may be required in the prosecution of the said project in case any comprehensive plan is hereafter adopted by Congress for an apportionment of expense generally applicable to river and other projects in which

any improvement now or hereafter adopted confers special or exceptional benefit upon the localities affected: *Provided further*, That nothing herein contained shall postpone the expenditure of the amount hereby appropriated or any further appropriation for said project without action by Congress"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "eighty-five" and insert in lieu thereof the word "twenty-five"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Stockton Harbor, San Joaquin River, Cal., by dredging McLeod Lake and Fremont Channel, with a view to securing a permanent channel depth of 9 feet, in accordance with the report submitted in House Document No. 581, Sixty-second Congress, second session, and subject to the conditions set forth in said document, \$11,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Tillamook Bay and Bar, Oreg.: For maintenance, \$5,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "eight" and insert in lieu thereof the word "seven"; and after the word "dollars," in the next line, add the following: "And the Secretary of War shall submit a report whether any saving can be effected, and, if so, how much, by a more rapid prosecution of this improvement"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, upon vouchers approved by the former chairman of the National Waterways Commission, from any moneys in the Treasury not otherwise appropriated, the sum of \$4,000, or so much thereof as may be necessary, for the expenses of the National Waterways Commission necessarily incurred for clerical and stenographic services in publishing hearings (S. Doc. No. 274) and completing the final report (S. Doc. No. 469); and the books, maps, charts, and other material relating to waterways remaining in possession of the National Waterways Commission shall be turned over to the Engineer School, Washington Barracks, D. C., under the direction of the chairman of the Committee on Commerce of the Senate and the chairman of the Committee on Rivers and Harbors of the House of Representatives; and all similar material relating to railroads shall be turned over to the Interstate Commerce Commission"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Sec. 7. Unless otherwise expressed, the channel depths referred to in this act shall be understood to signify the depth at mean low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels; and the channel widths specified shall be understood to admit of such increase in width at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats." And transfer the paragraph to page 62, immediately after section 6; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: Before the word "Whenever," in line 1 of the proposed amendment, insert "Sec. 8." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "Sec. 9." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.



Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "Sec. 10." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the language proposed insert on page 60, in line 17, after the word "survey," the following: ": *Provided further*, That the Chief of Engineers may, at his discretion, increase to not to exceed nine the number of engineer officers constituting said board: *And provided further*, That a majority of said board shall be of rank not less than lieutenant colonel"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "Sec. 11." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Sec. 12. In order to make possible the economical future development of water power the Secretary of War, upon recommendation of the Chief of Engineers, is hereby authorized, in his discretion, to provide in the permanent parts of any dam authorized at any time by Congress for the improvement of navigation such foundations, sluices, and other works, as may be considered desirable for the future development of its water power." And transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Buffalo Harbor, N. Y., with a view to increasing the width of the entrance of the inner harbor to 400 feet by removing the Government south pier at the mouth of Buffalo River; also with a view to increasing the width of Black Rock Harbor and the entrances thereto," and transfer the same to page 45, preceding line 1; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In line 1 of this amendment, after the word "River," insert the word "Connecticut," and transfer said amendment to page 44, after line 24; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with the following amendment: In line 2 of said amendment, after the word "thereof," insert a period and strike out the balance of the amendment; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Salmon River, N. Y., at and below Fort Covington"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "That a preliminary investigation be made to determine whether a system of impounding reservoirs at the headwaters of the Allegheny, Monongahela, and Ohio Rivers and their tributaries is needed and practicable to provide sufficient water during dry seasons to operate the present and proposed system of locks and dams in these rivers, and to what extent the Federal Government, on the basis of their benefit to navigation, is justified in co-operating with local communities which may be interested in the construction of such reservoirs primarily for the purpose of flood prevention, and the feasibility of operating such reservoirs for the double purpose of flood prevention and improving navigation; and that this investigation be conducted by a board of three engineer officers, to be designated by the Chief of Engineers, United States Army; and that the results of this investigation be reported to Congress, with such additions as may be made thereto by the said Chief of Engineers, not later than December 7, 1912; and that for this purpose the sum of \$5,000, or so much

thereof as may be needed, be, and the same is hereby, appropriated"; and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: ", and inland waterway between Charleston and McClellanville by way of Alligator Creek and Sewee Bay"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the language proposed insert: "Escambia and Conecuh Rivers, Ala. and Fla., from River Falls to the mouth in the Gulf of Mexico"; and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Black River, Ark., near Buttermilk Bank, with a view of protecting the bank in the interests of navigation"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Little"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Padilla Bay, Skagit County, Washington, with a view of ascertaining the desirability of modifying or relocating the navigable channels in said bay"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Channel connecting Admiralty Inlet with Crockett Lake, Washington"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: Before the first word of the proposed amendment insert "Sec. 13." and transfer the paragraph as thus amended to its proper place at the end of the bill; and the Senate agree to the same.

KNUTE NELSON,  
JONATHAN BOURNE,  
F. M. SIMMONS,

*Managers on the part of the Senate.*

M. SPARKMAN,  
JOSEPH E. RANDELL,  
GEORGE P. LAWRENCE,

*Managers on the part of the House.*

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. NELSON. Mr. President, I desire merely to make a brief statement. The river and harbor bill when it came here from the other House carried a cash appropriation of \$24,062,520.50, and provided for continuing contracts to the amount of \$2,200,000, or an aggregate in cash and continuing contracts of \$26,262,520.50. The Senate added to the bill by amendment \$8,054,010 and struck out \$233,000 of the amount proposed by the House. So the net increase made by the Senate in the bill was \$7,821,010. The total of the bill as it went into conference was \$34,083,530.50. The net reductions effected by the conferees amount to \$824,160. Therefore the bill in its present form, as agreed to by the conferees, carries \$33,259,370.50, instead of \$34,083,530.50, which it carried as it came to the conferees; in other words, the net reduction effected by the conferees was \$824,160.

I will say that in all the important amendments of the Senate no reductions were made; it was only in a few isolated cases that reductions were made. Wherever reductions were made in the appropriations for harbors Senators interested were consulted, and no changes were made without their consent. I therefore move the adoption of the report.

Mr. SIMMONS. Mr. President, I merely desire to ask the chairman of the Committee on Commerce if he has the figures showing the Senate increases after deducting the emergency appropriations for the Mississippi River?

Mr. NELSON. I will say that the bill as it came over from the other House carried three and a half million dollars for

the improvement of the Mississippi River; the Senate added to that two and a half million dollars, so that the bill carries \$6,000,000 for the improvement of the Mississippi River. If it had not been for that large appropriation for the Mississippi River arising out of the peculiar flood conditions existing this year in the Mississippi Valley, the bill would have been much more moderate in amount. Ordinarily in later years river and harbor bills have carried from three to four million dollars for the Mississippi River. This year the bill carries in round numbers \$6,000,000 for the improvement of that river. An appropriation of a million and a half dollars was made some three months or more ago in a joint resolution, and that sum will be deducted from the \$6,000,000 appropriated in the bill.

Mr. NEWLANDS. Mr. President, I should like to call the attention of the Senator from Minnesota to amendment numbered 106 to the river and harbor bill, an amendment which passed the Senate, as follows:

SEC. 2. That the Secretary of War shall cause the Chief of Engineers of the Army and the Board of Engineers for Rivers and Harbors to report to Congress, in which shall be included a preliminary report not later than December 1, 1912, upon the saving, as well as other advantages, which can be accomplished by the adoption of the continuing contract system, the rapidity with which projects should be completed, upon methods of standardization by which the waterways of the country may be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, and also report upon one or more systematized schemes of such improvement, involving all waterways heretofore examined, together with any natural or artificial channels essential for the utilization thereof, whether heretofore examined or not; also upon all projects heretofore adopted, the further improvement of which is not desirable or the expenditure upon which is out of proportion to the benefit derived therefrom. Such report may include other related information pertaining to the uses or control of the waters of the country, and the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated for such examination and report.

I ask the Senator from Minnesota what disposition was made of that Senate amendment?

Mr. NELSON. The disposition made of it was that the House conferees refused to agree to it. The bill was in conference for over two months. The first meeting of the conferees was held on the 18th day of May, and we only finished the consideration of the bill yesterday. Amendment No. 106 was the last amendment which troubled the committee of conference. I can say to the Senator from Nevada that the Senate conferees did their utmost to retain the amendment in the bill. We struggled along with it as best we could, but finally found that the House conferees would not yield on that point. Although we proposed to reduce the appropriation from \$100,000 to \$50,000, they refused to yield; and we felt, after all the struggle, that we could not afford to delay the bill any longer. As a matter of fact, in the interest of public business and in the interest of the improvements to rivers and harbors which are now going on, this bill ought to have been passed before the 1st of July; and I think the effect of its delay will probably cause the Government, in one way or another, more damage in amount than was saved by the eight hundred and odd thousand dollars which the bill was reduced in conference.

I sympathize with the Senator from Nevada in his amendment, and I assure him that the Senate conferees did all that they could well do to retain the amendment in the bill.

Mr. NEWLANDS. Mr. President, I am satisfied that the Senate conferees made every effort to retain this amendment, which received the approval of the entire Committee on Commerce of the Senate. I ask the Senator from Minnesota whether the objection was to the amount of the appropriation or to the object sought to be attained by the amendment?

Mr. NELSON. The objection was not at all to the amount, for when we offered to reduce the amount from \$100,000 to \$50,000 it did not seem to make any difference. The objection was to the substance of the amendment.

There were three objections. First, it was contended that a part of the provisions of the amendment were already in the existing law, and, second, that a part of it was already contained in certain provisions in other portions of the bill. The most serious objection to the amendment, however, was to that portion of it which required a reexamination and reinvestigation of all existing projects. That was the one thing, perhaps, more than anything else, to which objection was raised.

Mr. NEWLANDS. Mr. President, while I am entirely satisfied with the efforts of the Senate conferees to secure the acceptance of the Senate amendment, I greatly regret that the opportunity has been lost of putting upon the statute books the most effective amendment that has probably been introduced in years in a river and harbor bill; an amendment that is intended to promote economy and efficiency; that is intended to give the Engineer Corps of the Army the power to plan a system of connected and related waterways of the country, just as full and comprehensive in its character as are the plans of our railways; an amendment which was intended to rescue the

river improvements of the country from the spoils system which has so long prevailed—a system which we have entirely done away with, so far as public offices and public patronage are concerned, but which still remains to afflict us in matters relating to public works, enterprises relating to public buildings, and the rivers and harbors of our country.

This is a question which has been before the American people for many years. It has been urged persistently by river and harbor congresses, by waterway associations, in political conventions, and has found form in our national platforms.

I am amazed that the House of Representatives has failed to respond, not only to the public opinion upon this question, but to the express declarations of the platforms of both political parties. The Republican platform of four years ago pledged that party to carry out the declarations of Mr. Roosevelt regarding the waterways, and this was a prominent feature of his recommendations. The Democratic platform was even more explicit, for it called for large and comprehensive work in the development of our waterways through the organization of a board of experts authorized by law, with the aid of an ample fund, insuring continuous work and providing for the coordination of the various scientific services of the Government and the cooperation of the Nation with the States in this work.

The only opposition to this policy that has manifested itself anywhere is manifested in Congress itself. We have had hard work making progress with it in the Senate; but we have made a steady advance, as was demonstrated by the adoption by the Senate of this amendment. So far as the House of Representatives is concerned, however, it remains still attached to the system of spoliation—the system of pothole appropriations, controlled by the Representatives of various districts, through which they secure nomination and office; a system which is cynically regardless of the ultimate purposes to be obtained, the development of a system of waterways fitted for transportation, and not a system of waterways designed to secure the expenditure of public moneys in the interest of men seeking office.

Mr. President, the Senator from Minnesota says that the question of the amount was not the objection, for when the Senate conferees proposed to reduce the amount from \$100,000 to \$50,000 it seemed to make no difference; so that we have the purpose of this amendment opposed in this conference.

What are the facts with reference to the Engineer Corps? Many of us have been disposed to criticize the Engineer Corps for lack of initiative. We have complained that it never yet has presented a full and comprehensive plan to Congress for a system of waterways. I shared in that complaint and in that criticism, until finally my attention was called by a prominent officer of the Engineer Corps to the fact that in almost every river and harbor bill the Engineer Corps of the Army has been expressly forbidden by the terms of the river and harbor bill itself to report upon anything except the matter submitted to them by the bill, so that the Engineer Corps of the Army was itself in chains, imposed by Congress in aid of the spoils system that has so long prevailed. Finally a year ago the Chief of Engineers of the Army concluded to act outside of the mere matters submitted to him in previous bills by Congress, and he ventured the suggestion in the mildest of terms—a suggestion which I shall incorporate in the Record—that if Congress desired a plan for a related system of waterways, the Corps of Engineers was ready to furnish it; and he indulged in an argument in its favor. It was upon that suggestion that I framed this amendment. It received the careful consideration of the Senator from Ohio [Mr. BURTON], and the Senator from Oregon [Mr. BOURNE], was improved in its general form and character, passed the committee, and was inserted in the bill.

Now, we find that the suggestion of the Engineer Corps of the Army is rejected and that the Engineer Corps of the Army is still in chains. In what contrast has our action been with reference to the great question of irrigation and the great question of the development of the Panama Canal. Upon the question of irrigation we passed a short act of 8 or 10 sections, absolutely giving the Secretary of the Interior the power, upon the approval of any project, to perfect the plans and go on with the work, the only limitation being that no expenditures and no contracts should be made unless the moneys for their payment were in the irrigation fund. You know how that work has progressed since 1902, steadily and continuously and outside of the spoils system, with substantial and satisfactory results achieved within a space of 9 or 10 years.

Then, when we came to the Panama Canal we planned big there; we authorized large expenditures and gave the Engineer Corps of the Army practically a free hand. We are now approaching the completion of that great enterprise. Yet we have expended upon the rivers of this country a sum much larger

than has been expended upon both irrigation works and the Panama Canal without any substantial results in the betterment of our waterways as instrumentalities of transportation. They have been largely thus far the means through which money has been drawn from the Treasury to be expended in the various districts of public men. That perhaps is too severe a statement, for I realize that under the able leadership and direction of the Senator from Ohio, as chairman of the Committee on Rivers and Harbors of the House of Representatives, improvements have been made in the methods of administration; improvements have been made by the creation of Army boards authorized to pass in judgment upon the various projects that were presented, and, finally, a kind of public opinion has been created in Congress to prevent the passage of any bill relating to a project which has not received the approval of the Engineer Corps and of the various boards; but the struggle to accomplish what has been accomplished was a hard one, and now, when we are about to get what public opinion demands and what our party platforms demand, we are defeated by the action of the Representatives of the people.

The responsibility for this does not rest upon the country at large or upon public opinion; it does not rest upon the Executive of the Nation, either Mr. Roosevelt or Mr. Taft, both of whom have made recommendations in this direction; it does not rest upon the Secretary of War, whose judgment coincides with action of this kind; it does not rest upon the Engineer Corps of the Army; it rests upon Congress. This is one of the things so constantly occurring that are impairing the confidence of the people in their own Representatives and inducing them to consider seriously the direct assumption, through the initiative, the referendum, and the recall, of the powers of government.

Mr. President, I wish to enter my protest against the action of this conference committee, and at the same time to express my appreciation to the chairman of the committee, the Senator from Minnesota, and his Senate associates for the determined stand which they made for this amendment.

I now ask unanimous consent to insert in the RECORD the statement to which I have referred of the Chief of Engineers of the Army, taken from his annual report of 1911.

The PRESIDING OFFICER. In the absence of objection permission is granted.

The statement referred to is as follows:

Under existing law reexaminations of existing projects are made by the Board of Engineers for Rivers and Harbors in compliance with resolutions by either the Committee on Commerce of the Senate or the Committee on Rivers and Harbors of the House of Representatives; but these reexaminations are subject to the limitation that no enlargement of the scope of the project can be considered, so that desirable extensions of projects can not be recommended. It is believed that a similar provision of law authorizing the Chief of Engineers to cause a reexamination of projects, at least those not heretofore passed upon by the Board of Engineers for Rivers and Harbors, would be in the public interest. Projects reported under the provisions of section 7 of the river and harbor act of March 3, 1899, as unworthy of further improvement by the United States or considered by the Chief of Engineers as in need of revision could in this way be fully investigated, local interests could be heard, and formal report thereon made for the consideration of Congress. It would seem advisable in connection with any such reexamination to grant authority to consider and report upon any modifications in the nature of enlargements in scope of projects believed to be desirable, when such modifications are recommended by district officers or otherwise brought to the attention of the department.

If desired by Congress, for its consideration in providing for new works, reports could be submitted by the Board of Engineers for Rivers and Harbors and the Chief of Engineers upon the relative importance of the various improvements recommended as worthy of being undertaken by the United States, the order in which the works should be taken up, and the rapidity with which they should be completed, upon methods of standardization by which the waterways of the country could be improved uniformly in proportion to their capacities and to the existing or probable demands of general commerce, or even report upon a systematic scheme of such improvement embracing all waterways, whether heretofore examined and reported upon or not.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. NELSON. I ask that the statement which I send to the desk may be printed in the RECORD immediately following the adoption of the conference report.

The PRESIDING OFFICER. In the absence of objection, that order will be made.

The statement referred to is as follows:

*Statement of result of conference on rivers and harbors bill.*

Cash appropriations in House bill.....	\$24,062,520.50
Contracts authorized.....	2,200,000.00
Total of bill as it came from House.....	26,262,520.50
Total of Senate amendments added.....	\$8,054,010.00
Reductions made in House items by Senate.....	233,000.00
Net increase by Senate.....	7,821,010.00
As bill came to conference.....	34,083,530.50

*Senate amendments in which reductions were made.*

	House bill.	Amount to which increased in Senate.	Amount to which reduced by conferees.	Amount of reduction.
Pollock Rip Channel, Mass. (No. 2).....	New.	\$250,000	\$125,000	\$125,000
Jamaica Bay, N. Y. (No. 8).....	New.	500,000	300,000	200,000
Delaware River, Pa., N. J., Del. (No. 13).....	\$1,000,000	1,500,000	1,300,000	200,000
Elk River, Md. (No. 21).....	New.	8,200	4,040	4,160
Waterway, Norfolk to Beaufort (No. 24).....	500,000	700,000	600,000	100,000
Anastasia Island, Fla. (No. 34).....	New.	15,000	Cut out.	15,000
St. Marys River, Mich. (No. 66).....	200,000	400,000	300,000	100,000
Columbia River at The Dalles (No. 61).....	600,000	800,000	700,000	100,000
Valdez, Alaska (No. 93).....	New.	55,000	Cut out.	55,000
Report on continuing-contract system, etc. (No. 106).....	New.	100,000	Cut out.	100,000
Total.....				999,190

*Items increased by conferees.*

	House bill.	Senate bill.	Amount increased to by conferees.	Amount of increase.
Examination Mississippi River (Senate amendment) (No. 76).....	New.	\$20,000	\$30,000	\$10,000
Trinity River, Tex. (No. 52).....	\$435,000	355,000	440,000	5,000
Total.....				15,000

*House items reduced by Senate and restored by conferees.*

	House bill.	Senate bill.	In conference.	Amount restored.
Connecticut River above Hartford (No. 6).....	\$25,000	Struck out.	\$25,000	\$25,000
Winyah Bay, S. C. (No. 28).....	62,000	\$12,000	62,000	50,000
Trinity River, Tex. (No. 52).....	485,000	355,000	440,000	80,000
Passaic River, N. J. (No. 12).....	5,000	Struck out.	5,000	5,000
Total.....				160,000

*House items reduced by Senate and not restored.*

	House bill.	Senate bill.	Amount of reduction.
Youghiogheny River, Pa. (No. 18).....	\$75,000	Struck out.	\$75,000
Broad Creek River, Del. (No. 19).....	17,520	\$14,520	3,000
Total.....			78,000

Bill as it came to conference.....	\$34,083,530.50
Reduction by conferees.....	\$999,190.00
Additions by conferees.....	175,000.00
Net reduction.....	824,190.00
Amount of bill as reported by conferees.....	33,259,370.50

THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. TOWNSEND. Mr. President—

The PRESIDING OFFICER. Has the Senator from Connecticut yielded the floor?

Mr. BRANDEGEE. I did not intend to yield the floor, but I will say to the Senator from Michigan, if he desires to speak now and it suits his convenience to do so, I will be glad to yield to him.

Mr. TOWNSEND. I do not care to interrupt the Senator.

Mr. BRANDEGEE. It will be no interruption. If it is more convenient for the Senator to make his remarks now, I am perfectly willing to yield the floor.

Mr. TOWNSEND. I do not care particularly to speak at this time. I will inquire about how much time the Senator expects to occupy?

Mr. BRANDEGEE. I have no set remarks; I have a few scattered remarks to make, but I can make them just as well later if it will accommodate the Senator.

Mr. TOWNSEND. I would just as lief the Senator would proceed.

Mr. BRANDEGEE. Very well. Mr. President, it is difficult to discuss in one speech a bill of this kind in its entirety. It contains so many different subjects of great importance that it seems to me it should not be discussed in all its different features at one time. I think it tends to distract the attention of those who want to understand each particular proposition clearly before they make up their minds to vote for it; and, as soon as such general speeches as Senators care to make upon the bill have been concluded, I think the better and more orderly way would be to ask that the bill be read for amendment, and, perhaps, that the committee amendments should be first considered. The bill has been read in its entirety, the formal reading of the bill having been completed, and it is printed in the RECORD, and I think very shortly the time will arrive when I shall ask the Senate to proceed to its consideration for amendment.

One of the first questions that then will come up upon which I anticipate a difference of opinion will be whether the canal when completed shall be administered by a single officer, in the nature of a governor of the canal or of the Canal Zone, or whether that management and operation and responsibility shall be delegated to a commission. There were differences of opinion in the committee about that, the majority of the Senate committee favoring a commission of three, while I think the House committee was nearly unanimous for a single administrator.

Then comes, I think, in section 5 of the bill, the question of tolls. Mr. President, of course to those who want to bestow the right of free passage through the canal upon American ships, either those engaged exclusively in the coastwise trade or also those engaged in the foreign trade, the question involved in the treaties is essential. While I have views about the treaties, those views do not enter into the determination of the question with me, because I do not want to confer free passage upon American ships of any kind. I have never had that in mind, and I think the Canal Commission has never had it in mind, as will appear in the testimony of Col. Goethals given before various committees, both on the Isthmus and here in Washington. They have always based their estimates of the receipts of the canal upon the theory that we were to charge every vessel that went through there what was stated under the treaty to be a just and reasonable price for the work done. So that while I have views about the treaties, they are merely academic questions with me, so far as my vote is concerned.

I take the view of this canal that it is a great undertaking of an international character, the Clayton-Bulwer treaty providing that it should be the joint project of Great Britain and the United States and the Hay-Pauncefote treaty eliminating Great Britain as a joint partner in the enterprise and giving us exclusive jurisdiction of the control and operation of the canal. I regard it—it being, of course, admittedly the greatest work of human hands in any age of the world's history—as having, so to speak, moved the Straits of Magellan approximately 4,000 miles to the northward.

It seems to me that the saving to the coastwise, the port-to-port, trade of this country, conducted by American vessels, to which by this expenditure of \$400,000,000, together with its maintenance and armament and defense forever, the canal has been dedicated, a saving of 8,000 miles of travel and all the expense of fuel and maintenance and pay of crew involved in that shortening of time, is a sufficient favor to have been conferred by the General Government upon this particular interest, which already has the additional favor of an absolute monopoly in the coastwise trade.

I for one, while I have the utmost charity of feeling toward any other view, toward any person who differs with me about it, do not consider that because I happen to think it is fairer that each vessel, whether owned by an American or a foreigner, which avails itself of this great advantage which it had never had before, and, availing itself of it, pays to the Government of the United States a sum such as some commission or the President or the proper person shall fix to reimburse, to a certain extent at least, the Government or help to pay the interest upon this tremendous sum of money of the people raised by taxes upon the property of all the people—I have never thought that I entertained any unpatriotic view because I favored the collection of that small, reasonable sum from these ships, which already have this exclusive market and this great favor conferred upon them. Because the Government of Great Britain takes the same view that I have always held and which the commission has held and which I think prevailed until, I will not say this propaganda but this demand arose from those who own ships and those boards of trade and chambers of commerce throughout the country which are naturally influenced in favor of free passage—because I have taken

that view and Great Britain takes that view later on in the construction of the treaty I do not think there is anything unpatriotic about trying to make the ships for which this is to a large extent a special favor, for their benefit, pay their own way instead of asking the American people—everybody—to whom it may be no special benefit, to be taxed for them, whereas in my opinion it is a special benefit to the class I have mentioned.

Mr. CHAMBERLAIN. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BRANDEGEE. Certainly.  
Mr. CHAMBERLAIN. I desire to submit to the Senator whether or not the argument he is now making for charging tolls on vessels engaged in the coastwise trade would not be equally applicable to vessels plying the Mississippi River, passing through the locks of that river, or to the traffic up and down the Columbia River or the Sacramento River or through the Great Lakes, where the Government maintains systems of canals and locks? Now, the moneys which have been appropriated from time to time by the Congress of the United States for the construction of these locks and dams and for the improvement of these rivers, and the improvement of harbors as well, is in the nature of a general tax taken from the people of the whole country, and the traffic that goes through the canal between ports on the Atlantic and ports on the Pacific is just as much interstate traffic as the traffic which goes up and down the Mississippi River or any other of these streams through the canals and locks constructed by the Government.

I should like to ask the Senator from Connecticut, if the reasoning which he is now urging upon the Senate is to apply, inasmuch as the people are taxed for the construction of the Panama Canal, would it not reverse what has been the policy of this Government for a hundred years to compel a charge to be levied upon vessels passing through the rivers and harbors of the country?

Mr. BRANDEGEE. Mr. President, that is the claim of those who believe in free passage for our American coastwise vessels. In my judgment it is not well founded, but I will say to the Senators interested in this matter that I think there is almost nothing new to be said on this subject. If Senators care to inform themselves about the claims of both sides, and if they will take the CONGRESSIONAL RECORD of this session and look at the House debates, commencing at page 7219, I think they will find there is almost nothing new left to be said on the subject.

I certainly do not propose to take the time of the Senate to rehearse all the views which are already upon record, contained in the reports of the House committee, the majority and the minority reports; contained in the testimony before the House Committee on Interstate and Foreign Commerce and in the testimony before the Committee on Inter-oceanic Canals of the Senate on the House bill which we are now considering, and in the volume of testimony taken by the Committee on Inter-oceanic Canals at Ancon, in the Canal Zone, on October 28, 1911, known as Senate Document No. 191.

Mr. WORKS. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. Certainly.  
Mr. WORKS. The Senator from Connecticut has made a statement of the advantage that would accrue to American ships by reason of the shortening of the distance resulting from the construction of the canal. That advantage would accrue also to foreign ships to the same extent?

Mr. BRANDEGEE. To whatever extent they use the canal.  
Mr. WORKS. Then no advantage is given American ships over foreign ships in that respect?

Mr. BRANDEGEE. I do not think so. I think it is given to all the ships that find it an advantage to go that way rather than through the Suez Canal.

As I said before, it has been my opinion until this session—and it is still my opinion, and was before this session, and I think the opinion of most people whom I have heard talk about it—that all vessels ought to be charged. The object of this legislation was to open the canal, start it running, charge all vessels alike, so much per ton, and after a few years, basing action upon the experience of what will then have been the past, and what is now the prognostication for the future, have some firm facts under our feet upon which to stand and base our future course.

Mr. CUMMINS and Mr. CHAMBERLAIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield, and to which Senator?

Mr. BRANDEGEE. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I yield to the Senator from Iowa.

Mr. CUMMINS. In view of the question put to the Senator from Connecticut by the Senator from Oregon, I should like to ask him a further question. Suppose the Government of the United States were to yield, as I think it ought to yield, to a very urgent demand for the construction of a railroad in Alaska, from one of the ports to the interior coal fields. It would be built from taxes collected from the people of the United States.

Does the Senator from Oregon think that if we were to do that we ought to transport the freight over it without charge; and if he does not, what is the difference between charging for freight over a governmental railway and charging for freight over a governmental canal?

Mr. CHAMBERLAIN. Does the Senator from Iowa ask me that question?

Mr. CUMMINS. I really propounded it to the Senator from Oregon through the Senator from Connecticut.

Mr. BRANDEGEE. I pass it along.

Mr. CHAMBERLAIN. I simply say there is this great difference, Mr. President, between the two situations as put by the Senator from Iowa.

The waterways of this country, or many of them, are maintained for the purpose of regulating the rates by rail. There are waterways improved in this country at the expenditure of vast sums by the Government which are practically not used, but ready to be used whenever it becomes necessary to utilize them for the purpose of regulating freight rates.

Now, so it is with the Panama Canal. My opinion is if vessels engaged in the coastwise trade are permitted to go through the canal free of tolls the immediate effect will be the reduction of freight by the transcontinental railways and the regulation of freight rates by the transcontinental companies, while the construction of a railroad in Alaska would have no such effect. That would be the construction of a great public improvement principally for the development of a particular section of the country, as I understand, while on the Isthmus the construction of the Panama Canal is for the purpose largely of regulating transcontinental rates on freight.

Mr. BRANDEGEE. The hearings before the committee are filled with the views and claims of all parties to this controversy, and not only both sides of this controversy, but all that could be learned from everybody who desired to appear on all the other controverted features of the bill.

I am glad to say this sort of debate we are having now in my opinion simply illustrates the almost hopelessness of trying to get anywhere on a single proposition when we are confronted with a bill involving a dozen different propositions. Of course if Senators have read this record, as the committee has heard the testimony, they have made up their minds about it. What I am saying I am not saying with any idea of trying to make any Senator come to my opinion about any of these things, but I thought it was my duty to state very briefly and informally the convictions I have come to, without attempting to convert anybody. But the minute I try to make a statement of my position in regard to tolls—and then I was coming to other things—I am asked a series of questions which would take me over the whole field.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BRANDEGEE. Certainly.

Mr. CHAMBERLAIN. I have read the reports to which the Senator a while ago called attention, and I have been particularly edified by his industrious efforts to reach out and ascertain the truth of this whole discussion; and I commend the efforts of the Senator both then and now.

But from the Senator's argument now, Mr. President, it seems to me he places this largely upon the same basis that Col. Goethals does. If I read his testimony correctly he thinks the Panama Canal ought to be a paying proposition, and not only ought it to pay for the actual expense of maintenance, but in the end it ought to realize enough to reimburse the Government for the amount actually expended in its construction.

I do not believe, Mr. President, that that is the understanding of the people of this country, any more than that some system of tolls ought to be charged on other highways for the purpose of reimbursing the Government for the amount of money expended in that construction.

I ask the Senator now if it is his idea that tolls ought to be placed at such a figure, both on American shipping, whether coastwise or not, and on other commerce, as would be sufficient to reimburse the Government for the amount of moneys ex-

pended in construction, as well as the moneys paid out for maintenance.

Mr. BRANDEGEE. No, Mr. President; it is not. I will reply to the Senator's several questions if I can recollect them; but before I do that I want to ask unanimous consent to put into the CONGRESSIONAL RECORD at this point the suggestions and recommendations made by Col. Goethals to the committee on the Isthmus, which appear in the hearings, beginning on page 2 and going down to the bottom of page 5, as marked.

Mr. BACON. Mr. President, I would suggest that while the Senator need not take time to read the matter in detail, he might state the substance of it, so that we may have the benefit of it in the course of the discussion.

Mr. BRANDEGEE. There is so much of this testimony that, of course, I hate to cumber the RECORD with it, or to bore other Senators by rehearsing it; but the Senator from North Dakota [Mr. McCUMBER] has asked that the Secretary read this recommendation of Col. Goethals. Probably that will take no longer time than it would take me to pick out what I consider the essential parts of it. Therefore I will send it to the desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

#### SUGGESTIONS AND RECOMMENDATIONS.

The estimated date for the completion of the canal was based on the report of the International Board of Engineers, submitted in 1906, and was fixed at January 1, 1915. In the meantime the work advanced more rapidly than had been anticipated, and it became apparent that it would be possible to pass vessels through the canal at least a year earlier than this date. Becoming aware of this contingency and realizing the necessity for commerce to adjust itself to the new conditions, the shipping interests of the world raised the question of canal tolls in July, 1910, and urged an early settlement. Attention was called to the fact that at least 18 months' notice of the rates should be given in order that steps might be taken in time to change routings that would follow if the canal were used. If rates are such as to warrant the adoption of the new route, commerce will adjust itself to its utilization as soon as possible; if not, the old channels will continue to be followed. Inquiry not only confirmed this statement, but developed the fact that the organization of new companies for use of the canal was contemplated, provided the established rates should be sufficiently attractive. It was developed also that two years' advance notice was desired in order to permit the building of the necessary ships.

It is of course desirable to put the canal in use as early as possible, not only to secure a financial return, but also to have everything in good running order, so as to insure the passage of the fleets of the world for which Congress has made provision, without confusion or delay.

To determine, then, the approximate date when the canal would be ready for use and to report what steps, if any, should be taken to expedite the work, a board was convened, composed of those charged with the work in progress and contemplated. Based upon the report of this board, announcement was made that all the concrete in the locks at Gatun would be laid by June 1, 1912, and in the locks on the Pacific side by October 1, 1912; that, assuming the gates were completed by June 1, 1913, as stipulated by the contract, the locks would be ready for use on this date if the operating machinery were installed; that the work on the spillway at Gatun would be completed to the elevation of 50 feet by April 1, 1912, and the entire dam would be finished by the close of the dry season of 1912-13; that the excavation through Culebra Cut would be completed by July 1, 1913, if no more material due to slides had to be removed than was estimated at that time; and that the exterior channels would be sufficiently advanced to pass the shipping that would use the canal.

It was desirable, therefore, that legislation should be provided without delay for the establishment of tolls, and should be sufficiently flexible to permit of ready change should conditions arise to warrant it. After the enactment of the necessary legislation, and before fixing the rate, data should be prepared showing the amount of traffic that might be expected, upon which to base the rate, and rules for measuring ships should be formulated so as to determine the charges to be made for various vessels.

A year has elapsed since the report upon which the statements heretofore made were based, and though an increase due to slides was made in the estimated amount of material to be removed from the Culebra Cut, this increase gives no grounds for changing the date; moreover, after the completion of the locks dredges can be passed into the cut, and the remaining material can be removed more economically and to better advantage. Though the division engineer can not complete all the concrete work on the Gatun Locks by the time first estimated, and now fixes the date as January 1, 1913, this will not interfere with the erection of the gates (the concrete needed for this purpose being practically in place) nor cause any delay to the work as a whole. Progress made in the construction of the dam confirms the promise of its completion. The division engineer adheres to the date heretofore announced for completing the locks on the Pacific side. The erection of the gates has not progressed as contemplated by the contract, but the shop work is well advanced, and by increasing the erecting force there should be no delay on this account.

The assistant chief engineer has taken all steps necessary to insure the delivery and erection of the operating machinery and lighthouses and anticipates completing them on time. The contract recently made for the emergency dams calls for completion of the last one by June 15, 1913.

The need for legislation looking toward the fixing of tolls is therefore urgent. Time can be saved in making public announcement of the rates to be charged by compiling, in advance of legislative action, the data of the amount of traffic that will probably use the canal and the formulation of rules by which the tonnage of ships is to be determined. Steps to this end have been taken.

Another matter needing attention is the organization of the operation of the canal and for the government of the Canal Zone. These

two are intimately connected. Existing law provides for the construction of the canal; also for the exercise of the military, civil, and judicial powers necessary for the government of the Canal Zone during a period which has already elapsed.

As the work nears completion it is intended to concentrate the construction until what remains will be in immediate charge of the directing office, thereby reducing the costs and, as far as possible, the overhead charges. It is believed that a more satisfactory operating force can be secured by the selection of suitable men from the present organization. There has been considerable criticism because of the high wage scale that exists, but this is due to the fact that it was difficult to obtain men when the work started on account of the bad reputation of the country and also because of the temporary character of the work. Complaints are made constantly because the salaries are disproportionate to responsibilities and because of the lack of uniformity in the percentage of excess over the wage scale for similar labor in the States. After the inauguration of the scale it was not considered advisable to make any reduction, and rearrangements were made from time to time as necessities required, but inequalities still exist. Conditions are different now; the Chief Sanitary Officer declares the death rate of the zone to be "much lower than that for most parts of the United States," and the general health of about 8,000 white Americans in the zone to be "fully as good as it was in the United States"; also, continuance in employment can be assured. It is believed that a lower wage scale can be put into effect for operating the canal and that the necessary force can be secured from the men who will remain in the service during the next year or two. This is an important consideration, since it is essential that the cost of operation shall be reduced to a minimum consistent with efficiency. With the operating organization provided for, steps can be taken to adopt a salary and wage scale, after which there can be created from the construction force one for operation without delay or confusion.

The total outlay for maintaining the canal will be for wages of the force engaged in its operation, the expense of engineering work connected therewith, and the cost of sanitation and civil administration. It is difficult to foresee the uses to which the land in the zone may be put. There are, all told, within the limits of the zone 436 square miles, of which about 73 square miles are in private ownership and 363 square miles owned by the Government (i. e., either by the commission or the Panama Railroad Co.); of the latter, 96 square miles are occupied by the canal. A large part of the Government land will be required for military and naval purposes, and it is not unlikely that additional lands will be required by other departments of the Government. The position of the Republic of Panama and its two cities with respect to the zone makes it necessary in the interest of harmony that the Spanish laws now in force shall obtain. The rules and regulations for the government of the zone made effective subsequent to the Fifty-eighth Congress should be approved and changes should be authorized to meet new conditions as they arise.

Under existing law lands may be leased for a period not exceeding 25 years, with the understanding that the cost of all improvements shall be reimbursed to the lessee in case the lands are needed for other purposes. It is generally the rule that land taken for governmental purposes is never sufficient and must always be extended, and from experience gained in the prices agreed upon for lands taken for canal purposes the improvements are always expensive. For the most part the configuration of the ground is not suitable for extensive farming; material obstacles tend to hinder agricultural development; a perpetual title can not be assured, and the Spanish system of taxation must be continued to avoid friction on account of unfair competition with the Panamanians. The inducements offered are not likely to attract Americans. Other occupants are not desirable. The town sites already established are populated by laborers, a class which should be repatriated after work can no longer be given them, and the growth of such towns should be discouraged. The greater the amount of land leased and the number of town sites established and occupied, the greater will be the cost of sanitation and civil government. For several years to come at least it is believed that the best policy will be to keep all Government lands for Government purposes. Whatever military force is located on the Isthmus will be charged with its own sanitation. The reservation of all lands for governmental use would result, therefore, in minimum costs for these two items.

The Canal Zone occupies a unique position among the outlying possessions of the United States, and on this account requires special treatment. The construction of the canal is the original purpose for which it was obtained, and to this purpose everything within the zone is made subordinate. In the same way, after its completion, everything must be subordinated to the operation of the canal. Assuming that the canal is being built for the benefit of the commerce of the world, it nevertheless is a military asset to the United States, and conditions may arise in which the military necessities of the Nation will become paramount. It is essential, therefore, that an entity should be established or created and so organized that any contingency can be promptly met as soon as it rises. In other words, while during certain periods the operation of the canal is for commercial purposes, entirely separate and distinct from the military, there are times when the military necessities must predominate.

Every known precaution has been taken to insure the safety of the locks. Accidents to locks have in nearly every case resulted from misunderstood signals in the engine room. To avoid any possibility of accident which might render the canal useless the authorities should assume charge of all vessels during their transit of the locks; under such conditions any damage that may result to the vessels should be assumed by the Government, and legislation looking to this end is necessary.

The revenues of the canal should go to pay not only the operating expenses, but to repay the capital invested. Every legitimate means for increasing the revenue should therefore be adopted. The Government should have coal and fuel oil on hand for its own vessels, and these commodities should be sold to shipping using the canal. These should be supplied at an established rate and purchased after advertisement. The existing commissary, manufacturing plant, and laundry should be continued for the benefit of Government forces and to furnish supplies and service to shipping. A wireless telegraph station should be established for commercial as well as military purposes. The canal authorities should be authorized to sell tools and appliances needed by ships and to make repairs as may be necessary while ships are in the vicinity of the canal. A dry dock should be built with dimensions conforming to the locks. Both the dry dock and machine shops would be available for use by the Navy. If this policy is to be adopted, early legislation is needed in order that the construction necessary to make it effective may be undertaken without delay.

Mr. BRANDEGEE. Now, Mr. President, recurring to the inquiry of the Senator from Oregon as to why the Panama Canal should not be treated in the same way and subject to the same general governmental policy that our internal waterways and coastways and harbors are treated by the Government, it seems to me that there is no analogy whatever between those two matters. Some people say that the Panama Canal should be considered as simply a continuation of our coast; that it is a strip of water connecting our Atlantic coast with our Pacific coast. Of course that is not so. It is a strip of water connecting the Atlantic Ocean with the Pacific Ocean, just as the Straits of Magellan now connect the two oceans, removed 4,000 miles nearer American soil, but still 2,000 miles removed from American soil. We have built no canal in our own country or in our own sovereignty. We have a treaty which permits us to build and operate the canal in a foreign country, and while we have the sole right to the possession, and exclusive possession and operation of it, the Government of Panama retains the sovereignty of it.

The language of the treaty is peculiar. We can do everything in relation to canal purposes that we could if we had the sovereignty, but Panama retains the sovereignty. We have built a canal on foreign shores, and to say that simply because it is a great canal and is of advantage to our ships that want to go from our Pacific coast to our Atlantic coast, and vice versa, therefore it should be treated as one of our internal waterways, it seems to me is not in point at all.

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. Certainly.

Mr. HITCHCOCK. Is not the Senator mistaken in saying that Panama retains the strip of land through which the canal runs?

Mr. BRANDEGEE. I do not think I am.

Mr. HITCHCOCK. I understand that Panama gave up the sovereignty of the strip in which the canal passes.

Mr. BRANDEGEE. No; I think the Senator is mistaken, if he understood it that way. The treaty itself will speak about that, however. It is right here, and I will look it up as soon as I take my seat.

Mr. HITCHCOCK. For a few miles on either side of the canal Panama cedes the sovereignty to the United States.

Mr. BRANDEGEE. I think not.

Mr. HITCHCOCK. That was exactly the issue between Colombia and the United States. We demanded of Colombia that she should give up the sovereignty of this strip and upon that point her statesmen declared that they lacked the power to yield the sovereignty, and therefore could not enter into the treaty with the United States.

Mr. BRANDEGEE. That is just what I claim, that Panama took the same position and retained the sovereignty.

Mr. HITCHCOCK. On the other hand, Panama being a little Republic created for the purpose very promptly ceded the sovereignty to the United States.

Mr. BRANDEGEE. I will put in the provision of the treaty as soon as I take my seat and let the treaty speak for itself. As for that matter, I am perfectly certain that Panama retained its sovereignty and we have a right to do everything that we need to do there in the construction of a canal. However that may be, it is not material.

Mr. PAGE. Mr. President—

Mr. BRANDEGEE. I yield to the Senator from Vermont.

Mr. PAGE. I should like to ask the Senator from Connecticut, in this connection, if the exact language of the treaty is not that while we have all the rights of sovereignty, so far as this particular strip of land is concerned, we do not have the sovereignty in the respect named in the treaty.

Mr. BRANDEGEE. I would not say that that was the exact language of the treaty, but that is the exact substance of it, as I recall it. I thought myself, when I looked at it, that it was rather a peculiar provision, but we got the substance of what we wanted, and we were willing to defer to the patriotic sentiment that that Government would naturally have about yielding to a foreign power the sovereignty within its own territorial limits.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Oregon?

Mr. BRANDEGEE. I do.

Mr. CHAMBERLAIN. I call the attention of the Senator to the treaty between the United States and the Republic of Panama, article 2, which provides:

ART. II. The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land

under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant.

As I understand it, that is the only exception.

The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said enterprise.

I think you will find that Col. Goethals, either in the statement that was just read or in the testimony before one or other of the committees, spoke about the disposition of the soil.

Mr. PAGE. May I interrupt the Senator there?

Mr. BRANDEGEE. I will say to the Senator that I assume he is reading from the CONGRESSIONAL RECORD.

Mr. CHAMBERLAIN. Yes.

Mr. BRANDEGEE. I am reading from the convention between the United States and the Republic of Panama for the construction of a ship canal to connect the waters of the Atlantic and Pacific Oceans, signed at Washington November 18, 1903, and I read from article 3, as published on page 269 of the Senate committee hearing on the Canal Zone, as follows:

ART. III. The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Mr. HITCHCOCK. That is it.

Mr. CHAMBERLAIN. It seems to me that those two provisions not only cede this strip to the Government of the United States, but that Panama absolutely surrenders to the Government of the United States jurisdiction and sovereignty over the strip.

Mr. BRANDEGEE. It does not seem so to me at all. It seems to me as though Panama granted to the United States the rights, so far as the construction of the canal are concerned, which the United States would have if it were sovereign, but it does not say it is sovereign.

But, as I said, I do not want to be drawn into these side passages, because that is of no consequence whatever, in my opinion; it has no relevancy to the question which the Senator from Oregon propounded to me. I am trying to differentiate—

Mr. CHAMBERLAIN. If the Senator will pardon me—

Mr. BRANDEGEE. I yield to the Senator.

Mr. CHAMBERLAIN. I think it is important here, because the Senator has insisted that there was no parallel between waterways in our own country and the construction of the Panama Canal, and I have insisted that the waterways in our country are within our own boundary and that the construction of the Panama Canal is through land which practically belongs to the United States and over which Panama has ceded jurisdiction.

Mr. BRANDEGEE. As I view it, Mr. President, we simply have a right to build a canal and maintain it there under the treaty, just as a railroad when it has condemned land. I suppose if we abandon that canal and fail to maintain a canal there the United States would never claim that the 10-mile strip is a part of this territory or its possessions.

To be sure they own land there in fee, but they acquired it by treaty. I say, however that may be, the fact remains that this canal is built through a strip of land 2,000 miles removed from continental United States on the Isthmus of Panama below Central America, between Central and South America, and it seems to me to be a wild stretch of the imagination to say that when it was to a large extent constructed for military and naval purposes, in addition to commercial purposes, it should be treated on the basis of the declared policy of the Government as to the administration of its internal waterways and coast harbors.

Mr. BRISTOW. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. I do.

Mr. BRISTOW. Speaking of the possible abandonment on the Isthmus of the strip which we now own and control, is it not a fact that we have acquired practically all the real estate on, or we make provision in this bill to acquire all the real

estate in, this strip from private holders and make it a part of our own possessions—Government land?

Mr. BRANDEGEE. I am listening to the Senator.

Mr. BRISTOW. Have we not done that?

Mr. BRANDEGEE. I did not know the Senator had concluded. Certainly, Mr. President, we acquired it. It is a complicated matter. It has all been gone into before the committee. When we took over the French company and made the treaty with the Government of Panama, we acquired various properties and rights which the old company had, and we have some rights under other treaties now.

I wish to call attention of the Senator from Kansas to the fact that the mere possession or ownership of the fee of land by this Government or by one of its citizens in a foreign country does not give this Government or its citizens any sovereignty.

It holds it subject to the country where it is located. The fact that our Government may own a thousand acres of land within the Republic of Panama and adjoining the central line of the canal does not of itself give us any governmental rights there. The only rights we have there are those which we acquire by the treaty.

Mr. BRISTOW. But we do not own this land in a foreign country subject to the sovereignty of that foreign country. It is subject to our own sovereignty.

Mr. BRANDEGEE. The Senator knows very well—and I say with all due respect to him, one of his grievances is that while our citizens in Colon own pretty much all the city, it is all subject to the taxing laws of the Government of Panama, and our people owning the land there, being in the minority, are subjected to the local tax laws and pay for all the public improvements there in the city of Colon. So agitated was the Senator, if I may say so without violating the confidence that he imparted to me, he would like to see the treaty amended so that we could exchange with the Panamanian Government certain lands for which we have no particular use and they could cede to us these lands which would be of use to us by allowing our people to govern themselves there.

Mr. BRISTOW. Yes; I am free to say that one of my objections to the treaty was that we permitted a foreign government to have a municipal dominion within our own territory. I think it was a very grave mistake.

But, again, the Senator suggested that this was a strip of land 2,000 miles from our country, and that it was acquired for certain purposes. The Hawaiian Islands are 2,000 miles from our shore and still we are expending money there improving harbors, and so forth. It seems to me that there is practically no difference in the relationship of the Panama Canal Zone and the Hawaiian Islands or Porto Rico, as far as sovereignty goes.

Mr. BRANDEGEE. The question of the sovereignty, as I said before, I regard as immaterial. Now, as to the views of Prof. Johnson upon this question of—

Mr. REED. Before we leave that question, if it will not disturb the Senator—

Mr. BRANDEGEE. Not at all.

Mr. REED. I want to call attention to the fact that there are two separate provisions contained in this treaty with reference to the rights of the United States. I think by paralleling them we will get a clearer view of what was intended with reference to the question of sovereignty. Article 2 contains the language—

Mr. BRANDEGEE. What page is the Senator reading from?

Mr. REED. I am reading from page 269 of Senate Document 191, Sixty-second Congress, second session. Article 2 contains the following language:

The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

Then follows a description more in detail.

The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals.

Then follows more description:

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described, etc.

Now, that is a grant of property; that is a property grant.

Mr. BRANDEGEE. No; it grants the use, occupation, and control of the property.

Mr. REED. Yes; but that use, occupation, and control is a property right, a property grant. It is such a grant as could be made and would be made by a sovereign to some person or

government with relation to property, the sovereignty of which still remains in the grantor. If we stopped there the contention of the Senator from Connecticut would be fully sustained by the text of the treaty.

But now we come to article 3, a separate article, dealing with a separate question. We have already dealt with the question of property, a property question, the right to take, the right to improve, the right to condemn, the right to acquire property interests, and to utilize the property rights. We pass over that now, all of it being contained in article 2, to article 3, and we find that we are dealing with a different subject matter, and what is that subject matter?

The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II.

I go back a moment. It grants—

All the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Now, article 2 deals with property rights and article 3, it seems to me, deals with sovereignty rights; and when the Government of Panama grants to the United States all such rights and powers as it would have if it were the sovereign, that language means no more and no less than if it would say, "We hereby grant to you the full right of sovereignty." That is made plainer by the language which follows:

To the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Mr. President, if the Government of Panama grants to the United States all of the powers the United States would have if sovereign, that in itself makes the United States sovereign, but when it follows that and excludes itself from any acts of sovereignty, it must be true, it seems to me, that as the sovereignty is always vested somewhere, in some government, if the Government of Panama makes a grant which excludes it from the exercise of any sovereignty, then that does not leave this strip of ground without any sovereignty; it must be somewhere; and as sovereignty is abdicated by the Government of Panama and in favor of the Government of the United States, there can be no question, in my opinion, but that we are the undisputed sovereign of that tract of land.

You can not conceive of a piece of ground occupied by human beings upon which there is a civilization without having a sovereignty, and as the Government of Panama has excluded itself from sovereignty by these words and has granted all of the rights to this Government that it would possess if it were a sovereign, this Government becomes ipso facto the sovereign.

Mr. BRANDEGEE. Mr. President, I totally disagree with the Senator from Missouri in that matter. I will put in the RECORD later, as soon as I can find it, a letter written by President Taft, who was then Secretary of War, to one of the canal authorities in relation to this very question of the construction of the treaty, giving the view entertained by him. It is all in the hearings here. This question was discussed before the committee on the zone. If I recall the President's words, they were that Panama retains simply the titular sovereignty; that we have the actual rights of sovereignty, the right to govern it, and so forth, but they retain the titular sovereignty. That is my view of it.

Mr. REED. In other words, the Senator, I take it, would liken it to a deed to a piece of property in which the naked title was retained in trust by somebody else, but you never can find a deed of that kind which retains even the naked title that contains the language of entire repudiation of any right on the part of the trustee. You can not find such a deed that has in its language to the entire exclusion of any rights on the part of the trustee.

I am sure the Senator knows that we are simply trying to get at this as it is. I think it is a fundamental question in discussing this case. I have great respect for any opinion that the President may have given at the time of these negotiations. But these matters are always settled by the language of the instrument itself, and I do not know how you can have a repudiation of all acts and powers of sovereignty and at the same time retain sovereignty. I do not know how you can do it.

Mr. BRANDEGEE. As I said before, Mr. President, of course I do not expect to change the Senator's opinion, and I have no quarrel with him about it. I am willing he should retain that view of it.

Mr. REED. I am trying to change the Senator's view.

Mr. BRANDEGEE. When I quoted the President's view I did not do it with any idea of having Senators think I wanted them to defer to the opinion of that distinguished lawyer, if they had a contrary opinion, but simply in passing to state that that question had been considered, and when he was Secretary of War he had taken that view and so written to the commission.

From my point of view I can not conceive that there is any signification whatever in the language of article 3, in which the Republic of Panama grants to the United States all the rights, power, and authority within the zone which the United States would possess and exercise if it were the sovereign of the territory, unless it were not the sovereign. But be that as it may, the Senator from Missouri says this is the fundamental question in the whole matter. I do not agree with him on that, either.

Mr. REED. I said a fundamental question.

Mr. BRANDEGEE. Very well; I do not consider it so. I am trying to get away from it, because I do not consider it so. I simply say that I do not think the canal ever was thought to be upon the basis of dredging out a harbor or dredging out a river in the promotion of our interstate commerce; but I have considered the canal to be in no respect different from the Straits of Magellan, except that it was to move those straits nearer to the United States and except that in order to pass through those straits we had to use mechanical devices. That is all the difference that I think exists. I think if we had gone down to the Straits of Magellan and put in machinery there, if it had been necessary, to connect the Atlantic and Pacific Oceans, there would then be no parallel between that operation and the administration of our internal waterways. I am simply saying that is my view of it. So I, from the beginning, have been in favor and still am in favor of making that canal as free of access to every vessel in the world as it may be. I am in favor of treating it as a great arm of the sea. I am in favor of giving it its broadest international significance, of administering it in a way not only to promote the commerce of the whole world and to induce more frequent coming to both our coasts by not only our own commerce but the commerce of the whole world, but to administer it in a way, so far as possible, to secure the good will of the whole world and to avoid any international complications or animosities. I think that will be done if we shall proceed as I have indicated.

The senior Senator from Missouri [Mr. STONE] has indicated that even the views of Prof. Johnson are not entitled to great weight, who has devoted years and years to the investigation of this subject and has availed himself of all the information that is on file anywhere of all the tolls and counts and the passages of vessels between particular ports, the frequency of their voyages and their destinations, and the proportion of cargo carried hither and thither, who has availed himself of everything that is in the libraries and the archives of the bodies of commerce of the world. It must be admitted that his conclusions are not infallible. The Senator from Missouri evidently does not give them great weight. I do not know how much weight to give them. At the best they are the scientific guessings of a man who has devoted his best efforts to analyzing all the evidence available as his prophecy for the future.

I say I would open this canal upon the same terms to all the vessels of the world. I would allow the President or some commission appointed by him to run it. I would give them the authority to fix the tolls.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. I do.

Mr. CUMMINS. May I interrupt the Senator from Connecticut to make a brief statement?

Mr. BRANDEGEE. Certainly.

Mr. CUMMINS. Something that I said a few moments ago might be used as a basis for the impression that I question the correctness of Prof. Johnson's statement.

Mr. BRANDEGEE. I referred to the Senator from Missouri [Mr. STONE].

Mr. CUMMINS. I understand that. I have the very highest regard for Prof. Johnson's opinions in this matter. I believe he is better qualified to express an opinion with regard to the volume of traffic that may pass through the Panama Canal than is any Senator, because he has given so much more study to the subject; but the error into which we may fall if we accept his view implicitly is this: His view does not take into account the adjustment of tolls at varying rates as against our competitors. For instance, suppose the Suez Canal should cut its rates in half, that would make a great difference in Prof.



Johnson's estimate; suppose the transcontinental railways should reduce their rates by half, that would make a very great difference in the amount of traffic passing through the canal. I call this to the attention of the Senate now, because we ought to consider carefully what Prof. Johnson said. I, for one, believe that we shall have to adjust our rates on the business in which we compete with the Suez Canal according to rates maintained by the Suez Canal. I believe we shall have to adjust our rates on business destined to our western coast in order to allow competition with our transcontinental railroads. I believe we shall have to adjust our rates on business destined to the western coast of South America according to the cost of doing business around Cape Horn. Therefore, the factors taken by Prof. Johnson in his investigation and upon which he gave his estimates, valuable as they are, must necessarily be variable factors if we attempt to meet the competition of the rest of the world in fixing rates through the Panama Canal.

I feared that something I said a few moments ago might lead the Senate to believe that I did not give proper credit to Prof. Johnson's deductions. I want to be clearly understood about that, because I think that he has as intelligent and learned a view as anyone whose statement upon the subject I have ever read.

Mr. BRANDEGEE. Mr. President, I agree to a great deal of what the Senator from Iowa has said. What I was saying was not intended to be any criticism upon him or upon the senior Senator from Missouri nor any intimation as to their good faith or as to their opinion of Prof. Johnson; I was simply endeavoring to show that, no matter how much a man may have investigated this subject or how well qualified he may be to form an opinion now, it is at best a scientific guess and the estimate of a great many variable and complicated things which may happen in the future.

I want to call the attention of Senators to the fact that Prof. Johnson's testimony upon all these questions is to be found in the Senate committee hearings, beginning a little before page 25 and running along after that point. He discusses these questions, of course simply giving his best judgment. Col. Goethals is in favor, and I am in favor, whether rightly or wrongly, of what he believes to be the wisest course. Possibly it may turn out to be the wrong course, but it is a safe course, it seems to me, to say nothing about free passage to anybody at present and authorize the President or a commission or somebody that can have the benefit of this testimony and then of their own studies to fix the tolls on all vessels that go through the Panama Canal, and run the canal a year and see what happens, ascertain whether the canal receipts are such as would indicate that the rate is low enough to attract business from our competitor, the Suez Canal, and with authority to raise and lower rates within definite limits, allowing them some discretion so as to adjust the rates along the lines of a sliding scale as the immediate needs might demonstrate was proper.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I do.

#### PROPOSED VOTE ON WOOL, SUGAR, AND EXCISE BILLS.

Mr. SIMMONS. Mr. President, I have asked the Senator from Connecticut to yield to me only for a moment in order that I may make a request.

I realize fully the embarrassment and inconvenience of the present situation in the Senate, and I am anxious, if possible, to reach some agreement by which that situation may be relieved. I desire to ask Senators on the other side of the Chamber if it is not possible for us to enter into an agreement providing for a vote upon the wool bill, the sugar bill, and the excise bill at some early day?

Mr. SMOOT. Mr. President, I am positive there is no disposition on the part of Senators on this side of the Chamber to delay a vote upon those bills; and I ask unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate shall proceed to the consideration of the bill (H. R. 22195) to reduce duties on wool and manufactures of wool, and that before adjournment on that day we shall vote upon any amendment that may then be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

I should also like to give notice that I shall follow this request by asking unanimous consent for a vote on what are known as the sugar bill and the excise bill.

Mr. SIMMONS. I suggest to the Senator from Utah whether he had not better insert in the agreement the word "calendar," so as to read "on that calendar day"?

Mr. SMOOT. Of course I am perfectly willing to insert "calendar day" in the motion, although "that day" means the calendar day.

Mr. SIMMONS. I think it would probably be better to say "calendar day."

Mr. SMOOT. I will accept the suggestion and make it read "calendar day."

The PRESIDENT pro tempore. The suggested unanimous-consent agreement will be stated from the desk.

The Secretary read as follows:

"It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day, will vote upon any amendment that may then be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition."

The PRESIDENT pro tempore. Is there objection?

Mr. McCUMBER. Mr. President, I desire to ask the Senator from Utah [Mr. SMOOT] if he would have any objection to fixing an hour certain at which the vote might be had on the bill on that day?

Mr. SMOOT. There was some objection to fixing an hour to vote, and I thought it better to leave it merely the calendar day rather than to fix an hour.

Mr. McCUMBER. I think many Senators would like to know what time of the day the bill will be voted on in order that they may be certain to be present at the time; and I ask the Senator from Utah if he would have any objection to providing that the vote shall be taken on or before 6 o'clock on that day?

Mr. SMOOT. I am afraid there would be objection to that request. So far as I am personally concerned, I would not object, but I am positive there would be objection to fixing an hour.

Mr. WARREN. Mr. President, I should like to have the proposed unanimous-consent agreement again read. I did not hear it.

The PRESIDENT pro tempore. The proposed unanimous-consent agreement will again be read at the request of the Senator from Wyoming.

The Secretary again read the proposed unanimous-consent agreement.

The PRESIDENT pro tempore. Is there objection?

Mr. REED. Mr. President, I understand that if we give unanimous consent to this proposition it is upon the understanding that unanimous consent of a similar character will be given with reference to the sugar bill and the excise bill?

Mr. SMOOT. That is the understanding.

Mr. HEYBURN. And the cotton bill?

Mr. SMOOT. That has not been received by the Senate as yet.

Mr. HEYBURN. Yes; but when it comes in.

Mr. REED. With that understanding I do not object.

The PRESIDENT pro tempore. Is there objection?

Mr. HEYBURN. Mr. President, it might be well for us—

Mr. SIMMONS. Mr. President, pardon me, but to avoid any trouble about that, would it not be well to unite all of these bills in one request?

Mr. SMOOT. I am perfectly willing now to present the other requests for unanimous consent and ask that they be read.

Mr. HEYBURN. I merely want to make a suggestion, to avoid leaving the matter to subsequent construction. While it is true the cotton bill is not yet over here, there is tacit understanding that when it comes over it will be subject to the same action.

Mr. SMITH of Michigan. Mr. President, the suggestion of the Senator from Utah, which will necessarily precipitate the tariff bills into this body at a time when they can not be very thoroughly discussed, must be for the purpose of enabling the appropriation bills to be considered without further delay and to the end that we may have an early adjournment?

Mr. SMOOT. I sincerely hope and trust, Mr. President, that that will be the result.

Mr. SMITH of Michigan. I hope that that will be the result. If these bills are not to be gotten out of the way on that theory, they ought to be thoroughly discussed.

Mr. SMOOT. Then I offer the order which I send to the desk providing that a vote be taken upon all three of the bills and ask that it be read.

The PRESIDENT pro tempore. The Senator from Utah, then, withdraws the first request for unanimous consent for the time being?

Mr. SMOOT. Yes; I withdraw my original request for unanimous consent.

The PRESIDENT pro tempore. The Senator from Utah now offers a request for unanimous consent, which will be stated.

The Secretary read as follows:

"It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

"And, further, it is agreed by unanimous consent that on Saturday, July 27, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21213) to amend an act entitled 'An act to provide revenue, equalize duties,' etc. (known as the sugar bill), and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

"And, further, it is agreed by unanimous consent that on Friday, July 26, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition."

The PRESIDENT pro tempore. Is there objection to the request?

Mr. STONE. I desire to ask a question. If unanimous consent is given to enter that order, I should like to know whether it would preclude the right of a Senator, if he so desired, during the consideration of the so-called sugar bill on Friday to offer the excise bill as an amendment? I ask that because the agreement proposes that the following day, Saturday, shall be set apart for the consideration of the excise bill.

Mr. SMOOT. Mr. President, did the Senator ask for a ruling of the Chair, or did he ask what the opinion of Senators may be upon that?

Mr. STONE. Well, I will ask what the opinion of the Senator is upon it?

Mr. SMOOT. Mr. President, my opinion is that under the unanimous-consent agreement an amendment proposing to attach the excise bill to the sugar bill on Friday would be out of order.

Mr. STONE. Well, I should like a ruling of the Chair in answer to the parliamentary inquiry.

The PRESIDENT pro tempore. The Chair will not undertake to decide a parliamentary question in advance, but the Chair will venture to express the opinion that if unanimous consent is given to consider a certain well-recognized bill, a motion to substitute a bill on an entirely different subject would not be in order.

Mr. STONE. I did not say to substitute; I said to offer it as an amendment.

The PRESIDENT pro tempore. That would be an amendment in the nature of a substitute.

Mr. STONE. Oh, no.

Mr. BAILEY. It would be offered as an addition.

The PRESIDENT pro tempore. An addition; the Chair begs pardon.

Mr. BACON. I desire to suggest that it would not be within the province of the Chair to make a ruling at this time.

The PRESIDENT pro tempore. The Senator is right.

Mr. BACON. That is an impossibility.

The PRESIDENT pro tempore. The Chair would like to suggest—

Mr. BACON. The only thing the Chair can do now is to indicate what his opinion may be, and from that may be drawn a conclusion as to what his ruling will be; but certainly the Chair can not now make a ruling.

The PRESIDENT pro tempore. The Senator from Georgia is right. It was a mere suggestion upon the part of the Chair.

Mr. BACON. And I desire to say furthermore in regard to the matter while opinions are being expressed that, although no ruling can now be made, certainly under the rules of the

Senate there is no limitation to the power of amendment, except so far as general parliamentary law may be invoked that a matter is not germane or otherwise pertinent to the particular subject in hand; but the question of the unanimous consent can not affect that parliamentary situation.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. If the Senator will permit the Chair a moment, the Chair was laboring under a misapprehension. The Chair understood the Senator from Missouri to suggest that the excise bill would be moved as a substitute for the sugar bill. Of course, the Chair can not make a ruling until the motion is actually made.

Mr. BACON. And so far as the question of its being an amendment or a substitute is concerned, a substitute is only an amendment; it is one form of amendment.

The PRESIDENT pro tempore. The Chair understands that.

Mr. BACON. When adopted, it takes the place of the original proposition and becomes the original proposition. It is a radical amendment; that is the difference between it and a partial amendment; but, none the less, it is an amendment and has all the incidents, features, rights, privileges, and possibilities of an amendment.

The PRESIDENT pro tempore. The Chair so understands.

Mr. HEYBURN, Mr. LODGE, and Mr. STONE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho.

Mr. STONE. I desire, Mr. President, to be perfectly frank about it—

Mr. LODGE. Mr. President, I thought I was recognized.

The PRESIDENT pro tempore. The Senator from Idaho first addressed the Chair and was recognized.

Mr. HEYBURN. I rise to suggest that if we fix a date certain to vote upon the excise bill, it ought not to be in order to bring it up at an earlier time, either in the nature of an amendment or as a substitute. It would not be strictly in accordance with the spirit of the unanimous-consent agreement to do that. I make that suggestion so that the question ought not to arise.

Mr. LODGE. Mr. President, I was about to make the same suggestion as that just made by the Senator from Idaho. If we had only a unanimous-consent agreement providing for a vote on the wool bill and the sugar bill, of course it would be open to any Senator to move the excise bill as an amendment to either bill; but when we make a third unanimous-consent agreement to consider that particular bill, if that bill is then moved as an amendment to one of the previous bills, we nullify the third unanimous-consent agreement of the Senate.

Mr. JONES. Mr. President, I desire, in connection with the request made by the Senator from Utah [Mr. SMOOT], to couple with it a request that on Monday, July 29, after the routine morning business, the Senate proceed with the consideration of the bill providing for a Territorial government for Alaska, and to conclude the consideration of that bill on that day; otherwise, I shall object to the unanimous-consent agreement.

Mr. WARREN and others. Do not do that.

Mr. JONES. Unless some disposition is made of the bill providing for a Territorial government for Alaska, I shall have to object.

Mr. SMITH of Michigan and Mr. SMOOT addressed the Chair.

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. SMOOT. Allow me to suggest to the Senator from Washington—

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. SMITH of Michigan. Mr. President, I am as anxious as is the Senator from Washington to dispose of the Alaska civil government bill. It is on the calendar, and I propose to bring it up at the earliest opportunity. I think, however, that, in the interest of that bill, unanimous consent as requested ought to be granted. I believe that if we get these controverted points out of the way and can go to the calendar, the Alaska bill will receive earlier consideration than it otherwise would, and I am very anxious indeed that the bill shall be considered.

Mr. WARREN. Mr. President, I want to ask my colleague from Washington [Mr. JONES] to consider this: I am as anxious as he is to get the matter of which he speaks under consideration; but there will be any amount of time for that and all other matters on the calendar before it would be possible to compose the differences of the two Houses on the several pending appropriation bills now in conference and yet to go to conference. If you delay the appropriation bills, you must understand that you can count on not less than 30 days from the time you pass the appropriation bill that is now before us—we must remain in session that length of time—before there is any possibility of finally arriving at the time when all the appropriation bills may pass and secure the signature of the Presi-

dent. I shall join the Senator in endeavoring to secure consideration at a later time for the bill to which he has referred; but I do not believe it is best to load too heavily the present proposition, which already covers three important matters.

Mr. JONES. Mr. President, I desire to say that I know the Senator from Michigan [Mr. SMITH] is very anxious to have the Alaska government bill considered, and that he is using every effort to have that measure brought to a vote by the Senate. I have been here long enough, however, to know how these matters go and to know that when we get the tariff bills, which are generally recognized as very important matters, out of the way, some other matters which are very important locally, but not very important generally, are likely to fall by the wayside. I am going to insist, so far as I am concerned, that the Senate take action upon the Alaska bill; but, with the assurances I have from various Senators now with reference to the matter, I will not embarrass the request for unanimous consent with the suggestion I made a moment ago, and so I withdraw the objection.

The PRESIDENT pro tempore. Is there objection?

Mr. STONE. Mr. President, I did to state frankly that it was my intention, if no one else did it, inasmuch as the sugar bill is to be taken up in advance of the excise bill, to offer the last-named bill as an amendment to the sugar bill. I had supposed that under the terms of the agreement as drawn any amendment would be in order; but, to put it beyond question, I submitted the inquiry I made. The Chair, so far as the Chair went, intimated that the ruling would be against the right to offer the excise bill under the proposed unanimous-consent agreement as an amendment to the sugar bill, and Senators upon the other side—

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. Certainly.

Mr. SIMMONS. I did not understand the Chair to make that intimation. I understood the Chair to hold that a substitute would not be in order.

Mr. STONE. Nevertheless—

The PRESIDENT pro tempore. If the present occupant of the Chair shall be presiding at that time, he will consider the matter when it is presented to him; but at present he would not feel like making any definite ruling.

Mr. STONE. I understand that; but, so far as the Chair went, it was along the line I have suggested, and three or four leading Senators on the other side have stated that the amendment suggested would not be in order under the agreement.

Mr. President, I am perfectly willing and anxious to have the first request for unanimous consent relating to the woolen bill agreed to; I am perfectly willing and anxious to have the order relating to the sugar bill and the excise bill agreed to; but I do not feel disposed to allow an advanced consideration of the sugar bill and have it voted down, as it probably will be by the majority on the other side, and then be confronted with the argument that there was no Treasury need, no financial requirement of the Government, for the passage of the excise bill. My contention is that, if the sugar bill as it came from the other House should be adopted, the loss of revenue growing out of that should be supplemented by the excise bill and would put those of us who are in favor of the passage of these bills at a disadvantage if they should be taken in the order named.

Now I will ask the Senator from Utah if he is willing to agree to either one of two propositions—to place the excise bill in advance of the sugar bill, or, secondly, to have it understood that the excise bill may, if desired, be offered as an amendment to the sugar bill?

Mr. SMOOT. Mr. President, I think the logical way to consider the bills is to consider the sugar bill first. If that is defeated, and the present rates on sugar are maintained, I think myself there will be no necessity for the passage of the excise bill. But to reverse them I think would be absolutely wrong.

I want to be frank with the Senator from Missouri, and to say that the understanding I have is that the bills shall be voted upon just as the order has been presented. I would not ask that they be voted upon as a matter of unanimous consent unless they are voted upon just as they have been presented. Nor do I think it would be proper, under the proposed unanimous-consent agreement, for the Senator to offer the excise bill as an amendment to the sugar bill, for the reason that in the proposed unanimous-consent agreement we agree to vote upon that particular proposition on the day following.

Mr. STONE. Mr. President, I am going to ask the Senator from Utah to consent to this suggestion, for I do not wish to object. I am as anxious as I can be to have these measures taken up and disposed of. But I want it done in a way that I

think is fair to those of us who support the measures, and I think they ought not to be presented in a way that puts us at a disadvantage.

I suggest to the Senator that this request be left unacted upon and pending until to-morrow morning, so that we may have some consultation in regard to it.

Mr. SMOOT. Of course, if the Senator desires to object, I have no—

Mr. STONE. I am asking the Senator to consent to that course.

Mr. SIMMONS. Mr. President, I hope the Senator from Utah will adopt that course. I was just going to suggest it when the Senator from Missouri rose.

Mr. SMOOT. Then, Mr. President, I will withdraw the request.

The PRESIDENT pro tempore. The Senator from Utah withdraws the request for unanimous consent.

Mr. CLAPP subsequently said:

As I came into the Senate there was some talk of a unanimous-consent agreement. When the Payne-Aldrich tariff bill was passed in 1909, a corporation-tax amendment was brought in here which in terms exempts the trusts and combinations from the payment of the tax, which is purely an excise tax for the privilege of being a corporation.

I shall feel constrained to object to any unanimous-consent agreement that is so framed that at some point an amendment can not be offered to the Payne-Aldrich tariff bill, repealing the exemption of the trusts and combinations from the corporation tax.

Mr. LODGE. Every one of the bills mentioned in the proposed unanimous-consent agreement is in that position.

Mr. CLAPP. I thought so until I heard the question of the Senator from Missouri as to whether or not the excise bill could be put in as an amendment to the sugar bill.

Mr. LODGE. That question related to a specific bill, as to which there was another unanimous consent.

Mr. CLAPP. That is all right. I understood the suggestion of the Senator from Missouri was that this agreement might be so framed that only the bills as they now stand could be voted upon.

Mr. LODGE. Oh, no.

Mr. CLAPP. And I want to give notice that the unanimous-consent agreement must be so framed that—

Mr. BACON. Mr. President, there is a good deal of conversation on the floor; and while the Senator generally speaks in a loud tone, he turned in the opposite direction, and I did not catch the exact point of his remarks.

Mr. LODGE. It is all over.

Mr. CLAPP. It is all over; but I will state it again, if the Senator desires.

When I came into the Senate I heard the Senator from Missouri discussing a proposed unanimous-consent agreement as though the agreement would preclude an amendment to the sugar bill. It occurred to me that the agreement was being so framed that perhaps it would preclude amendments generally to the bills as they now stand. I therefore gave notice that I could not consent to the agreement unless it permitted an amendment repealing the exemption of the trusts from the payment of the corporation tax incorporated in the Payne-Aldrich bill three years ago.

Mr. SIMMONS. Mr. President, I should like now to inquire from Senators on the other side of the Chamber—

Mr. BRANDEGEE. Mr. President, have I the floor?

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I yield for a parliamentary inquiry.

Mr. SIMMONS. I wish to make a request.

Mr. BRANDEGEE. I yield for that purpose.

Mr. SIMMONS. I now wish to inquire of the Senators on the other side of the Chamber if it will be possible to enter into a unanimous-consent agreement to vote upon the wool bill?

Mr. SMOOT. I think, Mr. President, the only proper course is to do what we started to do—to vote upon all the tariff bills. I would not feel like saying to the Senator that we could vote upon the wool bill independently. I should very much prefer to leave the matter open, as requested, for further consideration.

RADIO COMMUNICATION.

Mr. SMITH of Michigan submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3815) to amend an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, having met, after full and free confer-

ence have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"That section 1 of an act entitled 'An act to require apparatus and operators for radio communication on certain ocean steamers,' approved June 24, 1910, be amended so that it will read as follows:

"SECTION 1. That from and after October 1, 1912, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, 50 or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least 100 miles, day or night.

"An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least 100 miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of \$100.

"That the provisions of this section shall not apply to steamers plying between ports or places less than 200 miles apart."

"SEC. 2. That this act, so far as it relates to the Great Lakes, shall take effect on and after April 1, 1913, and so far as it relates to ocean cargo steamers shall take effect on and after July 1, 1913: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life."

And the House agree to the same.

WILLIAM ALDEN SMITH,  
THEO. E. BURTON,  
FRANCIS G. NEWLANDS,  
*Managers on the part of the Senate.*  
JOSHUA W. ALEXANDER,  
RUFUS HARDY,  
W. E. HUMPHREY,  
*Managers on the part of the House.*

The report was agreed to.

#### LAND IN CITY OF WASHINGTON.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives to be furnished with a duplicate engrossed copy of the bill (S. 2748) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 west front by the full depth thereof of lot No. 14, all of said property in square No. 774, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District (H. Res. 634); and there being no objection, the request was ordered to be complied with.

#### CORBETT TUNNEL, WYOMING—VETO MESSAGE (S. DOC. NO. 878).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

*To the Senate:*

For the reasons stated in the letter of July 12 of the Secretary of the Interior, which accompanies this message, I return without approval Senate bill 4862, entitled "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project."

I do this because I think this legislation is of retroactive character and imposes on certain of the reclamation settlers an additional burden over and above the contract price of the work done, increasing that price by a double payment of part of what was due under the contract from the reclamation fund to the principal contractors. At the time when the work was begun and continued there was no law which relieved the subcontractor or the material man from the necessity of looking after the collection of what the contractor owed him, or which imposed on the Government or the reclamation authorities the duty of seeing to it that the money paid under the principal contract was used by the principal contractor to pay his subcontractors or material men. To require that this additional amount should now be included in the assessment upon the lands is by law to increase a contract burden by a change of the character of the liability after it has been assumed and fixed. This is retroactive and is legislation in its nature unjust to the reclamation settlers.

WM. H. TAFT.

THE WHITE HOUSE, July 18, 1912.

The PRESIDENT pro tempore. The question is, Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. MYERS. Mr. President, I ask unanimous consent that the President's message and the accompanying document be printed and lie on the table, subject to be called up by me at a later day.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the President's message and the accompanying document be printed and lie on the table. Is there objection? The Chair hears none.

#### HOUSE BILL REFERRED.

H. R. 21094. An act to create a commission on industrial relations was read twice by its title and referred to the Committee on Education and Labor.

#### ANNIE R. SCHLEY.

Mr. McCUMBER. Mr. President, on Monday, the 15th instant, conferees were appointed by the Chair on the bill (S. 4568) granting an increase of pension to Annie R. Schley. One of the conferees was the Senator from Oklahoma [Mr. GORE]. The Senator from Oklahoma left the city the day after, I think, and will not be back for some time. Therefore I ask that the senior Senator from Indiana [Mr. SHIVELY] be appointed to fill his place.

The PRESIDENT pro tempore. Without objection, that order will be made.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. Mr. President, I wish to give notice that I shall ask the Senate to proceed with the consideration of the sundry civil appropriation bill to-morrow, immediately after the routine morning business.

#### VOTES ON EXCISE, WOOL, AND SUGAR BILLS.

Mr. SIMMONS. Mr. President, I desire to inquire of the Senator from Utah if he would not consent to change the order in the unanimous-consent proposition he submitted a little while ago, so as to allow a vote upon the excise measure before the sugar bill.

Mr. SMOOT. After consultation with a number of Senators interested in this proposition, I find there is no objection to that program, and therefore I offer the order I send to the desk.

The PRESIDENT pro tempore. The Senator from Utah submits an order, which will be read.

The Secretary read as follows:

"It is agreed by unanimous consent that on Thursday, July 25, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

"And, further, it is agreed by unanimous consent that on Friday, July 26, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

"And, further, it is agreed by unanimous consent that on Saturday, July 27, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21213) to amend an act entitled 'An act to provide revenue, equalize duties,' etc. (known as the sugar bill), and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition."

The PRESIDENT pro tempore. Is there objection?

Mr. JONES. Mr. President, with the assurance given me with respect to my request in connection with the bill I then mentioned, I shall not object.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### THE PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I wish to call the attention of the Senate very briefly—

Mr. BACON. Mr. President—

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

Mr. BRANDEGEE. Certainly.

Mr. BACON. I did not make the point of order because I realized that the unanimous-consent agreement was a matter in which we are all very much interested, but I do wish to give notice that hereafter I shall ask for the observance of the rule that no Senator shall interrupt the Senator on the floor by another matter.

Mr. LODGE. I ask the Senator from Connecticut to yield to me for a moment.

Mr. BRANDEGEE. I yield to the Senator from Massachusetts.

Mr. LODGE. Without detaining the Senate to read it, I send to the Secretary's desk an extract from the report of the Liverpool Shipowners' Association in regard to Suez Canal tolls, which I should like to have printed in the RECORD; and, also, two or three extracts from one of the London newspapers on the same subject.

The PRESIDENT pro tempore. Without objection, the order will be made.

The matter is as follows:

#### LIVERPOOL SHIPOWNERS' ASSOCIATION AND SUEZ TOLLS.

The Liverpool Steamship Owners' Association is the largest shipping organization in the world. Its membership includes the owners of 4,174,403 tons of British steamships, or over 22 per cent of all the steam tonnage under the British flag.

The report of the association of its last annual meeting, February 1, 1912, contains the following:

"Suez Canal: The following resolution was adopted unanimously at the Imperial conference:

"This conference is of opinion that the dues levied upon shipping for using the Suez Canal constitute a heavy charge and tend to retard the trade within the empire and with other countries, and invites the Government of the United Kingdom to continue to use their influence for the purpose of obtaining a substantial reduction of the present charges."

Mr. McKinnon Wood, in supporting the resolution, expressed the entire sympathy of the British Government with the views expressed by Mr. Fisher on behalf of Australia in moving the resolution, and assured the conference that the British Government would never allow its interests as shareholders to deter it for one moment from pressing for such reductions in the dues as were at all possible. He further pointed out that as the representation of the British Government on the board of the Suez Canal Co. was only about one-tenth, the most the Government could do was to exercise its influence in bringing about the reduction in the dues so urgently needed.

In view of the position taken up by the Government, the association, continuing the practice it has followed for a number of years in its annual reports, gives the following summary of the Suez Canal figures to date:

Great Britain received in dividends on its shareholding in the canal company during last year £1,129,260. Great Britain has now received upward of £17,000,000, as against its original investment, 35 years ago, of £4,000,000. This extraordinary return from the capital invested has been obtained from dues which exceed by 100 per cent the cost of working the canal. These dues are as to 60 per cent collected from British ships, and therefore, although the whole of the £1,000,000 received yearly by this country is treated as dividend, it is in fact derived as to 60 per cent from a most onerous tax levied on our trade with the East.

The trade are unwilling payers of this onerous tax and, as Mr. McKinnon Wood has made it clear that the British Government are unwilling receivers, the association would submit that the time has now come when means should be found, and without waiting for the conversion of the other shareholders, by which at least £600,000 of the dividends unwillingly received by the British Government should be applied in the general relief of the British trades suffering from the tax.

[From the London Morning Post, January 2-3, 1912.]

The Committee on Foreign Commerce of the House of Representatives has been to Panama to inspect the progress made on the canal and to determine the tolls to be paid by ships passing through it. The committee has just returned, and its members are agreed that tolls should

range between 2s. and 4s. per ton for vessels flying foreign flags, but that a preference should be accorded to the American mercantile marine. The majority, it is said, go so far as to advocate the free use of the canal to American vessels engaged in the coastwise trade.

This second proposal, of course, does not really concern other countries, since the coasting trade of the United States is already restricted to native shipping. But foreign nations, and especially Great Britain, will be directly affected by any system of tolls so arranged as to give a preference to American vessels engaged in foreign traffic.

#### EQUAL TREATMENT FOR ALL.

Sir Owen Philipps, whose name is prominently before the public as the head of the largest shipping combination in the world, said: "I hope that the American Nation may see their way to make the passage across the Panama Isthmus as free as the ocean, and so lead to the canal doing the maximum amount of good to the trade of the world. But if they should decide to fix the tolls, as mentioned in your paragraph, at something between 2s. and 4s. a ton it is of the utmost importance to British shipping that the vessels of all nations should be treated exactly alike. As regards American ships trading exclusively between United States ports on the Atlantic and the ports of that country on the Pacific—trade which is exclusively confined to steamers built in the United States—British vessels would not be adversely affected if in this case only United States ships were allowed to pass through the canal free of dues."

"The present cost of running American ships is undoubtedly very considerably more than the cost of running British ships. But I do not think that is any argument to justify exceptional treatment being accorded to United States vessels going through the Panama Canal except those in the coasting trade, as it is quite possible a few years hence the position may be entirely reversed."

#### NO EFFECT ON BRITISH SHIPPING.

"A proposal of this sort raises the whole question of treaty relationship," remarked another authority on shipping matters. "There are certain people in America who think it is absolutely impossible for such a preference to be given, more particularly because of the pledges which the United States Government gave when she intimated her intention to construct the canal. But after all is said and done, from the point of view of foreign shipping, I think it is a relatively small matter. It sounds, perhaps, as though the preferential treatment would do a great deal for American shipping, but, as a matter of fact, it will do very little. Practically all the United States shipping is nowadays engaged in the coastwise business, and whether under this legal monopoly they are able to carry goods from New York and San Francisco a little cheaper does not matter to us in the least. Any reduction of the canal dues will only enable the shippers to compete with the transcontinental railways of the United States. That, I believe, is the point of the whole thing."

Mr. BRANDEGEE. At the same time, I ask unanimous consent to insert in the RECORD the letter I send to the desk, with the accompanying resolution, which has to do with the question of allowing vessels in which a railroad may have any interest to go through the canal.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

COTTON GOODS EXPORT ASSOCIATION OF NEW YORK,  
July 17, 1912.

HON. FRANK B. BRANDEGEE,  
United States Senate, Washington, D. C.

SENATOR: I have the honor to hand you herewith copy of resolution passed by the board of directors of the Cotton Goods Export Association of New York, in relation to H. R. 21969, Calendar No. 771, an act to provide for the operation, etc., of the Panama Canal, and ask your attention to it.

Very respectfully,  
HOWARD AYRES, Secretary.

Copy of resolution passed by the board of directors of the Cotton Goods Export Association of New York, July 17, 1912.

Whereas it is of the utmost importance to merchants and manufacturers of the United States doing business with oriental countries to have suitable and adequate freight accommodation for merchandise exported and imported; and

Whereas the opening of the Panama Canal should provide means for increasing the shipping facilities of a growing trade: Therefore be it

Resolved, That the use of that waterway should be as free of restrictions as possible; that such a restriction as is made in lines 12 to 16, inclusive, beginning at the word "Provided," of section 11 of the Senate draft of H. R. 21969, Calendar No. 771, is so destructive of opportunity for freight employment of vessels coming under the other provisions of the section and the whole bill as to prohibit the building and operation of vessels for that route and trade; that all necessary protection against abuse of the privileges of the canal by such vessels is given by other parts of the bill and other laws; that the Senate of the United States be requested, in the interest of the merchants and manufacturers of the United States trading with the Orient, to strike out of the bill section 11, lines 12 to 16, the words: "Provided further," That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports."

Mr. BRANDEGEE. Mr. President, as I was saying some time ago, in view of these contending theories, in view of these differences of opinion about the treaties, in view of the fact that we can have no positive knowledge in advance of what is going to happen in the canal after it is open for business and business has gone on for a year or two, it seems to me the most sensible thing to do, the thing that certainly we could make no mistake about and never could be blamed for doing, would be to open the canal to all vessels that want to go through it and charge them all a just and reasonable price for the service we render to them in putting them through.

After operating the canal a year or two years and figuring up the amount of tolls received from the vessels, with some experience as to whether or not we might have to reduce the

tolls to get the business as against our competitor, the Suez Canal, we would be in a better position to judge as to whether it was necessary to attempt to give—even if we could do so under the treaties—free tolls to American shipping or free tolls to American vessels engaged in the foreign trade, which, if we can give free tolls, need the free tolls and the help much more than the domestic shipping, which already has a monopoly of the market, secure from competition with foreigners, and is fairly prosperous at the present time.

If it were left to me to decide, I would not even inquire into the ownership of a vessel that appeared in the Atlantic or the Pacific Ocean and asked for passage through the canal any more than I would inquire into the ownership of a vessel that appeared in the harbor of New York. I would say, in relation to vessels in which a railroad might have some interest, "I will not pass a law to absolutely debar every vessel in the country in which a railroad may be interested, with which it competes, from going through an American canal on which we have spent \$400,000,000 any more than I would debar the railroad-owned steamships that may be upon the high seas from coming into an American port."

To say that no steamship in which a railroad has any interest shall go through the canal would put every steamboat that is owned or held by a corporation at the absolute mercy of any railroad that wanted to go into the market and buy 10 shares of the stock of the company. Any railroad that had a grievance against a competing steamship line could go into the market and buy a small interest in it. Railroad ownership of 1 share would be enough, under section 11 of the House bill, to absolutely debar the vessels of that line from the use of the canal.

Mr. BRISTOW. Mr. President—

Mr. BACON. Mr. President, there is so much conversation in the Hall that I am sure it must be annoying to the Senator who is addressing the Senate. It is very difficult for us to hear him.

The PRESIDENT pro tempore. The Senator from Georgia makes the point of order that there is so much confusion in the Senator Chamber that it is difficult for the Senator from Connecticut to be heard. The Chair sustains the point of order, and requests Senators to preserve order.

Mr. BRISTOW. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Certainly.

Mr. BRISTOW. I desire to suggest to the Senator that I think he misreads the House bill. He has a copy of it there. I should like to call his attention to the fact that the bill as it passed the House does not have the effect he suggests, but the amendment inserted by the Senate committee does have that effect. The House bill did not do so, because the penalty in the House bill was on the railroads that bought the shares of steamship stock, not on the steamship lines.

Mr. BRANDEGEE. Very well. But in either case, Mr. President, I would not for a year or two inquire into the ownership of vessels that went through. I assume that the American Congress would not want, if it could, to debar all vessels in which its own railroads might be interested from going through the canal, while at the same time allowing the railroad-owned vessels of foreign powers to go through the canal.

Mr. BRISTOW. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut further yield to the Senator from Kansas?

Mr. BRANDEGEE. I yield.

Mr. BRISTOW. The provision of the bill forbids only the railroad-owned ships that compete with the roads from going through the canal. How could an English railroad-owned steamship compete with the railroad that owned it in traffic through the canal?

Mr. BRANDEGEE. I do not know. But I say if an American railroad has some interest in a steamship line or a steamboat, with which it may compete under the language of this bill—and any railroad that owns a steamboat line may compete with it if it wants to transfer the operations of its steamboat line so as to make it compete—I say if that is so, why should we adopt a policy which would result in letting the foreign railroad-owned steamboats into the canal while keeping out our own?

I call attention to the statement of Dr. Johnson before the Senate committee. I will read briefly and rapidly some of his views.

Dr. Johnson said, on page 26 of the Senate committee hearings:

The canal will perform two functions—one of aiding of commerce and the other of aiding our Navy and our military establishment. The canal, it seems to me, may properly be required to carry itself as a com-

mercial highway. Our expenses at the canal per annum will be \$4,000,000 for the operation and maintenance of the canal and the government of the zone. The interest on our investment will be eleven and a quarter millions more, making fifteen and a quarter million dollars for operation and interest. The military establishment on the Isthmus will cost nearly as much more, apparently. I do not think the canal revenues should be required to meet the military expenditure of perhaps \$14,000,000 to \$15,000,000 per annum. But the expenses for maintaining the canal as a commercial route, including the interest on the investment, may properly be derived from the canal tolls.

Senator BRISTOW. Why would you charge the interest on the investment in the construction of this canal any more than you would on the investment in the improvement of rivers and harbors to commerce?

Dr. JOHNSON. The Panama Canal is a world highway; and certainly the use of that world highway by the shipping of other people than those of the United States should be charged for in proportion to the service rendered by the canal. When we come to American shipping, there are two general problems involved. The canal will be the most expensive work that we have ever put through. The time has come, in my judgment, when we can not wisely continue indefinitely to finance such great public works as the Panama Canal out of the general budget, if revenues can be secured without limiting the usefulness of such a public work and without burdening the commerce that is benefited.

As I said in my introductory remarks, I do not believe a toll of 5 or 6 per cent of the freight rate will be burdensome, or that it will restrict the use of the canal. It will be wise to adopt and adhere to business principles in our canal-toll policy.

Senator BRISTOW. Now, as far as the use of the canal by foreign countries in handling their own commerce with foreign countries is concerned, it seems to me that there is no argument against charging a toll. They ought to pay for the use of this highway which we with our money have constructed, and they ought to pay us a fair rate for its use. Then, as I understand, the question as to whether or not any rate shall be charged for American commerce depends upon whether we feel justified in spending as much money as we have without levying some toll or contribution on the commerce—our own commerce that passed through the canal; and, necessarily, if we thought that we should levy some charge in order that the commerce might bear some of this burden, the amount of the charge which would be justified would be a subject for consideration, would it not?

Dr. JOHNSON. Yes. Of course, you are now considering this as a purely national question, and not with reference to any international questions that may be involved.

Senator BRISTOW. Yes. You suggested that the President should be authorized to fix the tolls. Why should they not be fixed by law?

Dr. JOHNSON. The tolls should be fixed and should be changed from time to time, with reference to traffic and revenue, and should be dealt with administratively rather than by formal statute. The canal should be so operated as to be of maximum service to the commerce of the United States and the trade of the world, and the administration of it should not unnecessarily be hampered by rigid statutes. It will be better, if Congress deems it wise to do so, to give the Executive latitude in the operation and management of the canal.

Now, as to the question of interest in steamboats by railroads with which they do or may compete, on page 31 Senator BRISTOW asked:

Senator BRISTOW. Your last remark in your formal statement was that the Congress should not undertake to regulate the kind of vessels that should use the canal, or the relation between the vessels that use the canal and the railroads, or modify in any way the interstate-commerce law. Why did you make that statement? Because you do not believe it ought to be done or—

Dr. JOHNSON. The first consideration, I think, is that of not endangering the enactment of the canal bill.

Senator BRISTOW. Suppose it might endanger it not to put that in, as to the relationship between the steamship and railroad companies?

Dr. JOHNSON. In that case I should hope Congress would remain in session until it had wisely worked out an act amending the interstate-commerce law.

Senator BRISTOW. There are some who believe, you know, that the question as to the relations of the steamships that use the canal with the railroads is just as vital as the tolls or any other feature of the canal legislation.

Dr. JOHNSON. I think they are extremely important. I believe that a careful investigation should be made as to the actual relation of steamship companies to each other and to the railroads, and the situation found to exist should be carefully dealt with by law. I am doubtful if Congress now possesses the necessary information, but I believe it has set machinery at work to secure the information. It is my thought that the regulation of carriers by water should be as carefully worked out as the regulation of carriers by land; but that is such a large and complicated question that it would seem wiser not to tie up the canal bill until that question can be solved.

Senator BRISTOW. But the canal bill must deal with that question, in the opinion of a great many, and it is just as essential to deal with that as it is to deal with any other phase of commerce by way of the canal, and it appears to me that this is the opportune and proper time rather than to defer it. You might just as well defer any other important matter relating to the canal.

Dr. JOHNSON. I know, Senator, there are those that share that feeling, but I think Congress is now ready to act upon the government of the zone; upon authorizing the President to fix the tolls and to mold the canal-construction force into an operating force. Congress has the information on those problems, but on the question of amending the interstate-commerce law and providing for the regulation of carriage by water, I doubt whether Congress has, or will have at this session, the requisite data.

Senator BRISTOW. By the regulation of carriers by water you mean one to another?

Dr. JOHNSON. And to the railroads?

Senator BRISTOW. Yes; that is a question of opinion whether we have sufficient information for that now—

Senator JONES. It is a question of principle or policy rather than regulation.

Senator BRISTOW. I think it is both a question of policy and opinion. Senator PAGE. Would it not seem likely that the combination of these different matters in one bill would necessarily defer the passage of the rate bill and zone government?

Dr. JOHNSON. That, I think, is a fact. Senator PAGE, and that is the chief reason why I raised the question. I wish to urge upon the committee the necessity for action upon the canal bill at this session

and not to endanger this bill by endeavoring to solve what all must admit is a highly controversial question.

Senator JONES. But it is a very important question in connection with the charging of tolls, is it not?

Dr. JOHNSON. I do not think it is, Senator JONES. I think it is rather a question of policy as regards the regulation of rail and water carriers. You have to decide whether to attempt forcibly to separate the ownership of rail and water lines or to permit the railroad-owned lines to use the canal under Government regulation.

There are those who believe that prohibiting railroad companies from owning and operating steamship lines will be followed by active competition among numerous coastwise carriers and that the facilities resulting will be larger than they will be if the railroads are permitted to own steamships and run them through the canal. On the other hand, there are those who point out the fact that on the Pacific coast at the present time most of the lines are under railroad control, that a large part of the lines on the Atlantic seaboard are under railroad control, and that the policy of prohibiting the railroads from owning ships using the canal may result in the canal being used to but slight extent for traffic between our seaboard. The choice is between a policy of regulation and a policy of prohibition. The situation is further complicated by the fact that the water frontage at terminals is largely controlled by the railroads, and it would be difficult for independent lines to come in and get a footing. It is a big and complicated question. I think we all appreciate that, and I hope Congress will face it fairly and squarely, but I do hope that Congress will not try to solve that question before it enacts the canal bill.

Senator BRISTOW. Why do you think a railroad company wants to own a steamship line that competes with it?

Dr. JOHNSON. It does not want to own a line that competes with it. Senator BRISTOW. Well, they do! do they not?

Dr. JOHNSON. They own lines that complement their services.

Senator BRISTOW. Do they not own lines that compete with them?

Dr. JOHNSON. You doubtless have in mind the Old Colony Steamboat Co. and the Pacific Mail and lines of that kind. I do not think the New Haven road owns and runs the Old Colony Line as a competing line; nor do I suppose the Southern Pacific owns the Pacific Mail to run it as a competing line. In general, the railroads have extended their services on the ocean and on the lakes both to control competition and to develop more complete transportation facilities. That policy has enabled them to control transportation rates by water, to a large extent, as well as by rail, and it unquestionably calls for legislation. Whether it calls for legislation to compel separate ownership of the two carriers or not is a question upon which I do not wish to express a final opinion at the present time.

Senator BRISTOW. Do you think that a railroad company should be permitted to own a steamship line that competes with itself?

Dr. JOHNSON. I do not think that any steamship line that competes with a railroad company is owned by a railroad company. Common ownership of rail and water lines eliminates competition.

Senator BRISTOW. Suppose, as a matter of fact, it was demonstrated that it did own such a line that was competing with itself; do you think the Government ought to permit that?

Dr. JOHNSON. I should permit it and regulate it.

Senator BRISTOW. Why would you permit a railroad to purchase or establish a steamship line competing with itself for traffic?

Dr. JOHNSON. As I said before, I do not think there is such a situation.

Senator BRISTOW. That would be a question of fact. I think it could be demonstrated that such conditions do actually exist, but I will not go into the question of determining the fact, but assume that the fact does exist; if it does not exist, of course, then, the question falls; but if it does, why would you permit it to own a steamship line that competes with itself and then regulate its operation? What would be the object of it?

Dr. JOHNSON. To secure maximum transportation facilities for the public, which, of course, must also be the object of legislation. Congress will have to determine whether the prohibition of the common ownership of rail and water lines will result in more efficient and more extensive transportation facilities than can be secured by the permission of the common ownership of rail and water lines and the regulation of them by public authority.

Senator BRISTOW. Do you think that competition in transportation is desirable?

Dr. JOHNSON. Regulated competition, I think, is desirable.

Senator BRISTOW. Do you think it is possible for a man to compete with himself for the same traffic?

Dr. JOHNSON. I do not think a man does compete with himself for the same traffic.

Senator BRISTOW. Of course, he does not, but you said you would permit him to compete with himself and then regulate him in that competition.

Dr. JOHNSON. I would permit the railroads to own water lines and subject both the rail and water lines to the same regulation. I come to that conclusion, Senator, because I believe that there is very little real competition in rates among steamship lines. We have all come to agree that where there are several railroads serving the same section, it is necessary to regulate their charges and, to some extent, their services. We recognize that they have the power to introduce a large degree of monopoly into their rate making. I think practically the same situation exists among several steamship lines running between common termini. The facts are well enough known now to enable one to say that practically all the steamship lines operating under those conditions—several lines between common termini—are members of conferences; that their rates are common and subject to agreement, and that, while monopoly has not been so completely established between carriers by water as between carriers by rail, monopoly conditions are increasing among carriers by water. Such being the fact, it would seem wise to provide for the regulation of regular steamship lines upon the same principles as have been found effective in the regulation of rail carriers.

I agree that this question of rates charged by steamship lines in interstate and foreign commerce by these common carriers ought to be put under the jurisdiction of the Interstate Commerce Commission. I think the time is coming when it will be just as necessary to do that as it has been to put the railroads under that jurisdiction. But I say for a year or two, until Congress can get more information than it now has, I would open the canal to everybody who will pay the price of going through it; and if at any time any abuse occurs by

reason of the ownership or interest of any railroad in any steamship line I would put those steamship lines immediately under the jurisdiction of the Interstate Commerce Commission, with authority to fix just and reasonable rates and authority to order that any practice or abuse which was improper or against the interests of the public should cease forthwith. If the Interstate Commerce Commission has been able to be of any use in regulating what is a monopoly a great deal more absolute, the railroads, I think it will be of equal efficiency with the steamboats. I can see no inherent impossibility or even difficulty in a commission determining from adequate investigation, with sufficient help and statistics before it, what would be a just and reasonable rate on either package or cargo freight from the city of New York via the canal to San Francisco than there is in determining what would be a just and reasonable rate per carload or otherwise upon a train running from New York to Chicago.

Mr. BRISTOW. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Yes.

Mr. BRISTOW. The Senator will admit that Commissioners Lane and Prouty do not agree with him in that view.

Mr. BRANDEGEE. Later on I think I will insert in the Record the testimony of Commissioners Prouty and Lane in relation to this subject, and if any Senator will say to me that he is willing to cast his vote on this question on his deductions from that testimony I shall have no quarrel with him about his vote. I will simply say that in substance neither one of them would say that he would advise any member of the committee or of Congress to vote for section 11 of the House bill, to the restoration of which the Senator from Kansas has dedicated himself, in the Senate, if it is possible to do so. Judge Prouty stated perfectly frankly and decisively that, so far as the ownership of steamboats on the Lakes by the New York Central, the Western Transit Co.'s boats, or the steamboats on Long Island Sound owned by the New England Navigation Co., which in turn is owned by the New York, New Haven & Hartford Railroad Co., he would not advocate the dismemberment of that railroad ownership from that steamship ownership, and thought that both the shippers and the receivers of freight were better served now than they would be under separate ownership. He did say that if it was to be done over again he would not let that concentrated condition and joint ownership come about, but as it existed he thought more damage would be done in the attempt to dissolve it and taking the chance of what might be substituted in the place of it. I agree with him on that. That, however, I do not think will be a serious matter of contention here. There is no demand at all comparable with the opposition in New England to this legislation which would divorce the Sound steamboats from the New York, New Haven & Hartford Railroad Co.

The question here in the canal bill, which will be controverted and upon which there is a fair difference of opinion, is whether it is necessary now to say that no railroad which has an interest in a steamboat line with which it may compete shall be allowed to send its vessels through the Panama Canal. Whether we shall say that, or whether we shall allow them all to go through now, either with or without supervision and regulation by the Interstate Commerce Commission, and the minute any bad practice or ill effect is felt bring them under the control of the Interstate Commerce Commission.

I say in all these matters I think it is wiser to open the canal with the greatest freedom. I do not believe that one party, whether it be an ocean line steamship company or a railroad, transcontinental or otherwise, will put steamboats on that canal without others doing the same thing. For my part I regard the Southern Pacific, with its ownership of the Pacific Mail, practically as a double-track railroad. The parallel is by water. Farther south the freights naturally separate themselves into such classes of freight as prefer the all-rail route, and the bulkier kinds of freight that prefer the cheaper water route. As far as I am concerned, I should think it would be perfectly safe to let all the transcontinental railroads build their own parallel steamship lines, and then with joint rail and water lines compete system by system with each other and with the freight steamship companies of the world.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. With pleasure.

Mr. REED. Apropos of what the Senator has just said, does the Senator think that they now compete with each other in fact?

Mr. BRANDEGEE. That who compete?

Mr. REED. The railroads.

Mr. BRANDEGEE. No; I think that Government regulation is probably to a large extent inconsistent with competition.

Mr. REED. If the railroads do not compete as railroads, does the Senator think that with road-built boat lines they would then compete as railroads and as boat lines any more than they do now?

Mr. BRANDEGEE. I am not sure that they would, but the situation would be no worse. I think if they were regulated by the Interstate Commerce Commission no injury could flow from it, if the rate was just and reasonable.

Mr. REED. I was directing my interrogatory to the remark of the Senator that he thought we ought to allow them all to use the canal and all compete. If they do not compete as railroads why would they compete as railroads and as boat lines all combined under the same ownership that the railroads now hold by?

Mr. BRANDEGEE. I suppose there is some competition among them, of course, now, and would be, according to the better service and the class of boats that were put on, and so forth; but, of course, if they were placed under the control of the Interstate Commerce Commission they would compete within very narrow limits. If there was a maximum rate beyond which they could not charge or a minimum rate below which they were not allowed to cut rates in competition, the competition would be, as it is among the railroads now, within very narrow limits.

Mr. REED. The Senator speaks of competition. Is it not a fact that for all practical purposes to-day these transcontinental roads only compete in the sense that each of them tries to get all the business it can at the same price charged by the others? There is no real competition in prices or rates.

Mr. BRANDEGEE. I think perhaps the Senator is more familiar with that matter than I am. He is a western man and I am an eastern man, and I have had very little knowledge of the transcontinental railroads; but I assume it makes very little difference to a shipper in New York, whether it is to Chicago or to San Francisco, which route he ships by over the rails. If the time is equal the charge is about the same.

Mr. REED. As far as I am concerned, if the Senator will allow me just a word, I am not willing to strike down the principle of competition and to substitute for it the principle of regulation.

Mr. BRANDEGEE. Did the Senator ask me a question?

Mr. REED. No; I was rather making my remark supplementary or explanatory of my question. I say I am not willing to strike down the principle of competition and substitute for it the principle of regulation. Certainly on land we can go much further with the proposition of regulation than we have gone up to this time. If we are to substitute regulation for competition, then it is perfectly patent we must get at a basis where the actual investment of all the transportation companies has to be ascertained and the fair value of their physical property determined, and the regulation must be upon a basis which starts from that fixed point.

To my mind the regulation of the Interstate Commerce Commission up to this date—and I speak with due respect for that commission—has been a lamentable failure. It has helped to reduce certain evils, but it has gone far from the eradication of those evils. I have little respect for that kind of regulation which after extending for 10 or 15 years still permits a condition where goods can be shipped across the continent and then back half way, or nearly half way, across the continent in the opposite direction cheaper than they can be shipped directly to the intermediate point. That kind of regulation is not the kind I am looking for in this bill or in any other.

Mr. BRANDEGEE. As I was saying, Mr. President, my idea is, in brief, to open this canal with as little restriction as possible, the effect of which we may not foresee; and Congress being in session every year twice a year, generally, and sometimes all the year, if any abuse appears there after a year or two years' demonstrated experience, I think Congress can be relied upon to correct it.

Mr. President, I have said a great deal more than I thought I would say and occupied more time than I intended, but I have been interrupted somewhat.

While we were down on the canal taking testimony there was a bill prepared which I had printed for the use of the committee and which I send to the desk and ask unanimous consent that it may be inserted in the Record. It is a bill which was drawn by the law officer of the Panama Canal Commission and represents his views of the shortest and most concise measure that could be put into operation with the fewest complications of any. I simply insert it for what it is worth to anybody in this matter.

The PRESIDENT pro tempore. Without objection, that order will be made.

The bill referred to is as follows:

A bill to provide for the government of the Canal Zone, the construction and operation of the Panama Canal, and for other purposes.

*Be it enacted, etc.,* That the zone of land and land under water of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated the 18th day of November, 1903, but including all islands within said described zone and in addition thereto the group of islands in the Bay of Panama named Naos, Perico, Culebra, and Flamenco, and any lands and waters outside of said limits above described which are now necessary or convenient, or from time to time may become necessary or convenient, for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said enterprise, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal to be constructed thereon shall be known and designated as the Panama Canal.

Sec. 2. That, subject to the provisions of this act, all the military, civil, and judicial powers of the United States in the Canal Zone are hereby vested in the President of the United States, including the power to make all laws, rules, or regulations necessary for the government of the Canal Zone, and for the construction, maintenance, and operation of the Panama Canal, as well as all the rights, powers, and authority granted to the United States by the terms of the treaty described in section 1 of this act.

The power and authority hereby conferred upon the President may be exercised by him through such person or persons as he may designate from time to time, and in such manner as he may direct, for the government of the Canal Zone and the maintenance and protection of the inhabitants thereof in the free enjoyment of their liberty, property, and religion, and for the construction, maintenance, and operation of the Panama Canal. All orders and regulations with respect to the government of the Canal Zone heretofore made by the President, or pursuant to his directions and authority, are ratified and confirmed, without prejudice to the power of the President to revoke or amend the same in accordance with the authority granted to him by this act. And the President in his discretion may create and organize a civil and political establishment for the government of the Canal Zone, with power to sue and be sued, and with such other governmental powers as to him may seem necessary and convenient to carry out the purposes of this act; and he may alter, reorganize, abolish, or re-create any such establishment when in his judgment it is necessary to do so.

Sec. 3. That, for the purposes described in this act, the President is authorized to detail, appoint, or employ, or cause to be detailed, appointed, or employed, such person or persons as he may deem necessary from time to time, with such duties, powers, jurisdiction, and official designations as to him may seem proper, and to dismiss or provide for the dismissal of such person or persons; and the compensation of each and all of such persons shall be fixed by the President or by his authority from time to time. Any of the persons appointed and employed as aforesaid may be persons in the military or civil service of the United States, but the amount of the official salary paid to any such person shall be deducted from the amount of the salary that may be provided for them under the provisions of this act.

Authority is hereby given to the President, and those acting for him, for the procurement, use, and maintenance of each and everything necessary for the complete construction, maintenance, and operation of the Panama Canal.

Sec. 4. That from and after such time as the President may designate the powers and authority heretofore conferred upon the Isthmian Canal Commission shall be exercised by such person or persons as may be appointed, detailed, or designated by the President in accordance with the provisions of this act; and thereafter the Isthmian Canal Commission shall cease to exist.

Sec. 5. That the President is hereby authorized to prescribe charges or tolls for the use of the Panama Canal and to alter and change such charges from time to time. The charges, other than passenger tolls, for the use of the canal may be based upon registered tonnage, displacement, cargo tonnage, or otherwise, and when based upon registered tonnage shall not exceed \$1.50 per net ton, nor be less than 50 cents per net ton, vessels of the United States and vessels of the Republic of Panama excepted. Nor shall any rate of charge be prescribed which is less than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of Article XIX of the convention between the United States and the Republic of Panama entered into November 18, 1903, and the right of the United States to pass its own vessels, troops, materials, merchandise, and supplies without the payment of any charge.

Sec. 6. That the President shall provide a method for the determination and adjustment of all claims on account of damages resulting from the injury or destruction of vessels or other property when being handled by the United States, its agents, officers, or employees, in passing through any of the canal locks, and such compensation when found to be due shall be paid out of any moneys appropriated or allotted for the maintenance and operation of the canal. In case of disagreement between the Government authorities and the owners of the property so damaged or destroyed in respect to the validity of the claim or the extent of the same, the claimants may institute suit in the circuit court of the Canal Zone against the Canal Zone Government, and the issues shall be determined therein as in ordinary civil cases; and if a judgment in favor of the claimants is rendered therein, the amount due the claimants thereunder shall be paid to them as herein provided for in the settlement of claims, and no execution shall issue on such judgment.

Sec. 7. That the President is further authorized to establish, maintain, and operate dry docks, repair shops, yards, docks, wharves, warehouses, storerooms, and other necessary appurtenances and facilities for the purpose of providing coal and other materials, labor, repairs, and supplies to and other needs of passing vessels, in accordance with appropriations made from time to time by Congress, as a part of the



maintenance and operation of the said canal; and the moneys received in the ordinary course from the conduct of such business may be extended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, and monthly reports of such receipts and expenditures shall be made to the President by the person or persons in charge, and annual reports shall be made to the Congress.

Sec. 8. That the judicial power in the Canal Zone shall be vested in one circuit court and such inferior courts as the President may constitute. The judge of the circuit court shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of four years and until his successor is appointed and qualified, unless sooner removed by the President. He shall receive a salary of \_\_\_\_\_ per annum and such other allowances as may be given to officials of his class on the zone. In the event of the absence or incapacity to act of the judge so appointed, a judge pro tempore may be appointed by the President, who shall receive such compensation for his services as the President may prescribe. No person holding a judicial office shall at the same time have executive or legislative power.

The records of existing courts and all causes and proceedings pending therein at the time of the approval of this act, except as herein otherwise provided, shall be transferred to and continued in the new courts herein provided for and authorized, at such time and in such manner as may be provided by order of the President. For the purpose only of enabling the existing supreme court of the Canal Zone to determine finally any causes and proceedings which may be pending therein when this act takes effect, the President may continue the said court in existence and retain the judges thereof in office for such time as may seem to him necessary.

The circuit court of appeals of the fifth circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the circuit court of the Canal Zone, and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court, in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States is involved and a right thereunder denied; and in cases in which the value in controversy exceeds \$1,000, or in which the title or possession of real estate exceeding in value the sum of \$1,000, to be ascertained by the oath of either party or by other competent evidence, is involved or brought in question, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction may be exercised by said circuit court of appeals on appeal or writ of error in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

Sec. 9. That in all criminal prosecutions in the Canal Zone, involving capital punishment or imprisonment for life, the accused shall enjoy the right of trial by an impartial jury.

Sec. 10. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama, with respect to the Canal Zone, shall extend to and be considered in force in the Canal Zone, and for such purposes, and such purposes only, the Canal Zone shall be considered and treated as an organized territory of the United States.

Sec. 11. That this act shall be known and referred to as the Panama Canal act.

Mr. BRANDEGEE. Now I yield the floor.

Mr. TOWNSEND. Mr. President, I realize that the Senate has been in session a long time and Senators are undoubtedly weary. I would not ordinarily attempt to make a speech at such a time, but this is a question of considerable importance and other matters are pressing hard upon us. I take it that this bill will be laid aside to-night until appropriation measures have been disposed of, and this is my excuse for inflicting myself upon you at this late hour.

It is unnecessary at this time to discuss at length the wisdom or unwisdom of constructing the Panama Canal. No enterprise has ever been undertaken by the United States which has received such universal approval as has the proposition to fulfill Columbus's dream of sailing directly from the Occident to the Orient. Some few may question the means which were employed in securing the right and opportunity for this country to construct this waterway, but no one denies the wisdom or the patriotism of its construction.

The physical canal is practically an accomplished fact. The seemingly almost insuperable obstacles of nature have been overcome; the lofty heads of the Cordilleras which for ages towered above two oceans have, by the mighty hand of American enterprise, been brought low. Uninhabitable marshes and unoccupied valleys and hills have been made the beds of deep lakes which will float the largest ships of the sea. The mosquito breeding, fever-infected zone which afforded a grave to thousands of employees of the French Canal Co. has been made one of the most healthful places on the globe. Indeed, the heretofore impossible has been accomplished, and this country and the world are now contemplating the near-by day when this stupendous work shall be dedicated to the practical uses for which it was constructed.

The canal has been dug through American territory acquired from a foreign country for the very purposes to which it has been applied. Due to treaty relations with Great Britain it was necessary for the United States to do more than acquire the right of way from the Republic of Panama. Said treaty relations were entered into in 1850. They dealt with the possibility of canal construction across the Isthmus by private enterprise and provided for united protection of any canal which

might be built. The treaty prohibited fortification by either signatory power and denied to each country the right to secure any special benefits not enjoyed by the other. All attempts at canal construction having failed, it was proposed in 1900 that the United States should undertake the enterprise. It was to do the work, pay all the expense, both of construction and of operation and maintenance. It is possible that the United States could have dug and operated the canal under the Clayton-Bulwer treaty if it had been willing unselfishly to have assumed all responsibility, to pay all bills, and then give Great Britain and all other countries demanding the same privileges the right to use the waterway on the same terms as the United States used it; but under that treaty the United States could not fortify property which would cost it \$400,000,000; it could not grant any special privileges to its own people. The provisions of the treaty of 1850 rendered canal construction by the United States unwise and impracticable, hence the necessity for abrogating that treaty and the making of a new one.

In 1901 the Hay-Pauncefote treaty was entered into and in express terms it superseded the Clayton-Bulwer treaty of 1850, and now, the work of construction being about completed, we have reached the point where a permanent government for the zone and for the operation and maintenance of the canal is an imperative and immediately pressing duty. From the time the United States acquired from the French company the Panama Railroad property and from Panama the 10-mile strip upon which the canal has been constructed the government of that strip and the operation of the enterprise have been controlled by a military form of government under the direction of the President. It seems to be the general opinion of Senators that we should now relieve the President from supreme responsibility and establish by congressional action a formal and complete government, and while I consent to this opinion, I have serious doubts as to the wisdom of changing governmental conditions on the Isthmus until the canal has been put in successful operation by those who have made its construction possible and who know from actual experience what kind of government is suited to existing conditions and what methods of operation are best calculated to its success.

Your committee has given much attention to this subject and has with patient interest listened to men who professed to know much about it, and many of them did know about it, and some of them were more concerned about their own interests than they were about the construction and operation of a canal in the interest of our country.

As to the question of whether the government which we shall establish shall be administered through a governor or a commission of three members the committee was divided; a majority, however, having decided for a commission, it has been so reported. Personally, I am greatly in favor of a single head of canal government. I realize that several men have exerted great influence on the Canal Zone, and I sympathize with those Senators who wish to provide places for these useful men, and under any form of government some of them would be found indispensable and would be retained; but the canal was not undertaken for the purpose of giving men jobs nor for retaining them in positions if their services were no longer needed.

If one lesson has been taught in the canal work which has been more indelibly impressed upon the country than any other, it has been that a commission composed of many members with equal authority is most detrimental to economy, progress, and efficiency. This has been and is a big work, but it is staged in a small area. It is wisely proposed to confine, at least for the present, the canal strip to canal purposes exclusively, and our governmental activities will be limited to the operation of the canal and to the government of those people necessary to its operation. When the canal is completed we will not need a high-priced governor to look after the health conditions of the zone and another high-priced governor to look after civil conditions and still another high-priced governor to look after the operation of the canal and secure its protection. One man such as Col. Goethals should, under the President, be held responsible for all officers on the zone. He would engage such other assistance as would be needful, and there would be no petty jealousies or bickerings, no divided responsibilities. Not until Col. Goethals was given practical control was the greatest progress made and the greatest achievements accomplished, and I am not now pleading for Col. Goethals. When the canal is in operation any one of several men who have rendered great and distinguished service at the Isthmus would be competent and satisfactory to act as governor of this great work. Any one of them would wisely guard the sanitary conditions, the commercial interests, the fortifications, and the canal operations; and he would do it through proper men who would be responsible to him, and for the performance of which duties the United

States Government would hold him responsible. In this regard I prefer the provision of the House bill to the Senate amendment.

This Government had two objects in view when it undertook to construct the Panama Canal. One was to benefit commerce, the other was to provide for the national defense, and no rational man supposes that it did not have in contemplation an especial benefit to American commerce, an especial aid to American defense. Great Britain will never claim that we entered upon the construction of this great work on American territory uninspired by a purpose to improve our purse and strengthen our arm. We build the canal; we pay the cost; we protect it against injury; we preserve its neutrality; we secure its sanitation; and we have promised to treat all nations equally, fairly, and equitably. It is evident to me that the nation which undertakes to do these things is exempted from the term "all nations," and we are clearly entitled to charge such tolls upon the foreign tonnage using the canal as we may determine, subject only to the proviso that they are just and equitable, and that no discriminations are permitted.

It is insisted by some distinguished lawyers that the Hay-Pauncefote treaty forbids us to impose tolls upon foreign canal shipping if we permit our coastwise boats to pass through the canal free, but it seems to me there can be no good reason, and I say this respectfully, for at least none has been shown to me, for such belief. Certain it is that no foreign boat can now engage in our coastwise trade—in our interstate commerce—nor could they do so when this treaty was made, and if we now permit our American boats engaged in our coastwise trade and with which no foreign boat is allowed under existing law to compete to pass without charge through the canal, are we discriminating against English or German or other foreign tonnage when we impose tolls upon it? How is the foreigner affected by this alleged discrimination? We are not changing his relations to the American, for we are in this particular case dealing with commerce with which the former has not now nor will he have after the completion of the canal anything to do. This is a purely local matter, and unaffected so far as the foreigner is concerned by the canal. If all of our transcontinental commerce now carried by the railroads was transferred to water carriers through the canal without tolls, would any foreign boat be denied any advantage which it now enjoys, or which it could enjoy through the canal under the existing law as to coastwise traffic, which law it is not proposed to change?

I listened the other day with a great deal of interest to the Senator from Ohio [Mr. BURTON] in his discussion of this proposition, and it seemed to me that either he had a misunderstanding of the conditions or else I was ignorant in reference to them. He contended that the Hay-Pauncefote treaty under which we are now operating forbade the favoring of American commerce using the canal, because of the obligation imposed upon the United States to preserve its neutrality, and in answering my question as to what he meant by "neutrality," I fear, as I have said, that he did not have in mind the conditions at the Isthmus as they existed in 1850, when the Clayton-Bulwer treaty was made, and in 1901, when the last treaty was entered into.

It is needless to discuss in detail the circumstances which in 1850 revived the old desire for a canal. It is sufficient that such a desire was strongly revived at that time. The year before the United States had made a contract with Nicaragua whereby the latter granted to an American company the right to construct a canal via the San Juan River and Lake Nicaragua between the two oceans. It should be borne in mind that Great Britain was not favorable to this contract. She claimed an interest in and protectorate over the Mosquito Coast, and insisted that she had rights in Costa Rica and Nicaragua. The United States did not admit these British claims, but nevertheless she had to consider them, and they were influential in causing the Clayton-Bulwer treaty of 1850. The possibility of a canal built by private capital through alleged British territory was being considered. Another company was contemplating a waterway via Panama. Under these conditions it was finally agreed that neither Great Britain nor the United States should take or hold or enjoy any benefits in any canal built by private enterprise which the other did not have. Understand that the then pending proposition of a Nicaragua canal was not for one to be built by Great Britain or by the United States, and all the provisions contained in the Clayton-Bulwer treaty prohibiting the fortification, not of a canal which either country owned but fortifications in the vicinity of the canal, must be taken into consideration in order to determine exactly what the relations were between the United States and England at the time of the making of the treaty of 1850.

The very fact that there was a prohibition in that treaty against fortification by either country of a canal built by private capital

shows conclusively to me that the United States was influenced somewhat by the Monroe doctrine, then more in dispute than now. We were insisting that the rights of Great Britain in Central America, in Nicaragua, on the Mosquito coast, and in Costa Rica were at least questionable; we were insisting that England had no right to claim authority there, but she was anxious to preserve her alleged rights in Central America. In 1901 no such conditions existed. The Monroe doctrine was unquestioned, and Great Britain laid no claim to property in Central America. She laid no claim to any right at the Isthmus, where the Nicaragua Canal was to have been built or where the Panama Canal is now being built. Therefore the term "neutralization," as used in the Clayton-Bulwer treaty, to which the Hay-Pauncefote treaty refers in express terms, applied to war conditions, to conditions upon which the canal could be used by belligerents. Its meaning then was limited, but has been somewhat enlarged, not, however, so as to include conditions of isthmian commerce, except as the same are guaranteed against hostile attack in time of war, and the terms "equality" and "equity" apply to its use in times of peace, to commerce unembarrassed by any conditions of war.

The canal can not be used at this time, I repeat, under authority or permission of the United States by belligerents, either as a rendezvous, a base of supplies, or place of safety. In matters of warfare the canal is to be neutral, and the United States has engaged to keep it so. The treaty of 1901 refers to the general principle of neutrality as established in article 8 of the treaty of 1850, and to that treaty and the circumstances and conditions which caused its creation and surrounded its making must we go for an interpretation of neutrality as used in the Hay-Pauncefote agreement.

In order to understand it, we have to consider the conditions in 1850 and in 1901. But it has seemed to me that the question whether we are included in the term "all nations," when we apply the treaty to our coastwise trade, has been settled by the Supreme Court.

A case reported in the One hundred and ninety-fifth United States, that of Olesen against Smith, is directly in point. That was a case growing out of the pilotage laws enacted by the State of Texas. It appears that Texas had a law which permitted United States boats, and especially boats that were owned in the State of Texas, to come into the harbor of Galveston without a pilot, but imposed a pilotage charge on foreign vessels coming in. It is not necessary to recite all the provisions of that law. It is sufficient to state that they provided that foreign boats should employ pilots. In other words, it was a compulsory pilotage law, but excepted Texas boats from its operation. We have a treaty with Great Britain which states in express terms that—

no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.

This boat which came into the harbor in 1904 was a British boat. She refused to take on a pilot, and the pilot, who, under the law, was entitled to his pay, he being the first to offer his services, and having been refused, brought this action in court.

In that case the treaty was pleaded in defense. It was also pleaded that the law affected interstate commerce, and with interstate commerce the State of Texas had nothing to do. The court very properly held on this point, as we all know it must have held, that inasmuch as the Federal Government had not acted, the State of Texas could exercise that right and it had constitutionally exercised it. But in reference to the defense that the Texas law was in violation of the harbor treaty with Great Britain, the court held it was not in such violation, although the terms of the treaty were more clear and specific than the terms of the Hay-Pauncefote treaty. In rendering its opinion on this point of that case the court said:

Nor is there merit in the contention that, as the vessel in question was a British vessel coming from a foreign port, the State laws concerning pilotage are in conflict with a treaty between Great Britain and the United States, providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

Neither the exemption of coastwise steam vessels from pilotage, resulting from the law of the United States, nor any lawful exemption of coastwise vessels created by the State law, concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even although such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign.

That is the interpretation which the Supreme Court of the United States has placed upon a similar treaty, holding that, inasmuch as our coastwise trade can not be participated in by

a foreign boat, therefore any regulation which we may see fit to make touching that trade can not possibly be a discrimination against a foreign boat.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. TOWNSEND. Certainly.

Mr. CUMMINS. I am in entire agreement with the Senator from Michigan with respect to the proper construction of the treaty. I believe, and presently will try to show from my standpoint, that we have a right under the treaty to discriminate in favor of our shipping. Nevertheless I can not put my conclusion upon the opinion of the Supreme Court which the Senator has just read, and I want to suggest to him what I believe to be a distinction.

The Supreme Court in the case just cited decided it upon the assumption that the traffic was not competitive; that the coastwise business along the shores of Texas did not compete with the foreign business carried on by the British vessel.

That is not true of the Panama Canal in reference to its coastwise business. While no British ship can engage in the coastwise business, the British ship is nevertheless in competition with the American ship in business on the coasts of America. For instance, suppose an American ship should leave New York, filled with steel rails, destined for San Francisco, the market being in San Francisco. At the same time a British ship leaves Liverpool, filled with steel rails, also destined for San Francisco. These two ships and their cargoes are in competition with each other. The price at which the cargoes can be sold in the market, it being a common market, depends to some extent upon the charge made for its passage through the Panama Canal. The instance I cite could be indefinitely extended.

So I can easily conceive that if a case under the treaty of 1901 ever reaches the Supreme Court of the United States it could readily make the distinction I have suggested between such a case and the one decided in One hundred and ninety-fifth United States.

I submit this to the Senator from Michigan for such consideration as it may deserve.

Mr. TOWNSEND. I myself have considered that point, and yet I can see no distinction in principle between the court case I have cited and the case made by the Senator from Iowa. I am obliged to the Senator for calling my attention to it.

The pilotage charge is also a charge upon commerce. Suppose, in the case cited here, it had been a cargo of rails, such as the Senator suggested, from New York to Galveston. Suppose at the same time a cargo of rails went from England to Galveston, and in one case—that of the American boat—it was not charged with tolls, but the English boat was. It is a burden upon the traffic to charge for pilotage the same as it would be to impose tolls.

Mr. CUMMINS. I agree to that. I believe if a case such as has been suggested had been the case before the Supreme Court and that point had been made under the evidence in the case, the decision would have been precisely as I think it must be if the two cargoes are passed through the Panama Canal.

Mr. TOWNSEND. I can see no difference in the two cases. I do not know whether the point made by the Senator was raised in the Texas case or not. I do know that there was a case that was decided under a provision very similar to the provision in the Hay-Pauncefote treaty, one prohibiting any discrimination, and I do know that England apparently acquiesced in our courts decision.

Mr. CUMMINS. I do not make any distinction between the treaty under which the case was decided and the treaty that we are now considering, because I think in substance they are the same.

Mr. TOWNSEND. I think so.

Mr. CUMMINS. They are the same in so far as this point is concerned. They are not the same, in my judgment, in so far as the subject matter covered by them is concerned. But the point was not made in the case. The court considered it apparently upon the hypothesis that there was no discrimination, because there was no competition and could be no competition.

Mr. TOWNSEND. Of course it was based purely upon the theory that no American goods, no American commerce, could be carried in the coastwise trade or from port to port in foreign bottoms under our coastwise laws.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Connecticut?

Mr. TOWNSEND. I am very glad to yield.

Mr. BRANDEGEE. Mr. President, I hesitate to interfere with the Senator's remarks.

Mr. TOWNSEND. The Senator need not hesitate.

Mr. BRANDEGEE. But it has been suggested to me that it is desirable to hold an executive session this afternoon. The chairman of the Committee on Post Offices and Post Roads has asked me if it would be agreeable to the Senator to conclude his remarks to-morrow afternoon, so that the Post Office Committee may have a meeting and report out the appropriation bill.

Mr. TOWNSEND. If the Senate will indulge me, I will be through in a very few minutes. I would rather finish to-night. I want to accommodate the Senate, but I can finish very soon if there are no interruptions, and I will not invite interruptions.

Some Senators who readily admit that we have the right under the treaty of 1901 to remit tolls on our coastwise shipping passing through the canal, do not believe that we have the right to pass free of tolls boats of American registry engaged in trade between the United States and a foreign country, and I can see better grounds for this belief than in the case of our domestic shipping. But if my heretofore expressed opinion that "all nations," as used in article 3 of the treaty, excludes the United States, which is the owning, constructing, operating Nation—the Nation which provides the rules, and hence is responsible for the canal and its operation—then certainly we have the right to retain a benefit which common sense and common justice would warrant.

But the same gentlemen who would deny us the right to pass our merchantmen through the canal free of tolls insist that we can pass our warships through without charge. They contend that to admit the former under the treaty we would have to interpolate words and meaning which the letter of the treaty does not contain, but the same is equally true as to vessels of war. Gentlemen will use reason in interpreting the provision as to war vessels, but refuse to apply it in the case of vessels of commerce, although these two classes of ships are found in the same paragraph of the treaty, joined by the conjunction "and."

It is generally admitted that nearly every foreign nation grants a subsidy to its boat lines engaged in foreign commerce, and it has been reported that some of the foreign countries are already making legal provision for paying to ships passing through the canal whatever tolls may have been paid to the United States. Will anyone contend that our Government could not do the same things to American boats? If this could be done indirectly by repayment, will it be contended that it can not be done directly?

But a majority of the committee, having in mind the desirability of building up our merchant marine, and wishing to satisfy, as far as possible, the objections of Senators who do not read the treaty as some of us do, has inserted in the bill a provision that the American boat engaged in the foreign trade in order to receive free passage through the canal must enter into a contract to the effect that in case of war or other emergency such vessel may be appropriated and used by the United States. Under the clear and undisputed terms of the treaty this proposed condition would constitute a class of boats which could be passed without tolls, and no discrimination would be practiced.

Mr. McCUMBER. Mr. President, may I ask the Senator one question?

Mr. TOWNSEND. I hope it will not be a long one.

Mr. McCUMBER. Just one question.

Mr. TOWNSEND. Very well.

Mr. McCUMBER. If the United States were to pay tolls for its warships to whom would the United States make the payment?

Mr. TOWNSEND. To the United States, of course. And to whom would the United States pay back the rebate or refund?

Mr. McCUMBER. Would that be a payment—the United States paying it to itself?

Mr. TOWNSEND. It seems to have been so argued; and some distinguished Senators argue with a good deal of reason that the Government can collect the tolls and then repay them and by so doing can keep within the letter and spirit of the treaty. No; I do not think that we should pay tolls on our battleships, nor do I believe that a true interpretation of the treaty contemplated it, neither do I believe it was contemplated when that treaty was made that our merchantmen should be compelled to pay tolls if our Government saw fit to exempt them.

I desire to offer every proper encouragement to the building and operating of American ships, and free tolls would, I believe, contribute materially to this end.

Section 11 of the proposed bill deals with the class or ownership of vessels which may be operated through the canal. I have already stated that one of the objects for constructing

the canal was to aid commerce—our commerce. It may accomplish this purpose by furnishing additional facilities for transportation. Certain traffic will naturally seek the water and by so doing will relieve congested railroad traffic and permit greater expedition and better facilities for that character of traffic which almost of necessity must be carried by the railroads.

Water transportation, if kept free and unmonopolized, will reduce rail rates and keep them reasonable, and this will be true not only at points where rail and water are directly competitive, but it will affect rates in the somewhat remote interior. I shall not attempt to cite cases and quote rates proving this proposition, but shall content myself by saying that water competition, active or potential, affects rail rates directly for more than a hundred miles from the water, and when the canal is completed self-preservation will compel the rail carriers to reduce their rates to all interior points. Where free and sufficient water transportation facilities exist direct and indirect competing rail transportation is reasonable. We need no commerce commission to keep railroad rates reasonable where water competition exists. The water carrier is the best and most effective rail-rate regulator. The great question therefore is how to operate the canal so as to secure the greatest competition, not only between boats operating through it, but with rail carriers as well.

I think I can understand why transcontinental railroads have been unfriendly to the construction of the Panama Canal. It will in a measure interfere with their carrying monopoly. It will compel them to compete with water carriers unless they can directly or indirectly control the waterway. It will compel them to improve their carrying facilities or to reduce their rates, and probably it will do both. Naturally one would think that a railroad company would not care to own a boat line competing with itself. It does not seem reasonable that it would buy a boat and use it to lessen its own business; and it would not. Its object may be consistent with greater and cheaper transportation facilities, but it is difficult for me to understand how.

This is a new highway, and we have now an opportunity to start it free from the possibilities of railroad domination. It will be more difficult to expel railroad boats from the canal when they are once lawfully there than it is to keep them from entering at all.

The legitimate field for railroad operation is wide and it should not be permitted to participate in our coastwise traffic. So far as our internal affairs are concerned it would be well to confine our common carriers strictly and exclusively to transportation—the railroads on the land, the boats on the water. They never ought to have been permitted to engage in any kind of business other than that for which they were chartered, and no charter should have been granted for any other purpose than that of transportation.

This principle generally applied would affect lines already established and great disturbance to business without adequate compensation might result from the divorcement of water and rail carriers now, but so far as the canal is concerned—and that is the business we have in hand—there are no existing complications, and we have a splendid opportunity to demonstrate the effect of water transportation unaffected by railroad influence. The demonstration will be worth while, and if it proves what I expect it will, there will be time enough to make its application general.

I would not be understood as condemning the ownership of a boat line by a railroad where the former is but an extension of the rails of the latter across the water, and so any railroad which desires to engage in the foreign trade through the canal should be encouraged to do so.

I realize that much of what I have said thus far in reference to section 11 has been largely academic and void of demonstrated argument, but the transportation problem is familiar to all. The tendency of large carriers to destroy small ones has been a part of our national history. Monopoly is easily possible to the strong railroad, and where no legal restraints exist that condition is almost always realized, and whatever may be our policy hereafter we have not yet abandoned all hope for water competition, and that, notwithstanding the disappointing condition of railroad competition. Indeed, it is known that we have no real railroad competition now, so far as rates are concerned, nor have we had since the Interstate Commerce Commission began to fix rates. On the water it is different, at least so far as coastwise traffic is concerned. Anyone with sufficient capital can build and operate a boat and he may carry for what he pleases; he may charge nothing, if he chooses. Every independent boat line, every tramp steamer, is a factor in keeping rates reasonable.

The railroad-owned boat engaged in the coastwise trade and plying between our east and west coasts through the canal

would have an advantage over any independent boat in that it would be backed by the capital and influence of the railroad, and that influence would naturally be exerted for its owner, the railroad. It would be for the railroad's interest to increase its earnings, and this could not be done if its traffic was diverted for any great length of time to the water carrier. A boat owned by the railroad and engaged primarily in the foreign trade could, so far as its owners were concerned, carry coastwise traffic at less than cost if by so doing it could lessen the number of water competitors, for eventually these owners would regain whatever they had temporarily lost; but if at this time we serve notice upon the prospective shipowners of the United States that we propose to give the railroads and the capital back of them the right to enter the canal on equal terms with all others, we may be quite sure that the railroads will not need to establish unprofitable rates, for no independent boats will be built; no competitors will appear.

I know of but one line of railroad-owned boats now in existence which would use the canal in coastwise trade if permitted to do so. It is an undoubtedly profitable and useful line and it can continue in the same business which it now follows. Its capable manager—for whom I have great respect for his ability and for his evident fairness—says he does not care to engage in the coastwise trade except incidentally in connection with his foreign business; that he desires to build four large ships, to be splendidly equipped, but that he can not obtain the money with which to build these ships if this incident of interstate traffic is denied him. Nothing could more clearly demonstrate capitalistic railroad domination of the means to adequate transportation than this admission, and I as a representative of the American people feel that it is my duty to prevent as far as within me lies this grip of monopoly upon a waterway which has cost the country so much and for which its expectations are so great. We may lose the opportunity for securing these four large boats, but we will, I believe, obtain many times four boats from nonrailroad sources.

At the proper time I propose to offer an amendment to the bill providing that any American boat of whatever ownership may engage in that part of our coastwise traffic, which can be carried on between continental United States and our insular possessions or dependencies—between the United States and Hawaii or the Philippines or Porto Rico. The reason for excluding railroad-owned boats from participating in the coastwise trade of the United States proper do not seem to me to apply to traffic between the United States and these islands or to that between the islands themselves. Those boats which do or can compete with the railroads should not be owned by those railroads.

The bill provides that a railroad-owned boat engaged in the foreign trade may do a coastwise trade en route to and from the foreign country, providing that not less than 50 per cent of its traffic is destined to or from the foreign country, but that is not a good or practical provision. No possible harm can come to any existing line from the prohibition which I propose. No property will be confiscated. No vested right will be disturbed. Any man or company, excepting a railroad company, can embark in the steamboat business through the canal, and I have heard of but one railroad company which proposed to operate a boat line through the new waterway. Is it not the part of wisdom, in view of our past experience, to keep this great new enterprise free from railroad influence until at least it shall have been demonstrated that independent boats will not be furnished in sufficient tonnage to meet the demands of traffic?

I shall not be surprised if less tonnage passes through the canal than is now predicted, and yet its construction will be amply justified, especially if monopoly is not permitted. I expect to see better facilities furnished, more tracks laid, quicker time made, and lower rates charged by the railroads. Such has been our history in similar cases, and it makes no difference to the people whether the canal shall furnish better and cheaper transportation by its actual use, or whether its influence upon the rail carriers shall bring to pass the same results over the railroad. It is satisfactory transportation rates and facilities we have in mind as one of the two great objects for building the canal. But if by any means the roads can control the water, then we may be sure that this great expenditure of money for building and operating the canal will have been squandered, so far as benefits to commerce are concerned. Surely it is best to take no chances in a matter of such mighty importance to the country.

I have no doubt that it will be urged here that we can direct the Interstate Commerce Commission to fix the rates and regulations which railroad-owned boats may charge and under which they may operate through the canal, but I am opposed to that; first, because the commission has more than it can do well now and, second, because water competition will cease when Govern-

ment rate fixing begins. It is possible that we will some day reach the time when boats will be treated as railroads are, so far as prescribing rates and regulations are concerned, but that time is not yet, and in the meanwhile let us see what can be accomplished by competition uninfluenced by monopoly.

What I said at the beginning in reference to tolls was general and applied to all nations, but permit me to advert briefly to the special case of Canada. It is urged that if the toll gates swing free to United States boats, but will open to Canadian boats only upon the payment of tolls, that the Dominion will retaliate at the Canadian Soo, the Welland and St. Lawrence Canals. I can not so believe, and I would not violate either the letter or the spirit of our treaty relations with our neighbor on the north, although her present administration seems actuated by something less than the truest feelings of amity and good will toward us. Our existing treaty with Canada gives that country no right to participate in our coastwise traffic. It does provide, however, that both nations can on equal terms use the Canadian and American Soo locks and canals; that the American St. Clair Canal, the Detroit River artificial channel, the Welland and the St. Lawrence Canals. The benefits to the two countries are mutual. There is actual and real reciprocity in this treaty, and no benefits from any other sources than those inhering in the mutual use of the Great Lakes, the Welland Canal, and the St. Lawrence River, were contemplated.

It is true that until our new Soo lock, which is in process of construction, is completed, lake traffic would be retarded if we were denied the use of the Canadian Soo locks for some of our large boats, but our treaty with the Dominion will not have terminated before our new lock will be done and Canada will have no just cause to abrogate the treaty if we live up to our part of the contract, and we will. We will be just to all nations, and in this instance "all" will include our own.

I want the time to come when there shall be no tollgates on land or lake or sea in the way of commerce between Canada and the United States; but that time will come, if it ever comes, when the two countries, without dissembling, but in truth and sincerity, shall ask and receive genuine reciprocity in all matters pertaining to trade and commerce. In the meanwhile, without disturbing the status quo of our treaty or traffic relations with Canada, we should proceed, as she and all other nations would do under similar circumstances, viz, to promote the general welfare of our own people.

It is possible that free passage of American-owned boats will not inure to the benefit of the people, and I confess that if the effect was simply upon the cargoes in the ships thus passed through the canal I should be inclined to believe that the shipowner would be the sole beneficiary of our bounty, but the effect will not be so circumscribed. Free ships will have a tendency to encourage the building and operating of more ships, and this result will, through competition, have a tendency to materially reduce rates to such an extent that the consignee—the consumer—will get the benefit. But the boat rates must be met by the rail rates. This fact has been made eloquent by every act of the railroad companies since the canal project was started. It is because of this fact that railroad managers want a controlling hand in canal affairs. They know that this completed enterprise will be more potent in reducing rates and in furnishing adequate facilities than all the orders of the Interstate Commerce Commission and all the decrees of the courts. We may not be able to balance all influences and segregate those which are properly due to the canal, but we may be sure that the lower rail rates will inure to the benefit of the people, as they should, because it was their genius which conceived this enterprise, it was their money and energy which constructed it, and it will be their patriotism which will maintain and operate it.

#### HOUR OF MEETING TO-MORROW.

Mr. BRANDEGEE. I should like to ask if any hour has been fixed for meeting to-morrow other than 12 o'clock?

The PRESIDENT pro tempore. The Chair is not aware of any.

Mr. BRANDEGEE. I move that when the Senate adjourns to-day it be to meet at 11 o'clock in the morning.

The motion was agreed to.

#### EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 7 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 19, 1912, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate July 18, 1912.*

##### COMMISSIONER OF CORPORATIONS.

Luther Conant, jr., of New York, to be Commissioner of Corporations in the Department of Commerce and Labor.

##### ASSISTANT SECRETARY OF THE TREASURY.

Sherman Page Allen, of Vermont, to be Assistant Secretary of the Treasury in place of A. Piatt Andrew, resigned.

##### RECEIVER OF PUBLIC MONEYS.

Harry H. Price, of Casper, Wyo., to be receiver of public moneys at Douglas, Wyo., vice Nathaniel Baker, transferred to register.

##### REGISTER OF THE LAND OFFICE.

Nathaniel Baker (now receiver of public moneys at Douglas, Wyo.) to be register of the land office at Douglas, vice John W. Price, resigned.

##### POSTMASTERS.

###### COLORADO.

Edwin R. Heflin to be postmaster at De Beque, Colo. Office became presidential July 1, 1912.

###### ILLINOIS.

William W. Austin to be postmaster at Effingham, Ill., in place of William W. Austin. Incumbent's commission expired February 13, 1911.

Samuel W. Baird to be postmaster at Carlyle, Ill., in place of Samuel W. Baird. Incumbent's commission expired January 31, 1911.

Marion T. Capel to be postmaster at Carriers Mills, Ill. Office became presidential January 1, 1912.

John W. Campbell to be postmaster at Morrisonville, Ill., in place of John W. Campbell. Incumbent's commission expired March 31, 1912.

Henry J. Cheesman to be postmaster at Princeville, Ill., in place of Henry J. Cheesman. Incumbent's commission expired January 31, 1912.

Edwin P. Edsall to be postmaster at Grafton, Ill., in place of Edwin P. Edsall. Incumbent's commission expired December 11, 1911.

Robert R. Hilling to be postmaster at Manito, Ill., in place of Robert R. Hilling. Incumbent's commission expired December 11, 1911.

Winfield S. Hopkins to be postmaster at Granville, Ill., in place of William E. Hawthorne. Incumbent's commission expired January 31, 1912.

Thomas G. Laws to be postmaster at Coffeen, Ill., in place of Thomas G. Laws. Incumbent's commission expired February 20, 1911.

James H. Miles to be postmaster at Riverside, Ill., in place of Cornelius Sullivan, removed.

William S. Rice to be postmaster at Carmi, Ill., in place of William S. Rice. Incumbent's commission expired May 14, 1912.

William P. Richards to be postmaster at Jerseyville, Ill., in place of William P. Richards. Incumbent's commission expired April 23, 1910.

Fred M. Stoddard to be postmaster at Ramsey, Ill., in place of Fred M. Stoddard. Incumbent's commission expired January 10, 1911.

Charles E. Tanner to be postmaster at Minier, Ill., in place of Charles E. Tanner. Incumbent's commission expired January 31, 1912.

Arch L. Wade to be postmaster at Farina, Ill., in place of Arch L. Wade. Incumbent's commission expired January 10, 1911.

Arthur E. Wasson to be postmaster at Franklin Park, Ill. Office became presidential July 1, 1912.

Edwin L. Welton to be postmaster at Centralia, Ill., in place of Edwin L. Welton. Incumbent's commission expired January 28, 1911.

Lawrence C. Wines to be postmaster at Maywood, Ill., in place of Harrison P. Nichols, deceased.

###### IOWA.

Edwin H. Wilson to be postmaster at Cedar Falls, Iowa, in place of J. W. Jarnagin, resigned.

###### KENTUCKY.

Alfred R. Dyche to be postmaster at London, Ky., in place of Lee B. McHargue, removed.

###### MINNESOTA.

George F. Kramer to be postmaster at South St. Paul, Minn., in place of Andrew J. Davis, removed.

Frank Withrow to be postmaster at Stillwater, Minn., in place of William E. Easton. Incumbent's commission expired March 31, 1912.

## MISSOURI.

L. H. Johnson to be postmaster at Kennett, Mo., in place of George T. Dunmire. Incumbent's commission expired February 18, 1911.

## NORTH DAKOTA.

William H. Workman to be postmaster at Bowman, N. Dak., in place of Mathilde Lowden, removed.

## OREGON.

J. P. Morelock to be postmaster at Wallowa, Oreg., in place of Jesse E. Tulley, resigned.

## PENNSYLVANIA.

Alfred Evans to be postmaster at Kane, Pa., in place of R. K. Godding, deceased.

J. W. Houck to be postmaster at Clymer, Pa., in place of J. W. Houck. Incumbent's commission expired May 14, 1912.

## SOUTH DAKOTA.

Leonard T. Hoaglin to be postmaster at Platte, S. Dak., in place of Leonard T. Hoaglin. Incumbent's commission expired May 22, 1912.

William P. Joseph to be postmaster at Wagner, S. Dak., in place of William P. Joseph. Incumbent's commission expired May 22, 1912.

## VIRGINIA.

Gay R. Cochran to be postmaster at The Plains, Va., in place of Clarence C. Middleton, resigned.

## WISCONSIN.

Charles J. Linquist to be postmaster at Rio, Wis., in place of Charles J. Linquist. Incumbent's commission expired May 6, 1912.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 18, 1912.*

## UNITED STATES ATTORNEYS.

James W. Freeman to be United States attorney for the district of Montana.

John C. Swartley to be United States attorney for the eastern district of Pennsylvania.

Homer N. Boardman to be United States attorney for the western district of Oklahoma.

Oliver D. Street to be United States attorney, northern district of Alabama.

## RECEIVERS OF PUBLIC MONEYS.

Thomas V. McAllister to be receiver of public moneys at Jackson, Miss.

Harry H. Price, receiver of public moneys, Douglas, Wyo.

## REGISTER OF LAND OFFICE.

Nathaniel Baker, register of the land office, Douglas, Wyo.

## ASSISTANT SECRETARY OF THE TREASURY.

Sherman Page Allen, Assistant Secretary of the Treasury.

## POSTMASTERS.

## ALABAMA.

James L. Carwile, Ashland.

Walter W. Harkins, Fayette.

John T. Stewart, Wylam.

## CALIFORNIA.

Frank J. Grillo, Angels Camp.

Hugo J. Schumann, Soledad.

## COLORADO.

John A. Murphy, Las Animas.

Wesley W. Farshall, Durango.

## IDAHO.

Blanche S. Rowe, Burke.

## ILLINOIS.

William W. Austin, Effingham.

Samuel W. Baird, Carlyle.

John W. Campbell, Morrisonville.

Marion T. Capel, Carriers Mills.

Henry J. Cheesman, Princeville.

Edwin P. Edsall, Grafton.

Robert R. Hilling, Manito.

Winfield S. Hopkins, Granville.

Thomas G. Laws, Coffeen.

William S. Rice, Carmi.

William P. Richards, Jerseyville.

Fred M. Stoddard, Ramsey.

Charles E. Tanner, Minier.

Arch L. Wade, Farina.

Arthur E. Wasson, Franklin Park.

Edwin L. Welton, Centralia.

Lawrence C. Wines, Maywood.

Louis Wolfram, Des Plaines.

## INDIANA.

Andrew F. Gugsell, Jasper.

## IOWA.

J. V. Williams, Union.

## KENTUCKY.

W. A. Coffey, Columbia.

John B. Harvey, Madisonville.

Robert L. Jones, Morganfield.

William L. Kimbrough, Guthrie.

Lewis M. Lebus, Cynthiana.

Frank W. Stith, Falmouth.

## MAINE.

John W. Mathews, Berwick.

## MASSACHUSETTS.

Fred A. Hanaford, South Lancaster.

George L. Minott, Gardner.

Charlotte L. Parker, Osterville.

## NEBRASKA.

Jules Haumont, Broken Bow.

## NEVADA.

T. W. O'Connor, Virginia City.

## OHIO.

Owen Livingston, Richwood.

Charles A. Schumacher, Dresden.

## SOUTH DAKOTA.

J. M. Miller, Colome.

## WITHDRAWAL.

*Executive nomination withdrawn July 18, 1912.*

## POSTMASTER.

William W. Middleton to be postmaster at The Plains, Va.

## HOUSE OF REPRESENTATIVES.

THURSDAY, July 18, 1912.

The House met at 12 o'clock noon.

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

O Thou great Creator, Father soul, to whom we are indebted for all things, continue, we beseech Thee, Thy blessings unto us as individuals and as a Nation, that we may think clearly, act wisely, do justly, love mercy, and walk humbly with our God, remembering that "The path of the just is as the shining light, that shineth more and more unto the perfect day." And Thine be the praise forever. Amen.

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

## LEAVE TO PRINT.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent to print in the Record a memorandum on the jurisdiction of courts with respect to the orders of the Interstate Commerce Commission, by John B. Daish.

The SPEAKER. The gentleman from Louisiana [Mr. BROUSSARD] asks unanimous consent to print in the Record a paper written by John B. Daish on some phase of the Interstate Commerce Commission. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

## LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House a personal request, which the Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., July 16, 1912.

THE SPEAKER,

House of Representatives, United States.

DEAR MR. SPEAKER: I desire to have leave of absence, for one week, on account of illness.

Very truly, yours,

THOMAS PARRAN.

The SPEAKER. That request ought to be dated back two days. The letter came to the Speaker, and in the multiplicity of letters that come it got misplaced in some way. The Chair does not want to do the gentleman from Maryland [Mr. PARRAN] an injustice. Without objection, the leave of absence is

granted and is dated back to the 16th, covering these roll calls that were had on Tuesday and yesterday.

There was no objection.

Mr. MORGAN, by unanimous consent, was granted leave of absence until August 7, on account of important business.

Mr. HUGHES of Georgia, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

Mr. HAMILTON of West Virginia, by unanimous consent, was granted leave of absence indefinitely on account of illness.

#### ELECTION OF SERGEANT AT ARMS.

Mr. CULLOP and Mr. HEFLIN rose.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. CULLOP. I will yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Before the gentleman proceeds, I would like to report to the House that a caucus was held yesterday, and Mr. Charles F. Riddell was unanimously chosen as Sergeant at Arms, to fill out the unexpired term of Mr. U. Stokes Jackson. Mr. Speaker, I move his election at this time.

The SPEAKER. Is there another nomination? If not, the question is on the election of Charles F. Riddell as Sergeant at Arms, to fill the unexpired term of the Hon. U. S. Jackson, deceased.

The question was taken, and Mr. Riddell was elected.

Mr. Riddell appeared before the bar of the House, and the oath of office was administered to him by the Speaker.

#### MESSAGE FROM THE SENATE.

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

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 24, providing for an inquiry as to the purchase of the home of Thomas Jefferson, at Monticello, Va.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 333) authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 5446. An act relating to partial assignments of desert-land entries within reclamation projects made since March 28, 1908;

S. 6934. An act to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation; and

S. 7002. An act to authorize the Secretary of the Interior to grant to Salt Lake City, Utah, a right of way over certain public lands for reservoir purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton.

#### SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. Con. Res. 24. Providing for an inquiry as to the purchase of the home of Thomas Jefferson at Monticello, Va.; to the Committee on Rules.

The SPEAKER. The gentleman from Wisconsin [Mr. BERGER] is recognized for one hour.

Mr. BERGER. Mr. Speaker, Fourth of July orators tell us that there are no classes in America, that in this country "men are born free and equal," and that the Declaration of Independence says so. And there are still some persons in this country who believe that this being a Republic there are no classes.

#### ARE THERE CLASSES IN AMERICA?

It is true that interesting historical document, the Declaration of Independence, says that "all men are born free and equal." But that was not so, even at the time when the sentence was written. It is less so now.

Men are not born equal. They do not live as equals. They do not die as equals.

The child of the rich is surrounded by comforts and luxury, even before it is born. It is raised with tender care. Danger and sickness are kept away from it. It has every advantage that our civilization affords. Unless killed by an accident or by yielding to the temptations which wealth afford, these children of fortune grow up to a ripe old age, honored and respected by everybody and especially their children, who expect to inherit their wealth and their privileges.

How about the child of the poor? It is born in want and misery which had their beginning long before the child was born. More than half of the poor die before they are a year old. The child that survives and grows up to manhood or womanhood leads a life of toil and misery, filled with temptations of all kinds, which often lead to crime and prostitution. Old age means beggary or the poorhouse—at best, the aged poor are a great burden to their children. Many prefer an early grave.

Now, where is the equality of birth? Or during life, or even at the deathbed?

And do we have classes in America?

#### IS THERE EQUALITY BEFORE THE LAW?

We are told, however, that equality in the Declaration of Independence means equality before the law.

I fail to see it there, either.

There is equality before the law when both parties are rich or both parties are poor. There is no equality in the case of a poor person against a rich person or against a wealthy corporation. Rich people will have the best lawyers, while a poor man may, if he has a good case, get a pettifogger on a half share.

Let us watch a common police court on any day. Two men—one looking prosperous, the other looking poor—are arrested for a similar offense. Each is fined \$10 and costs. The prosperous man will put down his \$10 and walk out smilingly. The other man can not pay and is sent up to the house of correction. Now, it is clear to any observer that the poor fellow is deprived of his liberty, not on account of his misdemeanor but because he did not have \$10.

#### MOST ALL LEGISLATION IS CLASS LEGISLATION.

Do we have classes in America?

Supposing a man out of work is picked up in some alley or under some bridge. He was trying to spend the night there, because he does not have the money for a night's lodging. The next morning he is fined and deprived of his liberty as a vagrant, because he did not have any money to pay for a lodging. In other words, in our country it is a crime to be without money.

We not only have classes, but most all of our legislation is class legislation—by the ruling class or its agents.

We have a plutocracy—we are ruled by the wealthy class.

#### CLASS STRUGGLE IS AS OLD AS CIVILIZATION.

The existence of classes is nothing new, of course. The class struggle is many thousand years old. It began with civilization. It is therefore foolish to accuse the Socialists that they are trying to "create classes"—that we incite class antagonism and class hatred.

We want to abolish classes, class antagonism, and class hatred.

If in former centuries, however, the working class meekly submitted to oppression and deprivation, there was some reason for it. There were not enough of the world's goods to go around to suffice for everybody. Naturally, therefore, the stronger took the first choice for themselves and their kin, and the people got the leavings, if there were any.

The economic basis has changed.

NO ECONOMIC REASON FOR THE EXISTENCE OF CLASSES HAS DISAPPEARED.

We have secured control over the forces of nature to such a degree as to bring the possibilities of comfort and well-doing within the reach of everybody, at least in civilized countries. With the present machinery of production it is within the power of society to supply all the reasonable wants of every man, woman, and child living.

And if there should not be enough of any product, we could easily multiply it infinitely, provided every man would do his reasonable share of work; and, provided also, that society would apply all the machinery at its disposal.

Then we could all have plenty. And the work time of every worker could be shortened considerably. In all probability it need not be half of what it is now.

In order to accomplish this, however, the working class must have its own representation. The proletarians of America must have a political party of their own to give expression to their

own needs and wants, just as the working class of every other civilized country has its own political party.

CAN NOT HONESTLY REPRESENT MORE THAN ONE CLASS.

The working class has nothing to hope for from either the Republican Party or the Democratic Party. The representatives of these parties may be, and very often are, very cultured and accomplished gentlemen. Most of them are personally honest. However, they represent the capitalist system; and the more honest and consistent they are the more loyal they are to their class.

And the two parties may fight about the spoils of this system, but neither of them is willing to change the economic basis of the present society.

It is, therefore, only natural that every law passed by the Republican or Democratic Parties benefits the capitalist class, or some group of it, in some manner—even laws that obviously seem to favor the workers, like the workmen's compensation act.

WHAT THE TWO OLD PARTIES REPRESENT.

Political parties are simply the expressions of economic interests.

The Republican Party is the favorite organization of the big capitalists. Why? Because it stood for a great deal of "business" during the late Civil War, and because, by its high-tariff proclivities and its banking laws, it has given a strong impetus to the profits of the manufacturers and bankers. [Applause on the Democratic side.]

For a generation it was considered the conservative business man's party of the country.

The Democratic Party, in its great majority, stood for the economic and political interests of the slave owners before the Civil War. After the war it naturally has become the dominant party of the South, where the former slave owner is slowly getting to be a manufacturer, a banker, or a capitalist. Up North the Democratic Party, not having any great economic interests to express, soon fell into the hands of corrupt machines, at least in the large cities. Thus we have Tammany in New York, the Cook County Democracy in Chicago, the Rose Democracy in Milwaukee, and other benevolent graft institutions. It naturally also became the favorite organization of the liquor interests in the Northern States. [Applause on the Republican side.]

The capitalist class, therefore, is just as willing to deal with the Democratic Party as with the Republican Party. While the latter is conservative, the Democratic Party is, to all intents and purposes, reactionary, especially on the industrial field; it would like to go back to the days before the war. Being behind the time in most things, it is especially ignorant and brutal in regard to the labor question, as the laws of many Southern States prove.

WHY THEY "DEARLY LOVE THE WORKINGMAN."

However, the workingmen of this country have votes, and that is the reason why the Democrats have in recent years discovered that they "dearly love the workingman." [Laughter on the Republican side.]

That is the reason why we have passed a few labor laws in this House. Of course, these laws have not passed the Senate nor the scrutiny of the Supreme Court; however, they will do in that form as campaign food on the eve of a presidential election.

Of course none of these laws will add a single sandwich to the daily fare of the many millions of workingmen and working women. None of these laws will take care of the old invalids of industry or help along the young. Every civilized country on the globe has done a great deal in that direction of late.

Not we. Nowhere is human life as cheap as in America.

KILL MORE WORKMEN EACH YEAR THAN SOLDIERS IN ANY YEAR OF THE CIVIL WAR.

That most of this waste of human life is wholly unnecessary is shown by Dr. John Randolph Haynes, special commissioner on mining accidents of the State of California, in a paper which was originally read before a joint session of the American Association for Labor Legislation and the American Economic Association on December 30, 1911, and is now printed as a Senate document.

Dr. Haynes says that 35,000 workmen are annually slain in the United States while engaged in their daily occupations, and that, if the wounded and crippled in industry are added, Mr. Mercer, of the Minnesota Employers' Compensation Commission, was not far wrong when he claimed that industry in our country now kills and cripples more each year than did bullet and shrapnel in any year of the Civil War.

Coal mining, according to Dr. Haynes, is the most hazardous of all American industries, killing outright from 3,000 to 5,000 and killing and seriously injuring from 8,000 to 10,000 each

year. The United States kill more coal miners than all the rest of the world combined.

The following table shows the casualties of employees on American railroads in comparison with those of other countries. The figures are for yearly accidents, based on five-year averages, from 1905 to 1909, inclusive. The table is taken from a statement made by the gentleman from Maryland [Mr. LEWIS] and appears in Senate Document No. 90 of the Sixty-second Congress:

	Number of employees to 1 killed.	Number of employees to 1 injured.
1. United States.....	421	19
2. Germany.....	1,016	431
3. France.....	1,088	517
4. Switzerland.....	1,071	26
5. United Kingdom.....	1,351	134
6. Norway.....	2,125	340
7. Austria.....	2,205	100

However, as long as cheap trades for votes can be made with so-called "union labor leaders"—giving the working class nothing, and promising twice as much for next year—both the Democratic and the Republican Parties believe themselves safe.

Mr. ANDERSON of Ohio. Mr. Speaker, has the gentleman the statistics at hand to show how many more railroad employees there are in this country than in the other countries he mentions?

Mr. BERGER. I have none at hand, but if I had them that would not change the result any, because the statistics I quote give the proportion of the number of killed or maimed to the total number employed, and that proportion remains the same, no matter how many there are.

"A DIFFERENCE WITHOUT A DISTINCTION."

The only trouble just now is to make the workmen believe that the Democrats are different from the Republicans.

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

Mr. BERGER. After I have developed my theme, I will yield with pleasure. I say the two old parties are so much alike that they are hard up for an issue.

Mr. GARNER. How about the "bull moose" party?

Mr. BERGER. I shall make a few remarks about that species also, if the gentleman will give me time. [Laughter.]

Of course there is still that old stand-by—the tariff—God be thanked. And Mr. Woodrow Wilson, being a profound man—a man of the type of that other profound gentleman, Grover Cleveland—has declared that the tariff is to be the issue.

But how is it to be done this time?

The Republicans declared themselves to be in favor of a "downward revision." The Democrats are in favor of a "tariff for revenue," but they cautiously add in their platform that they do not want to harm any industry.

Now what does that mean?

If it means anything at all it means that the Democrats do not want to harm any owners of factories, because the South is waking up industrially. The South is beginning to have numberless "infant industries" that want protection. The Democratic Party must take care of these infants.

WILL PROF. WILSON NOW MAKE HIS OWN PLATFORM?

In other words, while Andrew Carnegie and Judge Gary and other northern trust magnates are willing to give up the protective tariff because their Pittsburgh and Chicago infants have grown up to some size—thank you—and they are well able to take care of themselves even in England or Germany, the southern manufacturers are beginning to demand a protective tariff—on cotton products first, of course.

That is natural enough—the South is just about 50 years behind the rest of the country in economic development.

But since that is the case, how is the good professor expecting to make good on the tariff as an issue in the coming election? Is he going to have a platform of his own—a platform other than was adopted in Baltimore, and for which the "peerless leader" stood sponsor?

Mr. Wilson will have to do so if he wants a demarcation of some kind between the old parties. As it is, the names of the two parties could be exchanged in both platforms and nobody would notice the difference.

HOW THE MIGHTY BRYAN HAS FALLEN!

Nothing is left of the great anticapitalist war cry for which Bryan was so well known in 1896. One can readily see that Mr. Bryan of 1912 is a different man—he got to be quite a capitalist himself, and that fact unconsciously changed his point of view.



The 16 to 1 silver issue has been dropped, and that is sensible enough. But nothing is said about nationalization of railroads, either—and the Federal judiciary is not even mentioned.

And what is even more remarkable for a "progressive platform," we can not find a word about direct legislation.

The initiative and referendum and the imperative mandate were conveniently shelved as "State issues," although the national platform is unquestionably the place to enunciate the national principles of a party.

#### EVERYTHING SHELVED THAT LOOKED "PROGRESSIVE."

And queerly enough even the recall of the judiciary is forgotten—a question that has been agitated very much of late and for which the Democrats in Congress have stood like heroes when they wanted to put "Taft into a hole" on the question of admitting Arizona and New Mexico to statehood. [Applause.]

It may be that Mr. Bryan expected to be a candidate himself and he wanted all the votes in sight, including the dissatisfied conservatives. Otherwise these omissions are hard to explain for a "progressive" platform.

#### MIGHT VOTE WITH EYES SHUT.

One might say, however, the platforms of the old parties are seldom read and even more seldom carried out. The main thing, then, is the personnel of the candidates.

But just at that point there is really no difference if one is to vote an old-party ticket. One might just as well shut his eyes and vote. The result would be absolutely the same.

#### ALL THREE ENJOY THE SUPPORT OF THE TRUSTS AND THE BOSSES

All of the candidates are honest men personally, as the term is understood in business and society nowadays. None of the candidates has ever been accused of any wrong other than "stealing convention delegates"—willing and ready to be stolen.

Mr. Roosevelt, who wants to start a party on the issue "Thou shalt not steal" and on business principles, should know that political graft is the very application of business principles to politics.

Furthermore, he also has openly been accused in the Senate of trying to buy delegates both this year and in 1904.

Moreover, the three candidates of the two old parties all enjoy the support of the trusts, the bosses, and the political machines.

#### HAIL TO GROVER CLEVELAND II!

Mr. Wilson, the Democratic candidate, has probably more support of that kind than any of the rest. Although a so-called progressive, he has with him Boss Murphy, of Tammany; Boss Smith, of New Jersey; Boss Sullivan, of Illinois; and Boss Taggart, of Indiana; their machines, and what they stand for. He was also jubilantly hailed by the reactionary capitalist element of both parties as a "second Grover Cleveland," and was warmly indorsed by every reactionary paper. Belmont and Ryan are his warmest supporters. Wilson's election will not only perpetuate the power of the bosses and their machines, but also inaugurate another era of reaction and "high finance" as we had under Grover Cleveland.

Mr. Wilson looks like a strong candidate owing to the fact that the country is restive and eager for a change, because the average voter foolishly believes that it is within the power of the administration to make good times or bad times at will, and almost everybody is dissatisfied. The evils and shortcomings of the social fabric and of the present economic system are laid at the doors of the administration that happens to be in power. This desire of the average citizen for a change is in favor of Mr. Wilson.

#### MR. WILSON HAS A "PAST"!

On the other hand, Mr. Wilson is very much handicapped by his past. Mr. Wilson has written books, and, being a recent convert to the cause of progressivism, his works stand out against him. Mr. Wilson has not only attacked the south European and Slavonic immigration, but he has also denounced organized labor.

He once declared that he preferred a Chinese coolie to an American trade-union man, because the former were more law-abiding and more industrious and worked cheaper—or words to that effect. As recently as 1909 he denounced union labor as "unprofitable labor." Mr. Wilson may have changed his mind, but he will have to explain, and the candidate that must explain is in a very poor position. His behavior during the late strikes in New Jersey will also require explanation.

#### MR. TAFT HAS MOST ALWAYS BEEN AN APPOINTEE.

It is unnecessary to tell where Mr. Taft stands. It is as natural for a man of his type to be allied with men like Roor, Crane, Guggenheim, and Hammond as it is for a duck to take to the water. Until Mr. Taft ran for the office of President he had never gone to the common people for any indorsement. He is

the son of a former Attorney General and minister to Austria. He was appointed assistant corporation attorney of Cincinnati, appointed a Federal judge, appointed a commissioner to the Philippine Islands, appointed a Secretary of War, and finally appointed the "heir of my policies" by Theodore Roosevelt.

Mr. Taft knows the history of the Republican Party as the favorite organization of the big capitalists. And he wants that party to remain the favorite.

#### EVOLUTION OF REPUBLICAN PARTY.

Moreover, the Republican Party has no other reason for existence than to serve capitalism. It has accomplished one great historical fact—it has freed the negro. That was done, not for humanitarian reasons, but because chattel slavery was incompatible with modern capitalism.

Modern capitalism rests upon wage labor. The Democratic Party of 1860 failed to understand this simple fact—and that is the reason why the Republican Party was founded and grew up to be just what it is now.

It was the party of William Lloyd Garrison, Wendell Phillips, and Abraham Lincoln. And it became just as naturally the party of John Sherman, Senator Aldrich, and Richard Ballinger.

That Mr. Taft has the support of many big political bosses and capitalist exploiters goes without further explanation.

#### WHERE MR. ROOSEVELT STANDS.

The opposition in the Republican Party is represented by the ex-President, Theodore Roosevelt. Where Mr. Roosevelt stands on all the great questions of the day nobody seems to know. I doubt whether Mr. Roosevelt knows himself, because with his brilliant but very erratic mind Mr. Roosevelt may revise and change all of his principles and convictions by to-morrow afternoon. [Laughter and applause.]

At this time it does not appear that he will play much of a part if he does, unless he is satisfied to be the pathfinder of a new organization which is on its way to nowhere in particular.

#### ROBIN HOOD "PROGRESSIVES."

But a glance at some of the "honest progressives" who are now setting out to purify politics will at once demonstrate that Robin Hood's famous assemblages of outlaws had nothing on the company that are now rallying around Theodore Roosevelt.

There is, for instance, little Tim Woodruff, veteran of the famous "Old Guard" of Albany in bygone days, and such a doubtful asset generally that two years ago Mr. Roosevelt ousted him from the position of a State chairman of New York.

Then there is Boss Flinn, of Pittsburgh, a reactionary from head to heel, soaked and saturated in the municipal corruption of that smoky inferno.

And Lucius Littauer, of Gloversville, N. Y., a reactionary to the backbone; mixed up in post office several years back.

And George W. Perkins, of Morgan and the Steel Trust.

Furthermore, Medill McCormick, of the Harvester Trust and the Chicago Tribune. Comment is really superfluous. [Applause.]

In short, all three candidates are well supported by the organization of their class.

#### THE TARIFF AND LABOR.

As to the tariff issue as such, this issue is to the working class exactly what every other capitalist issue is. The workmen are interested in the tariff—as the tariff is now—as consumers only.

The tariff does not protect labor; at the same time any sudden change would be disastrous. It is mainly a manufacturer's issue—until labor really gets its share of the protection.

The tariff is not responsible for the trusts; there are trusts in England, where they have free trade. Moreover, the trusts are now in favor of free trade.

#### THE REAL ISSUE FOR THE WORKING CLASS.

With us the great issue is the difference between what a workman in this country produces on the average and what he gets.

It is a class issue; it is the great issue of the working class. In 1909, in the 268,000 factories of this Nation, 6,600,000 wage earners added \$1,290 apiece for every worker employed.

Did those workers receive the value they put into the product? Not at all. They received \$518 apiece.

The other \$772 went to the employers and landowners. This surplus value went to the capitalist class as such—to the landowners, the bankers, and employers, and the holders of special privileges of some sort or another.

Wherever this surplus value goes it goes to some individuals or groups of the capitalist class in some form—either as profit, rent, interest, insurance, and so forth.

#### ONE REASON FOR THE INCREASED COST OF LIVING.

In 1909 the number of factory wage earners was 6,615,046, an increase of 21 per cent in 5 years and of 40.4 per cent in

10 years. Women have constituted exactly 19.5 per cent of the factory population in each of the three last censuses. Children constituted 2.5 per cent.

Wage earners do not increase relatively in anything like the proportion that salaried employees do. The gain of the former in 10 years has been 40.4 per cent; of the latter 117 per cent.

It is true of all highly developed countries that the number of persons employed to handle, sell, and promote the sale of commodities increases far more rapidly than the number of persons who make things. This will help to explain the rise in the cost of living.

The number of wage earners does not increase proportionately with the increase of capital.

INCREASE OF OFFICE POPULATION.

Capital has increased 45.4 per cent in 5 years and 105.3 per cent in 10 years. Big capital now controls industry, and the figures are truly amazing.

In 1904 nine-tenths of 1 per cent of the establishments turned out 38 per cent of the product, and in 1909 1.1 per cent turned out 43.8 per cent of the product. Each of these establishments produced values in excess of \$1,000,000, and there were 1,900 of them in 1904 and 3,061 in 1909.

Counting the establishments producing more than \$100,000 in values annually, it is shown that in 1904 11.2 per cent of the total of 216,180 establishments turned out 79.3 per cent of the total product, and that in 1909 11.5 per cent of the total of 268,491 establishments turned out 82.2 per cent of the total.

The other 88.5 per cent of the establishments had to be satisfied with the leavings of 17.8 per cent of the product.

The average salary drawn in 1899 was \$1,046; in 1909, \$1,187. These salaries are not classified in this report, as similar salaries are classified in the report of the Interstate Commerce Commission. It is therefore impossible to tell just what rank of employees drew the increase. There is plenty of evidence, however, from common observation that the average poorly paid clerk or accountant has had no raise in the last 10 years.

THE RELATIVE SHARE OF THE WORKER IS GETTING SMALLER.

Wage earners received more money in 1909 than they did in 1904. Their average in the former year was \$477, in the latter year \$518, a difference of \$41 or about 79 cents a week. The figures of wages are not yet classified for men, women, and children, and so we can not tell where the greater rate of increase has gone, though the probability is that it has gone to the men.

The value added to production (that is, the value of the product less the cost of materials) averaged \$1,150 for each wage earner in 1904. It now averages \$1,290. But the relative share of the worker in the value of his product is less than it was in either 1899 or 1904.

Here are the comparative figures:

Year.	Wages.	Net production.	Worker's share.
			Per cent.
1899.....	\$426	\$1,025	41.6
1904.....	477	1,150	41.5
1909.....	518	1,290	40.1

INSECURITY OF EMPLOYMENT.

One of the particularly brutal elements of capitalism is shown by the figures for the seasonal variations in the amount of employment in the various great industries. Capital can not keep its workers employed.

When it wants them it wants them bad; and when it does not want them, they may go and starve. In some of the industries the variation in the state of employment is only moderate.

In printing and publishing, for instance, the lowest number of wage earners employed at any time constituted 93.3 per cent of the largest number employed.

But in brick and tile making the minimum represented only 36.5 per cent of the maximum, and in canning and preserving only 12.9 per cent.

Even in the great steel and iron industry the number employed in March was 25 per cent less than that employed in December. Throughout the whole industrial scheme seasonal unemployment is a necessity under capitalism.

NUMBER OF CAPITALISTS SMALL; WORKINGMEN ARE MANY.

Moreover, another fact must be taken into consideration. The capitalist class numbers only about 4 per cent of the population, the middle class 24 per cent, and the working class 72 per cent.

WE LOOK UPON TARIFF ISSUE AS A SHAM BATTLE.

Under these circumstances, is it surprising that we look upon the agitation for a low tariff or for a high tariff as a shameless

humbug when we compare its importance with the question of the exploitation of labor?

Is it surprising that we look upon the return of tariff issue as simply a sham battle to divert the attention of the workingmen from the main issue?

WORKINGMEN'S LABOR BOUGHT IN OPEN MARKET.

And the real issue is this:

Under the present system, which we call in political economy the capitalist system, the workingman's labor has become a mere ware in the market.

And since the man's labor can not be separated from the man, the workingman himself has become a commodity, whose time is bought and sold. The workingman, or rather his labor power, is subject to the same conditions as every other ware, especially to the conditions of supply and demand and to competition.

The workingman's labor—that is, his time—is bought now in the open market by the highest bidder on the one hand, from the lowest seller on the other.

And the employers—who are really the master class—care only to buy the workingman's time when he is young, strong, and healthy. When he is sick, or when he gets old, the employer has no use for him.

NOT IN BUSINESS FOR CHARITY.

The employer is not in business for the sake of charity. He is in business in order to make profits—to make money.

And because of this, we can see that our so-called free workers are sometimes worse off—from the purely economic point of view—than the blacks were under slavery before the war.

The negro was property and represented about a thousand dollars in value—sometimes more, sometimes less—he was property which the master owned. Therefore, the master, if he had any sense, took good care of his human chattel. The master was eager to have the slave as long and in as good condition as possible. When he became sick, or when he died, the master lost money.

The case is entirely different with the white workingman, the so-called free workingman. When the white man is sick, or when he dies, the employers usually lose nothing.

WORST EMPLOYER SETS THE PACE.

And high tariff, or tariff for revenue only, or free trade, "have nothing to do with the case."

The fact is that the capitalist, the average employer of today, is more concerned about a valuable horse, about a fine dog, about a good automobile, than he is about his employee, or about his employee's family.

In most cases, the employment is absolutely impersonal. The employer does not know his employee by name, or even by number. This is invariably the case with a stock company where the shareholders are scattered all over a city, a State, or all over the country, sometimes over Europe.

Nor can any individual capitalist or employer, no matter how charitably inclined he may be, change anything in these conditions. A business or corporation that should try to run its plant on a charity basis would not last long.

As a matter of fact, under the present system it is usually the worst employer who sets the pace. The employer who can fleece and skin his workingmen best is best equipped for the fight in the open market. He can produce his goods the cheapest.

COMPETITION AND LABOR.

Thus competition has come to have a fearful meaning to the working class.

On the one hand it compels the employers to get their labor as cheaply as possible, on the other hand it compels the workingmen to compete with one another for jobs. Competition among the workers has become, therefore, a cutthroat competition. It is a question as to who is to live and who is to starve. It is often a question as to whether a man is to stay with his family or to become a tramp.

And the tariff has nothing to do with that question, either.

There is always free trade in labor.

WOMAN AND CHILD LABOR.

In many cases now the laborer is compelled to disrupt his family and send his wife and children to the shop or factory.

For this is the great curse of machinery—or rather of the individual monopoly of machinery—that capital can be coined out of women, and even out of infancy. Thus not alone are men turned into wares, governed by demand and supply, but they are also made to scramble for a precarious living with the wives, sisters, and children.

The evil of child labor is especially glaring down South, where my Democratic friends rule absolutely.

Lewis W. Hine, while taking photographs of the employees of the Gulf coast canneries for the National Child Labor Committee, says that he personally interviewed 13 children from 3 to 5 years old, 25 from 6 to 8, and 15 from 9 to 11, and that he counted in all 125 boys and girls whom he judged to be from 3 to 11 years of age.

No human being knows how many children under 10 are employed in the canning industry in the United States or in the numberless industries carried on in tenement houses in our great cities. But everyone at all familiar with the subject knows that there are thousands.

#### THE DEMOCRATIC SOUTH LEADS IN INFANT LABOR.

In six Southern States nearly 1,000 children from 7 to 11 years old were found at work in cotton factories by agents of the United States Labor Bureau, whose investigation covered only about one-fourth of the cotton industry of these States.

It is conservative therefore to estimate that 5,000 children from 7 to 11 years old are prolonging their infancy in the cotton mills of the South.

And yet this is the economic basis of the wage system.

#### THE SOCIALIST VICE.

Therefore we say the wage system was a step in the evolution of freedom, but only a step. Without trades-unionism and labor associations, the wage system would produce a social state lower than that of feudalism.

Social freedom, complete justice, can be accomplished only by the collective ownership and democratic management of the social means of production and distribution.

We realize that all this can not be brought about by a single stroke—by a one day's revolution. But we know that all legislation, in order to be really progressive and wholesome, must move in that direction—must be in accordance with the modern economic progress.

#### THE ONLY PARTY KEEPING STEP WITH THE TIME.

And the only party that is in accordance with the trend of the time is the Socialist Party. That is the reason why all the "progressives" are simply trying to appropriate some of our minor planks.

With the Socialists political issues are of minor consequence; economic issues are of paramount importance.

#### DIRECT LEGISLATION ONLY A CHANGE IN THE MECHANISM.

We refuse to be diverted or led astray by mere political reforms like the initiative, referendum, and recall. Each in itself is a good enough reform. Each of them has been agitated for a long time by the Socialists and forms a part of our program to-day.

Mere changes in the mechanism of expressing the will of the people are, however, of secondary importance when compared with any change in the economic conditions of the people.

We want the initiative. But we want much more, to secure an old-age pension for every workingman and workingwoman of 60 and over.

We stand for the referendum. But insurance against being out of work is of much more value.

We agitate for the recall. But State help for orphans—at least for those who have no father—and assistance for working women during the period of child bearing, is infinitely more useful to the race than the right to recall a judge.

The bourgeois reformer, even when well meaning, does not understand us. He lacks our class consciousness.

#### A GROWN-UP NATION WEARING ITS BABY CLOAK.

Of the political reforms a new Constitution is most important. As long as we have the old Constitution, thorough social reforms are almost impossible.

No matter how good and beneficial a law may be, it will, as a rule, be declared unconstitutional by the Supreme Court. Our Constitution was framed at a time entirely different from ours, and for entirely different conditions—and good laws suited to the present conditions are really unconstitutional.

When our Constitution was framed this was a Nation of frontier farmers and hunters, with a few merchants in the seaports.

There was no machinery used. There was no manufacturing to speak of. There were no railroads; no telegraphs.

There were no millionaires and no proletarians. There were no corporations in the present sense—a corporation in those days meant a city.

And there were no trusts, of course.

If Washington, Jefferson, Madison, and Hamilton could get up from their graves to-day they would not know the country. We live in a different world.

And yet we have to wear the same political cloak. We must live under the same Constitution.

In other words, a grown-up nation has to wear its baby cloak. It does not fit anywhere, and has been torn and patched in the most ridiculous way by "decisions of the Supreme Court," in order to make it do, yet, anybody who dares to suggest a new suit is considered a traitor by the "interests."

#### A NEW CONSTITUTION OR A BLOODY REVOLUTION.

But we must have a new Constitution or we shall have a bloody revolution. Yet, though political reforms are necessary, they are of little account when compared with the necessity of changes in order to keep step with the development of economic conditions.

#### THE TRUSTS AND THE PEOPLE.

The economic changes are upon us.

We see the trusts not only doing away with competition, but also asking for Government interference and for Government regulation of prices.

In other words, we have the spectacle of the trusts surrendering part of their ownership and practically offering that part of the ownership to the people.

Thus the trusts, or at least some of the trusts, are willing to part with their ownership because they feel that their business has ceased to be a private concern. Because the trusts feel that their business has become a public utility of the most public and utilitarian sort.

#### WORKING CLASS BECOMING REVOLUTIONARY.

But the change is also coming from the other side.

The great majority of the people have no interest in keeping up the present system. And especially the working class is bound to become revolutionary as a class.

Our workmen to-day build a few palaces and many hovels. The workmen live in the hovels and the few capitalists in the palaces.

Our workmen in the woolen mills make a small amount of fine clothes and millions of yards of shoddy. The workmen wear the shoddy and the rich idlers wear the fine clothes.

Workmen and their children have to go down into the mines, workmen and working women and their children have to go into dingy, ill-ventilated factories and workshops and toil from 8 to 12 hours a day. They must ruin their health by overwork, so that a few people who have the money may ruin their health by too much leisure.

The majority now degenerates through poverty so that the small minority shall be able to degenerate through luxury.

#### THE RULING CLASS OF FORMER DAYS.

Again, I say, the great majority have no interest in keeping up the present system.

There is this also: In former epochs the ruling class was by far the abler and stronger—physically and mentally.

In former years a few nobles, clad in iron—and trained and accustomed to warfare—could hold in subjection 20 times their number of common people.

The ruling class only was at that time in the possession of the wisdom of the world—whatever wisdom the world had then.

The ruling class at that time also had in its favor the belief that this system was God-ordained, and that anybody rebelling against it was a rebel to God.

#### THE RULING CLASS OF TO-DAY.

Things are different nowadays.

The working class not only builds the houses, ships, and machines, but the working class also teaches in the public schools and colleges, and writes and prints our literature. Not only the man who sets up the type for the papers and the books, but also the man or woman who writes them usually belongs to our class.

The capitalist class depends upon us for a living, for information, and for defense.

The ruling class surely has no better fighting qualifications than we. It is our class that has to furnish most of the men in case of war, although the capitalists may start the war and buy the bonds. Even in order to hold the working class in subjugation, the capitalists have to hire such workmen as are for sale to do the fighting for the rulers.

We deny that the capitalist class is our superior in any way.

And as long as the public schools exist, and men and women are learning how to read and write, no priest or clergyman will ever be able to make us believe again that this system is God-ordained. We will never believe that it is God-ordained that a trust magnate shall have fifty or sixty million dollars a year, or more, and that his employees should earn \$1.75 a day on the average.

## AND WE ARE MANY.

Moreover, we have the ballot. No subjected class in history every had the same political basis as the ruling class. The modern proletariat is the first.

On election day my vote is as good as Rockefeller's. And we are many and the capitalists are few.

## NO OTHER PARTY HAS GROWN LIKE OURS.

In short, the future belongs to the working class. Nothing can stop us. All we have to do is to organize our forces. There is no other party that has grown like ours during the last four years.

## WHY WE ADVOCATE REFORMS.

And, I want it understood, the Socialist Party, while it is revolutionary in its final aim, is none the less distinctly evolutionary and constructive in its method. We welcome all kinds of reforms that are real reforms—not political baits.

Social reforms of all kinds are welcomed by the Socialist for many reasons.

In the first place, by reforms we can stop the increasing pauperization and consequently also the enervation of the masses of the people. If real reforms are seriously taken up and carried out with determination they uplift the masses to a considerable extent.

But the main reason for our favoring social reforms is that such reforms, if logically carried out, offer the possibility of a peaceful, lawful, and orderly transformation of society.

## THE SOCIALIST PARTY IS THE ONLY TRUE REFORM PARTY.

The Socialist Party, therefore, is the only true reform party in existence. We agitate for the organization of the masses. And organization everywhere means order.

We educate, we enlighten, we reason, we discipline.

Besides order we bring also law, reason, discipline, and progress to men and women who have been torn from their old conditions by capitalism—and who would become Apaches.

## THE APPEAL OF THE SOCIALIST.

It is, therefore, absolutely false to represent our Socialist Party as destructive, as intending to overthrow and annihilate society, as an appeal to the brute passions of the masses.

Just the opposite is true.

Our Socialist Party wants to maintain culture and education and carry them to the homes of every worker of the land.

Our party wants to guard this Nation from destruction and bring it to a level hitherto unknown in history.

We appeal to the best in every man, to the public spirit of the citizen, to his love of wife and children. [Applause.]

## BOTH REPUBLICANS AND DEMOCRATS HAVE VOTED FOR THE SO-CALLED LABOR BILLS.

Mr. ANDERSON of Ohio. I have always had great admiration for the gentleman from Wisconsin, knowing him to be very generous and liberal minded in all matters; but I want to ask him if he does not give the Democratic Party credit for the passage of the eight-hour bill, the Child's Bureau bill, anti-injunction bill, the bill for jury trials in indirect contempts, the department of labor bill, the industrial-commission bill, and various other measures that are considered progressive and are wanted by the laboring class?

Mr. BERGER. Mr. Speaker, I have said before that these political reforms are of minor importance as far as the working class is concerned, and that social reforms are paramount. The eight-hour bill sounds good, but this House has passed several eight-hour bills since 1868.

Mr. ANDERSON of Ohio. I ask the gentleman if he does not give the Democratic Party credit for the passage of these measures?

Mr. BERGER. I will say that the Democratic Party has introduced some fair-looking bills in the House in the Sixty-second Congress, and that the Republicans, being also good politicians, have, as a rule, almost unanimously voted for them. None of these bills really changed economic conditions.

Mr. ANDERSON of Ohio. The gentleman is mistaken about our starting it. I ask him if it is not a fact that we have passed it?

Mr. BERGER. Both sides passed these bills. Even the Socialist Party voted for them unanimously every time. [Applause.]

## NONE OF THESE BILLS ADD TO THE STANDARD OF LIVING OF THE WORKING CLASS.

Mr. ANDERSON of Ohio. Then the gentleman must concede that it is good legislation.

Mr. HOBSON and Mr. FITZGERALD rose.

The SPEAKER. To whom does the gentleman yield?

Mr. BERGER. To every one, one after the other.

The SPEAKER. The gentleman must indicate the Member to whom he yields first.

Mr. BERGER. I will yield first to the gentleman from Ohio [Mr. ANDERSON], then to the gentleman from Alabama, and then to the gentleman from New York, and afterwards to every other Member who may want to ask a question.

Mr. ANDERSON of Ohio. I think the gentleman will admit that the Democratic Party has passed more bills in the interest of labor than have been passed by this House in the last 20 years.

Mr. BERGER. I do not admit that. I said the Democratic Party has voted for some so-called labor bills, but so did the Republican Party, and so did the only representative of the Socialist Party in Congress.

Mr. ANDERSON of Ohio. Then he admits that this is good legislation?

Mr. BERGER. I admit that some bills that have been passed in this session are fair bills as far as they go. Otherwise I should not have voted for them. They do not, however, add to the standard of living of the American working class. They are of ridiculously small importance, considering the magnitude of the labor question.

## SOCIALIST HOUSE WOULD NOT HAVE WASTED TIME.

Mr. ANDERSON of Ohio. If the House had been Socialistic it would undoubtedly have voted for the same bills.

Mr. BERGER. If the House had been Socialistic it would not have wasted time with insignificant palliatives of that kind, because it would have taken up legislation of a million times greater importance.

## WOULD PENSION THE VETERANS OF INDUSTRY OUT OF THE SURPLUS THEY CREATE.

Mr. ANDERSON of Ohio. If the House had been Socialistic, would it have passed the Sherwood pension bill?

Mr. BERGER. No; because we would have pensioned not alone the old soldiers but everybody who—

Mr. ANDERSON of Ohio. Mr. Speaker, just one question more. The gentleman said that if the Socialistic Party had been in power they would have pensioned everybody. I want to ask the gentleman who said the party would not have supported the Sherwood pension bill pensioning the defenders of this great country, that it would refuse to pension the soldiers but would pension everybody, Members of Congress as well as everybody else, where would the gentleman get the money to pension everybody?

Mr. BERGER. Mr. Speaker, I wanted to say that by pensioning everybody who did some useful work in their earlier manhood or womanhood it would be needless to pension the old soldiers. The old soldiers have done some useful work besides being soldiers in a war. I honor every man who went to the war to free the black man and to save the Union, but I honor just as much the men and women who are fighting for civilization every day—the men and women who are making our civilization possible.

Official figures show that 35,000 are annually slain in the industries of the country, not counting the hundreds of thousands that are the victims of occupational diseases.

Do you not think that a man who works for the welfare of the Nation on the battle field industry is taking as many chances as the man going to war? And that the worker is doing more necessary work than the soldier?

Moreover, the old working people who will get the pensions will have paid for them during the time they worked. In fact, they will have paid for the pensions many times over before they get them.

As I stated before, in 1909 every workingman and working woman added about \$1,290 worth to the Nation's wealth and received on the average only \$512 in wages.

The pensions should be paid from the surplus value the capitalist class is getting.

Mr. ANDERSON of Ohio. The gentleman said he would pension everybody.

Mr. BERGER. Everybody who needs it—every aged worker in every field of industry. Members of Congress only if they should be in want at the age of 60. [Applause.]

Mr. ANDERSON of Ohio. Then the gentleman modifies his statement. He does not mean to pension the Rockefellers and the Carnegies.

## AS TO THE EIGHT-HOUR BILL.

Mr. FITZGERALD. Will the gentleman yield?

Mr. BERGER. I will yield to the gentleman from New York.

Mr. FITZGERALD. Does not the gentleman from Wisconsin know that until the Democrats got control of the House of Representatives neither the Republicans nor Democrats nor Socialists could get a chance to vote for an eight-hour bill?

Mr. BERGER. I do not know anything of the kind.

Mr. FITZGERALD. If the gentleman will permit me to inform him, I have served in the House 14 years, and until the Democrats got control of it an eight-hour bill could not be reported into a Republican House from the committee.

Mr. BERGER. And I want to inform the gentleman from New York, if I may, that the first eight-hour bill was passed in 1868 by a Republican House. [Applause on the Republican side.] As a Socialist and trades-union man I have, of course, no more love for one capitalist party than for the other, but I want to be fair.

Mr. MILLER. That was before the time of the gentleman from New York.

Mr. FITZGERALD. And the Republican Attorney General so construed it as to make it absolutely valueless. [Applause on the Democratic side.]

Mr. BERGER. Well, we do not know how this bill may be construed by a Democratic Attorney General and by the Supreme Court. [Applause on the Republican side.]

Mr. FITZGERALD. If there is a Democratic administration, there will be no fault found with it.

Mr. BERGER. Then the gentleman thinks the Supreme Court decides questions of law according to politics?

THE DEMOCRATIC SOUTH AND THE PROTECTIVE TARIFF.

Mr. BUCHANAN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. BERGER. I believe I should yield now to the gentleman from Alabama [Mr. HOBSON]. He asked first.

Mr. HOBSON. I know the gentleman has a logical turn of mind, and the gentleman's party prides itself on its unanswerable logic. I simply want to ask the gentleman to point out the logic of his reference to alleged southern support for the principle of protection. The gentleman will recall that he pointed out that in the North, the Central North and the Middle North, the industries there have grown to stupendous proportions—

Mr. BERGER. I hope the gentleman from Alabama will not make a speech. My time will soon be up.

Mr. HOBSON. I am coming to the question. The gentleman stated that the South was coming to stand for the principle of protection in order to protect their infant industries against competition. I will ask him how could they get protection against the giant industries within, and since they can get no protection from these, what effect can the tariff have in protecting the South when we already have the giant industries of the North in direct competition with them?

Mr. BERGER. We look at the tariff from the point of view of political economy. We know that agricultural countries subsidize manufacturers by a tariff in order to encourage them to build factories and invest their capital. From this capitalist point of view a high tariff is always necessary at first to protect young industries.

The North developed factories first. Naturally the North asked for protective-tariff legislation first, and got it. Now, just as naturally—and I do not blame the South—the South is trying to get high-tariff legislation for the manufacturers of the South, and I do not blame the gentleman from Alabama—

Mr. HOBSON. I hope the gentleman will come to my question and not depart from it or try to escape from it. The South might logically desire to be protected against any strong competition, but the South can not be protected against strong competition that already exists in the great industries of the North, stronger than any industries abroad. Therefore, why should the South desire to get protection against competition on the outside that is not as dangerous as the competition that exists on the inside?

Mr. BERGER. I can only answer the gentleman from Alabama from my point of view, which is the point of view of modern economics. As I see it, the South still has the advantages of position for certain industries.

For instance, cotton is raised right there, and the cotton factory of the South saves the freight, of course. Furthermore, the South has cheap labor, unorganized labor, colored labor; it also has longer hours than the North. Then, you have woman and child labor—in some cases children from 3 to 11 years old are at work. ["Oh, no!"]

Well, in many Southern States that is the case in the cotton and in the canning industries. I do not mean to say that there is child labor in every industry in the South. For some work women and children are not strong enough.

"TEN MINUTES."

Mr. HOBSON rose.

Mr. BERGER. Mr. Speaker, I am not quite through.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that his time be extended for 15 minutes.

Mr. MILLER. Make it 30 minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Wisconsin be extended for 15 minutes.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask that it be made 30 minutes.

Mr. HEFLIN. Mr. Speaker, I shall object to an extension of over 10 minutes.

The SPEAKER. Is there objection to extending the gentleman's time for 30 minutes?

Mr. ALEXANDER. Mr. Speaker, I object to a longer extension than 10 minutes.

Mr. MANN. Mr. Speaker, then I ask unanimous consent that the time of the gentleman be extended for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the gentleman from Wisconsin proceed for 10 minutes? [After a pause.] The Chair hears none.

Mr. HOBSON. Mr. Speaker, I was just going to say to the gentleman that all of those elements of production to which he has referred and which he has enumerated are true; that the South has advantages, but they tend—

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Alabama [Mr. HOBSON] be extended for 10 minutes. [Laughter.]

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Alabama be extended for 10 minutes. Is there objection?

SOUTHERN MANUFACTURERS MAY COMPETE AT THE EXPENSE OF THE RACE.

Mr. HOBSON. Mr. Speaker, I will not need that. I thank the gentleman from Illinois, but the gentleman from Wisconsin—the strong logician who has given us this admirable discussion—has not given a satisfactory answer. The things he enumerates would tend to relieve the South from the need of protection instead of explaining its alleged desire for protection. There is no such desire, and there is no logical foundation of the oft-repeated allegation that the South has come to advocate high protection.

Mr. BERGER. I will say to the gentleman from Alabama that if it were not for the elements mentioned even a high tariff could not protect the South, but with those elements in existence the South may try, for a while at least, to successfully compete with the giant trusts. Of course it is a fight at the expense of humanity—at the expense of the race. Moreover, very soon the war will be found unprofitable and the combatants will unite.

As a confirmation of my statement that the South is beginning to ask for protection, the gentleman need only read over some of the discussions on the various tariff bills introduced by the Democrats themselves.

WHAT MR. BUCHANAN WANTS TO KNOW.

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

Mr. BERGER. Certainly.

Mr. BUCHANAN. Mr. Speaker, the gentleman in his speech spoke of the working class and the capitalist class.

Mr. BERGER. And I hope the gentleman from Illinois knows that there are such classes in existence.

Mr. BUCHANAN. I shall not take issue with the gentleman in regard to that at this time, but I want to ask his definition of these classes. Does the gentleman define the working class as being composed of those who work for wages alone? I want to give the gentleman an example of what some would call a business man.

Mr. BERGER. Oh, I do not want a speech from the gentleman just at this time.

Mr. BUCHANAN. And I do not want to make a speech either. In my locality we have a man who is running a grocery store. His wife and daughter work in that grocery store. He also works long hours, early and late. He is in fact a workingman. Does the gentleman agree that a man who operates a business of that sort is a workingman or a capitalist?

THE THREE CLASSES OF MODERN SOCIETY.

Mr. BERGER. Mr. Speaker, of course our present society does not only divide into two classes; there are three classes. We have the working class, the middle class, and the capitalist class. The lines are not very closely drawn in our century and our country. In some cases the workingman may have a little business on the side, or a capitalist may draw his income in the form of a salary, but as a whole it is safe to describe the division between classes as originating from the way a person derives his or her income.

The workingman or working woman derives his or her income through work for daily, weekly, or monthly wages, or, when

working in schools and offices, through working for an annual salary. It is always work for pay—either work with hands or with brains, or with both, that gives the wageworker his status in society.

The middle class derives its income from rents and profits, either by buying and selling, or by employing a small number of men, women, and children.

The capitalist class derives its income in the same way on a large scale, besides controlling the means of transportation and communication, most of the natural resources, and the banks.

Of course different men have made different demarcations. But all agree that the smallest class in number but greatest in power is the capitalist class which controls the capital of the country—that part of the surplus value which is now used to create more surplus value instead of being used to give comfort to the people.

#### AS TO MEMBERSHIP IN THE SOCIALIST PARTY.

Mr. BUCHANAN. Does the Socialist Party confine its membership to the working class? Is it not a fact that it has some wealthy men in it?

Mr. BERGER. Oh, every honest man, even a capitalist, may become a member of the political party of the working class if he agrees to aid us in the emancipation of the working class. We must be satisfied, however, that the man is honest in his intentions to help us to bring about a complete change of the present system by sane and legal methods. [Applause.]

#### GOOD MEN DANGEROUS IN BAD PARTY.

Mr. BUCHANAN. I want to ask if the gentleman does not believe that Abraham Lincoln, who was the leader of the Republican Party during the war at the time the slaves were freed, would also exercise his influence if living to strike the shackles from the industrial slaves of to-day?

Mr. BERGER. He would, if he lived to-day. Lincoln would, in my opinion, be a Socialist, if he lived to-day.

Mr. BUCHANAN. Then, after all, it is not so much in the party as the men who control the party.

Mr. BERGER. No. Men are the second consideration, principles are paramount. Good men are necessary, of course, to carry out these principles. But good men are useless or dangerous in the wrong party.

#### IF YOU WANT TO RIDE HORSEBACK, YOU WILL NOT TAKE A DONKEY.

Mr. BUCHANAN. Is it not a fact in this country, where the workingmen have the ballot, their troubles are largely due to their own inactivity in politics, and if they would exercise their united influence in politics it would put them in the position of controlling any party for themselves?

Mr. BERGER. Mr. Speaker, the party must be worth controlling. It must stand for what a certain class or a certain group wants that party to stand, and must be made up accordingly.

Mr. BUCHANAN. And would not any party serve their purpose if the working people would control them?

Mr. BERGER. No! No! No! If you want to ride horseback, you will not take a donkey. [Laughter.] The two old parties represent certain groups and certain interests of the capitalist class. Both of these parties are made up accordingly. They can never represent the working class.

The Democratic Party and the Republican Party have certain principles, certain ideas for which they stand. Their aim, their platform is capitalistic. They could not abolish the present system of exploitation without abolishing themselves. You can not expect a tiger to eat grass nor a gray wolf to live on berries. [Laughter.]

#### HONEST CAPITALIST LEADERS ARE LOYAL TO CAPITALIST INTERESTS.

The more honest the leaders of the old parties are, the more they will try to abide by the principles of their platform; the more loyal will they be to the capitalistic interest, which they represent.

#### GOAL OF SOCIALIST PARTY.

Mr. CLINE. Mr. Speaker, I understood the gentleman to say in his address that the Socialist Party was in favor of common ownership of most of the agencies of production and distribution.

Mr. BERGER. For the collective ownership and the democratic management of the social means of production and distribution.

Mr. CLINE. I want to understand to what extent you carry that doctrine, and who and how are the beneficiaries to derive the profits of it.

Mr. BERGER. Well, the Socialist Party stands for the collective ownership of the social means of production and distribution.

Mr. CLINE. How are you going to evolve the system?

#### A NATURAL AND SCIENTIFIC ORGANIZATION OF SOCIETY.

Mr. BERGER. We believe that everything that is necessary for the life of the Nation, for the enjoyment of everybody within the Nation, the Nation is to own and manage. Therefore we shall take over the trusts, railroads, mines, telegraphs, and other monopolies of national scope. Everything that is necessary for the life and development of the State the State is to own and manage. There are certain business functions that the State will have to take care of, like interurban lines, for instance. Everything that is necessary for the life and development of a city the city is to own and manage, like, for instance, not only street cars and light and heating plants, but also abattoirs, public bake shops, the distribution of pure milk, and so forth. Everything that the individual can own and manage best the individual is to own and manage. That is simple enough.

In other words, the trust as a business has reached a stage where it is unsafe in private hands; it is a menace to the Nation as long as it is in private hands. It can only be managed by the Nation for the profit of everybody. The same holds good for certain private monopolies in cities, as far as the cities are concerned.

#### THE NATION COULD GET THESE PROPERTIES EASIER THAN THE TRUSTS GOT THEM.

Mr. CLINE. How are you going to change the present economic basis? Give us a concrete statement of that proposition.

Mr. BERGER. That is easy enough. We could surely get the trust properties in the same way as the trusts got them. The trusts paid for their properties almost entirely in watered stock, preferred and common. We can give the best security in existence to-day—United States bonds.

Mr. CLINE. Have the Government buy them?

Mr. BERGER. Have the Government buy the trust properties. Why not? But pay only for the actual value. That will be paid for out of the profits of these trusts in a very short time.

#### MR. BARTHOLDT MAKES A STATEMENT.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. BERGER. Yes, sir; for a question.

Mr. BARTHOLDT. I merely wish to make a correction here. It may not be important to the gentleman from Wisconsin, but it is of some importance to the people who are to judge between the two parties—the Democratic and the Republican Party. I wish to say that the original eight-hour law was placed upon the statute books by the Republican Party, signed by a Republican President; that since that time a bill which has recently been passed has been reported three times to this House by a Republican Committee on Labor and was passed twice by a Republican House and was hung up in the Senate. I merely state that as a correction.

Mr. BERGER. That is not a question, though.

Mr. DYER. It is information, though.

#### MR. ANDERSON ASKS ONE MORE QUESTION AND GETS AN UNEXPECTED ANSWER.

Mr. ANDERSON of Ohio. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Ohio [Mr. ANDERSON].

Mr. BERGER. I will.

Mr. ANDERSON of Ohio. For just a short question. I have always taken a great interest in matters of labor legislation—

Mr. MANN. We agree to that; do not tell us that.

Mr. ANDERSON of Ohio. Speaking of the eight-hour bill, the gentleman claimed that he voted for all labor measures. Now, the bill went to the Senate and was amended, and when it came back was the gentleman present and did he vote for that bill, or was not he in Indianapolis?

Mr. BERGER. Supposing I did go to the national convention of the Socialist Party. I was surely doing as good work in Indianapolis for the welfare of the country as I do here. It was fully as important that I should attend a convention of the Socialist Party as to vote for some of the demagogical and insincere bills put up here by the party of the gentleman from Ohio [Mr. ANDERSON], in order to catch the labor vote for capitalism and the Democratic Party. In fact, it was more important for me to be in Indianapolis.

#### MR. MANN'S FINE MEMORY.

Mr. ANDERSON of Ohio. That does not answer the question.

Mr. MANN. The gentleman from Wisconsin may not have been here, but the gentleman from Ohio certainly was not. [Applause and laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. BERGER. I thank you one and all, gentlemen. [Loud applause.]

## STATISTICS OF COTTON.

Mr. HOUSTON. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 19403) authorizing the Director of the Census to collect and publish the statistics of cotton.

The SPEAKER. The Clerk will report the conference report. The conference report is as follows:

## CONFERENCE REPORT (NO. 1019).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

W. C. HOUSTON,  
JNO. H. SMALL,  
E. D. CRUMPACKER,  
*Managers on the part of the House.*

ROBERT M. LA FOLLETTE,  
J. W. BAILEY,  
S. GUGGENHEIM,  
*Managers on the part of the Senate.*

The statement is as follows:

## STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to each of the said amendments in the accompanying conference report:

Amendments Nos. 1 and 2: The bill as passed by the House provides for the collection of certain cotton statistics monthly; the Senate amendments Nos. 1 and 2 provide for the collection of those statistics quarterly each year. Those were the only amendments made by the Senate, and the Senate recedes from them and leaves the bill as originally passed by the House.

W. C. HOUSTON,  
JNO. H. SMALL,  
E. D. CRUMPACKER,  
*Managers on the part of the House.*

Mr. HOUSTON. Mr. Speaker, I move that the House concur in the conference report.

The motion was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21477) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES, Mr. KENYON, and Mr. PAYNTER as the conferees on the part of the Senate.

## LEAVE TO PRINT.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to insert in the RECORD some brief extracts from a recent issue of the American Anti-Socialist giving the opinions of Thomas Jefferson on socialism and giving the opinion of the gentleman from Wisconsin [Mr. BERGER], as expressed at a recent convention of his party, as to what is likely to happen to small farmers under socialism. I also ask to print in the RECORD a recent article from the American Anti-Socialist, containing information of what to read and where to get it, on the subject of socialism. Both articles are very short.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to insert in the RECORD certain articles which he has named.

Mr. BERGER. What is the nature of these articles?

Mr. RAINEY. The nature of them is antisocialistic. It gives Thomas Jefferson's opinion about socialism; it gives the

extracts from the speech of the gentleman [Mr. BERGER] on the subject of socialism—

Mr. BERGER. Where?

Mr. RAINEY (continuing). Which recently was reported in the Chicago Daily Socialist, and which I think you made at the last convention of your party, and which would show what would be likely to happen to small farmers under socialism. And I am also asking to insert in the RECORD, in connection with your speech, a line of books to read on the subject of socialism, which recently appeared in the American Anti-Socialist, so that we can have both sides of it.

The SPEAKER. Is there objection?

Mr. AUSTIN. I object.

Mr. RAINEY. Does the gentleman from Tennessee [Mr. AUSTIN] believe in socialism?

Mr. Speaker, I ask unanimous consent to read these articles in the House.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent for sufficient time in which to read the articles which he desires to have inserted in the RECORD.

Mr. AUSTIN. I object.

Mr. RAINEY. Then I ask unanimous consent to extend my remarks in the RECORD on the subject.

Mr. AUSTIN. I object.

Mr. RAINEY. I have no objection to the objection of a man who is in favor of the Water-Power Trust.

## ORDER OF BUSINESS.

Mr. HENRY of Texas. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 637 (H. Rept. 1028).

*Resolved*, That the following bills shall be considered as privileged and having the same status for consideration as bills coming from committees having leave to report at any time, the consideration thereof, however, not to interfere with appropriation bills, tariff bills, or conference reports, to wit: H. R. 23673, a bill to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen; H. R. 16692, a bill to provide American registers for seagoing vessels wherever built and to be engaged only in trade with foreign countries and with the Philippine Islands and the islands of Guam and Tutuila, and for the importation into the United States free of duty of all materials for the construction and repair of vessels built in the United States, and for other purposes; H. R. 15357, a bill to regulate radio communication; H. R. 24025, a bill to amend sections 4400 and 4483 of the Revised Statutes, relating to inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers; H. R. 23676, a bill to regulate the officering and manning of vessels subject to the inspection laws of the United States; H. R. 22871, to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; H. R. 22593, a bill to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, by providing for physical valuation of property of carriers subject thereto and securing information concerning their stocks and bonds and boards of directors.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is entitled to 20 minutes and the gentleman from Pennsylvania [Mr. DALZELL] to 20 minutes.

Mr. MANN. Not yet.

Mr. HENRY. Not unless the previous question is ordered, Mr. Speaker, and I have not called for the previous question yet. I will yield to the gentleman from Illinois [Mr. MANN] first.

The SPEAKER. The gentleman from Texas is entitled to an hour.

Mr. MANN. Will the gentleman from Texas strenuously object to an amendment including the bill (H. R. 24119) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes? Among other things, it is a bill designed to prevent the introduction into the United States of the Mediterranean fly and the potato-blight disease that is very prevalent in some parts of the world.

Mr. HENRY. Reported by the Committee on Agriculture?

Mr. MANN. Yes; reported by the Committee on Agriculture, with a unanimous report.

Mr. HENRY of Texas. I shall not object to that.

Mr. MANN. Some gentlemen are very anxious to have it considered, if there is any chance.

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Mr. HENRY of Texas. Mr. Speaker, I shall make no objection. If the gentleman wants to make a request to include it, it will be all right.

Mr. MANN. Mr. Speaker, I ask to amend the resolution by adding to the description of the bills, at the end of the description, H. R. 24119, with its title.

The SPEAKER. Will the gentleman please send that bill up?

Mr. MANN. It is No. 223 on the Union Calendar.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add, at the end of the rule, "H. R. 24119, to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes."

Mr. HENRY of Texas. Mr. Speaker, I move the previous question on the resolution and amendment.

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves the previous question on the resolution and amendment thereto.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is it in order, Mr. Speaker, to ask the gentleman at this time whether he will agree to the offering of an amendment to include the immigration bill?

Mr. HENRY of Texas. Mr. Speaker, I ask for the previous question. We will have 20 minutes on a side for debate after the previous question is ordered. There has been no debate.

The SPEAKER. The gentleman from Texas moves the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Texas has 20 minutes and the gentleman from Wisconsin [Mr. LENROOT], in the absence of the gentleman from Pennsylvania [Mr. DALZELL], will have 20 minutes.

Mr. HENRY of Texas. Mr. Speaker, unless some one asks for an explanation, I think we might as well vote on the resolution.

Mr. RODDENBERY. Mr. Speaker, the gentleman seems to have ample time at his disposal for discussion of the rule. I should like to have 10 minutes of time, from either side. If the gentleman from Texas can not yield me 10 minutes, I should be glad to have 10 minutes from the gentleman from Wisconsin.

Mr. HENRY of Texas. The gentleman from Missouri [Mr. ALEXANDER] desires time to make a statement.

Mr. ALEXANDER. I have no objection to giving the gentleman from Georgia five minutes.

Mr. HENRY of Texas. I will yield five minutes to the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia is recognized for five minutes.

Mr. RODDENBERY. Mr. Speaker, the adoption of this rule is undoubtedly for the purpose of facilitating legislation; but I desire to call the attention of the House, and especially of the Democratic side, to the fact that included in this special rule are some measures of recent origin, the necessity for whose consideration is likewise of recent origin. Some of them have not been considered before any committee in their present form until recently.

We find in the Republican platform of 1896 language committing that party to the passage of a law to protect American labor against the pauper immigrants from Europe. In that platform this party declares that the reading and writing test is one of the ways of attaining the desired end. The Republican Party has passed through the Senate just such a bill, and it is now formally before this House.

In 1896 the Democratic platform said in words:

We hold that the most efficient way of protecting American labor is to prevent the importation of foreign pauper labor to compete with it in the home market.

There is a bill which has been reported from a Democratic committee of this House for more than two months carrying into execution that pledge of the Democratic platform of 1896. Sixteen years ago, when our party put that language in our platform, we were without power to perform. To-day, for the first time, the Democratic Party is in a majority in the House of Representatives, and a Democratic committee has reported to this House a bill carrying into effect our pledges to the people on this question. The Republicans, with much tardiness, have performed their part in the Senate. The best evidence of whether we will keep our pledges to the people on this question when we get the three branches of the Government is by our action now to show them that we perform our pledges when we have control of one branch of the Government. Do you propose

now to bring in these special rules, and yet leave out the fulfillment of this platform pledge as embodied in a bill reported by your committee and now pending in this House?

The American Federation of Labor, the Junior Order of United American Mechanics, the Farmers' Educational and Cooperative Union of America, the Order of Patriotic Sons of America, and dozens of other patriotic organizations in this country have burdened the records of our Congress with a hundred thousand petitions calling for this legislation.

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

Mr. RODDENBERY. If the gentleman's friends who are controlling the time will yield me five minutes, I will gladly do so.

Mr. BARTHOLDT. I have no control over the time.

Mr. RODDENBERY. I decline to yield. Does the Democratic Party think that because of alien pressure working on our Rules Committee and through other agencies it can defer this legislation now and still have the friends of this bill understand that we propose to enact it? I say to my Democratic friends, deal honestly and squarely. Do not dodge in the face of a presidential election. Do not try to please the foreign immigrationists by putting it off and then appease the friends of the bill by telling them "We will take it up later on." Rise, like the party of Jefferson should rise, to meet the issue. If we ever go to protect America against the influx of the foreign horde, go now, when we have the power and do it.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. RODDENBERY. I can not, although I would be glad to if I had the time. Let no gentleman think that we will permit this bill to die in committee and deceive either its friends or its foes. Let no special manipulation defer this vital and burning problem in utter defiance of the will of the people and of our platform pledges and not expect to be answerable for it. This is wise legislation. The masses of the people in this country demand it. Our social conditions demand it. Economical conditions demand it. Moral betterment demands it. The commission which has published 40 volumes has reported in full more than a year ago that they recommend this legislation. How much longer do you propose to defer it? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, it is not my purpose to detain the House by any discussion of the rule. If any Member of the House wishes to inquire with reference to any of the bills included in the rule, if it is a bill that comes from the Committee on the Merchant Marine and Fisheries, I should be glad to answer. Of the bills from this committee, the one known as the seamen's bill is the first.

Mr. MADDEN. Will the gentleman explain what that bill provides?

Mr. ALEXANDER. Generally it provides for better conditions at sea for American seamen; undertakes to abolish the law which punishes seamen for desertion. It provides that the crew space on vessels shall be increased from 72 cubic feet to 100 cubic feet—that is, for vessels hereafter constructed. It provides that hereafter a certain percentage of the crew of the vessel shall be able seamen, and the percentage shall be increased each year thereafter until 75 per cent of the deck crew shall be able seamen. It provides that treaties with foreign countries which provide that we shall enforce their law with regard to the arrest of deserting seamen shall be repealed.

Mr. MANN. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MANN. The bill which the gentleman refers to has 17 sections and covers 18 pages and is a House Calendar bill. What is the gentleman's purpose with reference to debate on the bill? Of course the gentleman can move the previous question on that bill if this rule is adopted.

Mr. ALEXANDER. I have had an interview with the gentleman from Massachusetts [Mr. GREENE] with reference to general debate. My intention is to ask unanimous consent to a certain limited time for general debate and then for consideration of the bill under the five-minute rule.

Mr. MANN. Does the gentleman expect to ask in the House for unanimous consent to consider the bill under the five-minute rule? The gentleman understands that under this rule there is no consideration of the bill under the five-minute rule.

Mr. ALEXANDER. I expect to ask for unanimous consent that general debate on the bill shall be limited to one hour or one hour and a half, one-half of the time to be controlled by myself and the other half by the gentleman from Massachusetts.

Mr. MANN. I think more time would likely be desired on this side.



Mr. ALEXANDER. And then for the bill to be considered under the five-minute rule until its consideration is concluded, and then the previous question to be considered as ordered on the bill and pending amendments.

Mr. MANN. Then the gentleman is willing to consider the bill for amendment?

Mr. ALEXANDER. Certainly.

Mr. MANN. Under the rule of the House it would not be so considered.

Mr. ALEXANDER. That is what I intend to ask when I ask to agree upon the time for general debate.

Mr. MANN. I have no doubt there will be an agreement to that.

Mr. ALEXANDER. We feel very grateful to the Committee on Rules and to the House for the privilege of calling these bills up.

Mr. MADDEN. Will the gentleman state whether this bill applies to lake ships as well as to ocean-going ships?

Mr. ALEXANDER. Yes; but it does not affect them much because the cargo vessels have very small crews. Mr. Speaker, I yield back the balance of my time.

Mr. HENRY of Texas. Mr. Speaker, I hope the gentleman from Wisconsin will now use some of his time.

Mr. LENROOT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have no disposition to criticize the Committee on Rules for reporting in this rule. We have reached that stage in the proceedings of the House where bills of high privilege have mainly been disposed of, and we have reached that stage in the proceedings of the House where ordinarily in the history of the House we have come to the point where bills on the calendar may be reached and considered. It has been the effort in the House ever since I have been here at different times to get some bill up, having the right of consideration, for the purpose of shutting out everything else. I have never been in favor of any of those propositions. In the past, whenever an effort has been made and I have had the opportunity, I have called the attention of the House to the fact that making a certain bill privileged meant that no other bills would be considered.

We have a rule of the House that applies and especially applies to this stage of the proceedings in the House. I refer to paragraph 4 of Rule XXIV, applying to every day:

After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration.

With another provision, paragraph 5 of the same rule:

After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill.

Under this rule it is within the power of the House on any day to reach for consideration any bill that it desires to.

Mr. HENRY of Texas. Mr. Speaker, as I understand the gentleman, he said that at this stage of the session the Speaker could order the committees called, that bills might be taken up. Is it not a fact that he could have the committees called at any time?

Mr. MANN. The gentleman does not quote me correctly. I did not say that at this stage in the proceedings the Speaker could call the committees. I said that that rule applied every day, but that at this stage of the proceedings the rule was especially in point and applicable.

Mr. HENRY of Texas. But it could be put into effect at any stage of the session.

Mr. MANN. No. Theoretically it could, but practically it could not, because under other rules privileged bills cut that out; and under the rule which the gentleman has now reported, if agreed to, the rule which I have read is not worth the paper that it is written upon, because the moment a gentleman makes a motion to take up one of these other bills it cuts out the right to call committees.

The SPEAKER. The Chair would like to ask the gentleman a question for his own information.

Mr. MANN. Certainly.

The SPEAKER. Does the gentleman contend that this subdivision 4 of Rule XXIV empowers the Speaker to shut out privileged bills?

Mr. MANN. Certainly not; but there are no privileged bills pending before the House seeking for recognition from the Speaker at this stage of the session, and we have reached that

point of the proceedings of the House where this rule would bring before the House the bills on the calendar as called up by committees, and after an hour pending the call of committees it is within the power of a Member of the House to move to go into the Committee of the Whole for any bill on the Union Calendar.

The SPEAKER. The Chair will take the privilege of suggesting to the gentleman that there are already two bills made privileged, barring conference reports, made so by special order of the House, and if this rule is adopted then it makes this other bunch of bills and resolutions privileged.

Mr. MANN. I am also calling that to the attention of the House.

The SPEAKER. But there are already two to my recollection.

Mr. MANN. Oh, there are several bills on the calendar that are privileged, but none of them now seeking recognition from the Speaker, and this morning if it were not for this rule being presented now the call of committees would now be proceeding under the demand for the regular order.

The SPEAKER. That is absolutely true.

Mr. MANN. This order when it is entered makes privileged a number of bills, bills that will occupy the rest of this session, in all probability, even if the session lasts, as it now looks probable, until the end of September. Meanwhile we have on the calendar a number of bills which gentlemen are very anxious to pass. There is a bill reported from the Committee on the Judiciary fixing the compensation of clerks of the United States courts, which ought to be taken up for consideration and passed in some shape. There is a bill to amend the immigration laws in relation to alien seamen and stowaways that ought to be taken up for consideration and passed. There is a bill to authorize the Secretary of the Navy to pay cash bonuses for valuable suggestions in the naval plants of the Government, which ought to be considered.

There is a bill granting to civil employees of the United States the right to receive compensation for injuries sustained in the course of their employment, of great value to the employees of the Government, and that bill ought to be considered.

The SPEAKER. The time of the gentleman has expired.

Mr. LENROOT. I yield the gentleman five minutes additional.

Mr. MANN. There is a bill to establish a qualified independent government for the Philippines and to fix the date when such qualified independence shall become absolute and complete, and for other purposes. For it I do not demand consideration, but if I were in favor of that bill, as gentlemen are supposed to be on the other side of the aisle, I would want to have a chance to call it up, but if this resolution passes that bill is buried a thousand feet deep. There are a large number of bills, I think over 100 bills on the Union Calendar, 70 to 80 bills on the House Calendar, which might be reached in the ordinary course of business with the right on the part of committees to call up bills reported from the committees on the House Calendar, and the right of the House to call up for consideration any bill on the Union Calendar, but the bills that are not included in this resolution might well be placed in a category where all hope is lost. There is a bill in reference to the immigration question—

Mr. RODDENBERRY. Will the gentleman yield?

Mr. MANN. In just a moment—and that accounts for this rule. I am perfectly willing to meet the immigration question. [Applause on the Republican side.] I do not believe myself in a literacy test, but I am perfectly willing to have it brought up in the House and to have it fought out on the floor of the House, but the gentleman from Georgia desires to have that done as he stated, if he has not meant to, that if this resolution passes, that bill is buried mountains deep, never to emerge again to the surface. Now I yield to the gentleman.

Mr. RODDENBERRY. If the southern and eastern members of the Democratic Party on this side who have told their constituents at home they were in favor of this immigration bill will stand up with me and the gentleman to get a yea-and-nay vote on the defeat of this resolution, I will make every effort I can to get them to vote it down, so we can get up the immigration bill; and I would urge my friend on the other side to get his people to have a yea-and-nay vote—

Mr. MANN. We will have a yea-and-nay vote; anybody can have a yea-and-nay vote.

Mr. RODDENBERRY. I fear my friend will have better success on his side than I will on mine, but the people will know in November.

Mr. MANN. I suggest to the gentleman from Georgia—

The SPEAKER. The time of the gentleman has again expired.

Mr. LENROOT. I yield two minutes additional to the gentleman.

Mr. MANN. I would suggest to the gentleman from Georgia, whom I have found is one of the gentlemen new in the House who makes some use of the rules and his rights under the rules, that there is no difficulty about getting a yea-and-nay vote—

Mr. RODDENBERY. My leaders are against it.

Mr. MANN (continuing). And it does not require the gentleman to stand up to get a yea-and-nay vote. All the gentleman from Georgia has to do is to suggest to the Speaker, after the question is put, that there is no quorum of the House present.

Mr. RODDENBERY. Then, Mr. Speaker, desiring to get a quorum here on this question, I move now—

Mr. MANN. I suggest to the gentleman he might not get a roll call. If the gentleman is sincere, he will not ask for a quorum at this point.

Mr. BUTLER. I suggest the gentleman from Georgia leave it to the gentleman from Illinois, and the chances are it will be well done.

The SPEAKER. The gentleman from Georgia has not the floor, and neither has the gentleman from Pennsylvania.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, this rule makes privileged the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

For 50 years, Mr. Speaker, the Federal Government has been committed emphatically to the policy of aiding, developing, and encouraging agriculture.

This is the fiftieth anniversary of the passage of the first Morrill Act in 1862, an act establishing the agricultural colleges of the United States. Twenty-five years after that time the Hatch Act was passed, which provided for the establishment of agricultural experiment stations in each of the States whose duty it should be to engage in research work relating to agriculture. Since that time there have been three, I believe, important supplementary acts increasing the appropriations for these two funds. We have spent in the last 50 years for the agricultural college and experiment stations in the neighborhood of \$67,000,000. We have expended this enormous sum of money in gathering together information touching agriculture. The purpose of the bill made privileged under this rule is to disseminate through the agricultural colleges to the people themselves on the farm the information that we have been gathering for the last half century. It is proposed in section 4 of the bill to appropriate to each State annually the sum of \$10,000, provided that the State through legislative action has established within its agricultural college a department to be devoted to extension and demonstration work and home economics.

Beginning with the fiscal year 1914 the additional sum of \$300,000 is appropriated annually and divided among the States in proportion to their rural population, conditioned upon each of the States appropriating a like amount, and the State receiving annually of this additional sum only so much as it is willing to duplicate, up to the point of its pro rata share of \$300,000. This additional appropriation of \$300,000 is increased each year \$300,000 for a period of 10 years, when the bill ripens, and the total appropriation, provided the States duplicate it at the end of that time, will amount to \$3,480,000 annually.

Mr. RODDENBERY rose.

Mr. LEVER. I yield to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. I am heartily in favor of the gentleman's bill, but providing in the same rule for the immigration bill would in no way hurt his bill, would it?

Mr. LEVER. I do not know that it would.

Mr. RODDENBERY. We want to vote against the resolution and send it back and get the immigration bill put in it according to Democratic promises to the country.

Mr. LEVER. I desire to say in respect to this bill, in which I am particularly interested, the Democratic platform recently adopted at Baltimore emphatically and in terms indorses the bill.

Mr. CLINE. I would like to make an inquiry of the gentleman from Georgia [Mr. RODDENBERY].

The SPEAKER. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. HENRY of Texas. Mr. Speaker, I will ask that the gentleman from Wisconsin [Mr. LENROOT] use more of his time. I have only two more speeches on my side.

Mr. LENROOT. I yield one minute to the gentleman from Oklahoma [Mr. MORGAN].

[Mr. MORGAN addressed the House. See Appendix.]

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

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] moves that the House do now adjourn.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. RODDENBERY. Division, Mr. Speaker.

The House divided; and there were—ayes 4, noes 51.

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

The SPEAKER. Evidently there is not a quorum present.

Mr. HENRY of Texas. I ask a call of the House.

Mr. RODDENBERY. I desire to get Members over here so that they can find out what is going on.

The SPEAKER. The gentleman from Texas [Mr. HENRY] moves a call of the House.

The motion was agreed to.

The SPEAKER. The yeas have it. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. When the names of the Members are called, they will answer "present."

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. I understood the Chair to announce that on this vote the Members will vote "present." Will not the vote be "yea" by those in favor of the motion to adjourn, and "nay" by those opposed?

Mr. MANN. Oh, that matter was disposed of before the gentleman raised this point.

The SPEAKER. Anyhow, it does not provide for the question of adjournment. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Draper	Kopp	Powers
Adamson	Driscoll, M. E.	Lafean	Pujo
Akin, N. Y.	Dwight	Lamb	Randall, Tex.
Ames	Ellerbe	Langham	Reyburn
Andrus	Fairchild	Langley	Riordan
Ansberry	Ferris	Lawrence	Roberts, Mass.
Anthony	Finley	Lee, Ga.	Roberts, Nev.
Bartlett	Flood, Va.	Legare	Rouse
Bates	Focht	Levy	Rucker, Colo.
Boehne	Fordney	Lewis	Rucker, Mo.
Bradley	Fornes	Lindsay	Scully
Brantley	Gardner, N. J.	Linthicum	Shackleford
Broussard	Garrett	Littleton	Sheppard
Brown	Glass	Lloyd	Sherley
Burke, Pa.	Goeke	Loud	Sherwood
Burleson	Gould	McCall	Simmons
Callaway	Graham	McCoy	Slayden
Campbell	Gregg, Tex.	McGuire, Okla.	Slomp
Cantrill	Griest	McHenry	Smith, J. M. C.
Carter	Guernsey	McKellar	Smith, Cal.
Cary	Hamilton, Mich.	McLaughlin	Smith, N. Y.
Collier	Hanna	McMorran	Stack
Cooper	Hartman	Macon	Stephens, Miss.
Covington	Hay	Maber	Taggart
Cox, Ohio	Hayes	Martin, S. Dak.	Talbot, Md.
Cravens	Helm	Moon, Pa.	Talcott, N. Y.
Curley	Henry, Conn.	Moon, Tenn.	Taylor, Ala.
Currier	Higgins	Moore, Tex.	Thistlewood
Curry	Hill	Morse	Thomas
Daizell	Hinds	Mott	Tilson
Daugherty	Howard	Murdock	Underwood
Davidson	Hughes, Ga.	Nelson	Vare
De Forest	Hughes, W. Va.	Nye	Vreeland
Denver	Humphreys, Miss.	Olmsted	Wilder
Dickinson	Jackson	Palmer	Wilson, Ill.
Dies	Johnson, S. C.	Parran	Wood, N. J.
Difenderfer	Kindred	Patten, N. Y.	Young, Tex.
Dodds	Kinkead, N. J.	Peters	
Doremus	Konig	Piumley	

The SPEAKER. The roll call shows 223 Members present, a quorum.

Mr. HENRY of Texas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. Further proceedings under the call are dispensed with.

Mr. HENRY of Texas. Mr. Speaker, I believe some other gentlemen desire to speak.

Mr. LENROOT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes remaining.

Mr. HENRY of Texas. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. HENRY of Texas. I will ask the gentleman from Wisconsin to use some of his time.

Mr. LENROOT. I yield four minutes to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Speaker, let no Member of the House misunderstand the significance of adopting this rule. A vote for this rule consigns to oblivion and to defeat for this

session the bill restricting immigration, notwithstanding the fact it has been reported by a Democratic committee, and now on the calendar for two months.

A vote against the adoption of this rule now is not a vote against these special orders, but is simply equivalent to an instruction to the Committee on Rules to report back this same rule with the anti-immigration bill made a special order therein. Let no gentleman think that he can say to those who have been advocating the passage of this immigration bill that he voted for the rule, but would have been glad to vote for a special rule containing the immigration bill, if he could, because Members know and the country will know that to vote down this rule does not defeat the special order at this time, but merely delays it so that consideration of the immigration bill can be placed in it. It will then be reported back to the House and we can not only vote on the questions now in the rule which we favor, but we can keep the plighted faith of the Democratic platform of 1896. Thus at the first opportunity we will carry out our word to the people. Since the day that Democratic platform was written we have not been in the majority until now. That party only is worthy of public trust when it keeps with honor its pledges to the people. I appeal to my colleagues to demonstrate our fidelity on this vote.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. RODDENBERRY. If the gentleman will yield me one minute of time, I will gladly yield.

Mr. HENRY of Texas. I have not the time, or I would.

Mr. RODDENBERRY. I yield to the gentleman anyway.

Mr. HENRY of Texas. The gentleman says that he is in favor of platform demands. What does he say to the platform demand of 1896 and several others in favor of liberal pensions to the soldiers of all the wars?

Mr. RODDENBERRY. I am in favor of them, and have voted for them since I have been in Congress, but never knowingly have I voted for a pension steal, and our platforms have never declared for that. And, Mr. Speaker, I want to counsel with my Democratic brethren as an humble Member of the House, and I want to say to you that so far as I am concerned I shall not be for this immigration bill at home and then dodge it or fail to perform the promises made to the people when I have a chance here in Congress to get the bill up for consideration. If you can do that, that is for the individual conscience of every Member. Let us join now the favorable action of the Senate and pass this bill. We need not pass bills in this House about the tariff and about the high cost of living, for the Republicans in the Senate will kill those bills or the President will veto them; but we have an opportunity now to pass something that the people want, that we know the Senate has passed, and which our platform demands. If we want to legislate for the constituencies who have sent us here, now is the opportunity to do it. This immigration question is vital to our civilization, and a refusal to go on record by defeating a yea-and-nay vote will not deceive the people.

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

Mr. HENRY of Texas. I yield one minute to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, the five bills proposed to be considered under this rule are all good bills. One of them, the bill providing for free ships, is a party declaration. The other four are measures providing for safety of travel at sea, and one of those four not only provides for safety of travel at sea, but provides for freedom to the sailor, which he has never had. He is the only class of our citizens who at the present time is obliged to fulfill a civil contract to labor.

That bill has been before Congress for at least 18 years in one form or another. In addition to that both party platforms recently adopted declare for the principles involved in that bill, and I hope gentlemen will not put any obstruction in the way of the consideration of the bill. [Applause.]

Mr. HENRY of Texas. I now yield three minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP was recognized.

Mr. DUPRE. Before the gentleman begins, will he yield for a question?

Mr. CULLOP. Yes.

Mr. DUPRE. I would like to know if, in the numerous bills covered by this rule, there is included the bill by the gentleman from South Carolina, Mr. LEVER, to prohibit gambling in grain?

Mr. CULLOP. No; I regret that it is not. Mr. Speaker, one of the bills provided for consideration under this rule is H. R. 22593, reported favorably by the Committee on Interstate and Foreign Commerce. The utility of this bill and its importance will readily be seen. It is an amendment to the interstate com-

merce law, authorizing the Interstate Commerce Commission to investigate and determine the physical valuation of the railroads of the country engaged in interstate commerce. It is one of the planks in the Baltimore platform, and is one of the propositions not only before the party but before this House, and is of more importance to the American people to-day for the adjustment of freight rates than any other proposition that will be before this Congress.

The Interstate Commerce Commission in their reports have requested this kind of legislation for some time back, and are advocating it now. I want to call the attention of Members of this House to the importance of immediate action on this measure. It has been by some one stated that for every dollar that goes into the Public Treasury under the administration of the present tariff laws \$5 is collected and appropriated to the special interests as a tribute from the American people. For every dollar that is unjustly wrung from the American people to-day by the tariff \$5 is wrung from the American people by the injustice employed in the fixing of railroad rates.

The basis now adopted is as follows: First, to pay the operating expenses; second, to pay the interest upon the bonds; and, third, to pay a reasonable dividend on the stock, both genuine and watered. It is the only business in this country to-day, as it is managed, that pays a dividend upon its bonded indebtedness and its stock, a proposition unreasonable and unjust and one that necessarily is indefensible as a business proposition. Now, the proposition is that the physical valuation shall be determined by the Interstate Commerce Commission for the purpose of adopting a basis and that the rates shall be regulated upon what is actually invested and not upon the watered stock and the bonded indebtedness. Double dividends are now paid as a result of the present methods employed. For every dollar of bonded indebtedness capital stock is issued and held by the owners of the railroad, and to earn sufficient to pay on the amount represented by both is a double charge, and is indefensible and it works a hardship on the people; and this legislation is for the purpose of furnishing a remedy for this evil and to do justice to the producers and consumers of our country. The public demands it, common justice requires it, and duty to our constituents requires of us a full, fair, and earnest consideration of the proposition that the enterprise, industry, and thrift of the country may be fairly rewarded and encouraged. This subject is so important that it affects every citizen of the Republic, whether he be producer or consumer, whether he be rich or poor, and it behooves us as the representatives of a great people to take immediate steps to remedy this great evil and secure relief from its blighting effects. Transportation rates affecting all kinds of business and all classes of persons can never be equitably and fairly regulated until such a measure as this is enacted into law, that the commission may proceed in this all-important matter intelligently, taking as its basis the actual value of the properties involved and not their imaginary values, as is now used for a basis for the fixing and collecting of transportation rates. It is perhaps one of the saddest commentaries on the abuse of the conduct of great business in this country that the public has tolerated for these many years to be wrung from the public the excessive and unjust charges of transportation companies. They perform an important function in our commerce. Their earnings have been multiplied by exacting charges to pay dividends on watered stocks, for which there has been no investment and for which there is no property representation and never has been any. This evil interferes with the expansion of every industrial and domestic concern in the whole country; it restrains production and limits consumption; it increases the cost of living and diminishes the amount of wage the toilers receive. They are earning for the holders of their stocks, representing no investment, no property, no upbuilding of the country's wealth, large dividends at the expense of the honest business, the real investor, the actual producer, and the ultimate consumer. He must pay the toll and be subjected to the injustice foisted upon him by the system to swell the coffers of the promoter, the stock gambler, and the exploiter of the public through the medium employed by the "high financier," who thrives in his illegitimate business at the expense of honest business employing legitimate business methods.

To collect tolls for transportation sufficient to pay interest on bonds and dividends on stocks constitute a double charge. Both the bonds and stock represent one and the same investment. Either the amount represented by the bonds went into the property or it was a net rake-off to the owners, and if the latter the public should not be charged to pay dividends on it, and if the former, then it is represented by the capital stock, and to earn sufficient to pay a reasonable dividend on the capital stock covers both, or, in other words, all of the actual invest-

ment. Again it is a familiar fact that railroads are rich when rates of transportation are to be fixed and miserably poor when to be assessed for taxation. If this bill becomes a law and the value of all railroad properties is officially ascertained, then such ascertainment can be used both for fixing rates and taxation for public purposes, and will prove in this respect of incalculable benefit to the public. If such valuation is fair to fix rates for transportation, the amount the public must pay for service, it is equally as fair for public taxation, and the rule should work both ways and be used to answer both purposes. The companies could not complain over the adoption of such a rule. They could not in good conscience refuse to pay taxes for public purposes on a valuation which they adopt to fix the rates they charge the public for service.

Again, the adoption of this measure will enable the public to know, through the efforts of the Interstate Commerce Commission in ascertaining the real values, who are the owners of railroad stocks, bonds, and securities; also the duplication of directors and the holding companies, the manipulation of stocks, and the efforts and opportunities to restrict and prevent competition of parallel lines, and the inducements for such action. It will enable the commission to secure justice to the shippers of the country and tend to promote a healthy and prosperous condition of the transportation companies, to the end they will do a legitimate business on a legitimate basis, and the general public will be the real beneficiary as the result thereof. It will facilitate the prosperity of the country and inspire confidence in the business world and strengthen business stability in our commercial affairs and establish a standard of justice between the shippers and carriers of the country which will redound to the great good of the entire country. Let us keep our pledge to the people and do our duty to the business world in order that faith may be maintained in our promises to legislate in the interest of the common welfare.

Mr. LENROOT. Mr. Speaker, it is not often that the facts and circumstances are such that I, as a member of the minority of the Committee on Rules, have felt in a position to defend in any degree the action of the majority of that committee. But in this particular instance the facts are such that I think fairness compels me to state that the criticisms that have been directed against the majority for the bringing in of this rule are not well founded; that the Committee on Rules in the action it has taken has not had any ulterior purpose or motive.

Now, Mr. Speaker, it is very apparent that in the remaining days of this session this House can not consider all the bills upon the calendar. A large number of resolutions providing for the consideration of certain bills were pending before the Committee on Rules. The majority of the committee brought before the committee certain of these resolutions and the committee has acted upon them, and you find their action in this resolution now before you. The committee, I believe, has taken such bills as it believed were of great importance to the country, bills that would not receive consideration if they were not made privileged. Now, it is true that there are other bills proposed of equal importance, and I would be glad as a member of the Committee on Rules to make those bills privileged. The immigration bill that the gentleman from Georgia [Mr. RODDENBERRY] has been discussing I, as a member of the Committee on Rules, should be glad to vote to make privileged. It is an important bill.

Mr. GARDNER of Massachusetts and Mr. BUTLER rose.

Mr. LENROOT (continuing). Whatever my position may be on that or any other bill, I believe a bill of great importance ought to come to the floor of the House and Members vote for or against it. Now I will yield to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Does the gentleman mean to say that all of these bills included in this rule are of more importance than the immigration bill?

Mr. LENROOT. I do not, but I do say that the bill with reference to the physical valuation of railroads is more important than the immigration bill.

Mr. KENDALL. Is it in the rule?

Mr. LENROOT. It is in the rule.

Mr. BUTLER. Will the gentleman tell me what prospect there is, if he knows, of getting any consideration of what is known as the Burnett immigration bill?

Mr. LENROOT. I do not know, but I do know this, that unless you do get that bill privileged there is no prospect, probably, of its consideration at all, and if the gentleman from Georgia [Mr. RODDENBERRY], instead of making the assaults that he has upon the floor here this afternoon upon the Committee on Rules, had directed one-half of that activity to the Committee on Rules in endeavoring to get favorable action upon a rule to consider that bill, he might have been more successful.

But so far as I know, the gentleman did not appear before the Committee on Rules at all with reference to that.

The SPEAKER. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on adopting the resolution.

Mr. RODDENBERRY. Mr. Speaker, may I submit a motion to recommit with instructions so as to include the immigration bill in the rule?

The SPEAKER. The gentleman can not move to recommit a resolution from the Committee on Rules.

Mr. RODDENBERRY. Mr. Speaker, for the first time since I have been a Member I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. It is based upon a remark made by the gentleman from Wisconsin [Mr. LENROOT].

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that the gentleman's remarks are out of order. After a motion to adjourn, nothing else is in order except the disposition of this rule.

Mr. RODDENBERRY. No other motion to adjourn can be made.

Mr. HENRY of Texas. There was a motion to adjourn, and nothing else is in order except a vote upon the resolution.

The SPEAKER. No other motion would be in order, but the Chair is inclined to think that a Member has a right to rise to a question of privilege, if he thinks he has been maltreated.

Mr. RODDENBERRY. Mr. Speaker, without imputing to the gentleman from Wisconsin any intention of reflecting upon me, as a matter of fact, his remarks that I have made no effort toward getting consideration by the Committee on Rules of the immigration bill reflects on my conduct. In a moment I desire to state, as a matter of privilege, that when I first came to Congress I introduced an immigration bill of this character, but more restrictive in many respects. After the present bill was reported favorably and on the 1st of June I introduced a resolution and had it referred to the Committee on Rules, asking that the immigration bill be made privileged and a special order for immediate consideration. On the 6th of June I addressed a letter to the gentleman, Mr. HENRY, the chairman of the committee, asking its consideration, which I now read.

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that the gentleman does not state any question of personal privilege.

The SPEAKER. The Chair thinks he did. The Chair was not listening very particularly to the remarks of the gentleman from Wisconsin, but the gentleman from Georgia states that the gentleman from Wisconsin said that he had not done anything to get a rule from the Committee on Rules with reference to the immigration bill.

Mr. LENROOT. Mr. Speaker, in order that the gentleman may understand what I said, I am very clear that my remark was that if he had devoted one-half of the activity before the Committee on Rules that he had upon this floor, he would probably have had some result.

The SPEAKER. The gentleman from Georgia has the floor.

Mr. GARDNER of Massachusetts. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that unless the gentleman from Georgia had called the gentleman from Wisconsin to order at the time the remark was made a question of personal privilege is only in order after the reading of the Journal to-morrow morning.

The SPEAKER. The Chair does not think that the point of order is well taken. The Chair thinks that a Member is entirely within his rights when he is jealous of his reputation. The Chair is not passing upon whether the gentleman's reputation has been damaged, but the gentleman from Georgia thinks it has, and he is stating his case, and the Chair holds that he has a right to state his case.

Mr. RODDENBERRY. Mr. Speaker, I desire now to read the letter which I addressed to the Hon. ROBERT L. HENRY, on June 6, 1912:

HOUSE OF REPRESENTATIVES,  
Washington, D. C., June 6, 1912.

HON. ROBERT L. HENRY, M. C.,  
House of Representatives, Washington, D. C.

DEAR MR. HENRY: On Saturday, June 1, I presented a resolution providing for a special rule directing the consideration by the House, as a special order, of a bill reported from the Committee on Immigration, further restricting alien immigration. The resolution having been referred to the Committee on Rules I should be pleased to have a favorable report of the resolution from your committee as early as possible. If it is the judgment of the committee that a hearing should be had on the rule, I should be pleased to be advised, as I would like to be present when the hearing is had and serve the committee in any way that I may in obtaining a favorable report.

Very truly yours,

S. A. RODDENBERRY.

And to this hour I have not been accorded a respectful acknowledgment of the communication by the distinguished chairman, much less a hearing. No gentleman can now question my activity or diligence.

Two years ago I addressed a similar request to the gentleman from New York [Mr. PAYNE], then chairman of the Committee on Ways and Means, respecting consideration of a tariff bill, and I did get from him a respectful reply. I challenge the gentleman from Texas to say that he has not consulted with the gentleman from Illinois [Mr. SABATH] and other eminent opponents of restricting immigration who want to stifle this bill, and that he has not already agreed tentatively that his committee will not report it until December. Mr. Speaker, I have concluded.

Mr. HARDY. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HARDY. The gentleman is not addressing himself to the point of order.

The SPEAKER. The Chair thinks the point of order is well taken.

Mr. RODDENBERY. Mr. Speaker, I have concluded.

Mr. HENRY of Texas. Mr. Speaker, I ask for one moment, inasmuch as the gentleman has asked for a reply, in order that I may make it.

Mr. BUTLER. Mr. Speaker, I demand the regular order.

The SPEAKER. Has the gentleman any question of privilege?

Mr. HENRY of Texas. Yes.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. The privileged question is this, that the chairman of the Committee on Rules has no recollection of ever having received a letter from the gentleman from Georgia, and if he will send a copy of the letter or another original he shall have a very prompt reply.

Mr. RODDENBERY. Oh, I am opposed to a funeral any time after a month after the death.

Mr. HENRY of Texas. I will be glad to reply to the gentleman at any time.

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

Mr. MANN. Mr. Speaker, that was agreed to.

The SPEAKER. The Chair thinks it has not been agreed to; it may have been agreed to by the gentleman from Texas.

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

Mr. ALEXANDER. Mr. Speaker, the rule and the report relating to the radio-communication bill refers to the number of the House bill. At the time I introduced the resolution which is embodied in the rule the House bill was pending, and afterwards the House bill was laid on the table, and the Senate bill is now pending on the Unanimous Consent Calendar.

Mr. MANN. Is that the radio bill?

Mr. ALEXANDER. That is the radio bill, and I ask unanimous consent that Senate bill 6412 be substituted for the House bill.

The SPEAKER. The gentleman asks unanimous consent to correct the number of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the corrected number.

The Clerk read as follows:

Change the bill H. R. 15357, a bill to regulate radio communication, to the bill S. 6412, a bill of the same import.

The SPEAKER. The question is on agreeing to the amended resolution.

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

Mr. RODDENBERY. Division, Mr. Speaker.

Mr. GARDNER of Massachusetts. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The Chair will count. [After counting.] Two hundred and two gentlemen are present, a quorum.

Mr. RODDENBERY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Eleven gentlemen have arisen—not a sufficient number.

So the resolution as amended was agreed to.

Mr. RODDENBERY. Mr. Speaker, is it too late to ask for a reading of the engrossed copy of the resolution?

The SPEAKER. Yes; it has already passed.

Mr. MANN. It is a House resolution and does not have to be engrossed.

The SPEAKER. It does not require an engrossed copy, and anyhow, if it had to be engrossed, it is too late, because the vote has been announced.

## LAW'S RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I call up the bill H. R. 23673 for present consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. Mr. Speaker, reserving the right to object, let us see whether we can not reach an agreement.

Mr. ALEXANDER. And pending that request I also ask unanimous consent that the bill be considered in the House as in Committee of the Whole, and that two hours be given to general debate on the bill, and that following that the House proceed to the consideration of the bill under the five-minute rule.

The SPEAKER. This bill is on the House Calendar. The request of the gentleman is that this bill be considered under general debate for two hours and then it shall be considered under the five-minute rule. Is that the request of the gentleman?

Mr. ALEXANDER. Yes.

Mr. GREENE of Massachusetts. Mr. Speaker, reserving the right to object, I will state that I do not think that two hours' time will be sufficient. I have requests from gentlemen who desire to speak upon the subject that will take more than half of that time. I think there should be at least two hours' debate on the subject on a side.

Mr. ALEXANDER. I think general debate ought to be concluded this afternoon. I will agree to an hour and a half on a side, which will take us up to 6 o'clock, one half of that time, of course, to be controlled by the gentleman from Massachusetts and the other half by myself.

Mr. HUMPHREY of Washington. The gentleman knows that this is a bill of great length, which practically revises the navigation laws of the United States in a great many respects, and the gentleman further knows that this particular bill as it is now written was considered in our committee but a very short time, and I think we ought to have a reasonable length of time for debating this bill, and it will take two hours on a side to go through and take up the various portions of this bill and discuss them so that the House may have some knowledge of it.

Mr. ALEXANDER. My experience is the House does not get much information with reference to a bill under general debate, and I desire that it may be considered fully under the five-minute rule.

Mr. MANN. Will the gentleman yield? Following what the gentleman has just stated, if general debate on this bill is closed by unanimous consent and the gentleman's request is agreed to to consider the bill under the five-minute rule, is it the expectation of the gentleman that he will be fairly liberal in debate under the five-minute rule?

Mr. ALEXANDER. I think so. There is no disposition to cut it off.

Mr. MANN. It is far more important in the consideration of a bill.

Mr. ALEXANDER. That is my notion, unless I see evidence of a disposition to kill time and filibuster.

Mr. MANN. I can assure the gentleman that I think there will be no such disposition.

Mr. ALEXANDER. I have no wish to speak under the general debate myself at all.

Mr. HUMPHREY of Washington. I think it is especially desirable that we should have plenty of time under the five-minute rule. I agree with the gentleman from Illinois [Mr. MANN] on that point.

Mr. ALEXANDER. That is one reason I do not want to consume so much time under the general debate.

Mr. HUMPHREY of Washington. I would like the assurance from the gentleman that we will have plenty of time to take up and consider amendments.

Mr. MANN. We have that assurance from the gentleman now.

Mr. ALEXANDER. I do not wish to use this bill as a buffer to keep other bills from being considered under the rule.

Mr. MANN. There is no disposition to do that. Why not have three hours of general debate?

Mr. ALEXANDER. I will do that, although I would rather have two.

Mr. MANN. General debate can close to-day.

Mr. GREENE of Massachusetts. I will accept that proposition.

Mr. MANN. Why not agree that general debate will close to-day?

Mr. ALEXANDER. In three hours.

Mr. LEVER. Make it 6 o'clock.

Mr. MANN. The gentleman has it within his power to move to adjourn at any time.

Mr. ALEXANDER. But I do not want to violate the spirit of the agreement.

Mr. GREENE of Massachusetts. If I find there is not enough call for time, I will gladly yield.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that there be three hours' general debate, and at the conclusion of the general debate the bill be considered under the five-minute rule.

Mr. MANN. In the House as in the Committee of the Whole.

Mr. ALEXANDER. In the House as in the Committee of the Whole.

Mr. MANN. Under the five-minute rule in the House as in the Committee of the Whole.

Mr. ALEXANDER. That it be considered under the five-minute rule is a part of the request.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that general debate on this bill shall proceed for three hours, one half to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. GREENE] and that after that the bill shall be considered under the five-minute rule.

Mr. CANNON. Will the gentleman allow me? When does he expect to vote upon the bill?

Mr. MANN. It will probably get up on Monday.

Mr. CANNON. I presume after to-day it will go over until the first of the week. Do you propose to read it under the five-minute rule to-day?

Mr. ALEXANDER. Not to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Missouri [Mr. ALEXANDER] is recognized.

Mr. ALEXANDER. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. HARDY], who is chairman of the subcommittee.

The SPEAKER. The gentleman from Texas [Mr. HARDY] is recognized for 20 minutes.

[Mr. HARDY addressed the House. See Appendix.]

#### REPRINT OF INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to request unanimous consent to have a reprint made of the bill H. R. 20728, the Indian appropriation bill, together with the Senate amendments thereto.

The SPEAKER pro tempore (Mr. CONNELL). The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to have a reprint made of the Indian appropriation bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, it is not my intention to discuss this bill at this time, if at all, under the general debate, and I am going to ask the gentleman from Massachusetts [Mr. GREENE] to use some of his time. Before doing so, however, I desire to call attention to one paragraph in the views of the minority. I quote from the views of the minority:

This bill is one of great importance, being practically a revision or a repeal of a large portion of the most important of our navigation laws. It is to be regretted that the majority of the subcommittee having the bill in charge has attempted to play politics in its consideration.

I wish to say that if there has ever been any political complexion to the consideration of this bill it has entirely escaped my notice. There is a difference of opinion between the members of the committee as to the wisdom of some of the sections of this bill, but if they are inspired by party considerations I have no knowledge of that fact. And again:

The bill in its present form has never been considered by the full committee and no opportunity given to do so except in the most perfunctory way.

I think that also is an injustice to the committee. Ample opportunity was given for the consideration of this bill after it was reported back by the subcommittee, and no effort was made to

shut off consideration by the committee; and if the bill was not considered more fully than the gentlemen who make this statement think it should have been considered, it was their fault, and not the fault of the committee. I have been present at every meeting of that committee, but these gentlemen can not say as much. Again, the minority say:

The bill was referred to the subcommittee, who practically rewrote the bill. This committee held many meetings to consider it, but while outside interested parties were invited to these meetings and participated in framing the bill, the minority members of the committee were not permitted to be present.

The gentlemen are in error in that statement. There never was a time when this bill was considered by the subcommittee that any other persons were present than the members of the subcommittee, except one occasion. The shipping interests and the representatives of the seamen thought if they could get together before the subcommittee they might agree; and, adopting their suggestion, one night the gentleman from Texas [Mr. HARDY], chairman of the subcommittee, notified the representatives of the shipping interests, Mr. Livingston, the president of the Lake Carriers' Association, and others, and the representative of the seamen, Mr. Furuseth, along with other gentlemen, that they might be present. They appeared and discussed the bill back and forth until midnight. I think the gentleman from Washington [Mr. HUMPHREY] was present at that meeting. Nothing came of that meeting. They did not agree on the provisions of the bill. That is the only occasion on which any representative of the shipping interests or seamen was present when the subcommittee considered this bill.

I simply make this explanation that this statement may not prejudice the House in the consideration of the bill. Whether the gentlemen were invited to be present at these subcommittee meetings or not, I leave to the gentleman from Texas [Mr. HARDY] to say. I was made a member of the subcommittee by the action of the committee and attended as many meetings as I had notice of.

Mr. LEVY. Mr. Speaker, I would like to ask the gentleman if he understands that this bill will relieve the shipping interests of the country of the present onerous navigation laws?

Mr. ALEXANDER. In what respect?

Mr. LEVY. By relieving us of the onerous laws that we now have. Will it not make it worse? Will it not drive our vessels from the sea?

Mr. ALEXANDER. I think it is a grave error to pass the bill if that is so.

Mr. LEVY. This is the first opportunity I have had to examine this bill.

Mr. ALEXANDER. I think if the gentleman studies the bill he could answer that himself.

Mr. LEVY. That is the reason I am interrogating the gentleman.

Mr. ALEXANDER. I do not think it would.

Mr. LEVY. Does the gentleman think it will be a relief?

Mr. ALEXANDER. I think it will. That is, if the seamen are entitled to any consideration at the hands of Congress. I do not look at this question wholly from the standpoint of the shipowner.

Mr. LEVY. Our navigation laws are now very severe.

Mr. ALEXANDER. Yes; and I would not add any unnecessary burden to the shipping interests of the country.

Mr. LEVY. I thought the gentleman's committee was trying to relieve us of some of the onerous laws.

Mr. WILSON of Pennsylvania. From a competitive standpoint it does relieve the shipping interests.

Mr. GREENE of Massachusetts. Mr. Speaker, I listened to the remarks of the gentleman from Missouri, the chairman of the committee [Mr. ALEXANDER], who preceded me, and I am somewhat surprised at the statements that he made here, for the reason that I was not called in as a member of the minority of the committee to the subcommittee meetings to consider this bill. If I recollect correctly, upon my motion in the committee, the chairman of the committee was added to the subcommittee, and a few days afterwards I met the chairman in the hallway of the Office Building, and he said to me that he did not think that the minority members of the committee, naming the gentleman from Washington [Mr. HUMPHREY] and myself, were using him right; that there were some features of the bill that he did not approve of; but we were not present at the meetings of the subcommittee to aid him in securing these amendments to the bill. I stated then, and I state it now, that I was not notified of the meetings of the subcommittee on this bill, and was not present at those meetings, because I received no notice of the meetings of the subcommittee to consider the bill.

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

Mr. GREENE of Massachusetts. Certainly.

Mr. HARDY. I think I can make a statement respecting its matter with which the gentleman will not differ from me. It is true that myself and other members of the subcommittee met and talked this measure over personally for hours several times, but we never undertook to report this measure until I had notified the minority members of the subcommittee and asked them to meet with the full subcommittee and discuss the bill fully.

I admit I do not think they came, but there was no report until after the gentleman himself and the other Members of the minority had been notified of the meeting of the subcommittee. It is just as if in caucus or in the cloak room I might have had private conversations as I do with the other Members of the majority, but that bill was not reported back to the whole committee until after the gentleman himself had been notified of the meeting of that subcommittee to discuss and offer amendments, and I think some of them did come.

Mr. GREENE of Massachusetts. There were several bills before the subcommittee which were considered, bills of various kinds, but this bill brought up here to-day I never was invited to consider, nor was my colleague, Mr. HUMPHREY of Washington, as I have been informed by him.

Mr. HARDY. I will say to the gentleman he is absolutely mistaken in—

Mr. GREENE of Massachusetts. I decline to yield until I get through with my statement.

Mr. MADDEN. I suggest to the gentleman it is raining outside and you can not dry this linen, even if you wash it.

Mr. GREENE of Massachusetts. I know that, but there is the question of fair dealing, and the statement in this minority report is correct that we received no notice whatsoever from the subcommittee that this bill was to be considered, and to confirm my statement I state what the chairman of the committee told me himself, that Mr. HUMPHREY, my colleague, and myself were not attending the subcommittee meetings, and we ought to be there in order—if we wanted amendments to this bill we ought to be there to sustain him in securing some amendments to the bill.

Mr. ALEXANDER. Will the gentleman yield?

Mr. GREENE of Massachusetts. I do.

Mr. ALEXANDER. I would simply say this. There had been several meetings of the subcommittee before I met the gentleman in the corridor and chided him for not being present.

Mr. GREENE of Massachusetts. And did not I reply to the gentleman that I had not been invited?

Mr. ALEXANDER. He said to me that he had not been invited and to get after Mr. HARDY about it.

Mr. GREENE of Massachusetts. And I was not invited.

Mr. HARDY. I will state if the gentleman never received the invitation before we reported that bill there is something deficient in the mail, and if he will go back and look over his mail I think he will find the notice.

Mr. GREENE of Massachusetts. I attend all meetings of the committee, and I think the gentleman will bear out my statement, when I am in the city. I attended all the meetings of a subcommittee when I have been invited, but on this bill I was not invited, nor was my colleague, Mr. HUMPHREY, invited in for the consideration of the bill—

Mr. HARDY. Let me say this matter was thrashed over in the committee. I do not think there was any question there but what he and Mr. HUMPHREY had been invited to the last meeting of the subcommittee. Was there any question as to your being invited as to the last meeting of the committee—

Mr. HUMPHREY of Washington. I do not think this is a matter of testimony or that it is material to testify.

Mr. HARDY. I do not think it is material, but as we have gone into it—

Mr. HUMPHREY of Washington. If the gentleman will permit me for a moment, I do not think it is material to the issue of this bill as to what the majority did in relation to it any further than the fact that the minority Members did not have an opportunity to consider this bill that they should have had in the way of making amendments. I want to take occasion to exonerate the chairman of this committee. I am perfectly satisfied that the chairman of this committee did not know that the subcommittee had been meeting without inviting the other members of the committee, and he was a member of it himself. This condition did happen, that the subcommittee had meetings and they did practically agree upon the bill, and what I objected to was their bringing in the bill to which there was given very little consideration at the time.

Mr. HARDY. Did the gentleman receive notice to attend the meeting of the subcommittee at which the bill was finally agreed on and reported.

Mr. HUMPHREY of Washington. My recollection is I did receive one notice to attend a meeting.

Mr. HARDY. That is all I claim.

Mr. HUMPHREY of Washington. This fact is true, that bill was reported before we had an opportunity to read it, except in the committee, and at the time that bill was reported there was no man except those on the subcommittee who knew what it contained.

Mr. HARDY. The gentleman has stated all I claimed, that before we reported that bill he received notice to attend the meeting.

Mr. GREENE of Massachusetts. Mr. Speaker, I would not have made as much of a statement as I have done if the chairman himself had not stated that we had taken the wrong position in making the statement in the minority report, but I believe the statement in the minority report is fully justified, and while I have expressed a great many times absolute confidence in the chairman of the committee, still the fact remains that the chairman of the subcommittee in some manner or for some reason, why I do not know, ignored entirely the minority in the consideration of this bill.

Mr. HARDY. Yet I object to the statement that the chairman of the subcommittee ignored the minority.

Mr. GREENE of Massachusetts. You did not ignore us on the bill of minor importance that you had under consideration.

The bill itself is a bill that changes the whole policy of the Government in relation to the manning of vessels. There are some very good features in it. As to the changes that are made that affect the foreign shipping, it is a matter of grave doubt as to whether it would be wise for us to make such a radical interference with foreign shipping. That, I suppose, will be determined after the bill is put into effect. We are experiencing in another body a little difference of opinion in regard to our views as to the use of the Panama Canal. Certainly if foreign Governments object to the use of a canal which we built with our own money, which we intend to use for the development of our merchant marine—if after we have built a canal and wish to use it ourselves, and prescribe the uses of it for our own vessels, objection is made by foreign Governments, certainly objection will be made by foreign Governments to our endeavoring to control the management and the policy of manning foreign vessels and in the management and control of their seamen employed on the vessels which they build and own. It may be wise. I trust it is wise. The probability is that this bill will at least pass this House, but it possibly may not be enacted into law. But I have grave doubts as to whether this will be of advantage to the American seaman. I will admit it may be an advantage to the foreign seaman, because no foreign seaman is to-day on anywhere as near as good footing as the American seaman is, and many of the features in this bill are distinctively in the interest of seamen of other nations.

There is one statement that I would make in regard to the cost of building American ships in American shipyards as against the building of foreign ships in foreign shipyards. For years we have had on the statute books, and it was in the Dingley law and also in the Payne-Aldrich Act, a provision that all materials going into the construction of a ship built for the foreign trade should be admitted free of duty. But the question of wages paid in the foreign shipyards and the wages paid in the American shipyards can not be met by any such proposition as that.

I have not before me the scale of wages paid in American shipyards in comparison with wages paid in foreign shipyards, but it is a well-known fact to one who will read history that the wages in the American shipyard are more than double what they are in the foreign shipyards, and to that element of wages largely the greater cost of construction is due. And however much we may attempt to escape that feature of the cost of the vessel, still it is that feature that has driven from our shipyards the building of vessels for the foreign trade and in addition the wages paid on the foreign vessel compared with those paid on the American vessel have operated against the American-built vessels, and make the features I have referred to the vast difference to the cost of the vessel itself and the cost of its maintenance.

All these propositions that may be submitted here will not tend to decrease the cost of maintaining an American vessel, but will rather add to the cost by increasing the expense of nearly every vessel in the trade. If any advantage comes to the American sailor there will no man be more gratified than myself. But to attempt to care for the foreign sailor to the detriment of the American sailor, I think is a proposition to which the American Congress should not give its assent. This bill provides for the taking care of foreign sailors and prescribing by American law what the foreign sailors shall do. If it should come to a point of affecting his wages and increasing his pay so as to make a direct advantage to the American

sailor, to that part I would certainly agree. But by inserting these features to the disadvantage of the American sailor by bringing the greater competition from the foreign sailor in the American trade, I believe is in that respect a distinct disadvantage.

Mr. HARRIS. Will the gentleman from Massachusetts [Mr. GREENE] yield? I wish to ask a question of the gentleman from Pennsylvania [Mr. WILSON].

Mr. GREENE of Massachusetts. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. HARRIS], who wishes to ask the gentleman from Pennsylvania [Mr. WILSON] a question; then I will yield 30 minutes to my colleague from Washington [Mr. HUMPHREY].

Mr. HARRIS. Mr. Speaker, I would like to ask the chairman about section 13 of this bill, and how far the language of that bill is intended to go?

Mr. WILSON of Pennsylvania. What section?

Mr. HARRIS. Section 13, to the effect that every vessel sailing out of a port of the United States shall carry one or two or more American boys as apprentices. Now, that language is pretty general. If it is as broad as your other thought, which means any ship of any nation, I want to know whether you mean to expatriate the American boys and drive them into the foreign trade? How far is that language intended to go?

Mr. WILSON of Pennsylvania. It is intended to apply to every sailing or steam vessel of the United States, and I may say it is the intention of the committee to offer an amendment to that section, which was omitted in making the report on the bill, the amendment being as follows:

Amend, line 15, on page 16, by inserting between the word "sailing" and the word "or" in said line the words "vessels engaged in the foreign or off-shore trade," so that it will read:  
"That every sailing vessel engaged in the foreign or off-shore trade or steam vessel of the United States."

It is meant to apply solely to vessels of the United States.

Mr. HARRIS. Why not limit it to the United States, so that there will be no misunderstanding about it? You now say "any ship."

Mr. WILSON of Pennsylvania. That is the purpose of it.

Mr. LONGWORTH. Mr. Speaker, before the gentleman from Washington [Mr. HUMPHREY] proceeds I would like to ask the gentleman from Massachusetts [Mr. GREENE] whether I understood him correctly to say that the passage of this bill would increase the cost of maintaining American ships?

Mr. GREENE of Massachusetts. Yes.

Mr. LONGWORTH. To what extent?

Mr. HUMPHREY of Washington. I can answer that question for the gentleman.

Mr. GREENE of Massachusetts. I yield, Mr. Speaker, to the gentleman from Washington [Mr. HUMPHREY] 30 minutes.

Mr. MADDEN. Mr. Speaker, I suggest the absence of a quorum. I think on an important measure like this we ought to have the Members of the House present, so that everybody will understand what we are discussing. I make the point of no quorum.

Mr. RICHARDSON. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. RICHARDSON] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. RICHARDSON. A division, Mr. Speaker.

The House divided; and there were—ayes 1, yeas 17.

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

Mr. CARLIN. Mr. Speaker, I make the point of order that the motion is dilatory.

The SPEAKER pro tempore. Business having intervened, the point is overruled.

Mr. RODDENBERRY. Mr. Speaker, I move a call of the House.

Mr. MADDEN. Mr. Speaker, it is evident that there is no quorum present, and there is nothing to do but have a call of the House. I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Austin	Brown	Cantrill
Adamson	Barchfeld	Browning	Carter
Akin, N. Y.	Bartlett	Burgess	Cary
Ames	Bates	Burke, Pa.	Catlin
Anderson, Ohio	Berger	Burleson	Clark, Fla.
Andrus	Boehne	Calder	Collier
Ansberry	Bradley	Callaway	Conry
Anthony	Broussard	Campbell	Copley

Covington	Hamilton, Mich.	McCall	Rucker, Mo.
Cox, Ind.	Hamilton, W. Va.	McCoy	Saunders
Cox, Ohio	Fianna	McDermott	Scully
Currier	Hardwick	McGuire, Okla.	Sells
Curry	Hartman	McHenry	Shackleford
Dalzell	Haugen	McKellar	Sheppard
Daugherty	Hawley	McKenzie	Sherley
Davenport	Hayes	Macon	Sherwood
Davidson	Heald	Maher	Simmons
De Forest	Helgesen	Martin, S. Dak.	Slayden
Denver	Helm	Matthews	Slomp
Dickinson	Henry, Conn.	Miller	Smith, J. M. C.
Dies	Higgins	Moon, Pa.	Smith, Cal.
Difenderfer	Hill	Moon, Tenn.	Smith, N. Y.
Dodds	Hinds	Moore, Tex.	Sparkman
Doremus	Howell	Morgan	Stack
Draper	Hughes, Ga.	Morse	Stephens, Tex.
Driscoll, M. E.	Hughes, W. Va.	Mott	Stevens, Minn.
Dwight	Humphreys, Miss.	Murdock	Sulloway
Ellerbe	Jackson	Needham	Sulzer
Estopinal	Johnson, Ky.	Nelson	Sweet
Evans	Kindred	Olmsted	Taggart
Fairchild	Kinhead, N. J.	Palmer	Talbot, Md.
Ferris	Knowland	Parran	Talcott, N. Y.
Finley	Konig	Patten, N. Y.	Taylor, Colo.
Flood, Va.	Kopp	Peters	Thayer
Focht	Lafane	Plumley	Thomas
Fordney	Langham	Post	Tilson
Fornes	Langley	Powers	Underwood
Gardner, N. J.	Lee, Ga.	Pray	Vare
Garrett	Legare	Prince	Vreeland
George	Lenroot	Pujo	Whitacre
Glass	Lewis	Randell, Tex.	Wilder
Goke	Lindsay	Redfield	Wilson, Ill.
Goldfogle	Linthicum	Reyburn	Wilson, N. Y.
Gould	Littleton	Riordan	Wood, N. J.
Graham	Lloyd	Roberts, Nev.	Young, Mich.
Gregg, Tex.	Lobeck	Rouse	Young, Tex.
Guernsey	Loud	Rucker, Colo.	

The SPEAKER pro tempore (Mr. CONNELL). The call shows 202 Members present, a quorum.

Mr. RODDENBERRY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. Further proceedings under the call are dispensed with. The Doorkeeper will open the doors.

Mr. GREENE of Massachusetts. I yield 30 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I trust that I may have quiet in the room, because it is too warm to speak against much confusion.

The bill under consideration is entitled "A bill to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen."

I may say to the Members present that during my almost 10 years of service upon the Committee on the Merchant Marine and Fisheries I believe this is the most important bill that has been reported by that committee. I think it means more to the American merchant marine; but, first, I want to point out to the Members of the House that it does not affect American sailors. This bill is intended solely for the benefit of foreign sailors. So do not let any man in this House waste any sympathy upon the American sailor with the idea that he is going to be relieved by this bill, because it does not affect the American sailor so far as the abolition of imprisonment is concerned.

In the first place, this Government some years ago abolished imprisonment in the coastwise trade. It is true, much to my regret, that the statute is still upon our books providing for the imprisonment of seamen in the foreign trade if an American sailor deserts in a foreign port. But I want to take occasion to say to the House that there has not been an American sailor imprisoned in the last 5 years, and I doubt if there has been a chain upon an American sailor in the last 10 years. So that all this talk about freeing the American sailor is for the purpose of arousing your sympathy, in order that you may vote for other portions of the bill.

To demonstrate the correctness of what I say, in the hearings, on page 31, I asked Mr. Walter McArthur, of San Francisco, editor of the Coast Seaman's Journal, the following question:

How many American citizens are there employed in the foreign trade?

He replied:

In the foreign-going trade of the United States? Not more than 5 per cent.

The foreign trade of this country that is carried in American bottoms amounts to only 7 per cent, and of that 7 per cent that is carried in American bottoms less than 5 per cent of the sailors are American sailors, and of what few are left practically all of them are in the ships that run under the subsidy



act of 1891. So that this bill will not free any American sailor, because there are no American sailors to be freed by it, and because of the further fact that the statute now upon our books in relation to imprisonment in the foreign trade has been practically a dead letter for many years. I will say for the minority of the committee that they could at any time have had reported out of that committee by unanimous report any bill confining its provisions to American sailors and American ships; but the purpose of this bill, as I said before, is to assist the foreign sailor. In other words, you may look at this bill and read it through and study it and you will find that the whole purpose and intent of it is to hold out inducements to the foreign sailor who comes into an American port to desert.

I am not going to undertake to argue whether that is a good thing or not, but that is what this bill intends to do. I want to take this bill up and discuss the bill itself.

In the first place, I want to take it up by sections, because, as I said a moment ago, it is too warm to attempt to make a speech, except about the bill itself. I hope all of the Members have copies before them, and I call their attention, first, to page 2, line 11. There we provide how ships shall be manned. It says:

And in all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into three watches.

Now, I see no particular objection to that provision of dividing firemen into three watches in the deep-sea trade and perhaps in the coastwise trade in some places. But on the Great Lakes there is no complaint from the firemen. They are not asking for three watches. If you do this you increase the number of firemen on those vessels. On the other hand the evidence before the committee is that the firemen on the Great Lakes are perfectly satisfied with two watches; that they are compelled to be on the vessel, and they would as soon work as be idle that portion of the time; and so you simply add a third to the number of firemen that will have to be employed on these ships.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. Under the language in that section referring to vessels "at sea," does that apply to the Great Lakes?

Mr. HUMPHREY of Washington. It was the opinion of the committee, and also of the attorney representing the Great Lakes, that it did. The Great Lakes attorney appeared before us and filed a brief. I intend at the proper time to offer an amendment making an exception of the lakes and inland waters of the United States, as far as firemen are concerned.

Mr. MANN. If it applies to vessels on the Great Lakes and vessels that travel only in the daytime across the lakes, would it require them to have three watches of firemen regardless of the fact that it would be impossible to put them all in service?

Mr. HUMPHREY of Washington. I think so; why not?

Mr. MANN. I am asking for information.

Mr. HUMPHREY of Washington. I think it would. That is one reason why I think the requirement is unnecessary.

Mr. MANN. I did not suppose that that provision of the bill applied to the Lakes, because my understanding of it was that a provision of law relating to the merchant marine which said "at sea" meant at sea, and not on the lakes or inland waters.

Mr. HUMPHREY of Washington. I think "at sea" means anywhere afloat unless specifically excepted.

Now, I want to call attention of Members to another section of the bill—and this is characteristic of the bill all through. I want to say in explanation to gentlemen present that I had but little opportunity to be present when this bill was considered or to offer amendments. I think if I had had the opportunity to attend the meetings of the subcommittee that some suggestions I might have made would have been accepted. I hope that some will yet be accepted by the committee.

Now, take section 3, line 7, page 4. It reads as follows:

SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive, within 48 hours after demand therefor, from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended; and all stipulations to the contrary shall be held as void.

I want to call the attention of Members to this fact, that while the majority of the committee pretend they want to favor the American sailor and make him a man, all through the bill they take away his power to contract, the power to sell his labor as he sees fit. In one instance they claim that he shall be treated as a man and in another as a ward.

And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in section 4529 of the Revised Statutes: *Provided*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require.

Whether or not that is a good requirement with reference to American ships, I want to call attention to the proviso:

*Provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

How does it concern the people of this country whether foreign ships pay one-half of the wages due in each port or not? Why should we tell the foreign shipowner what kind of a contract he shall make in a foreign country? Why should we say to the foreign shipowner, "You may make a contract that is legal in your own country, but when it comes to this port it is illegal"?

Mr. COOPER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. COOPER. In reply to that specific question, is it not of some importance to the people of the city of New York, for instance, whether a sailor lands in New York with \$20 in his pocket or without a penny and entirely destitute?

Mr. HUMPHREY of Washington. Certainly; but he does not have to land. What occasion is there for a sailor to land? Suppose he has made a contract to the contrary, why should we violate it?

Mr. COOPER. I suppose the gentleman has heard of the habit of sailors to land whenever they get a chance.

Mr. HUMPHREY of Washington. Certainly; and that is the main purpose of this bill. It runs all through it. The purpose is to induce him to leave the ship. It throws out inducements to him to desert; so it provides that when he gets into any port he can go and demand his wages. Why should we tell Germany or any other foreign country how to run their ships when it does not concern the life or property of the American citizen?

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

Mr. HUMPHREY of Washington. Certainly.

Mr. HARDY. Do not the provisions that put the sailor on a foreign vessel in an equal position with an American sailor on an American vessel when in our ports enable him to get the wages of our seamen and raise the wages of the foreign seamen coming into our ports, thereby putting us on an equal footing and enabling us to compete with the foreign shippers and prevent them from having cheap pauper labor bound down to them in such way that when they bring them here they can take them back as they came? In this way do we not prevent the foreign shipping from having the benefit of pauper labor if they have it?

Mr. HUMPHREY of Washington. If the gentleman thinks the condition of the foreign sailor has anything to do with the merchant marine, I will ask him the question that he asked of a witness in the hearings. He asked one of the witnesses if imprisonment of the sailor destroyed the American merchant marine, why has not the imprisonment of the foreign sailor destroyed the foreign merchant marine?

Mr. HARDY. The seamen's representatives before us answered my question that so long as seamen coming here on foreign vessels were bound down to their pauper wages there was no chance of elevating their condition, and therefore no chance of the American sailor retaining good wages and competing with them.

Mr. HUMPHREY of Washington. What the gentleman intends to say is that he believes that by raising the wages of the foreign seamen in the American ports he will raise wages all over the world.

Mr. HARDY. We believe in equalizing the wages by raising the wages of the foreign seaman who competes with our seaman. I would rather raise the foreign seaman to the wage condition of our seaman than lower the wage of our seaman to that of the foreigner.

Mr. HUMPHREY of Washington. Just wait one moment. I want to finish the answer. Here is what this bill proposes to do: It proposes to hold out an inducement, as I have said, to every foreign sailor that comes into an American port to desert his ship; and then places him in a position where he can not be forced to go back on the ship unless his wages are increased. That is the purpose of this bill, and the gentleman agrees with me. Everyone who has studied this bill agrees with me that that is the purpose of the bill, namely, to induce the foreign sailor to desert and demand higher wages before he goes back upon the ship.

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

Mr. HUMPHREY of Washington. Not at this time. Here is the situation: If we could control this situation all over the world, there might be some force in that statement; but we can not control the wages upon a ship that goes from Europe to South America, or that comes from the Orient to this country, or that sails anywhere, except it touches one of our ports.

What will be the result? The result will be that the British ship—which we will take for an illustration—coming to this country, if the crew deserts, will take a crew from the United States, which for the sake of the argument, may be a high-priced crew; but this crew will be immediately discharged in the home port of the ship. Every vessel will bring the cheap crew coming to our ports. The result of that will be that the highest rates anywhere for carrying freights will be from this country to foreign ports, while between foreign ports and from foreign ports to this country the rate will be cheapened; so that we propose by this bill—if there is anything in that argument at all—to increase the rate of freight to get our goods to foreign countries and to lower the freight rates between other countries and from other countries to this.

Mr. HARDY. Mr. Speaker, if the gentleman will yield a little further, I admit we can not control the wages between Europe and South America; but the gentleman admits that every seaman in this country favors this bill, because it will raise the wages of seamen coming into this country, does he not?

Mr. HUMPHREY of Washington. No; I do not.

Mr. HARDY. I have never seen a seaman opposed to it.

Mr. HUMPHREY of Washington. If there is any force in the argument that is made that the foreign sailor is complaining because he is imprisoned; if there is any truth in other complaints that they are outraged and made slaves, then why not abolish servitude, so far as the American ship is concerned, and so far as the American seaman is concerned? Would not the foreigner, wanting to be a free man, have then every inducement to go on an American ship, and would he not become an American citizen? All he would have to do to escape the slavery we hear so much about would be to leave the nation that enslaves him and come to the one that has made him free.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Not now. I do not have a great deal of confidence in the complaint of these gentlemen who want the United States to legislate for the seamen of other countries when those seamen are content to sail under the flag of those countries and do not attempt to become American citizens.

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

Mr. HUMPHREY of Washington. Certainly.

Mr. MADDEN. The gentleman from Texas [Mr. HARDY] a short time ago, when he was making a speech upon this subject, stated that the wages of the sailor was fixed according to the ports in which they were engaged.

Mr. HARDY. Where they were employed.

Mr. HUMPHREY of Washington. That would carry out what I said—that the rates would be high here and lower everywhere else.

Mr. MADDEN. How would that affect the American sailor? For example, if wages in Liverpool, Bremen, or Havre, or Hamburg were lower than they are in New York City, would not sailors coming from those ports desert in New York, and would the sailors that were employed in New York then get a higher standard of wages than those that come from abroad?

Mr. HUMPHREY of Washington. Here is what would be the result if this bill is passed, so far as the sailor is concerned. Whenever he went upon a ship at an American port he would receive—theoretically that is—higher wages until that vessel reached a foreign port, when he would be immediately discharged or his wages reduced. All foreign ships in their home ports would sign their crews for the round trip. The seaman who had regard for his contract, who signed for the round trip, would keep his contract and stay with the ship, but the sailor who had no regard for the contract he made and no sense of duty, who knew he could take advantage of the American laws, would desert in our ports, and the result of it would be that the foreign ships would retain the good sailors, those who had the manhood to keep their contract, those who were too honest to practice a fraud upon those that employed them, while we would get those who cared nothing for their contracts; our ports would be filled with deserters; under this bill we would get the scum of all the seas.

Mr. HARDY. Will the gentleman yield right there? Would not that same argument apply with reference to holding by criminal process or by arrest anybody else to any contract when once made for service on land as well as at sea?

Mr. HUMPHREY of Washington. I am perfectly willing to join with the gentleman in abolishing any imprisonment of American sailors. Now let us proceed a little further with the bill. On page 5, commencing at line 4, there is a minor matter to which I wish to call attention of the House.

Mr. HARDY. Will the gentleman answer one question? The gentleman says he is willing to join in abolishing imprison-

ment of American sailors. Do you still want the American Government to lend itself to a continuation of the imprisonment of foreign sailors on its shore?

Mr. HUMPHREY of Washington. I am not prepared to say as to that. I am strongly inclined to think that punishment for desertion ought to be abolished the world over, but I think we ought to do it in an orderly and decent way, and I do not think we ought to pass a bill of this kind without notice to other nations with whom we have treaties on the question. I think it might be wise to enter into negotiations with other countries. I would be mighty glad indeed if we could strike out the provisions of this bill upon that point and insert a section directing or requesting the President, through diplomatic channels, to take up this question for settlement with foreign nations. I do not think there is any such emergency when we have no American sailors; when we are legislating entirely for foreign sailors that we should rush this bill through in this manner.

Mr. HARDY. I want to see if I understand the gentleman's idea. I understand he is in favor of the principle of abolishing this imprisonment, but that he is opposed to the manner of it.

Mr. HUMPHREY of Washington. I want to call attention to section 4. It says:

Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies—

And then:

Or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any of the duties of a consul, shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint, etc.

Now, I submit, is not that provision a little bit too drastic? If it were upon a majority of the crew and one of the officers, I would have no objection to it, but here it proposes to put that entirely within the hands of the crew. The crew of a ship—and I am speaking in all respects—are the laboring men upon the ship—those employed to run it. This places the control of that vessel entirely in the crew. Should not the owners of the vessel have some representation, some part, in the control of it? Should not the officers have some authority? That is, however, only one of the minor defects of the bill. Now I want to call the attention of the House to some of the other portions of this bill. Take section 10, which is quite long; but I hope the House will follow me in reading it, because it describes the various things that shall be done, and all the provisions apply to foreign ships. Here is what it says about foreign ships that come to American ports:

Sec. 10. (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order or note or any other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case, except as herein provided, absolve the vessel, or the master or the owner thereof, from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment he shall, for every such offense, be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

That all applies to foreign ships. Listen to this:

(c) That no allotment shall be valid unless signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law.

How could the shipping commissioner in this country enforce compliance with such law when the agreements were made in a foreign country between citizens of two foreign countries or two citizens of the same country?

Now, I do not know that I have any objections to such rules for American citizens, but here is the way section 10 ends:

(e) That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

Now, then, take this case: Suppose an English shipowner makes a contract with an English subject to make a round trip on an English vessel, and he advances him a portion of his wages. Are

we going to say as soon as that ship comes into our port that it shall be a crime and that the man who did it is subject to imprisonment, and that you can tie up that vessel while the matter is being investigated; and if the officer of the vessel is found guilty that we shall imprison him in this country for six months for making a legal contract in his own country with a citizen of that country?

Go still further and suppose an English shipowner makes a contract with a German subject, a contract that is legal in both countries. Are we going to say that contract shall be a crime when they come into American ports and that we will take from a foreign ship these foreigners and imprison them for making it? Upon what theory can we justify it? If it was in any way affecting the safe navigation of the vessel, if it affected directly the interests of any American citizen, I can see how we might possibly attempt to justify ourselves in such action. But are we going to do this without any reason except that we do not believe that these foreign nations are not properly treating their own sailors? Do you think any self-respecting nation is going to permit us to say what is and what is not a legal contract made in their own country between two of their own citizens, or permit us to punish their subjects for the making of such contract? I think we would be assuming a big and dangerous undertaking; and even if we carried it out it would benefit no one.

Mr. HOBSON. I was going to ask the gentleman if he had looked up the question of possible retaliation from foreign powers.

Mr. HUMPHREY of Washington. No; I have not.

Mr. HOBSON. And the possible restrictions that they make upon American seamen in their ports?

Mr. HUMPHREY of Washington. No; I have not, because I have never been able to believe that Congress would pass any bill containing such absurd and dangerous legislation as this.

Mr. ALEXANDER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. ALEXANDER. I think if the gentleman will take the time to study the statute to which this is an amendment he will find that it only relates to contracts made in American ports and not to contracts abroad.

Mr. HUMPHREY of Washington. It does not so show on the face of the bill.

Mr. ALEXANDER. Study the statute it amends if you want to get an intelligent view of it.

Mr. HUMPHREY of Washington. Regardless of what the statute may now be, if you enact this bill it does make such contracts made abroad illegal just the same as if made in this country. If it is intended to limit this bill to contracts made in American ports the bill should so state.

Mr. ALEXANDER. I do not think it does.

Mr. HUMPHREY of Washington. Now, then, I want to call the attention of the House to the most important section in the bill, in my judgment, section 12:

SEC. 12. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman—

I call attention to that expression of "not less than able seaman"—

Provided, That no such vessel carrying passengers, except those navigating rivers and harbors exclusively—

So that this portion of the bill applies to all vessels except those which are excluded—

shall not be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seamen or higher.

The SPEAKER pro tempore. The time of the gentleman from Washington [Mr. HUMPHREY] has expired.

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 15 minutes more to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Further it says:

No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years' service on deck at sea or on the Great Lakes. Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit, under rule approved by the Secretary of Commerce and Labor, showing the nationality of the applicant and the vessel or vessels on which he has had service and that he has had at least three years' service on deck at sea or on the Great Lakes, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Now, I want to explain this expression "able seaman." I want it distinctly understood that I am in favor of doing any-

thing that will increase the safety of life at sea, but I contend under that provision that it will not in any way increase the efficiency of the men who handle lifeboats.

Now, to start with, as I understand, the crew upon a vessel is divided into three parts—those in the engine room, those in the steward's department, and those on deck. Those upon the deck are called "able seamen." Am I right about that, Captain?

Mr. HOBSON. Yes.

Mr. HUMPHREY of Washington. But the term "able seaman" in itself means nothing, so far as the man being able to man a lifeboat is concerned, or any small boat or any of the equipment for life-saving at sea in time of emergency. An "able seaman" may not know any more, after three years' service at sea, in actually handling a lifeboat than if he had spent those three years in plowing corn. It is in the hearings that a captain, who was at the time an officer of the vessels, made seven trips around the Horn and never saw a lifeboat launched.

Now, if "able seaman" meant that the man knew something about the handling of a lifeboat, if it meant what it seems to mean on its face, that he was experienced in seamanship, that he knew how to handle a lifeboat, I would be entirely willing that this provision should be made. But the "able seaman," going upon one of the modern steamships, does what? When the steamer goes out he helps to haul in the gangplank and put down the hatches and such things as that. He washes the deck, and paints the woodwork, and polishes the brasswork, and does other work, but he never handles a boat or an oar, and he might be three years at sea or on the Great Lakes and know nothing whatever about the handling of a small boat. As a matter of fact, the only experience that any of the crew have in any department on these great steamers is that secured by means of the drill required by law, and they drill the steward's department and the firemen's department just the same as they do the "able seamen" on deck.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. In a moment. As a matter of fact, so far as the hearings go and so far as I have been able to ascertain by talking to the seamen, the firemen know more about the handling of a rowboat than do the "able seamen," and make better lifeboat crews, the difference being that as a rule they are stronger and younger men than the "able seamen." They all get the same training, and that is one reason why I make objection to the report that has been filed by the majority in regard to this bill. They cite a long list of vessels in the back of this report, and then they give the lifeboats and tell the number of men who are sent to each lifeboat, the department of the vessel to which they belong, and then end up by saying there are very few seamen in these boats, thereby giving the impression that only the "able seamen" are competent to handle the lifeboats when, as a matter of fact, the fireman or the cook or the waiter on the vessel is generally just as good seamen as the deck hands.

The "able seaman" does not know anything more about handling a boat than does the cook or the fireman. It being true that the "able seaman" knows no more about it than the fireman and the cook and those in the steward's department, why should you limit it to "able seaman" when a man goes to get a position upon a vessel, under the claim of protecting life at sea and protecting property? Why should it be limited to "able seamen"? Why should we not include the firemen, who know just as much about it as the seamen, or the men in any other department?

I am going to offer an amendment, and I hope the gentlemen on that side will accept it. I am going to offer an amendment to add to the definition of "able seaman" this qualification, that he shall satisfy the local inspector that he is capable of handling a lifeboat. No man ought to be permitted to go as an "able seaman" unless he has that ability and experience. I say the gentleman in charge of this bill will not go any further than I will in protecting life and property at sea, but I am opposed to passing legislation here in favor of any one class of people unless it is to the advantage of the public to do it.

Now, I will yield to the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. The gentleman says that the occasions where seamen have handled boats are on the drills which they have?

Mr. HUMPHREY of Washington. Yes; on these great steam vessels.

Mr. WILSON of Pennsylvania. Yes; on these great vessels. Now, does not the gentleman believe that a seaman having three years' experience with these drills would be much more competent to handle one of these lifeboats than would a man fresh from the land service who had never been at sea?

Mr. HUMPHREY of Washington. He probably would, but again he might not. There are men to-day who have been three years on one of these great steamers who, except for the fact that they are less liable to seasickness than new men would be, know no more about the handling of a boat than does the man who, as I said a moment ago, has worked in a cornfield.

Mr. WILSON of Pennsylvania. One of the requirements or purposes of this bill is to have them trained or drilled, so that they will know more.

Mr. HUMPHREY of Washington. Oh, that is one of the purposes of the bill, but it did not get in the bill. That is the difficulty. If the gentlemen who have charge of the bill had permitted a little more study to be made of it, and had let the minority members attend the subcommittee meetings, they would not have made some of the mistakes that have been made in the drafting of this bill.

Mr. WILSON of Pennsylvania. I will say to the gentleman that there has been a careful study of this bill by the committee for the past 16 or 18 years.

Mr. HUMPHREY of Washington. Oh, that is all true enough; but as to this particular bill, in the way it is written now, I never saw it until it was reported to the committee by the subcommittee, and, according to my recollection, it was reported out of the full committee within 10 minutes after it was called up. I had never read it through and never had a chance to read it through before it was reported.

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

The SPEAKER pro tempore. Does the gentleman from Washington yield to the gentleman from Missouri?

Mr. HUMPHREY of Washington. Yes.

Mr. ALEXANDER. I would say to the gentleman that this bill was prepared before the *Titanic* disaster. That disaster has brought sharply to the public attention the necessity for the use of lifeboats and familiarity on the part of seamen with lifeboats. So far as I am concerned, I shall have no objection to adopting the suggestion of the gentleman.

Mr. HUMPHREY of Washington. I shall be very glad to have the gentleman's assistance, and I hope every man in this House will join with me and define an "able seaman" so it will mean something. I hope instead of saying "service on deck at sea" we will say "service at sea," because a fireman is just as good a sailor as the man on deck. Let us get as many good men on these vessels as we can. Instead of saying "on deck" let us say "at sea," and with the additional provision that he shall know how to handle a lifeboat. Then you will have competent men on your vessels. Let us enact a law that will make the words "able seaman" mean what it once did—that he is a man trained in seamanship; that he is capable of handling a lifeboat; that his experience and character is such as to guarantee that in an emergency he will give first-class service in saving life and property at sea.

Mr. HARDY. Has the gentleman investigated the laws of other nations with reference to the term "able seamen," and has he found any such qualification or definition as he suggests put in any definition of an able seaman anywhere in the world?

Mr. HUMPHREY of Washington. No; I have not, and it does not make any difference. I know the term "able seaman" as it used to be. There are no able seamen now under the old definition, and whether they exist or not, now is the time to define the term. It will not do any harm.

Mr. HARDY. Is not the gentleman rather of the opinion that under the definition he would make now he would find no able seamen at all.

Mr. HUMPHREY of Washington. No. Every man who has been running upon these steamers for the last three years in the fireman's department or steward's department or on deck can qualify as an able seaman; and, as I said awhile ago, I decidedly object to passing a bill here that discriminates against the firemen and the other departments in favor of the men on deck, because they are all equally competent to handle lifeboats, and they are all entitled to the same consideration. This bill attempts to limit "able seamen" to the deck department, regardless of the fact that the other departments have just as competent seamen.

Under the definition I propose for "able seamen" the number would not only be more than doubled, but they would be "able seamen" in fact, and not as now, perhaps, only in name.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman understand that section 12 excludes from this service those employed on inland waterways?

Mr. HUMPHREY of Washington. It excludes from service anybody except a man who has had three years' experience at

sea on deck, or on the Great Lakes. I am glad the gentleman has made the suggestion to me. The bill as now drawn excludes fishermen, and they are the best sailors in the world. There is no other who can possibly compare with the fishermen in that respect, but under this bill unless a man complied with the definition of an able seaman he could not go on deck as a sailor, and fishermen, the best boatmen in the world, would be excluded.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to section 2, which provides for the steamboat service on the Mississippi River. In addition to that I also call his attention to the fact that on the Chesapeake and Delaware Bays and other large bodies of water in the United States there are men who are certainly able seamen.

Mr. HUMPHREY of Washington. I want to call the attention of the House for a moment to the language test. If it was proposed to limit the language that shall be spoken upon American ships I think that is a proposition that might profitably be considered, but here we say that a Japanese vessel shall carry only Japanese crews. When a vessel comes into the port of Seattle from Japan, her Japanese crew can demand the wages then due them and then desert. They do desert. Japanese sailors have become Americanized in that particular.

Mr. MADDEN. How about the Chinese?

Mr. HUMPHREY of Washington. The Chinese sailors do not desert, first, because they are watched, and, further, a Chinaman almost universally regards his contract. If a Chinaman makes an agreement that he will go the round trip, he will go the round trip; but the Japanese sailor deserts. Now, suppose a Japanese ship comes into an American port and the crew desert, as they have every inducement to do under this bill. Then that vessel is not permitted to depart from that port under penalties prescribed until it gets a Japanese crew who can understand the Japanese language. Where are they going to get that crew of Japanese? One of our vessels goes over to Japan and the crew deserts. That vessel has to get an American crew there. The same is true of Germany, of England, of all the countries of the world that come to our ports; they must have a crew that speaks the language of its officers or they will not be granted clearance papers.

Now, as we have but 10 ships on the deep sea, and have but a few sailors in the world, does it become this country of ours that has not had enough wisdom to get a merchant marine of her own, or had enough wisdom to keep the flag on the ocean, to pass an act without entering into negotiation with the other nations of the world, without any notice to them to tell them what contracts they shall make with their sailors, how they shall pay them, what men they shall employ, what language they shall speak, and what tests shall be made of their efficiency? We do all this for all. The provisions I have just read apply to the foreign sailor and foreign ships. No good can come from the passage of such law and no self-respecting nation will submit to it. We have no right to say to other nations how they shall conduct their business when it does not affect American interests.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. WILSON of Pennsylvania. Does not the gentleman believe that the United States has a perfect right to pass a law to regulate ships in its own ports, whether the ship belongs to foreign countries or to its own country?

Mr. HUMPHREY of Washington. I will admit that the Nation has the power under certain conditions, I will not say the right.

Mr. HARDY. Will the gentleman yield for another question?

Mr. HUMPHREY of Washington. No; I can not yield until I get through with this section. Now, I call attention of Members of the House to this paragraph:

The collector of customs may, upon his own motion, and shall, upon the sworn information of any citizen of the United States setting forth that this section is not being complied with—

That is, the contracts, language test, the experience the crew shall have, all these various requirements I have just read—cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section.

Now, what does that mean? We have to-day a strike of the sailors on some of our ships in the port of New York and some of the other eastern ports. As to the merits of that strike I know nothing whatever; I am taking it simply as an illustration. Suppose to-day we had on the statute books this provision, any American citizen could tie up every vessel that comes into the port of the city of New York.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Not just now. Because it says that any American citizen may file an affidavit which shall cause a muster of the crew of any vessel to determine these facts: Whether they speak the right language, to see if they have made contracts for advanced payments, to see if they are able seamen, and to see if two able seamen are provided for each lifeboat—all the various provisions just read. I asked Gen. Uhler the other day how long it would take to cause a muster of one of these crews.

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

Mr. GREENE of Massachusetts. Mr. Speaker, I yield 10 additional minutes to the gentleman from Washington.

Mr. HUMPHREY of Washington. He estimated the time all the way from 5 to 24 hours, to go through and make the examination. Now, is that a safe power to place in any man's hands?

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. In a moment. I want to call attention to the further fact that there is no penalty for the man that may make a false affidavit. He may make any affidavit he pleases. A great passenger vessel, with thousands of people on board, carrying the United States mails, every hour worth thousands of dollars, just ready to sail, and here comes a man with an affidavit and ties up the vessel perhaps a day or more. I do not think that is fair legislation. I do not think it is just to the public or just to the shipowner or to anybody. I do not think the seamen want any such law. I can not believe that any fair-minded man is in favor of this section as it stands.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. WILSON of Pennsylvania. Is the gentleman aware of the fact that the British Board of Trade has that power?

Mr. HUMPHREY of Washington. Oh, the board of trade, yes; but this puts it in the hands of any American citizen.

Mr. WILSON of Pennsylvania. That is true, but the British Board of Trade acts on the complaints of the British subject.

Mr. HUMPHREY of Washington. But you say any American citizen may compel a muster of the crew. Now, suppose, for an illustration, that a man wanted to tie up the shipping in the port of New York. All that he has to do is to file an affidavit in regard to every vessel that comes into port. There is no penalty whatever if the affidavit is false. He could have the affidavits ready, and one man alone could tie up all the shipping of all countries that came into the port of New York.

Mr. WILSON of Pennsylvania. There is no penalty except the penalty that generally applies to false swearing or perjury. The same laws that apply to perjury in other cases would apply to this.

Mr. HUMPHREY of Washington. Mr. Speaker, I do not know whether or not my distinguished friend is a lawyer, although he has a very good legal mind, but I will say to him that he is probably aware of the fact that an affidavit is not perjury unless it is expressly made so by statute.

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

Mr. HUMPHREY of Washington. Certainly.

Mr. HARDY. The gentleman objects to this bill because it undertakes in the United States to interfere with contracts legal in the country in which they are made. Does not the gentleman very strenuously advocate the passage of a law which would forbid the entrance into our ports of foreign vessels because they have made combinations that might be legal in their own country?

Mr. HUMPHREY of Washington. Yes; but I would not place it in the power of any one citizen to do it. I simply am in favor of it after they have had a trial in court and the decree has been entered up finding them guilty not of violating a law made between themselves, but of violating a law of this country directly affecting the interests of this country.

Mr. HARDY. Again, it is not the principle, but the manner of its exercise to which the gentleman objects.

Mr. HUMPHREY of Washington. I have no objection to making foreign ships obey the law, but I do not believe in placing it in the power of one man to destroy the shipping business of this country.

At the proper time, if the section stays in, I shall offer an amendment making a false affidavit perjury and prescribing suitable punishment therefor.

There is just one other section to which I desire to call attention, and then I shall be through, and that is section 13, which is as follows:

SEC. 13. That every sailing or steam vessel shall carry in her crew a boy or boys, native of the United States, or one whose father or mother is a naturalized citizen of the United States, as follows: If she be 300 registered tons or more, but less than 1,500 registered tons, at least one

boy; if she be 1,500 tons register or more, at least two boys or apprentices. Any vessel leaving any port of the United States without the boy or boys required by this section shall be liable to a penalty of \$100 for each offense: *Provided*, That this penalty shall not apply if, after reasonable diligence, the boy or boys required by this section could not be obtained.

My objection to that section is that it does not mean anything—absolutely nothing. A boy is not required to do anything. The shipowners are not required to teach him anything. They are not required to pay him anything. That section is simply nothing; only that much writing on a piece of paper, signifying nothing. I am in favor of the American boy going to sea, and if we are going to have a provision of that kind, let us have one that means something, one that will require American boys to be trained in seamanship.

I desire to say just one word in regard to the "able-seamen" clause as affecting the Great Lakes. If you adopt this provision in regard to "able seamen" and require two able seamen at each lifeboat, on a great many American vessels you will double the crew, and on some of them you will increase it three times. These men will have nothing to do whatever except to occupy space and wait for a possible disaster when they will be called upon to handle a lifeboat. There is no need of these extra "able seamen" even to handle lifeboats, because you have your firemen's and your stewards' departments, and the men there are as capable of handling a lifeboat as the "able seaman." I will give you one illustration. There is a vessel on Puget Sound called the *Camano*, which runs from Everett to an island a few miles distant. Under the recent regulations adopted since the sinking of the *Titanic*, that vessel would have to carry either 10 or 12 lifeboats during the wintertime. She has a maximum capacity of 180 passengers. She is never more than a few minutes from shore. Her entire crew consists of six men. Under this bill this little passenger vessel, with six men in her crew, would be compelled to carry 16 or 20 men on deck alone for the sole purpose of handling the lifeboats. The occasion for the use of all of them would not arise once a century. This in a varying degree would be true upon all vessels in the coastwise and lake traffic.

Mr. MANN. Mr. Speaker, if the gentleman is through, will he yield for a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. MANN. In reference to section 1 of the bill, it provides for the number of hours of labor while a vessel is in port, and then provides:

Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel and shall, upon demand, receive wages then earned.

Would it be practical under that by collusion to obtain entry into the United States of foreigners who under the immigration laws could not get in?

Mr. HUMPHREY of Washington. I made that suggestion and asked a member of the Committee on Immigration to study that point. The gentleman is here now. I do not know whether he gave it his attention or not. As far as I am concerned I am not prepared to say.

I desire to call attention to this one other point made by the people upon the Pacific coast about paying wages in every port touched. In a vessel running from Seattle to Alaska, the vessel would stop at Ketchikan, and there the seamen would be entitled to one-half of their wages. It would then go on to Skagway, and there they could demand half of what was left, and so from port to port so that very little would be left when it arrived at its final destination. It is claimed that this is a very great inducement for seamen to desert in Alaskan ports, as good jobs are usually easy to find. Under this bill the shipowner claims that it would be practically impossible to maintain good service to Alaska during the summer months.

I thank the House for its patience and consideration. [Applause.]

Mr. Speaker, I would ask permission to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. ALEXANDER. Mr. Speaker, I would like to ask the gentleman from Massachusetts how many speeches he has on that side?

Mr. GREENE of Massachusetts. I can not tell at the present time; some gentlemen who are not present now have spoken to me.

Mr. ALEXANDER. We have only one more on our side and I would be very glad if the gentleman would consume the balance of his time.

Mr. GREENE of Massachusetts. I yield five minutes to the gentleman from Massachusetts [Mr. HARRIS].

Mr. HUMPHREY of Washington. May I ask how much time has been consumed on either side?

The SPEAKER pro tempore. The gentleman from Massachusetts has 21 minutes left and the gentleman from Missouri 62 minutes.

Mr. GREENE of Massachusetts. The gentleman had better consume some of his time.

Mr. ALEXANDER. We want to get through by 6 o'clock and Mr. WILSON is going to cut his remarks short.

Mr. HUMPHREY of Washington. Mr. Speaker, so far as abolishing the punishment for desertion is concerned, there has not been a time in the last five years that a bill of that kind would not have been reported unanimously from the Committee on Merchant Marine and Fisheries. So far as increasing the safety at sea is concerned or improving conditions for the seaman, I want to say to the gentlemen on that side of the aisle that I will join with them in any bill that will do that; and when we come to the reading of this bill for amendment under the five-minute rule, I have several amendments that I desire to offer which will tend to increase the safety at sea and also to help the sailor, and I want you gentlemen to join me and we will see whether this bill is really introduced for that purpose or not.

The two gentlemen from California [Mr. KENT and Mr. RAKER] came forward to indorse this bill. Whether they intended to indorse all of it I do not know, but I desire them to understand that if they do they are not working for the benefit of the American sailor but for the Japanese sailor.

This bill will help to drive the few remaining American ships from the sea. It is certain that every American vessel on the Pacific, unless it is the line that has just started to run under the subsidy act of 1891, would soon go under a foreign flag. The great vessels of the Pacific Mail that have so long and against such odds carried the Stars and Stripes on the Pacific will haul down that banner immediately after this bill is written on the statute books and take the flag of Japan, and so will the *Minnesota*, that has the distinction of being the only unsubsidized American vessel afloat running in the foreign overseas trade. But this is only a portion of the injury that will come to the Pacific coast. All foreign vessels in the deep-sea trade that now come to Seattle and Tacoma and other Puget Sound ports will certainly leave these ports and make Vancouver, British Columbia, a terminus. Do you suppose that these foreign vessels are going to submit to the foolish, unreasonable, burdensome, and even insulting regulations made by this country if this bill should pass when they can escape them all in a port just as convenient for them in all things in a country where treaty regulations and national comity are observed? Why should these foreign vessels come to Seattle, where their crews can demand their pay, where they can desert without fear, where any American citizen by the mere filing of an affidavit without any fear of punishment, if such affidavit be false, can indefinitely delay them in their departure for any voyage? Who will be benefited by this being done, by driving these vessels under foreign flags and to foreign ports? Absolutely no one. There are no American sailors upon the Pacific Ocean in the deep-sea trade, either upon American ships, except its officers, or upon foreign ships. We would add all this burden to American commerce, to American shipping, without benefiting a single American citizen.

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

Mr. HUMPHREY of Washington. For a question; yes.

Mr. HARDY. Does it make any difference to us whether the flag is the Japanese or the American if the crew is all Japanese?

Mr. HUMPHREY of Washington. Mr. Speaker, I know that the gentleman has said that a great many times. So far as I am concerned, as long as every other vessel on the Pacific Ocean employs oriental crews, under every other flag, I would rather have the American vessels remain under the American flag, employ American officers, pay them American wages, and be at the call of this country in time of war than to force them under the Japanese flag without in any way benefiting anyone but Japan.

I deem it especially unfortunate just at this time that hostile legislation to American shipping should be agitated. With the opening of the Panama Canal, with the hope of that canal free for American ships, American shipping is enjoying a prosperity it has not known for 50 years. In addition to the canal there are other causes that are helping to revive this industry. The shipbuilder to-day is getting most of his material for less than his foreign competitor, notably his steel.

Many other facts have recently been brought to light also that have given the friends of American shipping encouragement. The Merchant Marine League of Cleveland, Ohio, had for some years made a most earnest and in many ways a successful fight looking to the upbuilding of our merchant marine, but in making this fight it had antagonized some interests and made some

enemies, I regret to say, even in the Halls of Congress. About two years ago a resolution was adopted in the House that called for an investigation of the methods of this league. The result of that investigation was as surprising to its enemies as it was gratifying to its friends. No selfish motive was found for the activity of this league, but, on the contrary, its interest was proven to be entirely disinterested and patriotic. While this fact pleased all those who had indorsed its work or who had been associated with it, the result following this investigation was much more valuable and far-reaching. The original purpose of that investigation was soon practically forgotten. The energetic secretary of the league soon began to furnish evidence of conditions that were far more interesting to the committee and to the country than the unfortunate personal controversy in which he had become involved with some Members of Congress.

This investigation gave him the opportunity to reach the public and to prove to the country what he had long asserted to be the fact, that the regular foreign shipping lines that come into the ports of this country, both upon the Atlantic and the Pacific, that carried 97 per cent of our shipping were all formed into pools, conferences, rings, and combines; that these lines fix freight and passenger rates from the ports of this country to all the ports of the world by agreement; that there was not the slightest competition between these lines. These facts were so clearly demonstrated by the evidence there produced that since that time not even the subsidized newspapers in this country that had especially defended these combinations have dared deny them. It stands to-day as a fact admitted by everyone who has given the matter consideration.

It was at this hearing that the secretary of the league for the first time brought to public attention in this country the report of the royal commission on shipping rings made by the British Parliament. This report, by the admission of the foreign shipowners themselves, fully proved every statement that the secretary of the league had made concerning this monopoly of foreign ships. This same hearing also uncovered some of the many iniquities practiced by the conference of foreign ships that completely monopolize the trade between this country and South America. There was brought to the attention of the public the condition in relation to the coffee trade especially, a subject that has since been considerably exploited and exposed by Members of Congress and by the press. Original written rebate contracts in regard to this coffee trade, in direct violation of the antitrust law of this country, between New York merchants and this South American conference, were produced before the committee and copies published in the hearing. Upon the evidence secured at this hearing I made a speech on the floor of the House, and the facts that I stated in relation to this foreign steamship combine attracted attention throughout the entire country. This investigation also largely brought out the facts that has caused the Government to bring the suits now pending to dissolve these foreign shipping combines and to prevent them from entering our ports if they are convicted of violating our antitrust laws. It was also largely upon the facts uncovered at this hearing that led me to introduce in the House a bill to prohibit any vessel the use of our ports if it was found to belong to one of these illegal combinations.

This bill was reported unanimously by the Committee on Merchant Marine and Fisheries, and a few days ago, after considerable discussion, passed the House by unanimous consent. The facts brought out at that investigation have interested the public to such an extent that it will eventually cause the destruction of the giant foreign shipping monopoly that has grown rich by levying its unearned millions upon American commerce. Fate, like Providence, if they be not one and the same, "often moves in mysterious ways its wonders to perform." By this attack upon the Merchant Marine League the opportunity was given it to do more effective work for the cause for which it had so long been fighting than ever before. This opportunity was quickly seized upon and used to the fullest extent by the efficient and patriotic secretary of the league, Mr. John A. Penton, of Cleveland.

With some knowledge of the work that has been done in this country for the last decade in behalf of our merchant marine, I pay to Mr. Penton only a well-deserved and well-earned tribute when I say that he has done more within the last few years than any other man in America to create a public sentiment in favor of restoring the American flag to the sea.

The *Titanic* disaster is referred to in the report on this bill. It was to be expected that this awful calamity would be used as an argument in favor of this legislation. But there is nothing in that sudden and awful tragedy, that shocked a civilized world, that gives any reason for the passage of this bill. There was no showing that this vessel was not sufficiently manned or that her crew was not competent. Neither is there any evidence

that if her entire crew had been so-called "able seamen" that the result would have been any different or that an additional life would have been saved. Indeed, the truth is that in those hours of awful peril and panic the fact that so many were saved was due largely to the brave and heroic efforts of her passengers. To them belongs the greatest credit. That the *Titanic* was not efficiently equipped is unfortunately true. It is also true that not another instance of a great ship sinking in a perfectly quiet sea will probably occur again in a thousand years. It is also true that under ordinary circumstances—that is, an ordinarily rough sea—that lifeboats would have been absolutely useless. If any officer should attempt to use them in a rough sea, except at the last moment and as a last resort, he would be guilty of a crime. But, notwithstanding that fact, let us require that all over-sea vessels be equipped with lifeboats sufficient to handle all persons that she may ever have on board.

The speed at which the *Titanic* traveled was inexcusable. The method of her construction was monstrously criminal. In the construction of the *Titanic* is the foundation of the tragedy. She was not better equipped for saving life because it was believed that there could not arise any necessity for such equipment. She was sent at tremendous speed in dangerous waters in spite of repeated warnings because it was believed that she was unsinkable. The primary crime in connection with that unparalleled disaster of the sea was the faulty building of the ship. Not in faulty plans, but in faulty construction. I have taken occasion to talk with expert constructors in regard to this disaster, and they all assure me that the vessel was not properly built; that the work was not properly done; that the vessel was not properly inspected and tested. It is said, as a fact, that her water-tight bulkheads were never properly tried, and if they had been that their weakness and worthlessness would have been demonstrated.

Naval experts have assured me that if the *Titanic* had been so constructed as to pass the naval test prescribed by this country in the construction of our vessels that the injury she received would not have sunk her. They assure me that there is not a vessel on the ocean constructed upon plans that have been approved by our Navy Department that would have been sunk by a similar injury. All American vessels crossing the Atlantic to-day were constructed upon plans approved by the Secretary of the Navy. For 20 years the American line of vessels so constructed has not lost a passenger nor even a mail sack. There is an illustration of real safety at sea, and this safety is largely to be found in the construction of the vessel and not in the equipments and provisions made to save life and property when the vessel is wrecked.

The construction of a nonsinkable vessel is not impossible. It will soon be accomplished. It would be wrong, indeed, to discourage attempts in this direction because of the faulty construction and the criminal and negligent inspection that caused the *Titanic* not to be so.

In the shadow of that great calamity, in sympathy and in hysteria, all kind of plans have been proposed to prevent such disasters in the future, and almost everybody has been condemned for what occurred. Bills of merit and bills without merit have been introduced in Congress with the supposed intent of producing greater safety at sea. Some of them were sincere in purpose and some, I regret to say, were intended only to secure a little newspaper notoriety. It is worthy of attention that we condemn everybody but ourselves. But does Congress stand blameless for this great tragedy? Are we without fault when we have placed ourselves where we can only compel other nations to properly equip their vessels to protect our own citizens and find it impossible to compel proper construction in the first place? Has Congress honestly tried in the last few years to bring about a condition of highest safety at sea for American citizens and American interests? Congress has repeatedly failed in recent years to increase the pay under the act of 1891 that would have given us American vessels on the high seas that would not have gone down under such injury as that received by the *Titanic*. If we had provided such ships we could at least have had the satisfaction of knowing that we had done our full duty to protect American lives and American property at sea. But Congress has always failed to do this for fear, forsooth, that some American citizen might make too much money for the sake, as claimed, of saving a few paltry dollars. The sum total of all that we would have paid if all these bills had been written upon our statute books is not for a moment to be weighed against a single one of the many noble lives that were sacrificed when the *Titanic* went to her doom. Since we have failed to perform this high duty to American citizens and to American interests and have intrusted it to foreign nations it hardly becomes us to grow hysterical over their

failure to properly perform it and in denouncing them attempt to conceal our own neglect. In other words, if we are to have the greatest safety at sea we can only secure it by building, equipping, owning, and running our own vessels.

Again, we can never get American sailors upon the sea until we get American ships upon the sea. We can not have sailors without ships. What we need to-day is fewer laws upon our statute books and more ships upon the ocean.

We have now more laws and fewer vessels than any other great nation of the world. All other countries constantly struggle to upbuild their merchant marine. We continually strive to destroy ours, and this bill is another and a long step in that direction. Some day we will awake to the costly folly of sending out of this country—of paying to other nations—more than a quarter of a billion dollars annually to carry our commerce, of paying that vast sum mostly to labor for work that should be done by American labor. Some day we will pay more fully than we have already done the fearful penalty of placing the life of our citizens and the carrying of our commerce and the prosperity and the safety of our country in the care and keeping of other nations. Let us hope that some day before we learn it in the awful lesson of war that Congress will awake to the necessity for action in reference to this matter. Let us hope that some day not far distant Congress will forget parties and partisanship, politics and prejudice, and cowardice and sectionalism, and remember only our country and our country's good and will pass a law, not to destroy, but to upbuild our merchant marine, a law that will give us safety at sea, a law that will give us American sailors, a law that will cause our ships once more to traverse all the highways on the ocean, and the Stars and Stripes once more to fly in all the ports of the world.

As I said a few moments ago, I am willing to join the gentlemen upon that side of the House in doing anything that will protect life at sea, but I do hope that in going through this bill that it will be considered by the House, and that proper amendments will be adopted for that purpose.

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

Mr. HUMPHREY of Washington. Certainly.

Mr. AYRES. To return to the gentleman's statement about putting the American flag upon the sea again, what kind of laws would the gentleman suggest which would build up the American merchant marine?

Mr. HUMPHREY of Washington. Well, I thought everybody in this House and a good many people throughout the United States knew my views upon that question. I have occupied so much of the time of the House in trying to state them and written so many articles for magazines trying to tell my position that I am astonished if the gentleman does not know.

Mr. AYRES. Well, a twice-told tale is interesting.

Mr. HUMPHREY of Washington. Well, I can tell the gentleman in a moment what I would do to build up the American merchant marine. I would do what every nation upon the earth has done that has a merchant marine. I would follow the example of those people who have made a success and placed their flags upon the seas and not attempt to return to something that is obsolete and long since discarded by every civilized nation in the world. I refer to free ships, a policy that has been discarded; I refer to subsidizing the mail lines for carrying the mails of the country as a policy of success. I might say to the gentleman, which he probably knows, that there is not a first-class vessel upon any ocean under any flag to-day carrying mails for any government upon schedule time but what receives a subsidy from that government, and how do we expect, with our high-priced labor, with the high cost of operation of ships, without paying any subsidy, to do what no other nation has been able to do with cheap ships and cheap labor? [Applause on the Republican side.]

Mr. GREENE of Massachusetts. I yield five minutes to the gentleman from Massachusetts [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I want to supplement the remarks of the gentleman who has just closed in regard to the rating of able seamen, which seems to be in the minds of the committee an important matter upon the question of boat handling in case of wreck. I hope the gentleman will so amend the measure that the expression "able seamen" will not be left in this bill with its old maritime significance. It would prevent the taking into the service of lots of young men who along our seaboard States have been upon the water, have learned to hand, knot, reef, and steer and the actual handling of a boat in any kind of weather who yet have not been at sea on deck for three years and yet who want to go into the merchant service and who would be most competent men, in fact no better men could be found to handle boats at sea than

just those men, and still they would be unable to qualify. I could go from the point of Florida to Eastport, Me., and find men who can handle lifeboats better than most men who go to sea who have never had three years' sea service on deck. They are used to boats and these young men are men who want to enter the service and ultimately get the rank of able seamen and who would probably never enlist in the merchant service under this bill. Take the men along the shores of Cape Cod, along the shores of New Jersey, who handle lifeboats, and possibly some who are in the Life-Saving Service. There is the sort of men who can handle a lifeboat, and when we are agitated about the *Titanic* disaster we want to remember that accident occurred under conditions which were remarkable. It was a great disaster at sea but you had a smooth sea with a chance to get your boats out, and if they had had the ordinary motion of the water at sea there would not have been 1 boat in 10 of those that would have gotten away safely.

Mr. HUMPHREY of Washington. Not one of them.

Mr. HARRIS. Especially where they had to be lowered 70 feet to the water, and it is not the man who serves three years on a deck of a steamer but it is the man who has spent all of his time, perhaps from his boyhood, in handling small craft in the rough waters of the coast but who can not rate as able seamen under the provisions of the bill, and I hope that language will be amended to cover those cases.

#### 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. 19403. An act authorizing the Director of the Census to collect and publish statistics on cotton.

#### ENROLLED BILLS AND JOINT RESOLUTION 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 and joint resolution:

H. R. 23515. An act granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 17239. An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 20501. An act to authorize the Secretary of the Treasury to exchange the site heretofore acquired for a United States immigration station at Baltimore, Md., for another suitable site, and to pay, if necessary, out of the appropriation heretofore made for said immigration station, an additional sum in accomplishing such exchange; or to sell the present site, the money procured from such sale to revert to the appropriation made for said immigration station, and to purchase another site in lieu thereof; and

H. J. Res. 220. Joint resolution to grant American citizenship to Eugene Prince.

#### EXTENSION OF REMARKS.

Mr. RAINEY. Mr. Speaker, I want to ask unanimous consent to print in the CONGRESSIONAL RECORD an article which appeared recently in the American Anti-Socialist on the subject of socialism, together with the list of books on the subject of socialism.

Mr. MANN. Mr. Speaker, I do not know I should object to the request if the request was made so that anyone could hear what the gentleman says or if the Chair would state what the request is.

Mr. RAINEY. It is to print in the CONGRESSIONAL RECORD an article which appeared recently in the Anti-Socialist on the subject of socialism, together with a list of books on the subject of socialism. Both articles are very brief, and I desire to have them printed in connection with the speech of the gentleman from Wisconsin [Mr. BERGER].

Mr. MANN. I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

#### ADJOURNMENT.

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

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned to meet to-morrow, Friday, July 19, 1912, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimate of appropriation incident to the temporary removal of the force employed in the customhouse at Boston, Mass. (H. Doc. 874), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 4860) to satisfy certain claims against the Government arising under the Navy Department, reported the same with amendment, accompanied by a report (No. 1026), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 17256) to fix the status of officers of the Army detailed for aviation duty, and to increase the efficiency of the aviation service, reported the same without amendment, accompanied by a report (No. 1021), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 25764) to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry, reported the same with amendment, accompanied by a report (No. 1022), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15626) to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation, reported the same with amendment, accompanied by a report (No. 1027), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DUPRE, from the Committee on the Judiciary, to which was referred the bill (H. R. 25342) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, reported the same without amendment, accompanied by a report (No. 1024), which said bill and report were referred to the House Calendar.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 327) requesting the President of the United States to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene, reported the same without amendment, accompanied by a report (No. 1023), which said bill and report were referred to the House Calendar.

Mr. EVANS, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 333) to authorize the loan of obsolete Springfield rifles, etc., to the Historical Pageant Committee, Philadelphia, Pa., reported the same without amendment, accompanied by a report (No. 1020), which said bill and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PEPPER: A bill (H. R. 25824) to direct the Attorney General to take an appeal to the Supreme Court of the United States from a decree entered by the District Court of the United States for the District of Delaware in the suit of the United States against the E. I. Du Pont De Nemours & Co. and others, and extend the time for taking such appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 25825) for the establishment of a uniform system of weights and measures in the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. SABATH: A bill (H. R. 25826) prohibiting the transmission of messages regarding horse racing; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: A bill (H. R. 25827) to reserve rights of way for development of power in patents granted



for allotted or surplus Indian lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. STEENERSON: A bill (H. R. 25828) to prevent monopoly in the coastwise trade between the Atlantic and Pacific ports of the United States via the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 25829) to permit second homesteads in certain cases, and for other purposes; to the Committee on the Public Lands.

By Mr. LAMB: A bill (H. R. 25830) to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. FOSS (by request): A bill (H. R. 25831) to prevent accidents on the ocean; to the Committee on the Merchant Marine and Fisheries.

By Mr. FAISON (for the Committee on the Merchant Marine and Fisheries): A bill (H. R. 25832) to establish fish-hatching and fish-culture stations in various States in the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARRISON of New York: A bill (H. R. 25833) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909; to the Committee on Ways and Means.

Also, a bill (H. R. 25834) imposing a tax upon and regulating the production, manufacture, and distribution of certain habit-forming drugs; to the Committee on Ways and Means.

By Mr. LINDBERGH: Resolution (H. Res. 638) to provide for the appointment of a standing committee to be known as the Committee on Industrial Relations; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 25835) granting a pension to Rebecca Getz; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 25836) granting an increase of pension to Elizabeth Emery; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 25837) granting an increase of pension to Isabella Chiles; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 25838) for the relief of heirs of Joseph Sivley, deceased; to the Committee on War Claims.

By Mr. FERGUSSON: A bill (H. R. 25839) to correct the military record of Ramon Padilla; to the Committee on Military Affairs.

Also, a bill (H. R. 25840) to correct the military record of Juan Ocaña; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 25841) granting an increase of pension to William Lyers; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 25842) to correct the military record of Elijah Dicerson; to the Committee on Military Affairs.

Also, a bill (H. R. 25843) granting an increase of pension to David Gruber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25844) granting an increase of pension to Richard Starr; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 25845) for the relief of James A. Jenks, jr., and Susie E. Haswell; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 25846) granting a pension to Thomas J. Riley; to the Committee on Pensions.

By Mr. HOWELL: A bill (H. R. 25847) granting an increase of pension to Thomas S. Gunn; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 25848) for the relief of Mary G. Lane; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 25849) for the relief of John Brodie; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 25850) for the relief of A. Landreth; to the Committee on War Claims.

Also, a bill (H. R. 25851) granting a pension to Henry Mason; to the Committee on Pensions.

Also, a bill (H. R. 25852) for the relief of the legal representatives of William Harris; to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 25853) granting a pension to Henry Kline; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 25854) granting a pension to Augusta Friedlin; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 25855) granting a pension to Ella A. Robison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25856) granting a pension to Martha Jane Bell; 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 St. Clara Society, No. 201, of Chicago, Ill., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of Rev. Charles C. Eyster and official board of the Oak Chapel Methodist Episcopal Church, Wooster, Ohio, protesting against the restoration of the Army canteen; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of heirs of Joseph Sivley, of Madison County, Ala.; to the Committee on War Claims.

By Mr. CALDER: Petition of the Imperial Chemical Manufacturing Co., of New York, protesting against the passage of the Richardson bill (H. R. 14060); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Printing Trades Council of New York, protesting against the passage of Senate bill 6850, a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Hebrew Veterans of the War with Spain, New York, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Spanish War Veterans, favoring legislation pensioning widows and orphans of the Spanish-American War; to the Committee on Pensions.

Also, petition of the M. B. Brown Printing & Binding Co., New York, protesting against the passage of any parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Piano Merchants of America, protesting against the passage of any bill affecting price maintenance; to the Committee on Patents.

Also, petition of the Philadelphia Chamber of Commerce, favoring investigation of all foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Naval Militia, New York, favoring passage of House bill 2588, relative to placing the Naval Militia on the same basis as the National Guard; to the Committee on Naval Affairs.

By Mr. CARY: Petition of the Grand Lodge Free and Accepted Masons of the State of Wisconsin, favoring passage of House joint resolution 271, relative to placing insignia on tombstones in national cemeteries; to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of Louisa McClure, widow of James McClure, late of Company I, Second Regiment New York Cavalry; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Frank M. Bunch, president Board of Trade of the City of Chicago, in opposition to any legislation restricting speculative dealing in grain; to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: Petition of citizens of Jersey City, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of Simpson-Crawford Co. and the Fourteenth Street Store, New York, protesting against the passage of Senate bill 6850, providing for a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring passage of bill turning the powder-house lot over to the city of St. Augustine for a public park; to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, favoring passage of legislation giving the Interstate Commerce Commission further power toward regulating express rates and classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring passage of bill turning the

powder-house lot over to the city of St. Augustine as a public park; to the Committee on Military Affairs.

By Mr. REYBURN: Petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring legislation making a public park of the powder-house lot; to the Committee on Military Affairs.

By Mr. SULZER: Petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring passage of bill giving the powder-house lot as a public park; to the Committee on Military Affairs.

Also, petition of the Shorthand Club, of New York (Inc.), protesting against passage of House bill 4026, providing for appointment of shorthand reporters for United States district courts; to the Committee on the Judiciary.

Also, petition of the Washington Chamber of Commerce, Washington, D. C., urging action on legislation relative to the District of Columbia; to the Committee on the District of Columbia.

By Mr. YOUNG of Texas: Petition of the Van Zandt County Union, of Texas, favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Van Zandt County Union, of Texas, favoring legislation creating a legal tender for debt, to be circulated independent of the banking system; to the Committee on Banking and Currency.

## SENATE.

FRIDAY, July 19, 1912.

The Senate met at 11 o'clock a. m.

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

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### LEASE OF POWER SITES (S. DOC. NO. 880).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of the Interior, transmitting in response to a resolution of February 5, 1912, certain information relative to the number of power sites which have been leased within and without forest reservations, the quantity of power available in each, the length for which leases have been made, the amount of power sold, and the revenues derived therefrom, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

### CIVIL-SERVICE EMPLOYEES FROM NEW HAMPSHIRE (S. DOC. NO. 879).

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 14th ultimo, a statement of the number of persons in the departments and independent offices in Washington, D. C., appointed from the State of New Hampshire, which was ordered to lie on the table and to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, and it was thereupon signed by the President pro tempore.

### PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Journeymen Barbers' Local Union No. 117, of Moline, Ill., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 580, International Brotherhood of Locomotive Engineers, of Chicago, Ill., and a petition of Local Division No. 32, International Brotherhood of Locomotive Engineers, of Aurora, Ill., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which were referred to the Committee on Post Offices and Post Roads.

### LEWIS LEMERT.

Mr. JONES, from the Committee on Military Affairs, to which was referred the bill (S. 2024) for the relief of Lewis Lemert,

submitted an adverse report (No. 950) thereon, which was agreed to, and the bill was postponed indefinitely.

### BILLS AND JOINT RESOLUTION INTRODUCED.

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

Mr. LODGE. I introduce a bill which I ask may be read twice by its title and referred to the Committee on Claims, with the request that it may be included by the committee in the resolution referring cases to the Court of Claims for adjudication.

The bill (S. 7336) for the relief of the stockholders of the First National Bank of Newton, Mass., was read twice by its title and referred to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 7337) to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia; to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND:

A bill (S. 7338) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service; to the Committee on Commerce.

By Mr. ROOT:

A bill (S. 7339) to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Finance.

By Mr. JOHNSON of Maine:

A bill (S. 7340) granting an increase of pension to Willard R. Merrill; and

A bill (S. 7341) granting an increase of pension to Albert T. Wharton (with accompanying papers); to the Committee on Pensions.

By Mr. ROOT:

A joint resolution (S. J. Res. 123) authorizing the President of the United States to invite foreign governments to send representatives to the Fourth International Congress on School Hygiene; to the Committee on Foreign Relations.

### OMNIBUS CLAIMS BILL.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

### AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CRANE submitted an amendment proposing to appropriate \$1,500 for one-half of the cost of construction of a sidewalk on Revere Street, bordering the property of the Government at Fort Banks, Mass., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

### THE FOREST SERVICE.

Mr. OVERMAN submitted the following resolution (S. Res. 362), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved.* That a committee of five Senators, to be appointed by the Presiding Officer of the Senate, is hereby authorized and directed to inquire into and investigate all expenditures in the Forest Service of the Department of Agriculture, to report to the Senate thereon, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expenses in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

### ALLOTTEES OF THE FIVE CIVILIZED TRIBES

Mr. GAMBLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with the following amendment:

"*Provided,* That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter