

## SENATE.

MONDAY, June 29, 1914.

The Senate met at 12 o'clock m.

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

Almighty God, Thy kingdom is an everlasting kingdom and Thy righteousness extendeth in its revelations to all mankind. Thou hast revealed to men Thy plan concerning human life. We are amazed and perplexed by all the evil influences which are about us. We cry in our hearts, "Who is sufficient for these things?" We look to Thee for guidance that we may face the difficult problems of our day; that we may work out a plan of life and construct a form of civilization that will be in conformity to Thy will and produce as its final result the peace, prosperity, and happiness of all the people. We ask Thy guidance this day. For Christ's sake. Amen.

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

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendments of the Senate numbered 33 and 101 and agrees to the same; recedes from its disagreement to the amendment of the Senate numbered 1 and agrees to the same with an amendment, in which it requests the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate numbered 212 and agrees to the same with an amendment, in which it requests the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 218, 219, 220, and 234; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. Good managers at the further conference on the part of the House.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, and it was thereupon signed by the Vice President.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Washington, D. C., and of Los Angeles, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Hadley, Philadelphia, Pittsburgh, and McDonald, in the State of Pennsylvania; of Hartford, Conn.; of South Pasadena, Cal.; of Wilmington, Del.; of New York, N. Y.; and of the State of Alabama, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. FLETCHER presented resolutions adopted by the Florida State Pharmaceutical Association, at Palatka, Fla., favoring the enactment of legislation to prohibit discrimination in prices and to provide for publicity of prices to dealers and to the public, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Marion County, Fla., praying for the enactment of legislation authorizing the construction of a canal from Silver Springs to Ocala, to be known as the trans-Florida Canal, which was referred to the Committee on Commerce.

Mr. PITTMAN presented petitions of sundry citizens of Nevada, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. STERLING presented petitions of sundry citizens of South Dakota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for a congressional investigation of the claims of certain explorers regarding polar discoveries, which were referred to the Committee on the Library.

He also presented petitions of sundry citizens of Illinois, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GALLINGER. I present a letter in the form of a petition from Dr. C. P. Bancroft, superintendent of the New Hampshire State Hospital, Concord, N. H., favoring Senate bill 5763, providing for the division of mental hygiene in the Public Health Service. This letter is brief and is upon a subject of great importance, and I ask unanimous consent that it may be printed in the Record and referred to the Committee on Public Health and National Quarantine.

There being no objection, the letter was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the Record, as follows:

[State of New Hampshire, New Hampshire State Hospital, C. P. Bancroft, M. D., superintendent.]

CONCORD, N. H., June 24, 1914.

Hon. JACOB H. GALLINGER,  
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: May I be permitted, as a brother physician and through your well-known interest in all matters pertaining to public health, to call your attention to Senate bill No. 5763, introduced into the Senate by Hon. JAMES E. RANDELL on June 5, 1914, providing for a division of mental hygiene in the United States Public Health Service?

This is a measure in which I am greatly interested. In 1908 I had the honor of being president of the American Medical Psychological Association, which held its annual meeting in Cincinnati, Ohio. In my presidential address I especially emphasized the importance of prevention in the matter of mental diseases, and suggested the advisability of more thorough and efficient mental examination of defective immigrants landing in this country. When one considers the increasing numbers of insane persons throughout our country and the fixed and chronic character of mental alienation when once established, the necessity of active measures for prevention becomes obvious. Heredity, alcohol, syphilis, and the landing of defective immigrants appear among the most prominent causative factors in the great increase in insanity. Alcohol, syphilis, and mentally defective immigration are directly preventable causes; while heredity is less definitely preventable, it is evident that greater intelligence in entering upon the marriage relation would ultimately be of marked assistance in diminishing the prevalence of insanity.

It is my firm conviction that the increase of insanity in this country is of such importance that the Government should include mental hygiene among the divisions of its health service. I believe that in insanity we are confronted with a disease condition which is a distinct menace to our country. Mental integrity is the greatest asset a nation can possess. May I ask you, then, to use your influence in advocating the passage of this bill?

Very sincerely, yours,

C. P. BANCROFT.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Manchester, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portsmouth, N. H., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented a petition of Mount Washington Lodge, No. 276, International Association of Machinists, of Concord,

N. H., praying for the adoption of certain amendments to the so-called railroad safety-appliance law, which was referred to the Committee on Interstate Commerce.

He also presented the petition of George V. Hill, of Concord, N. H., and a petition of Captain Fred J. Miller Camp, No. 11, United Spanish War Veterans, of Claremont, N. H., praying for the enactment of legislation granting pensions to widows and orphans of certain soldiers and sailors of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a memorial of the New England Coal Dealers' Association, remonstrating against the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chicago Medical Society, of Illinois, praying for the passage of the so-called antinarcotic bill, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Auxvasse, Mo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the chief deputy commissioner of education of the State of Ohio, praying for a congressional investigation of the discovery of the North Pole, which was referred to the Committee on the Library.

Mr. BRANDEGEE presented petitions of Local Union No. 103, Cigar Makers' International Union of America, of Ansonia; of the Hartford Metal Trades Council, of Hartford; and of the United Hatters of North America, of Danbury, all in the State of Connecticut, praying for the enactment of the so-called anti-trust legislation, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the governing board of the Board of Trade of Thompsonville, Conn., favoring the enactment of legislation authorizing the damming of the Connecticut River for the purpose of improving navigation and developing the water power, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Central Labor Union of Waterbury, Conn., favoring the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 40, International Union of the United Brewery Workmen, of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Lawrenceburg, Elwood, Connersville, and Evansville, and of the fifth congressional district, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of North Manchester, Sullivan, Newcastle, Fort Wayne, Huntington, Elwood, Vincennes, Monticello, Wabash, Muncie, Russellville, Irvington, Elkhart, Delphi, Kokomo, Frankfort, Princeton, and Tipton, all in the State of Indiana, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. CATRON presented memorials of sundry citizens of Tusas and Petaca, in the State of New Mexico, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented petitions of sundry citizens of St. Paul and Hastings, in the State of Minnesota, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions of sundry citizens of Austin, Dallas, Galveston, and Temple, all in the State of Texas, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Austin, Tex.; of the Epworth League of Logansport, Ind.; and of the Presbytery of Brooklyn, N. Y., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 71, International Union of the United Brewery Workmen of America, of

San Antonio, Tex., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Detroit and Escanaba, in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Brooklyn and Fennville, in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Salem, Westfield, Boston, Merrimac, Holyoke, Newburyport, and Springfield, all in the State of Massachusetts, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. BURLEIGH presented a petition of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. O'GORMAN presented petitions of sundry citizens of Rochester, East Rochester, Richburg, of the fourth assembly district of Monroe County, Andover, Auburn, York, Geneva, Utica, Buffalo, Elmira, of the thirtieth, thirty-second, thirty-third, thirty-fourth, and thirty-fifth assembly districts of the Borough of the Bronx, of New York City, and of Staten Island, all in the State of New York, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

#### THE REGULAR ARMY.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength, reported it without amendment and submitted a report (No. 631) thereon.

#### MATILDA P. HANSEN.

Mr. SMOOT. On May 14 I introduced a bill (S. 5553) for the relief of Matilda P. Hansen, and it was inadvertently referred to the Committee on Finance. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. Without objection, that action will be taken.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. GALLINGER:

A bill (S. 6005) authorizing the Secretary of War to donate to the town of Derry, N. H., condemned cannon and balls (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6006) granting an increase of pension to Mary J. Sanders (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6007) to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes; to the Committee on Public Lands.

By Mr. WEEKS:

A bill (S. 6008) granting a pension to Edward Harrington (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6009) granting an increase of pension to George Warner (with accompanying papers); and

A bill (S. 6010) granting an increase of pension to Charles A. Dick (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A joint resolution (S. J. Res. 167) granting to the Army and Navy athletic associations the use of the polo field in Potomac Park; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. TILLMAN submitted an amendment proposing to appropriate \$20,000 for addition to the Orangeburg (S. C.) fisheries station, including the construction of buildings and ponds, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing that hereafter post-lantern lights and other aids to navigation shall be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriation for the Lighthouse Service on Lakes Okechobee and Hicpochee and waterways connecting these lakes in the State of Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate \$150,000 for the survey of northern and western lakes, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate \$12,000 for aids to navigation in Tampa Bay, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$75,000 for aids to navigation in the Florida reefs, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$66,000 for aids to navigation in St. Johns River, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for inquiry respecting food fishes from \$45,000 to \$50,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WHITE submitted an amendment providing that the exterior of the post office at Mobile, Ala., shall be constructed of Alabama marble, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TREATY WITH COSTA RICA.

Mr. GALLINGER submitted the following resolution (S. Res. 400), which was referred to the Committee on Foreign Relations:

Whereas the Government of the United States has at all times, both by treaty, legislative and executive action, touching all its negotiations for the acquisition of a territorial right of way for the construction of a ship canal between the two oceans via the Lake of Nicaragua and the River San Juan, recognized the Republic of Costa Rica as the exclusive owner of an essential part of said territory, and in view of that relation entered into separate treaty negotiation with her to obtain the same for the uses of the said canal on the same ratio of compensation as that to be given to Nicaragua for her separate interest therein, as is evidenced in a large degree by the protocols of "an agreement between the Government of the United States and of Nicaragua" and "the Government of the United States and of Costa Rica" in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, bearing the even date of December 1, 1900, and by the fourth section of the act of June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans"; and

Whereas the official reports of the American engineers authorized by the Government of the United States to examine, survey, and report upon the geographical lines of said right of way and its feasibility for the purposes aforesaid have acknowledged and confirmed the said rights of Costa Rica in and to said right of way as territory necessary and indispensable to and for the "perpetual maintenance, operation, and protection of said canal"; and

Whereas the Government and people of the United States and the Government and the people of the Republic of Costa Rica have ever been and are now on terms of mutual friendship and good will, upon the strength of which American citizens have gone there to share in their prosperity and build up within her borders extensive commercial, agricultural, and mining enterprises involving the permanent investment of large amounts of capital and the employment of large numbers of Americans and thousands of laborers from among the people of Costa Rica; and

Whereas one of the declared purposes of the treaty with Nicaragua now pending before the Senate for ratification is to gain control of said canal route through concessions made by Nicaragua alone, without taking into consideration and providing for the concurrent, legal,

and equitable rights of Costa Rica in said route as an entirety, the basis of negotiation heretofore recognized by the Government as the just measure of its value by whomsoever controlled, owned, or used, and which, if consummated by the Senate, might be construed by the people of Costa Rica as an act of injustice on the part of the United States toward a friendly sister nation and tend to impair the amicable relations now existing between that people and this Nation, upon whose good will the said American interests already established there depend for the labor necessary to their continual prosperity: Now, therefore, in order that no injustice may be done the people of Costa Rica in said matter, be it

Resolved, That the Committee on Foreign Relations, to which has been referred the said pending treaty for their consideration and report, are hereby authorized and directed to carefully investigate the question of the rights and interest of Costa Rica in and to said route and what bearing the said pending treaty has or will have upon such rights and how the value thereof may be affected thereby, in order that the same may be kept in sight and properly guarded in whatever consideration may be given and whatever determination may be reached by the Senate upon the merits of said pending treaty.

Mr. GALLINGER. I also ask unanimous consent to print in the RECORD in connection with the resolution a letter from Mr. J. N. Popham, well known to many Senators.

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

BUCKINGHAM HOTEL,  
Washington, D. C., June 24, 1914.

HON. JACOB H. GALLINGER,

United States Senate, Washington, D. C.

MY DEAR SENATOR: Recognizing your familiarity with the negotiations and legislation connected with the once contemplated acquisition of the Nicaragua and Costa Rica Canal route, as well as the Panama route already acquired, I take the liberty to call your attention to that feature of the pending treaty with Nicaragua, which seeks to obtain control of that route in the interest of our Government, and the relations which the people of Costa Rica sustain toward the same. But permit me in advance to acquaint you with the standpoint from which I have acquired an intimate knowledge of the situation there as it now exists.

I was appointed to the office of United States special Treasury agent at the Isthmus of Panama in 1889, and held that position for about four years, when I resigned it to engage in the business of developing the mineral resources in the Department of Panama, Republic of Colombia, now the Republic of Panama, but to a larger extent in the Republic of Costa Rica.

In the Department of Panama, 50 miles east of Colon, I, in company with the late John K. Cowen, then president of the Baltimore & Ohio Railroad, and J. B. McDonald, contractor of the New York subway, constructed a small railroad in order to handle metallic ores which were exported to the United States. We expended a large sum of money, all American capital, in this enterprise, exporting a great many thousands of tons of high-grade manganese ores to the United States.

In Costa Rica, in company with the late Senator John P. Jones and others, I personally have been in charge of the developing of mineral properties. In this small district there has been several million dollars invested by Americans. In the particular property which I am in charge of, known as the Costa Rica Union Mining Co., an American corporation, we have completed a splendid reduction plant and have spent about \$500,000 during the development of the property, which is now a large producing property, and one of the most successful mines in Central America, where we employ a large number of Americans and a great number of Costa Rican laborers. Several thousand Costa Rican laborers are employed in this mining district.

We are now large exporters of bullion to the United States, which fact can be certified to through the United States mint at San Francisco and the assistant treasurer at New York City, delivered for our account through the International Banking Corporation.

I have been thoroughly familiar with the conditions existing in Panama and the Republic of Costa Rica from intimate business associations with the people for the last 20 years. During 16 years of residence in Costa Rica I can state from my personal knowledge that not only all American enterprises, but all foreign enterprises there, have received not only protection from the Costa Rican Government, but have been facilitated in their undertakings in every possible way; but our difficulties do not come through the failure of protection and help that we have always had from the Costa Rican Government, but through the failure of our being able to secure capable and contented labor under the existing conditions, caused through their misunderstanding of our present relations and intentions toward the Republics of Colombia, Mexico, and Nicaragua.

Permit me now to call your attention to some of the exciting causes that have produced this condition of unrest, suspicion, and discontent among the masses of the Costa Rican people, with which we are now seriously confronted.

The secession of Panama from the Republic of Colombia, leaving the uncertain territorial line between the Republics of Panama and Costa Rica on the south, which, though now being arbitrated before Chief Justice White of our Supreme Court, the Costa Rican masses are under the impression we are in sympathy with Panama on account of our close relations with and large interests there, and, to the north, the action of our Government in dealing solely and alone with Nicaragua to acquire arbitrary control of the only highway between oceans other than Panama without giving the people of Costa Rica a voice therein, and without any consideration for their well-recognized ownership of a part of this highway; and our present complications with Mexico; and the many conflicting accounts published through our newspapers translated and republished in Costa Rica, particularly such as "Mr. Watterson's 'On to Panama,'" with the reported intention of our acquiring all territory north of Panama; and further, the late military operations in Nicaragua with our marines, giving possession of the Government there to the present President of Nicaragua, causes the unthinking part of the Costa Rican people uncertainty as to our intentions toward them and their country. At the present time it is common talk in Costa Rica that the Costa Rican Government, in calling attention of our State Department of its rights in the Nicaragua highway, received no satisfaction whatever, except to be informed that our Government was not purchasing the highway, only arranging for a little option upon it.

The American citizens residing in Costa Rica and doing business with the Costa Rican people, and employing large numbers of Costa Rican laborers, feel that the American Government should in some manner, before final action upon the Nicaragua treaty, express their intention and assure the Costa Rican people that we will treat with equity and justice whatever rights they may have in the Nicaragua route as originally contemplated. Such action would at once tend to reassure the Costa Rican people and restore to us the splendid business relation with them which has heretofore existed.

To this end may I not ask you, Senator, on behalf of the great American interests there, to take such action in the Senate in the consideration of the pending Nicaragua treaty as will secure to and protect Costa Rica's rights in said highway?

Yours, truly,

J. N. POPHAM.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies, was read twice by its title and referred to the Committee on Appropriations.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I wish to say to the Senator that there are a number of bills on the calendar, particularly Senate pension bills, and unless they are passed within a very short time it will be impossible for the House to consider them at this session of Congress. The Committee on Pensions met this morning, and we are trying to have passed upon this week all the House pension bills that have passed the House and been sent to the committee. We are notified by Members of the House that unless those bills can pass the Senate within a very short time it will be absolutely impossible to pass them through the House at the present session of Congress.

I have no objection at all to the consideration of the river and harbor bill, but I ask the Senator from North Carolina to allow at this time that the calendar shall be taken up and bills to which there is no objection considered until the hour of 1 o'clock.

Mr. SIMMONS. Would it not suit the Senator as well this afternoon, after arguments have been made on the unfinished business, to take up the calendar for an hour or half an hour?

Mr. SMOOT. That would suit me just as well, although I do feel that we ought to act on these bills now.

Mr. BORAH. I did not understand what was the statement that would suit the Senator from Utah.

Mr. SMOOT. As I said to the Senator from North Carolina, there are some six Senate pension bills on the calendar, and unless they are acted upon very soon it will be impossible for them to pass through the House at the present session of Congress. I desired to take up the calendar this morning for the consideration of those bills, but the Senator from North Carolina desires to proceed with the river and harbor bill, and he intimated that after the hour of 2 o'clock we might take up the calendar and pass those bills.

Mr. BORAH. At 2 o'clock?

Mr. SMOOT. The Senator does not say that we can. He merely made that suggestion.

Mr. CUMMINS. What disposition will then be made of the unfinished business?

Mr. SMOOT. That could be laid aside by unanimous consent.

Mr. CUMMINS. Has the Senator from North Carolina consulted the chairman of the Committee on Interstate Commerce? Does he know that the chairman would be willing to lay it aside?

Mr. SIMMONS. My statement to the Senator from Utah was that after the speeches upon the unfinished business, if any are to be made to-day, have been concluded the unfinished business might be laid aside, and that I would not then interfere with having a reasonable time to dispose of the pension bills on the calendar.

Mr. CUMMINS. I wish to say that the chairman of the Interstate Commerce Committee asked me if I would not submit some part of what I have to say with regard to the trade commission bill to-day. I have been very busily preparing myself to comply with the request of the Senator from Nevada, and I hardly think that the bill will be laid aside without some discussion.

Mr. SMOOT. I will not take up any more time this morning; but I want to say to the Senator that to-morrow morning I

shall ask that the calendar under Rule VIII be taken up in its regular order at the conclusion of the morning business, and if there is objection to that, then I shall desire the Chair to rule as to the meaning of paragraph 3 of Rule VII and let the Senate decide.

Mr. LEWIS. Mr. President, may I interrupt the Senator from North Carolina to say that there was an understanding. I thought, that I should submit an observation, as a member of the committee, touching the trade commission bill very soon after the Senator from Idaho had finished his remarks. I am not inclined this morning to yield the floor to have the trade commission bill wholly supplanted and displaced, as much as I am anxious to have the river and harbor bill taken up. It would be the proper course for me to address the Senate on the trade commission bill after the Senator from Idaho has finished.

Mr. SIMMONS. Will the Senator from Illinois permit me to interrupt him? There is not the slightest suggestion of in any way displacing the trade commission bill. The trade commission bill is the unfinished business and will be reached at 2 o'clock. The statement I made to the Senator from Utah was expressly that after the discussion upon the trade commission bill was concluded for the day I would then yield for a short time for the passage of these pension bills. So there is no purpose to interfere with the trade commission bill either now or when it is in order.

Mr. LEWIS. I misunderstood the observation of the able Senator from North Carolina. May I inquire of the Senator from Idaho [Mr. BORAH] if he has concluded his remarks upon the trade commission bill, or does he propose to resume this morning?

Mr. BORAH. I was going to submit a few remarks further at 2 o'clock, but I will conclude very shortly if I am not interrupted.

Mr. LEWIS. The Senator from Illinois did not intimate to the Senator from Idaho that there was any necessity for concluding his address, which is illuminating.

Mr. BRISTOW. I infer that the Senator from North Carolina wants to conclude during the morning hour the speech which he begun upon Saturday on the river and harbor bill. Am I correct?

Mr. SIMMONS. It will not take me two minutes to conclude what I have to say. I had about finished when the hour of 2 o'clock arrived on Saturday. I wish to conclude, and then I wish to have the Senate go on with the river and harbor bill until 2 o'clock.

Mr. BRISTOW. If the Senator wants to conclude his address upon the bill, of course I would not want to do anything that would in any way interfere with him in doing it, but I am not willing, so far as I am concerned, that the morning hour shall be taken up every morning with the river and harbor bill when there are bills far more important than it to the country and to the people of the country on the calendar that could be disposed of in a comparatively short time. I think it would be unwise in the extreme to crowd out important legislation that has been waiting here for weeks in order that the river and harbor bill, which will require lengthy discussion, which is voluminous in detail, may have the right of way.

Mr. SIMMONS. To what legislation does the Senator refer?

Mr. BRISTOW. If the Senator wants to complete his speech I would be very glad to have him do it. Otherwise I shall insist that the river and harbor bill shall not be taken up or that it be taken up on motion.

Mr. SIMMONS. I am not asking to take up the river and harbor bill in order to complete my statement. I had just about finished when the morning hour expired on Saturday. I am asking to take up the river and harbor bill for the purpose of keeping it before the Senate until it is displaced by the regular order at 2 o'clock.

Mr. BRISTOW. I object.

Mr. SIMMONS. I have asked unanimous consent for that purpose, and if the Senator objects I will make a motion.

Mr. BRISTOW. I object to that. If I have the floor, I should like to move—

Mr. SIMMONS. I have the floor. I have not yielded the floor at all since I was recognized. I have been standing on my feet engaged in a colloquy first with one Senator and then with another.

The VICE PRESIDENT. The Senator from North Carolina has the floor, but the Senator from Kansas has objected.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. SMOOT. Mr. President, I say that is a violation of the rules and not in order at this time.

I call attention to Rule VII, paragraph 3, which reads:

3. Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent.

I have here a great many decisions of the Chair on this point. I will refer to only one now. On March 21 the Vice President ruled as follows:

The VICE PRESIDENT. The Chair has already ruled this morning that, until the hour of 1 o'clock has arrived, although the morning business has been concluded, no motion to proceed to the consideration of a bill was in order, but after 1 o'clock the Chair is of the opinion that, upon motion and until the hour of 2 o'clock, the Senate may consider any bill upon the calendar, and the Chair has so ruled. That motion is not debatable. There can be an appeal taken from the decision of the Chair if it is not satisfactory.

Mr. BRANDEGEE. What motion is not debatable, Mr. President?

The VICE PRESIDENT. The motion to proceed to the consideration of a bill.

Mr. BRANDEGEE. I respectfully appeal from the ruling of the Chair, Mr. President.

The appeal was submitted to the Senate, and the Senate sustained the ruling of the Chair. That is the case this morning, Mr. President, with the motion that has just been made.

Mr. SMITH of Georgia. Was that a ye-and-nay vote?

Mr. SMOOT. It was not a ye-and-nay vote.

Mr. SMITH of Georgia. Does the Senator from Utah have any doubt about the fact that the ruling ought not to have been sustained, and that during the morning hour we can by motion, after morning business is finished, take up a measure?

Mr. SMOOT. I do, Mr. President; and not only that, but it has been held, I think, many times that it can not be done.

Mr. SMITH of Georgia. Then we can do nothing under objection?

Mr. SMOOT. Certainly. Mr. President, let me call attention to this particular rule. The Senator will notice that there is a comma after the word "Chair," and not a semicolon; so it can not be an alternative. This means that the morning business may run after 1 o'clock, as it often does run until after 1 o'clock; and if the morning business runs until after 1 o'clock, then a motion can be made any time after 1 o'clock to take up any bill; but unless that happens, the motion is not in order, and a bill can not be taken up except by unanimous consent.

Mr. SMITH of Georgia. Suppose "and" were there instead of "or," what would be the difference? Why is "or" used instead of "and"?

Mr. SMOOT. I am not saying why the committee used the word "or" instead of "and." If "and" were used, it would be conjunctive.

Mr. SMITH of Georgia. The "or" being there, either is sufficient.

Mr. SMOOT. No; that is not what has been held by the Chair; that is not the construction we have been working under of late; and that is not what the rule has been decided to mean as passed on by this body.

That is all there is to the question, Mr. President. It seems to me that if morning business runs until after 1 o'clock, then a motion any time after 1 o'clock can be made to take up any bill; but before 1 o'clock a motion can not be made to take up a bill, because a bill must then be taken up by unanimous consent.

Mr. SIMMONS. Then, Mr. President, if I understand the position of the Senator from Utah [Mr. SMOOT], if morning business shall be concluded in 15 minutes after the Senate has met, nothing can be done until 1 o'clock except by unanimous consent?

Mr. SMOOT. Oh, no. The calendar is taken up under Rule VIII until that time. The object of the rule is to take care of morning business.

Mr. SIMMONS. That is not what the rule says.

Mr. SMOOT. Mr. President, I will read Rule VIII and see if that is not what it says. That rule reads:

At the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock—

That rule was adopted in pursuance of a resolution submitted by the late Senator Hoar August 10, 1888—

and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question.

So, Mr. President, unless morning business is over, the proper thing to do is take up the calendar of bills under Rule VIII, and they must be considered until 1 o'clock, unless there is unanimous consent to take up some other bill; but at 1 o'clock, or at any time after 1 o'clock, any bill can be taken up on motion and the Senate can proceed to its consideration. That is what the rule has been held to mean.

Mr. SIMMONS. Mr. President, I believe that these two rules, taken together, mean that at the conclusion of the morning business, if that business shall be concluded before 1 o'clock, the Senate will proceed with the consideration of the calendar, unless it be otherwise ordered by the Senate. It does not say "unless there is unanimous consent of the Senate." Rule VIII says that:

At the conclusion of the morning business for each day, unless, upon motion—

Not upon a request for unanimous consent, but—

unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions.

So, when morning business is concluded and the Chair so announces, if no motion is made, automatically the Senate would proceed to the consideration of the calendar; but if a motion is made under section 3 of Rule VII before 1 o'clock, the Senate may act upon that motion, and if the motion is adopted the Senate may proceed with the consideration of the matter asked to be taken up.

Mr. President, I do not desire to take the time of the Senate to further discuss the meaning of the third section of Rule VII. We discussed that here at some length on Saturday. I then said about all I could say, and I thought the Senator from Utah [Mr. SMOOT] said about all he could say.

The Senator from Utah invokes Rule VIII to aid his argument and contention—

Mr. SMOOT. No, Mr. President—

Mr. SIMMONS. But, as I see it, so far from Rule VIII assisting to support the contention of the Senator from Utah, it condemns that contention.

Mr. SMOOT. Mr. President, the Senator from North Carolina is wrong. The Senator said that nothing was in order at the conclusion of morning business, and I invoked Rule VIII in order to show that the calendar was in order.

Mr. SIMMONS. The question which I asked the Senator was, if he contended that the Senate could not, if the President announced that the morning business had been closed before 1 o'clock, do anything except by unanimous consent?

Mr. SMOOT. That is right.

Mr. SIMMONS. And the Senator replied that under Rule VIII the Senate would proceed to the consideration of the calendar. When you look at Rule VIII you discover that the provision there is that we shall proceed to the consideration of the calendar, unless the Senate upon motion shall order otherwise.

Mr. SMOOT. Mr. President, paragraph 3 of Rule VII was written for the very purpose of taking care of the calendar. If it were otherwise, a bill could be presented to the Senate, a motion made to take it up, and thus cut out the consideration of the calendar from the first day of the session until the end, unless that bill were disposed of.

Mr. SIMMONS. Mr. President, I have the floor. I should like to go on and finish what I have to say, without the Senator from Utah interrupting me at every minute of my progress.

The Senator's contention is that no motion to proceed with the consideration of bills is in order until after 1 o'clock; that we are forced to take up the calendar; and that the Senate is powerless by motion to order that we take up anything else except the calendar. If that contention be true, Mr. President, then the first part of clause 3 of Rule VII is utterly meaningless and ought to have been left out, and clause 3 of Rule VII, instead of reading:

Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived—

Should read—

Until the hour of 1 o'clock has arrived no motion to proceed to the consideration of any bill shall be made.

If the Senator's contention is correct, the first line and half of the next line of clause 3 are absolutely surplusage and mean nothing.

My contention, Mr. President—and I am simply restating the point I stated before—is that when the Chair shall announce that the morning business is concluded a motion is then in order to proceed to the consideration of any bill that may be on the calendar of the Senate, and that the rule means that while that motion may be made before 1 o'clock, provided the morning business has been concluded, it can be made after 1 o'clock, whether the morning business has been concluded or not, and that is the only distinction. It is in the alternative. The motion may be made before 1 o'clock, provided the morning business has been concluded; it may be made after 1 o'clock, whether the morning business has been concluded or not.

Mr. GALLINGER. Mr. President, may I appeal to the Senator? One-half hour is already gone, and 1 o'clock will soon be here. Might we not lay this matter aside? This contention—

Mr. SIMMONS. I ask for a vote upon my motion.

Mr. GALLINGER. Mr. President—

Mr. SIMMONS. Of course I do not mean to take the Senator off his feet. I simply meant to say that I would not further discuss the question.

Mr. GALLINGER. Well, Mr. President, I do not know that I will take more than a minute to say that the motion is revolutionary in this body. The rule has been construed universally and without exception, so far as I know, for more than 20 years in opposition to the view taken by the Senator from North Carolina; and while perhaps no great harm will be done if the motion should prevail, at the same time I think we had better be careful to proceed along safe lines in the construction of our rules.

The rule was manifestly made to care for the calendar, and if that rule had been observed during the present session, we would not have a calendar now of 300 or 400 bills that ought to be acted upon. Instead of considering the calendar, we have been discussing points of order and the construction of the rules, as we are doing this morning.

If the Senator would yield his contention and let us consider the calendar for 30 minutes—20 minutes now—then the motion will be in order, and doubtless the Senate will agree to that motion.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I want a ruling upon the point. I have very decided views and convictions about it, and I want the Chair to rule on the point of order.

Mr. GALLINGER. Very well, then. I will content myself with what I have already said, that I think it will be an innovation that will be troublesome in the future, and that the Senate ought not to agree to the motion in the light of the explicit terms of the rule which the Senator from Utah [Mr. SMOOT] has invoked.

The VICE PRESIDENT. The Chair is reminded of a statement of a Kentucky lawyer at a banquet, that the crowning glory of the practice of the law was its delightful uncertainty. Argument has been made on both sides of this proposition. On one side it is contended that clause 3 of Rule VII provides that after the morning business has been concluded and until the hour of 1 o'clock, if the morning business shall have been concluded prior to that time, the calendar, under Rule VIII, must be taken up, unless by unanimous consent, and that no motion to take up a bill prior to 1 o'clock can be entertained by the Chair. The contention of the Senator from North Carolina is that whenever the morning business has been concluded, or after 1 o'clock whether it has been concluded at all or not, a motion to take up a bill is in order.

The Chair does not desire to take any advantage of the former ruling of the present occupant of the chair, wherein the Chair held that prior to the hour of 1 o'clock no motion was in order to take up a bill, and upon appeal from the Chair the ruling of the Chair was sustained, though not by a yeas-and-nays vote. The Chair does not want that ruling to influence the opinion of a single Senator upon the floor; but in that, perhaps unjustifiable, condition of mind that the Chair thinks rests with most people, the Chair is now going to submit the question of order to the Senate rather than to have the RECORD disclose that the Chair had ruled upon both sides of the same question. The question is for the Senate to decide. Is the point of order well taken?

Mr. SIMMONS. Upon that I ask for the yeas and nays.

Mr. REED. I ask for a statement of the point of order.

The VICE PRESIDENT. The point of order is that no motion to take up a bill is in order prior to the hour of 1 o'clock. The Senator from North Carolina asks for the yeas and nays. The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, I understand that morning business has been concluded.

The VICE PRESIDENT. It has been closed.

Mr. BRISTOW. May I inquire as to the form in which the motion was put to the Senate?

The VICE PRESIDENT. The question is, Is the point of order well taken, namely, that the bill referred to by the Senator from North Carolina can not come up by motion until 1 o'clock? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. STONE. I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Utah [Mr. SUTHERLAND] and of the junior Senator from Wisconsin [Mr. STEPHENSON]. The junior Senator from Utah is paired with the Senator from Arkansas [Mr. CLARKE] and the junior Senator from Wisconsin is paired with the Senator from Oklahoma [Mr. GORE].

I also desire to announce the unavoidable absence of the Senator from Connecticut [Mr. MCLEAN], who is paired with the Senator from Montana [Mr. MYERS]; and also the unavoidable absence of the Senator from North Dakota [Mr. GRONNA], who is paired with the Senator from Maine [Mr. JOHNSON].

Mr. SMITH of Georgia (after having voted in the negative). I wish to state that the junior Senator from Georgia [Mr. WEST] is detained at his room by sickness.

I wish to transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST] and allow my vote to stand. I will ask that the statement of this transfer stand for the day.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN], who I understand is necessarily absent. I therefore withhold my vote.

Mr. GORE. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD] and withhold my vote.

Mr. CHAMBERLAIN. I am requested to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON] and his pair with the Senator from New Mexico [Mr. FALL].

Mr. PERKINS (after having voted in the affirmative). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. PERKINS. As I have a general pair with that Senator, I withdraw my vote.

Mr. WALSH (after having voted in the negative). I am informed that the Senator from Rhode Island [Mr. LIPPITT] has not voted. I have a general pair with that Senator, which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

The result was announced—yeas 41, nays 19, as follows:

YEAS—19.

Ashurst	Burton	Lane	Townsend
Borah	Clapp	Oliver	Warren
Brady	Dillingham	Reot	Works
Bristow	Gallinger	Smith, Mich.	Weeks
Burleigh	Kenyon	Smoot	

NAYS—41.

Brandegee	McCumber	Ransdell	Swanson
Bryan	Martin, Va.	Reed	Thomas
Camden	Martine, N. J.	Saulsbury	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Cummins	Newlands	Shively	Tillman
Fletcher	Norris	Simmons	Walsh
Hollis	O'Gorman	Smith, Ariz.	White
Hughes	Page	Smith, Ga.	Williams
James	Pittman	Smith, Md.	
Jones	Poindexter	Sterling	
Kern	Pomerene	Stone	

NOT VOTING—36.

Bankhead	Fall	Lewis	Robinson
Catron	Goff	Lippitt	Shafroth
Chilton	Gore	Lodge	Sherman
Clark, Wyo.	Gronna	McLean	Shields
Clarke, Ark.	Hitchcock	Myers	Smith, S. C.
Colt	Johnson	Overman	Stephenson
Crawford	La Follette	Owen	Sutherland
Cuberson	Lea, Tenn.	Penrose	Vardaman
du Pont	Lee, Md.	Perkins	West

So the Senate decided the point of order to be not well taken.

The VICE PRESIDENT. The question is on the motion made by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, before the motion is put I desire to place in the RECORD a few lines from the decision of Vice President Sherman, found at page 2816 of the RECORD of March 5, 1912:

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include—

Mr. WEEKS. Mr. President, it is impossible to hear the Senator.

Mr. GALLINGER. I rise to a point of order. If the motion is pending, it is not debatable.

Mr. SIMMONS. Mr. President, I will read this matter into the RECORD later. I was simply going to put in the RECORD a

decision of Vice President Sherman concerning the point of order.

Mr. GALLINGER. I insist upon my point of order.  
The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

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

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN], who, I understand, is necessarily absent, I therefore withhold my vote.

Mr. GOFF (when his name was called.) I am paired with the senior Senator from Alabama [Mr. BANKHEAD] and therefore withhold my vote. I desire this announcement to stand for the day.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH]. I ask that this announcement may stand for the day. I vote "yea."

The roll call was concluded.  
Mr. SAULSBURY. I make the same transfer as on the previous roll call and vote "yea."

Mr. WALSH (after having voted in the affirmative). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

The result was announced—yeas 37, nays 22, as follows:

YEAS—37.			
Bryan	Martin, Va.	Ransdell	Swanson
Camden	Martine, N. J.	Saulsbury	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Fletcher	Newlands	Shields	Tillman
Hollis	O'Gorman	Shively	Walsh
Hughes	Overman	Simmons	White
James	Perkins	Smith, Ariz.	Williams
Kern	Pittman	Smith, Ga.	
Lane	Poindexter	Smith, Md.	
Lewis	Pomerene	Smith, Mich.	
NAYS—22.			
Ashurst	Cummins	Norris	Sterling
Borah	Dillingham	Oliver	Townsend
Brandegee	Gallinger	Page	Weeks
Bristow	Jones	Root	Works
Burleigh	Keuyon	Sherman	
Clapp	McCumber	Smoot	
NOT VOTING—37.			
Bankhead	du Pont	Lippitt	Stephenson
Brady	Fall	Lodge	Stone
Burton	Goff	McLean	Sutherland
Catron	Gore	Myers	Thomas
Chilton	Gronna	Owen	Vardaman
Clark, Wyo.	Hitchcock	Penrose	Warren
Clarke, Ark.	Johnson	Reed	West
Colt	La Follette	Robinson	
Crawford	Lea, Tenn.	Shafroth	
Culberson	Lee, Md.	Smith, S. C.	

So the motion was agreed to.  
The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The Secretary will read the bill for amendment.

Mr. SIMMONS. Mr. President, for the purpose of keeping the precedents straight, I desire, before making a brief statement in reference to the bill, to read a decision upon the question of order which has just been passed upon by the Senate, rendered by the late Vice President Sherman on March 5, 1912:

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include up until the hour of 4 o'clock, or 2 o'clock at least, the calling of the calendar, and an opportunity to move to take up matters on the calendar?

The VICE PRESIDENT. No; "morning business" is certain routine business, as laid down in the rule, that may proceed for two hours, but can be closed before, and is closed before, when the Chair so announces. After the conclusion of that business and the announcement by the Chair to that effect, then the Chair thinks the motion which the Senator made was in order, but after he had made that motion the Senator from Massachusetts made a motion, action upon which is preferential under Rule XXII, and that is the matter which must first be disposed of.

Mr. President, I shall not detain the Senate more than four or five minutes in relation to the pending bill. I wish simply to make a brief statement with reference to the amounts carried in the bill by way of cash appropriations and authorizations, and to compare them with the amounts carried in the House bill for like purposes.

The bill as it came from the House carried appropriations in cash of \$39,408,904 and authorizations of \$4,000,000; a total of cash appropriations and authorizations of \$43,408,904. The Senate committee adopted all the House authorizations. There were only two of these: First, the Delaware River, for which

there was an authorization of \$1,000,000; secondly, the Ohio River, for which there was an authorization of \$3,000,000.

The bill as reported to the Senate strikes out items in the House bill aggregating \$2,024,000 and adds new items, for which appropriations are made, aggregating \$5,946,400, making a net increase over the House cash appropriations of \$3,922,400. The bill as reported to the Senate adds to the authorizations in the House bill authorizations for three additional projects—the mouth of the Columbia River, \$4,100,000; harbor of refuge at Cape Lookout, \$1,826,600; and Los Angeles Harbor, \$426,000.

The bill as reported to the Senate therefore carries appropriations and authorizations amounting in cash to \$43,408,904, and authorizations of \$10,275,000, or a total of \$53,683,904.

The House committee added 76 new projects, requiring in all to complete \$38,864,700, and appropriated for these 76 new projects \$5,786,829, leaving \$33,077,871 to be appropriated for in future bills.

Mr. BURTON. Mr. President, will the Senator from North Carolina yield for a moment?

Mr. SIMMONS. Certainly.

Mr. BURTON. Are those figures given in the report here?

Mr. SIMMONS. I think so. I think they are in the report.

The Senate committee cut out six of these new projects, requiring in all to complete \$1,519,950, and for which the House appropriated \$519,000.

If the Senate committee's action shall be indorsed, the new projects of the House bill will be reduced to 70 in number, requiring in all to complete \$37,344,750, for which the bill as reported to the Senate appropriates \$5,267,829.

The Senate added 17 new projects to the bill, requiring in all to complete \$6,181,510, and appropriated \$2,023,600, leaving \$4,157,910 to be taken care of by future legislation. If the action of the Senate committee is ratified in full the new projects will number 87, requiring in all to complete \$43,526,260, for which appropriations amounting to \$7,291,429 are carried in this bill, leaving \$36,234,831 to be appropriated for in future acts.

Mr. President, without reading, I wish to incorporate in my remarks an itemized statement of the new project cited by the Senate committee.

The statement referred to is as follows:

*Itemized statement of the new projects added by Senate.*

	Project.	Total cost.	Amount appropriated.
1	Narrows, Lake Champlain.....	\$737,000	\$300,000
2	Boston Harbor, Mass. (\$560,000 of this cost for a dredge, which was cut out).....	1,545,000	400,000
3	Bridgeport Harbor, Conn. (the balance is carried in an unexpended balance on hand).....	175,300	111,300
4	Chester River, Md.....	12,000	12,000
5	Pembroke Creek, N. C.....	10,000	10,000
6	Pensacola Bay to Mobile Bay.....	432,435	50,000
7	Mississippi River to Bayou Teche.....	826,000	100,000
8	Bayou Teche to Mermentau River.....	477,175	
9	Sabine River, Tex.....	30,000	30,000
10	Improving Tennessee River.....	150,000	150,000
11	Cut-off, Princess Point, Mich.....	138,000	138,000
12	Los Angeles Harbor, Cal. (authorization for balance).....	626,000	200,000
13	San Rafael Creek, Cal.....	54,600	27,300
14	Napa River, Cal.....	43,000	20,000
15	Skagit River, Wash.....	30,000	30,000
16	Apoon Mouth Yukon River, Alaska.....	45,000	45,000
17	San Juan Harbor, P. R. (this to be returned).....	850,000	400,000
	Total.....	6,181,510	2,023,600

Mr. SIMMONS. I wish also to incorporate, without reading, an itemized statement of the new projects eliminated from the House bill by the Senate committee.

The statement referred to is as follows:

*Itemized statement of the new projects cut out by the Senate committee.*

	House projects cut out.	Total cost.	Amount appropriated.
1	Matawan Creek, N. J.....	\$72,000	\$72,000
2	Shrewsbury River, N. J.....	295,000	100,000
3	Oklawaha River, Fla.....	733,000	175,000
4	Kissimmee River, Fla.....	47,000	47,000
5	Caloosahatchee River, Fla.....	25,000	25,000
6	Willapa Harbor, Wash.....	347,950	100,000
	Total.....	1,519,950	519,000

Mr. SIMMONS. Mr. President, this is the only statement that I care at this time to make with reference to the bill. I wish, in addition, to say a word personal to myself. I am the acting chairman only of the Committee on Commerce. The river and

harbor bill sent to us by the House was referred by the committee to a subcommittee, of which I was chairman, but contemporaneously with the consideration of that bill by the subcommittee my time was taken up altogether in connection with my duties in the hearings then going on before the Committee on Interoceanic Canals upon the proposed tolls repeal bill. After that committee had concluded, while the subcommittee was still engaged in considering the river and harbor bill, I was confined to my home by illness and was not present at all during the hearings before the subcommittee.

For that reason, Mr. President, I shall be compelled to rely very largely upon the Senator from Oregon [Mr. CHAMBERLAIN], who in my absence was acting chairman of the subcommittee, and other Senators who were present and assisted me in those hearings.

Mr. President, I now ask that the bill be taken up for amendment, the amendments of the committee to be first considered.

Mr. BURTON. I desire to address the Senate in a general way before the items are taken up.

Mr. SIMMONS. I understood that the Senator from Ohio desired to address the Senate. I will withhold the motion until he concludes or will just lodge it and he may proceed.

Mr. BURTON. Mr. President, I have been closely associated with river and harbor legislation in the House and Senate for now nearly 20 years. I have had part in the framing of every river and harbor bill since that of the year 1894. While it is well understood by my fellow Members in the Senate that I have not approved the bills from 1910 to 1913, inclusive, I think I may say that no one has had equal opportunity to judge of the dangers on the one hand and the benefits on the other of river and harbor legislation.

I am forced to the conviction that unless there are radical changes made in our methods, unless we eliminate classes of items which are being included in the bills, this measure will become so objectionable to the people of the country that no river and harbor bill can pass, and it is now the time for the genuine friends of river and harbor legislation, for those who believe in the development of such harbors and waterways as can profitably be developed, to pause and consider.

The great danger in every river and harbor bill is that there is no power of resistance speaking for conservation or economy. Indeed, Mr. President, I sometimes question whether there is any strong disposition for economy in national, State, or municipal affairs. The sentiment in its favor is vague and unorganized. In no measure before any State or national legislation are the possibilities of extravagance greater than in this now before us.

To begin with, there is the earnest insistence of communities and of private interests that certain projects for river and harbor improvement be recognized. There is no sufficient influence in the way of criticism against that system. In fact, it is with the greatest reluctance that I oppose these bills, because localities consider a man who criticizes appropriations suggested as an enemy; sometimes, speaking rather recklessly, newspapers or individuals say any opposition is due to prejudice; and there is a disposition which must be recognized on the floor of both the House and Senate to regard whoever opposes any item as an intruder. My fellow Senators will remember that on one occasion I criticized an appropriation which I regarded as altogether wasteful in the State of Texas, and a statement was made upon this floor that it was none of Ohio's business.

Mr. President, it is the business and it is the obligation of every Senator to call attention to whatever vicious tendencies may appear in this or any other bill, and I am compelled to say that there are more which are manifest in the measure now pending before the Senate than in any of those since my membership in the House or Senate, beginning in the year 1895. It is my desire to criticize this measure, and I think it deserves criticism. I trust there may be a full and free discussion not only of the general policies of the bill but of the separate or specific items as well.

Mr. NORRIS. Mr. President, I think before the Senator goes on with a discussion of the items of the bill we ought to have a quorum of the Senate here to hear him, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHIELDS in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

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

Ashurst	Camden	Fletcher	Kern
Brady	Catron	Gallinger	Lane
Brandegee	Chamberlain	GoT	Lewis
Bryan	Clarke, Ark.	Hughes	Lippitt
Burleigh	Crawford	Jones	McCumber
Burton	Dillingham	Kenyon	Martin, Va.

Newlands	Poindexter	Smith, Ariz.	Thornton
Norris	Ransdell	Smith, Ga.	Tillman
O'Gorman	Reed	Smith, Md.	Walsh
Oliver	Saulsbury	Smoot	Warren
Overman	Sheppard	Sterling	Weeks
Pace	Sherman	Swanson	White
Perkins	Shields	Thomas	
Pittman	Simmons	Thompson	

The PRESIDING OFFICER. Fifty-four Senators have answered to the roll call. A quorum is present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, I have no sympathy with that sweeping denunciation which characterizes every river and harbor act as a pork barrel; but, on the other hand, every measure of this kind presents the possibility of becoming a carnival of extravagance and waste.

I do not, in the first instance, desire to criticize the amount of this bill. Money judiciously expended is not wasted. In passing, however, it is well to call attention to this feature.

The cash appropriations amount to \$43,330,404, to which certain additions have been proposed by the committee since its report was filed, which, I believe, was on the 18th of June.

In addition there are authorizations amounting to \$10,352,600, making a grand total of \$53,683,004.

The total amount appropriated and authorized in this bill was surpassed in three previous measures—those of 1896, of 1902, and of 1907, but at that time bills were passed biennially or triennially, while now they are passed annually.

The cash appropriation, \$43,330,000, is, however, the largest amount of cash ever carried in a river and harbor bill since the foundation of the Republic. That fact in itself should induce caution and make us give careful examination to the items which make up this very large aggregate.

In criticizing the bill it will be necessary for me to repeat what I have said several times before on the floor of the Senate. I regret to say that I have for the most part spoken to an audience which was unresponsive, but I am satisfied there is to-day a disposition to investigate this measure which has not prevailed in preceding years, and if I am correct in my forecast there is a disposition not only in the Senate, but in the country at large, to be shown, to know whether these appropriations are made in a judicious manner, also whether the projects themselves are national in scope and worthy of the attention of the Federal Government.

I desire to make three general criticisms of the bill.

The first relates to the policy or method of making appropriations.

The second is that appropriations are made for many rivers and harbors the channels of which under present conditions can not be profitably improved. This applies especially to certain inland waterways, and applies in the most emphatic manner to the improvement of certain rivers by the construction of expensive locks and dams.

Third, there are large appropriations for benefits which are merely local and which in some cases only remotely or incidentally affect navigation.

Before taking up these criticisms in order, I may say that transportation conditions have greatly changed in the last 20 years. Numerous inland rivers, which were either the sole means for affording transportation or which were in any event efficient means for bringing products to the market, have now been superseded by other methods of transit, and in criticizing many of the items in this bill it is not necessary to lay the blame upon those who promoted these improvements years ago. That which may have been very judicious in 1870 or 1880, or even in 1890, is altogether injudicious in this year 1914.

The traffic statistics show a dwindling amount of freight on these rivers. They show also that there are other more efficient and cheaper methods of carrying the products of the farm and the factory to market.

I desire to take up first the general policy of this bill, that of piecemeal appropriations. In a minority report which I have filed I have given some very striking illustrations of this policy. They will be found on page 3 of the report to which I allude.

There is appropriated in the bill in cash for the improvement of the East River, N. Y., \$500,000, a very considerable sum. But what is the total cost of the improvement to which the Congress and the Government of the United States commit themselves by the appropriation of that \$500,000? It is \$13,400,000; and the remaining \$12,900,000 is left as a legacy to future Congresses to dispose of.

Improving Harlem River, N. Y., cash appropriation, \$100,000; total cost of the improvement, which has been under way for some time, \$1,625,000, or 16 times as much as the amount appropriated in this bill.

Delaware River, Pa., N. J., and Del., cash appropriation, \$2,000,000; cost for completion, \$6,809,200.

Chesapeake & Delaware Canal, cash appropriation, \$2,250,000; cost for completion, \$8,000,000.

Harbor at Norfolk, Va., cash appropriation, \$270,000; cost for completion, \$1,114,000.

Inland waterway, Norfolk, Va., to Beaufort Inlet, N. C., cash appropriation, \$600,000; amount required for completion, \$4,000,000.

Cape Fear River above Wilmington, cash appropriation, \$91,000; amount required for completion, \$416,000.

St. Johns River, Fla., cash appropriation, \$300,000; cost for completion, \$777,000.

Channel from Pensacola Bay to Mobile Bay, cash appropriation, \$50,000; amount required for completion, \$432,435.

Mr. KENYON. Mr. President, may I ask the Senator a question in order that I may thoroughly understand the subject? Referring to the column of cost for completion and the column of appropriations in this bill, is the cost for completion in addition to the amount appropriated in the bill?

Mr. BURTON. It includes it.

Mr. KENYON. One question more. Take, for instance, the East River and Hell Gate appropriation for cost of completion. Is that the cost from the commencement of the project to the close of the project, everything that has been spent or will be spent, or only what will have been spent including this item?

Mr. BURTON. This amount will be spent in the future, including this appropriation. As I said a moment ago, we appropriate here in cash \$500,000 and leave \$12,900,000 for future Congresses to take care of. It should be said in the case of some of these projects that they are new, and as to others that they are already under way and a considerable amount has been expended upon them. The figures which I have given relate to pending projects only.

Waterway, Mississippi River to Bayou Teche, La., cash appropriation, \$100,000; cost for completion—it is in the alternative—\$1,655,500 or \$2,032,900.

Galveston Channel, Tex., by the construction of a sea wall, cash appropriation, \$100,000; cost for completion, \$1,185,000.

Brazos River, Tex., locks and dams, cash appropriation, \$250,000; amount required for completion, indefinite; probably about \$10,000,000.

Trinity River, Tex., locks and dams carried in this bill, \$240,000; amount required for completion, again indefinite. In both cases we are going ahead appropriating these dribbling amounts without any knowledge as to what the project will cost when completed, and, I may say as well, without any assurance that the improvements will confer any benefit upon the communities in which they are located, unless perhaps it be a profuse expenditure of a very large amount of money, which will give benefit to contractors and bring employment to labor.

Cumberland River below Nashville, cash appropriation, \$250,000; amount for completion, \$2,201,882.

Cumberland River above Nashville, cash appropriation, \$340,000; amount for completion, \$4,500,000.

Ohio River, \$5,000,000, of which \$2,000,000 is cash and \$3,000,000 is under continuing contracts; amount for completion, \$51,057,000.

Mississippi River between Ohio and Missouri Rivers, cash appropriation, \$1,000,000; amount for completion \$17,250,000—seventeen times as great.

Mississippi River between Missouri River and St. Paul, cash appropriation, \$1,500,000; amount for completion, \$13,500,000.

Fourth lock, St. Marys River, Mich., cash appropriation, \$250,000; amount for completion, \$2,475,000.

Missouri River, Kansas City to the mouth, cash appropriation, \$2,000,000; amount for completion, \$15,600,000.

Sacramento and Feather Rivers, Cal., cash appropriation, \$200,000. This is an item which appears in the bill along with other items not very large in amount; but what does that \$200,000 mean? It means a committal to a project, the beginning of an improvement which will cost \$5,860,000.

Mr. PERKINS. Of which the State pays half.

Mr. BURTON. The State puts in an amount in addition to the \$5,860,000; but, for the improvement of the river, the \$5,860,000 is the sum which it is proposed the Government of the United States shall pay.

The first objection to this dribbling policy is the one of expense. Everyone knows that if you are building a great breakwater, constructing a lock and dam, or contemplating any great improvement, economy and efficiency can be secured by making one contract. In the years before 1890 appropriations were made in separate sums; and there was a very good reason for that. There were but few of these projects of colossal expense at that time. Apart from the Mississippi River, there were few expensive improvements in the class of those contemplated in this bill. Beginning in that year, under the advice of

the then Chief of Engineers, Gen. Casey, and with the cordial support of Senator Frye, who was then a member of this body and chairman of the Committee on Commerce, three large projects were selected for completion. A provision was drawn, which has been repeatedly inserted in later bills, to the effect that a certain amount of cash should be appropriated, and the Secretary of War was authorized to enter into a contract or contracts for the completion of the remainder of the work to an amount not exceeding the total cost of the improvement.

Mr. President, under this continuing-contract system progress was made in the successive river and harbor bills almost without exception until in the year 1907 a measure was brought in which contained no provision for any new project unless provision was made for its completion. It was decided that it was the best policy, a policy which was made possible after long years of effort, to provide for completion whenever an improvement was commenced. I very much regret that, beginning with the year 1910, this salutary method was departed from, and now the making of partial appropriations is worse than ever before.

The first argument against such a course as that in this bill is that of expense. Various estimates have been made; that the additional cost of the piecemeal system is from 5 to 30 per cent. I stated when the interruption occurred that in the building of any large work, such as a breakwater, a canal, or a lock and dam, economy and promptness can be secured by one contract. It is probable that the average saving would be as much as 20 per cent. This halting policy, this method of appropriating a tenth of the entire amount or in some instances even a smaller fraction, results in these appropriations costing the Government of the United States tens of millions more than they otherwise would cost.

The Senate committee placed a harbor of refuge at Cape Lookout under the continuing-contract system, authorizing further appropriations of \$1,826,000. This was done after a showing made by the engineer in charge that by such method very large quarries could be developed, stone could be furnished more cheaply, and a saving of approximately \$350,000 might be made.

No private enterprise is carried on in the manner so common in this bill. No foreign Government improves its rivers and harbors in this way. In France, before any project is adopted, most elaborate surveys and estimates are made, and then a decision is reached whether or not it is best to adopt it. If thought best to adopt it, provision is made for the whole expense, and the time within which it is to be finished is computed as nearly as possible. In Germany the same method is in vogue.

This piecemeal policy has been condemned by the engineers having the work in charge. Gen. Marshall, who was for several years Chief of Engineers, and one of the ablest members of the corps, said some years ago:

Few, if any, of the larger works have ever been prosecuted at a rate sufficiently rapid to realize the fullest efficiency and economy.

But the saving in expense which would be accomplished by providing for the whole improvement is not all. There is another advantage, and that is that communities may know what to depend upon. If boats are to be constructed to use a certain channel, they may be constructed and be ready when that channel is finished. If wharves are to be constructed, those who project them are not left to the uncertainties of future appropriations and long delays. They can make their plans at once and carry them out.

In this connection I wish to call attention to a few of the most striking illustrations of the delay which has occurred in the making of public improvements.

In the year 1890 work was commenced upon a canal and lock at what was called the Colbert and Bee Tree Shoals above Riverton on the Tennessee River. It was not until the year 1911 that that improvement was finished. President Elliot, in an article in the Atlantic Monthly some years ago, called attention to a lock on the Columbia River, in the building of which 25 years were exhausted. To take an illustration in this bill, the existing project for the James River, Va., up to Richmond, was commenced in the year 1884, and this, with some modifications, after having been in progress 30 years, is only 42.1 per cent completed, or less than half, while the estimated cost of completion is \$3,011,282.72. In that case the recommendation of the engineers was for only \$100,000 in this bill, at which rate it would require 30 years more to complete this improvement which already has been underway for 30 years.

On the Columbia and lower Willamette Rivers, below Portland, Oreg., work was begun in 1877. The total amount expended on the original and modified projects is \$2,769,000. It is estimated that \$2,315,000 will be required to complete the projects.

The very worst item of all is omitted from the pending bill, and I think it is quite likely that it will be permanently omitted from future bills. That is the Sandy Bay harbor of refuge on the coast of the State of Massachusetts.

It must be said for that project that at one time a delegation headed by Mr. Moody, afterwards in President Roosevelt's Cabinet and a member of the Supreme Court of the United States, made a showing on its behalf which it was very difficult for anyone to answer, but at the same time practical maritime men were exceedingly skeptical about its benefits. It was adopted in the years 1884 and 1885. The estimated cost of completion to-day is \$4,954,000. Work has been in progress since 1885, and the amount of \$1,767,000 has been expended. The amount required to complete is nearly three times as great as that expended in 29 years, and the harbor of refuge constructed there is to-day rather a menace to the navigator than a help.

Commencing in 1885, the appropriation for several bills was \$100,000 in each bill, and that on an improvement costing \$6,000,000, as if their calculation at the very beginning was that it would not be completed inside of 60 years. Indeed, their calculations are worse than that, because in that day river and harbor bills were passed biennially, and on the basis of the amount of the first appropriations it would have required 120 years to complete it.

Why, Mr. President, there is no excuse for this slipshod, unbusinesslike method; and yet in bill after bill we go on with these small appropriations, the completion not in sight and no benefits assured.

Mr. NORRIS. Mr. President—

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

Mr. BURTON. Certainly.

Mr. NORRIS. I wish the Senator would describe the particular improvement he has recently mentioned; just what it is, where is it located, and of what does it consist?

Mr. BURTON. It is located to the north of Boston, and was intended as a harbor of refuge, into which vessels might enter in time of stress. It was claimed that the coast there was one along which a great many boats were passing, that sudden storms arose, and that there should be at some point between Boston and Portland a harbor of refuge of ample size in which boats might find shelter. As I have already stated, among experts there has always been a difference of opinion as to whether or not it would accomplish any good results.

Mr. NORRIS. I should like to ask the Senator how it was constructed and of what it was constructed.

Mr. BURTON. It was constructed of rubblestone. They have great quarries near at hand, and the rubblestone is placed in position more cheaply than in any breakwaters or jetties in the United States.

Mr. NORRIS. Is it in the nature of a breakwater?

Mr. BURTON. It is not merely a breakwater; it is an artificial inclosed space into which vessels may go.

Mr. RANDELL. Mr. President—

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

Mr. BURTON. Certainly.

Mr. RANDELL. I wish to ask the Senator if this harbor of refuge is included in the present bill?

Mr. BURTON. It is not.

Mr. RANDELL. When was it dropped from the river and harbor bill?

Mr. BURTON. In 1909 a recommendation was made that there should be a test of the efficiency of the work done, and that no additional appropriations should be asked until some test was made.

Mr. RANDELL. And there has been no appropriation since?

Mr. BURTON. My recollection is that there was an appropriation in the bill of 1910, but I am not positive whether an appropriation was made that year or not. I think so, but there was none in 1911, 1912, or 1913.

Mr. RANDELL. I was under the impression that we had one in 1911, but I am not sure. Certainly there has been none since that time.

Mr. BURTON. Possibly the Senator from Louisiana is right about that, although my recollection is that the appropriation of 1910 was the last.

Mr. RANDELL. I should like to ask the Senator a further question. During the 10 years that he was chairman of the Rivers and Harbors Committee of the House, from December, 1898, until March 4, 1909, were not appropriations carried

in every one of the river and harbor bills for the Sandy Bay harbor of refuge?

Mr. BURTON. They were; and I can state very clearly the reason. It was repeatedly referred to the Board of Engineers for a report, and every time a report came back that it was desirable, if not to finish, at least further to extend the breakwater or the protection afforded. I visited it at least on one occasion, and I never could quite convince myself that it was helpful; but it was impossible to obtain an unfavorable report upon it.

Mr. WEEKS. Mr. President—

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

Mr. BURTON. In just a moment. I wish to say a word more.

Very strong pressure was brought to bear for that improvement by the marine insurance companies of the United States, and numerous vessel men appeared in a delegation, on at least one occasion, before the Committee on Rivers and Harbors. I will say that the policy pursued while I was chairman of the Rivers and Harbors Committee was to limit the appropriations for the Sandy Bay breakwater and harbor of refuge to the smallest possible sum, and to see if we could not devise a way in which there would be some benefit conferred without spending the enormous amount contemplated for its completion. The project was adopted, in the first place, in 1834 by a majority of but one in the Committee on Rivers and Harbors of the House, and after a very long discussion.

I now yield to the Senator from Massachusetts.

Mr. WEEKS. The Senator connected Mr. Justice Moody with the delegation that appeared in favor of this appropriation originally made in 1885.

Mr. BURTON. Oh, no; he did not appear then. It was while he was still a Member of the House.

Mr. WEEKS. I was going to say that 1885 was a great many years before Mr. Justice Moody became a Member of the House.

Mr. BURTON. Oh, no; it was not 1885. It was while the work was under way and while Mr. Moody was a Member of the House.

Mr. WEEKS. If Mr. Moody's arguments and the arguments of those who accompanied him were so overwhelming, there must have been some sound reason developed for undertaking this work originally, whatever may be thought of it to-day.

Mr. BURTON. I doubt it, Mr. President. I brought this matter forward not as an illustration of an injudicious project but of a piecemeal and absurd policy. At the rate it was prosecuted, as I said, it would require on one basis 60 years and on another basis 120 years.

Mr. WEEKS. I am entirely in sympathy with the Senator in the reason he has just given for criticizing the method of making the appropriations.

Mr. KENYON. Mr. President—

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

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator how much money was invested in this harbor of refuge?

Mr. BURTON. One million seven hundred and sixty-seven thousand one hundred and seventy-four dollars and fifteen cents.

Mr. KENYON. And the project is now abandoned?

Mr. BURTON. Well, who knoweth who shall come after him? Who knoweth what will happen yet about it? It is possible that some recommendation will come in yet for this breakwater and it will be put on the bill; and, from the standpoint of its usefulness, I do not think time is wasted in making a few remarks on the subject right now.

Mr. NORRIS. Mr. President—

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

Mr. BURTON. I do.

Mr. NORRIS. Is it of any use now, in its present condition?

Mr. BURTON. I do not see how it can be used. It involves the use of a very large space, and the plan for a harbor into which to go is not complete until the whole breakwater is finished. I suppose boats might go in there and have some measure of shelter, though I doubt it.

Mr. NORRIS. I should think, unless it were completed to quite an extent, it would be a menace rather than a benefit to commerce.

Mr. BURTON. It is not exactly a menace, except to boats that are close inshore and very near to the improvement. It was maintained in the hearings before us that the boat Port-

land, which was lost some years ago, I think, could have been saved if this harbor of refuge had been there. That boat sank, with considerable loss of life, but I never was able to convince myself that she was anywhere near to this breakwater when she foundered or that it would have rendered her any assistance.

The worst objection, after all, to this method of piecemeal appropriations is the lack of due and careful consideration of projects before they are commenced. It is very easy to appropriate \$100,000. It is lost in the multitude of details in this bill, with its 400 items, so that Members of the Senate can not realize how much is involved. I read one item here of \$200,000 for a project which means, before its completion, \$5,800,000.

During the delivery of Mr. BURTON'S speech,

#### LEGISLATIVE, ETC., APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives agreeing 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. 15279, receding from its disagreement to the amendments of the Senate numbered 33 and 101 to the bill and agreeing to the same; receding from its disagreement to the amendment of the Senate numbered 1 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate; receding from its disagreement to the amendment of the Senate numbered 212 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate; further insisting upon its disagreement to the amendments of the Senate numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 218, 219, 220, and 234; and agreeing to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate still further insist upon its amendments disagreed to by the House and disagree to the amendments of the House to the amendments of the Senate numbered 1 and 212.

Mr. HUGHES. Mr. President, I should like to ask the Senator what has become of the amendment with reference to mileage?

Mr. MARTIN of Virginia. That amendment is still in disagreement.

Mr. SHAFROTH. I should like to ask the Senator what has become of the amendment which was placed in the bill by the Senate concerning the assay offices?

Mr. MARTIN of Virginia. That amendment is still in disagreement. I will say to the Senator that, while that is not embraced in this report, the assay offices will be preserved, but the increased salaries which were proposed by the Senate will not be acceptable to the House.

Mr. KENYON. Mr. President, it seems to me that this is a very important matter, and there should be more Senators present than there are at this time. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Brady	Gallinger	Norris	Smoot
Brandegge	Goff	Overman	Sterling
Bristow	Hollis	Page	Swanson
Burleigh	James	Perkins	Thomas
Burton	Jones	Ransdell	Thompson
Camden	Kenyon	Robinson	Townsend
Catron	Kern	Saulsbury	Walsh
Chamberlain	Lane	Shafroth	Warren
Clapp	Lee, Md.	Sheppard	Weeks
Crawford	Lewis	Shields	White
Cummins	Martin, Va.	Simmons	Works
Dillingham	Martine, N. J.	Smith, Ariz.	
Fletcher	Nelson	Smith, Md.	

Mr. KERN (when Mr. SHIVELY'S name was called). I desire to announce that my colleague [Mr. SHIVELY] is unavoidably absent on official business.

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of sickness. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Fifty Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to.

After the conclusion of Mr. BURTON'S speech,

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

The SECRETARY. The bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. LIPPITT. I should like to ask the Senator in charge of the bill if he will withhold the unfinished business for just a minute that I may ask unanimous consent for the consideration of a bill on the calendar that the city of Providence and the State of Rhode Island are very anxious indeed should be passed promptly. I think it will not occasion any debate.

Mr. NEWLANDS. With the understanding that it will not take any time by debate, I will yield.

#### PORT OF PROVIDENCE, R. I.

Mr. LIPPITT. I ask the Senate to proceed to the consideration of the bill (H. R. 11245) extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

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

#### AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. SMITH of Georgia. Mr. President, I desire to call attention to the fact that the report of the committee of conference on House bill 13679, the Agricultural appropriation bill, has been in the Senate now for a couple of days. I think there is no opposition any longer to the adoption of the report. I ask that the unfinished business may be laid aside in order that the conference report may be adopted.

The PRESIDING OFFICER. Without objection, that course will be taken.

Mr. SMOOT. There will be some debate on it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. KENYON. What is the request?

Mr. NEWLANDS. If it will not take any long time, I will yield.

The PRESIDING OFFICER. The Senator from Georgia asks that the Senate may take up the conference report on the Agricultural appropriation bill.

Mr. SMOOT. I have no objection to taking up the report, but I think it will lead to a little discussion this afternoon.

Mr. GALLINGER. Mr. President—

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

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. As the report has been before the Senate for some time and the fiscal year is about expiring, it does seem to me that agreeing to the report is a matter of urgent demand.

Mr. NEWLANDS. With the understanding that it will not take much debate, I will not interpose an objection.

Mr. GALLINGER. It would be very unfortunate if by reason of appropriation bills going over we have to provide for the needs of the Government by resolution. I think we ought all to agree cordially that this report should be considered.

Mr. SMOOT. I have no objection at all to the consideration of the report.

The PRESIDING OFFICER. The report was made June 26. The question is on agreeing to the report.

Mr. KENYON. I should like to ask the Senator having charge of this matter if the free-seed proposition was restored in the bill.

Mr. SMITH of Georgia. I think it was.

Mr. KENYON. Congressional free-seed distribution?

Mr. SMITH of Georgia. I was not on the conference committee myself. The Senator from Oklahoma [Mr. GORE] and the Senator from South Carolina [Mr. SMITH] were on it, and they are both away.

Mr. KENYON. Is there anyone who knows?

Mr. SMITH of Georgia. Yes; it was restored, I am advised. On Saturday I called attention to the conference report, and we had it printed in the Record, and I consented that it might go over until to-day, so that everyone might have an opportunity of seeing what changes are involved.

Mr. KENYON. The Senator understands that it is hopeless to insist on the proposition of the Senate as to free seeds?

Mr. SMITH of Georgia. So I am advised. The Senator will remember that two years ago I joined him in striking out the provision, and the House positively refused to accede.

Mr. KENYON. So the history of the matter in regard to it is that the Senate amendment has been rejected.

Mr. SMITH of Georgia. The House has insisted on it, and the conferees on the part of the Senate have been unable to succeed in retaining the amendment.

Mr. KENYON. The conferees on the part of the Senate finally yielded?

Mr. SMITH of Georgia. Yes.

Mr. WEEKS. I should like to inquire from the Senator from Georgia whether the appropriation for the destruction of the gypsy and brown-tail moth was reduced in conference, and if so, why?

Mr. SMITH of Georgia. Can the Senator give me the number of the amendment?

Mr. WEEKS. I have it not before me.

Mr. SMOOT. I will say that the Record shows that there was an agreement on \$69,050. I understand that that is an error in the Record, and instead of \$69,050, the amount is \$210,000.

Mr. SMITH of Georgia. If the Senator can give me the number of the amendment, I will be glad to give him the information.

Mr. GALLINGER. The facts about that provision are, I think, that the House appropriated \$207,540. Of course, that should not be cut. An amendment I offered increased it to \$350,000. I apprehend the conferees found it necessary to reduce the amount carried in the amendment. I am sorry it happened, but, of course, those things have to be adjusted. If that is the status of it, there is no objection on my part.

Mr. WARREN. My remembrance is that that amendment was cut to the limit of the House plus an additional \$12,500, about.

Mr. GALLINGER. The conferees could not interfere with the House appropriation.

Mr. WARREN. Of course not.

Mr. WEEKS. I find on examination that there was an error in printing the conference report, and the amendment is printed as \$69,050, when it should have been \$310,000.

Mr. SMITH of Georgia. That is right.

Mr. SMOOT. That is what I stated.

Mr. OLIVER. I should like to ask the Senator what action was taken in conference with regard to the appropriation on account of the chestnut-tree blight.

Mr. SMITH of Georgia. I will not be able to tell the Senator unless he can give me the number of the amendment.

Mr. OLIVER. I do not know the number.

Mr. SMITH of Georgia. The Senator from Wyoming [Mr. WARREN], who was on the conference, is present.

Mr. WARREN. I do not recall that the chestnut-tree matter came up in the conference at all. I think it is included in the original bill, and was not changed in the Senate. Unfortunately I have not a copy of the bill before me.

Mr. NELSON. Mr. President—

The PRESIDING OFFICER. Will the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Certainly.

Mr. NELSON. I should like to know from either the Senator from Georgia or the Senator from Wyoming whether any provision was put in in respect to the grading and inspection of grain.

Mr. WARREN. I do not recall anything of that kind. I think it did not come before us.

Mr. SMOOT. Mr. President—

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

Mr. SMITH of Georgia. Certainly.

Mr. SMOOT. On amendment numbered 15 I notice the Senate conferees receded. The House provided an appropriation of \$26,000 and also provided in amendment numbered 16 "that no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said bureau." The Senate conferees receded.

Mr. WARREN. The Senate conferees receded on the amendment.

Mr. SMOOT. I will say that on amendment numbered 15 the Senate conferees receded, allowing an appropriation of \$26,000 instead of \$20,000.

Mr. SMITH of Georgia. The Senate made it \$20,000 instead of \$26,000.

Mr. SMOOT. The conferees agreed to \$26,000. On amendment No. 16 the House receded, with an amendment inserting, after the word "that," the words "in the judgment of the Secretary of Agriculture."

Mr. President, I do not understand why the Senate conferees agreed to that amendment. I read before the Senate a letter from the head of the printing at the Weather Bureau in which he stated that he hoped I would not insist upon the amendment

proposing \$17,500; that they could not get along with less than \$20,000. Now the conferees have gone to work and agreed on \$26,000, \$6,000 more than they asked for in the letter. I do not think it is right; I do not think it is proper.

But, Mr. President, it is so near the end of the month, and as this is quite vital, it seems to me, to the Government business, I will not ask that the report be disagreed to. However, I do not believe that we ought to appropriate the \$6,000 more than the department itself said they could get along with.

Another thing, Mr. President, I do not believe that the amendment was a proper thing to do. I do not believe the question of printing ought to be left to the judgment of the Secretary of Agriculture. A Joint Committee on Printing of the two Houses have that matter in hand under the law. They are authorized to look after that proposition, and here in this conference report we transfer that power to the judgment of the Secretary of Agriculture. If that was to be done in every department, there is no telling where the printing of the Government would begin and end.

As I said, Mr. President, I am not going to ask that the report be disagreed to, but I wanted simply to express my dissent to the conference report as affecting amendments numbered 15 and 16, because I do not believe it is right.

Mr. WARREN. Mr. President, I am glad the Senator from Utah has expressed himself, because he is authority on that point.

I wish to say that the conferees struggled a long time arduously over that matter, among others. The conferees sat for something like six days, and only ended a few minutes before midnight on Saturday night. I think I may assure my fellow Senators that nothing the Senate put in was surrendered without due attention, and it was only after 11 o'clock on Saturday night, after all its work, that conclusion was had.

Mr. JONES. Mr. President, I understand amendment No. 58 with reference to an increase in the appropriation for investigations in regard to determining some way of utilizing waste wood, and so on, was receded from.

Mr. WARREN. That was the very last straw that was not surrendered. It was not surrendered until everything else had been settled, and it was impossible to save any portion of it. It was even agreed by the conferees of the Senate to cut it down to a small amount—to \$5,000—but the House absolutely refused to give us any amount of it. It was our judgment, whether erroneous or not, that we ought not to longer stand on it, because it meant a final disagreement.

I want to assure the Senator that there was not a failure on the part of the conferees on this side to press the matter. The ground taken against it was that this same matter was covered by a very large appropriation in another part of the bill; that the Forestry Bureau reported against it, and we had the documents before us; that all the laboratory work they had was already provided for in the laboratories; that this had been pretty thoroughly examined with the universities of Washington and Idaho, and so forth. That was the argument of the other side, and the Senate conferees finally yielded in order to save any further delay in the conclusion of the bill.

Mr. BRADY. Mr. President—

The PRESIDING OFFICER. Will the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho.

Mr. BRADY. The statement made by the Senator from Wyoming relative to the work being duplicated is not correct. There is no doubt in the world but that that information was given to the conference committee, but this work is entirely different from the work which is being carried on at Madison, Wis. It is field work. It is work that can be done only in the field where the timber grows.

It is very unfortunate, to say the least, that this amendment was rejected. It is recommended by the Secretary of Agriculture, and is recommended by the Assistant Secretary of Agriculture, who has charge of this special work that is being done. I think it is more a misunderstanding than anything else relative to the work being duplicated.

I am not personally going to ask that the conference report be rejected on this account for the reason that I do not want to delay the passage of the bill, but I do want to serve notice at this time that I am going to introduce the amendment to another bill at this session and ask the Senate to give it its approval.

Mr. JONES. Mr. President, in view of the statement just made by the Senator from Idaho [Mr. BRADY], I am not disposed to press the objection to the recession. I am inclined to forego whatever objection might be made against the adoption of the conference report because of the recession on this item. It seems that we are going to be here all summer, and there is no special reason why this bill should be agreed to before the 1st of

July. If we are to pass a resolution extending other appropriations, we can do it in reference to this as well as the others. If the Senator from Idaho had not made the statement he did, I would have been disposed to use every means possible to have the conference report rejected. I think it ought to be rejected.

Mr. BRADY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Idaho?

Mr. JONES. I do.

Mr. BRADY. I should like very much indeed to have the amendment included in the present bill, but I was under the impression that it would unnecessarily delay the measure, and I believe the Senate will give the matter proper consideration when presented at another time. However, the Senator from Washington has had more experience than myself, and he knows better how these things should be done. For that reason I want him to use his own judgment about the adoption of the report. I simply said that I did not want to assume the responsibility for delaying the bill, for the reason that I am in hopes that when the matter is properly presented to the Senate they will give this very worthy amendment due consideration and adopt it in some other bill.

Mr. JONES. I know the Senator from Idaho is very earnest in his support of this proposition. I know he has given it a great deal of attention and a great deal of work, and it was largely through his influence that the provision was put in the bill when it passed the Senate. The university of his State has been carrying on this work, and the people of our part of the country have been looking to that university, and from the work done there expected good results to come from this appropriation. But if the item goes out of the bill there will be no legislation on this point at this session. The Senate will, no doubt, give it due consideration and all that sort of thing, but it will not be enacted into a law. We will get no appropriation, and this work will have to stop.

As the Senator from Idaho [Mr. BRADY] has said, there certainly is a misunderstanding with reference to the work that has been done at Moscow at his university in connection with this work. As he was very instrumental in getting the amendment in the bill and has given very much attention to the subject, I do not feel like taking a position different from the attitude he assumes in reference to it.

Mr. BRADY. While it is quite true that I presented the amendment and was instrumental in having the amendment adopted by the committee, it is also true that my colleague [Mr. BOBAH] and the senior Senator from Washington [Mr. JONES] rendered every assistance possible in presenting the amendment and securing its passage by the Senate, and we are all exceedingly anxious to have it retained in the present bill, and I will join in any reasonable effort to that end, but I am convinced that the report will be adopted irrespective of any objection or effort we may make.

Mr. JONES. We might have to pursue some method in which the Senator might not be willing to cooperate with me in order to get it done.

Mr. BRADY. I will do anything that is within my power and necessary to get the amendment inserted in this or any other bill during this session, for I believe it was one of the most worthy amendments presented to the bill.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

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

Ashurst	Jones	Page	Smith, Mich.
Borah	Kenyon	Perkins	Smoot
Brady	Kern	Pittman	STERLING
Bryan	Lane	Polindexter	Stone
Burton	Lca, Tenn.	Pomerene	Thomas
Cañon	Lec. Md.	Ransdell	Thompson
Chamberlain	Lippitt	Robinson	Thornton
Clarke, Ark.	Mcumber	Shafroth	Tillman
Cummins	Martine, N. J.	Sheppard	Townsend
Fletcher	Nelson	Sherman	Walsh
Callinger	Newlands	Shields	Warren
Goff	Norris	Shively	White
Hitchcock	O'Gorman	Simmons	Williams
Hughes	Oliver	Smith, Ariz.	Works
James	Overman	Smith, Ga.	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the report of the committee of conference on the Agricultural appropriation bill.

Mr. JONES. Mr. President, I think the importance of this amendment would justify me using every possible way to prevent the adoption of the conference report; but in view of the situation that the matter has gotten into, I am not disposed

at this time to do that. If the provision is not made, however, in some of the other appropriation bills or in some other way at this session, I desire to say that I shall use every means in my power at the next session to get provision made for this very important work. There is no more important work in our section which can be done than that contemplated by this appropriation. The work done at the other institutions does not include the work that is done at the University of Idaho. With this statement I will let the matter rest for the present.

Mr. NORRIS. Mr. President, I understand the only member of the conference committee on the part of the Senate who is present is the Senator from Wyoming [Mr. WARREN]. Is that correct?

Mr. SMITH of Georgia. That is true.

Mr. NORRIS. I should like to ask the Senator from Wyoming if he remembers whether there was very much bitter opposition to amendment No. 114, relating to the investigation to be made by the Secretary of Agriculture in regard to the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells?

Mr. WARREN. That was contended against from the first to the very last, their argument being that the amount of money set apart in other appropriations for that purpose was entirely adequate, and they seemed to have the papers from the department which they had sent for to corroborate it. It seems that the conferees on the House side have the habit, after the Senate has the bill made up, to send for further correspondence and again get letters from each of the departments as to any amendments in the line of increase that we in the Senate make; and, of course, they have those letters and papers before them.

Mr. NORRIS. I should like to ask the Senator if he can remember any other bill where money was appropriated for similar purposes?

Mr. WARREN. The language may not be exact, but it was near enough for them, of course, to hang their opposition on.

Mr. NORRIS. In what bill is that?

Mr. WARREN. I think the Senator from Nebraska will find a portion of it in the Agricultural appropriation bill and another portion in the sundry civil bill in the appropriations for the Geological Survey. Of course the Senator will understand that I am not giving that as my argument, because I contended to the last for this amendment.

Mr. NORRIS. I remember when the amendment was put in the bill in the committee that we had quite a time with it; but it was adopted after some discussion. I learned that after I had left the committee a motion was made to reconsider the amendment, and it was reconsidered. At a subsequent session of the committee another vote was had on it, and then it was put back into the bill. There was some very strong opposition to it, although the Senator, as I remember, was one who favored the amendment all the time.

Mr. WARREN. Yes; and I think the Senator will remember that I was called away. Later on, at a meeting at which I was not present, by agreement the meeting was confined to three or four different matters. I could not be present but, of course, my views were understood to be in favor of the proposition.

Mr. NORRIS. Mr. President, it seems to me that this illustrates that we are very often legislating at the behests of the departments. It seems, from what the Senator from Wyoming says, that the conference committee were guided to a considerable extent or possibly controlled by letters from the department, even after the bill had passed both the House and the Senate.

Mr. WARREN. In justice to the department I have to say that it is only in response to inquiries made either by a Senator or a Member of the other House that such communications are forwarded.

Mr. NORRIS. I think this particular item illustrates that. This is not a local item. It seems to me it is one of the most appropriate objects for which we could spend money with a view of getting good and beneficial returns for agriculture. This item reads:

To enable the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, \$100,000.

Mr. President, I repeat, this is not a local appropriation; it applies to no particular State; it applies to no particular locality; but it applies, practically, to every State in the United States west of the Missouri River. It is something, it seems to me, that is eminently proper for the Agricultural Department to do.

But what happened? What sort of a gauntlet did this amendment have to run? In the first place, in the Agricultural Committee, much to my surprise, there was bitter opposition. As I

said, it was voted in; then the vote was reconsidered, and finally it was put in the second time. It passed without opposition when it got on the floor of the Senate; but during all that time there were department officials consulted by the Senate committee, and they threw cold water on the proposition. The argument made in the committee was the same argument which the Senator says was made by the conferees; that is, that this is appropriated for in some other bill. I challenge them to tell me where, and I should like to have some one tell me now where this is provided for in any other appropriation bill.

Mr. JONES. Mr. President—

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

Mr. NORRIS. I do.

Mr. JONES. I venture the assertion that there is not a dollar appropriated in any other appropriation bill which can be employed by the Agricultural Department or by any other department in sinking artesian wells.

Mr. NORRIS. That is what I said, and that is what I still say.

Mr. WARREN. I think the Senator from Washington is right as to the Agricultural Department.

Mr. JONES. Or as to any other department.

Mr. WARREN. I think in the Interior Department, in the Reclamation Service, they have a right to do so.

Mr. JONES. That is not in any appropriation that may be made for the Reclamation Service. Of course, if they choose to use some of the money of the reclamation fund to make artesian wells as a part of a reclamation project, they can do so, but there is no money appropriate directly out of the Treasury that can be used by the Agricultural Department for the sinking of artesian wells.

Mr. SMITH of Georgia. Would it not commonly fall within the sphere of the Geological Survey?

Mr. NORRIS. I think not.

Mr. SMITH of Georgia. The Senator knows that I was not on the conference committee, and so I am not familiar with the views there expressed.

Mr. NORRIS. I understand that; and I am not criticizing the conferees. I think from what a Senator has privately told me that two at least of the conferees were in favor of this amendment from the beginning and did what they could in conference to have it retained.

Mr. WARREN. I want to say. In justice to all three of the Senate conferees, that they favored it. There is a group of amendments, of which this is one, of which the Senator is speaking; another is as to the gypsy moth; and another one is that in which the Senator from Idaho is interested. It also includes another amendment of the Senator from Nebraska. Those were the last and hardest things on which to bring a settlement. Whatever might have been the opposition of some Senator originally, I want to say that in the committee they all stood by the amendment as the Senate had instructed. That always is a matter of honor with the conferees. I should consider that I dishonored the position given me if I did not stand by what the Senate ordered me to do.

Mr. NORRIS. I am very glad indeed to have the Senator's statement. Of course, I did not intend to say that any member of the Senate conference committee was opposing the amendment in conference. I do not desire to have that construction put on what I said.

Mr. JONES. Mr. President—

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. I should like to ask the Senator from Wyoming whether the House conferees pointed out any appropriation which they said could be used for sinking artesian wells?

Mr. WARREN. Oh, yes. The Senator will find some. He might deal with them as a Senator as I did.

Mr. JONES. I know we have an appropriation in the sundry civil bill for the Geological Survey to investigate artesian water, and so forth, but nowhere do we authorize them to do it by the boring of wells.

Mr. WARREN. But there is an amount of money, which they claim can be used, which provides for irrigation experiments. There is one hundred thousand or more dollars of that appropriation.

Mr. JONES. Do they claim that that can be used for the sinking of artesian wells?

Mr. WARREN. Certainly.

Mr. JONES. Does the department contend that it can do the work?

Mr. WARREN. I do not know that the department does so contend, because I do not recollect the wording of these provisions.

Mr. JONES. The Senator from Wyoming knows as much about these matters as anybody on this floor. Does he know where the department has ever sunk an artesian well?

Mr. WARREN. Oh, yes.

Mr. JONES. For experimental purposes?

Mr. WARREN. Well, experimental service. As the Senator knows there is a project in one of the Dakotas.

Mr. JONES. Yes; but that is in connection with the Reclamation Service.

Mr. WARREN. Yes.

Mr. JONES. That is an entirely different matter.

Mr. WARREN. It is more or less experimental. I think there is also one in Kansas.

Mr. JONES. At Garden City.

Mr. WARREN. At Garden City. I think there is also one other project.

Mr. JONES. That is an entirely different matter. Does the Senator know of any appropriation outside of the reclamation fund that has ever been used for the sinking of an artesian well?

Mr. WARREN. There has been no specific appropriation, so far as I know, that directs a certain amount of money to be expended at any point for boring artesian wells; but under the provisions made for the Geological Survey and because of the fund which the Reclamation Service is using for experimental work in connection with irrigation projects the inference is drawn that this class of work can be done.

Mr. JONES. I wanted to find out whether there had been any authoritative declaration that there is any money that can be used for this purpose, because I want to say that I have tried to get the department to furnish money, but they have always said that they had no authority to use it for that purpose.

Mr. NORRIS. I have done the same thing.

Mr. WARREN. That same argument was presented by me, I may say, and by others in the conference.

Mr. JONES. I wonder the Senator from Wyoming did not have them point out some particular appropriation which could be used for that purpose, so that we could get at it.

Mr. WARREN. I will say to the Senator that they pointed out those appropriations to us.

Mr. JONES. The department says it can not do it.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER (Mr. KENYON in the chair). To whom does the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, just one word. Since the Senator from Wyoming [Mr. WARREN] referred to the sinking of artesian wells by the department in the Dakotas, I know of no work done by the department in the Dakotas in regard to securing water for irrigation purposes except in connection with the Belle Fourche reclamation project. That is not an artesian-well project. There is a vast semiarid region west of the Missouri River outside of this project, in which, as I understand, the department has done no work in the putting down of artesian wells and has made little, if any, investigation along that line. There may have been some investigation, but there has been no work of putting wells by the Government.

If I may be permitted a word further, I do not think that there is any item in this appropriation bill relating to agriculture for which the money could be more profitably spent than in the sinking of artesian wells in that vast semiarid region.

I came into the Chamber since the Senator from Nebraska began the discussion, but, as I understand, the Senator is referring now to the conference report upon his amendment providing for the appropriation of \$100,000 for the putting down of artesian wells. I sincerely hope that the conference report will be changed in that respect and that the Senator's amendment will prevail.

Mr. NORRIS. Mr. President, I would have asked the Senator from South Dakota, even if he had not interrupted me, the very question which he has already answered, because I was satisfied not only that the Reclamation Service had not been putting down artesian wells with a view of getting water for irrigation purposes, but that under the law, as a practical proposition, they have not any authority to do so. I myself have had that very question up with the Reclamation Service. I was under the impression that they would have authority to do it under the reclamation act; but when I took it up with the officers in charge of the work several years ago and went over it and discussed it with them, they convinced me that in reality they had no such authority.

The object of this appropriation is to give authority and power and money to the Secretary of Agriculture to develop artesian water for the purpose of agriculture, without regard

to whether it is public land or privately owned land on which the well is sunk.

Mr. WARREN. Mr. President—

Mr. NORRIS. I will yield to the Senator in just a moment. It is a well-known fact that artesian water is sometimes found at great depths and that it is necessary to spend a vast amount of money in order to get it, all of which may be lost if artesian water is not found. There are localities in the semiarid belt where if it were demonstrated that water could be obtained. Even though it could not be brought all the way to the surface of the ground, if it were brought within pumping distance, say within 25 or 30 feet of the surface, men could put down their own wells; but no one man can afford in that country to experiment for all the community. It seems to me that that is one of the objects of the Agricultural Department, namely, to experiment for the general good of agriculture; and wherever an experiment can be performed that is likely to redound to the benefit of any section of the country, there is the proper place to spend the money to perform the experiment. I now yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I agree entirely with the Senator that this is not a local question; that it is a very, very broad one, a very deep one, and one that it would undoubtedly be fruitful to follow for the great good of the country. Of course one of the contentions of the other side in conference was that it was not properly in the line of agriculture, because, while irrigation leads to agricultural development, the machinery for boring wells and engineering of that kind more properly belongs to the Interior Department and should be provided for in another bill, which the Senator understands provides for that class of work. That was among the arguments that were made against it.

Mr. SMITH of Georgia. Mr. President—

Mr. NORRIS. Mr. President, if the Senator from Georgia will wait until I finish what I had in mind when the Senator from Wyoming interrupted me, I will yield to him.

I said a few moments ago that I had taken the question up with the Reclamation Service. The answer that is made perhaps as often as any other to the request for this appropriation is, "Let the Reclamation Service take it up." It is absolutely impracticable for them to take it up, as was explained to me when I brought the matter to their attention two or three years ago. They asked me, "Do you expect, if you find artesian water in a certain locality, to be able to irrigate, by means of the well to be sunk, a considerable area of the country?" I said, "No; I would not expect that; perhaps if you sink one well you may irrigate one farm, but you will not be called on to dig any more wells, because if it is demonstrated that artesian water is there every farmer in the vicinity will bore his own well." They said, "That is right; there is no question about that; but what authority have we to use the money of the reclamation fund for that purpose? The law provides how it shall be used, not for experiments but to secure water to irrigate land, contemplating the irrigation of large tracts of land; and unless we can have some reason to believe that by sinking an artesian well we can irrigate a large area of country, we have no honorable right to use the money to put down wells." I conceded that they were right, and I believe now they were right. So that when it comes to a practical proposition we can not expect the Secretary of the Interior to take the reclamation fund and use it for experiments of this kind. I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I only want to say to the Senator that I do not think there can be any doubt about the fact that the proper branch of the Government service to conduct experiments to ascertain whether artesian water can be obtained is the Geological Survey. I think the experts of the Geological Survey would be far more likely to be able to determine properly a question of this kind than any of the men in the Agricultural Department. We have had some experience in artesian wells in my State, and it is largely a question of geology rather than of agriculture. The value of artesian wells for agriculture we all recognize, but if an investigation is to be made and experimental wells are to be sunk by the Government, from my own knowledge of the work of the Geological Survey I am sure that that is the Bureau under which the work should be done. Of course the Senator knows the Geological Survey is a branch of the Interior Department.

Mr. NORRIS. Well, Mr. President, I have always thought that, if this provision went into the law, the Secretary of Agriculture would avail himself of the experts of the Geological Survey. There is not any question that the officers of that branch of the Government service, as far, perhaps, as science is able to determine, can look over the surface and

give expert opinion as to the probability of securing artesian water and at what depth; and, as the well goes down and examinations are made of the soil taken out, they can determine as to the probability of finding artesian water and the advisability of going still deeper. But, Mr. President, there is no authority now resting in the Geological Survey to engage in this work, and nobody can cite a single line of law that gives them the authority to do so.

So far as I am concerned, I care not whether the man who sinks the well is called an agriculturist or a geologist; it does not make any difference. I am calling attention to this matter now in order that the Senate may understand the objections which have been made at various times, with a view, when the sundry civil appropriation bill comes in, as it will soon, to offer the same kind of an amendment to it as I have offered to the agricultural appropriation bill, giving the authority to the Geological Survey to prosecute this work, and see what the various opponents of this particular kind of appropriation will have to say when the work is proposed to be intrusted to the Geological Survey.

Mr. NELSON. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. I entirely agree with the Senator from Georgia [Mr. SMITH] that this is a subject matter for the Geological Survey. Senators must remember that the Geological Survey is not a branch of the Agricultural Department; it is a branch of the Interior Department, and hence it is not appropriate to provide an appropriation for the Geological Survey in the Agricultural appropriation bill.

Mr. GALLINGER. Mr. President—

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

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. For information, I desire to ask the Senator a question or two. Have any artesian wells been sunk in the territory which the Senator has in mind?

Mr. NORRIS. I know of a few.

Mr. GALLINGER. To what depth are they ordinarily sunk?

Mr. NORRIS. That varies very greatly.

Mr. GALLINGER. That leads me to the second question. Might not an experimental well be sunk by one department of the Government and water found that would be useless to the farmers residing, say, 25 or 50 or 100 miles from that water?

Mr. NORRIS. Yes; I presume that is true; but the Senator will no doubt remember that in various localities with which he is familiar there will be a well-defined belt in which there is artesian water. We have in my State, for instance, a quite well-defined strip of country where artesian water can be obtained. It is in a part of the State where no irrigation is necessary and where they have always plenty of rain; but it constitutes quite a stretch of territory, running through two or three different counties, in which the outlines of the artesian belt are very well defined. I have in mind now a town located in Nebraska, in a good portion of which artesian water has been obtained by driving; they do not even need to bore a well; but they obtain the water by driving, and by means of pipes run it all over the houses. Twenty-five or thirty miles from there they can get no artesian water, so that it is a matter, to a great extent, of guesswork.

Mr. GALLINGER. That is the thought I had in mind. We are trying to get artesian wells in some parts of New Hampshire, but we are driving them through the solid rock. We know what that means. I had supposed that the mere sinking of an artesian well in soil such as prevails in Nebraska, for instance, would not be experimental and would not be very expensive. I do not know how it is in Nebraska, but they drive these wells, without digging them, in some parts of the country.

Mr. NORRIS. In the portion of the country with which I am familiar, where it is arid and semiarid, you can not get an artesian well by driving. I know of flowing wells down in the vicinity of the line, for instance, between Nebraska and Colorado, a locality where they have some artesian water. I have understood that northwest of there, in Colorado, and probably also in Nebraska, farther north and farther west, there is a locality where they have brought the water up to within 10 or 15 feet of the surface; but I am not thinking of that particularly. Of course, this amendment does not apply to that territory any more than it would to Colorado and Nevada. I have seen in Nevada, for instance, thousands and thousands of acres that would be the most valuable land under the sun if it had water; and I do not know but that experiments might demonstrate that there is artesian water in that locality. If one well located in such a locality should demonstrate the existence of artesian water, that is all the Government would have to do.

The people would take care of the rest, and that country would be built up.

Mr. GALLINGER. Mr. President, the Senator knows that I am in deep sympathy with the effort to provide for any needs that may exist in the arid and semiarid regions of this country—

Mr. NORRIS. I think so.

Mr. GALLINGER. And I was wondering whether or not an experiment made at one particular point would be of value at a point some miles distant. I recall reading once that Artemus Ward watched the process of sinking an artesian well. They had gone down very deep and had not struck water. He suggested that they go around in China and dig up; that he knew there was water there somewhere. [Laughter.] I suppose it is, after all, a good deal of an experiment.

Mr. NORRIS. In answer to the suggestions made by the Senator from New Hampshire, I will say that it is an experiment. That is the reason private individuals can not afford to spend the money to perform the experiment, for there is always the risk of not getting anything; but if artesian water were found in a certain locality, I take it that a wise administration of the law on the part of the Secretary of Agriculture would dictate that he pay no more attention to that locality; the people would take care of the matter, and it would soon be discovered what the bounds of that particular artesian belt were. I remember when artesian water was discovered in the eastern part of Nebraska that there were a great many wells put down; a great many experiments took place; and it was not long until the outlines of that particular artesian belt were well known. Scientists came in and gave various reasons for it and explained it, and they reached a satisfactory conclusion in their own minds.

Mr. JONES. Mr. President—

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. Mr. President, along the line of the suggestion of the Senator from New Hampshire [Mr. GALLINGER], I want to say that at my town, which is in a valley between two foothills coming down from the mountain, the valley being some 15 or 20 miles long and 4 or 5 miles wide, for a good many years there was talk of securing artesian water. The Geological Survey, after such investigation as they were authorized to make, said there was not any artesian water in that territory, but by and by some man sunk a well. He went down about 800 or 1,000 feet and struck artesian water; and from that time on everybody knows that if they go down about 800 or 1,000 or 1,200 feet they can get artesian water in that territory. That is why we want the amendment.

Mr. NORRIS. That is exactly the purpose of this particular amendment. Let me ask the Senator if he can state how much that well cost?

Mr. JONES. I am not certain about it; but my recollection is that the cost ran from \$1 to \$5 a foot. Of course, when you get down a little way and strike rock, as has been suggested, it will cost more; but I think, on the average, the cost would be from \$2 to \$2.50 a foot.

In line with this proposition, I desire to say that in a certain locality in our State there are, say, 200,000 acres of land of the same character and constituting a sort of plateau. It is just as good land as the sun shines on, except that it is semi-arid or almost arid. If by the sinking of a well artesian water could be shown to exist at any point in those 200,000 acres everybody would be satisfied that he could find artesian water almost anywhere in the tract. That illustrates again what the purpose of this amendment is.

Mr. NORRIS. I think that illustrates it. I believe that is all I have to say, Mr. President.

Mr. BRADY. Mr. President, I want to say a word relative to the amendment No. 58, making an appropriation of \$25,000 for experimenting in by-products in the forests of the West. There seems to be an impression that the Chief Forester is opposed to this amendment. I am convinced that there is a misunderstanding relative to that matter. While he believes that it is a duplication of his work, yet he has no objection whatever to the same. The amendment was very carefully considered by the Committee on Agriculture. I presented to the committee the by-products sent to us by Dean Shattuck, who has charge of the work at the University of Idaho, and the Assistant Secretary of Agriculture, Dr. Galloway, who was present at that meeting, joined us in preparing the amendment as it was adopted by the Senate.

The Department of Agriculture has already sent an expert to Idaho to assist Dean Shattuck in this work, and they are now actually doing work out in the forests and on the farms of the Northwest. They are securing excellent results, and in all fairness they deserve every encouragement that the Government can give them in the splendid work they are doing.

I am convinced that the Senate would not reject this report on account of this amendment, and I fear I would hurt our cause more than I would help it by attempting to delay the passage of the bill. I believe that a majority of the Members of the Senate are in favor of this amendment and will assist me in having it adopted in some other bill during this session. For that reason I shall raise no further objection to the adoption of the report.

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

The report was agreed to.

#### FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I ask that the unfinished business may be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. BORAH. Mr. President, in the discussion of this bill I can not repeat too often or reassert too frequently the proposition that I believe in the principle of the Sherman antitrust law, and I am willing to vote for any measure which to my mind will strengthen and make more effective its enforcement.

It has been said that the Sherman antitrust law places too great a burden upon the courts—a proposition to which I agree if we are going to leave to the courts, as we have been disposed to do heretofore, the execution of their own decrees. If it can be shown that an administrative body is necessary for the purpose of assisting in the formation of these decrees, to the end that these corporations may be dissolved under the decrees, and that the decrees dissolving the corporations may be carried into effect, I am in favor of that kind of a measure; but I am unable to overlook the fact that for the last several years in this country there has been growing more and more, by reason of the powerful influence which is behind it, the idea that we must tolerate monopoly in this country and provide some means and methods for its regulation. To that kind of a proposition, appearing in all its boldness or insidiously, I am opposed.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. In just a moment, I want, before I close, to suggest that in its present form and with its present provisions in my judgment this measure will ultimately come to be used for that purpose, and will be built into a huge measure which will have for its ultimate object and purpose the regulation and control of monopoly.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I do.

Mr. STERLING. I think in the discussion of so important a measure as this there ought to be a quorum present, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Goff	Nelson	Shields
Borah	Hitchcock	Newlands	Shively
Brady	Hughes	Norris	Smith, Ariz.
Brandegee	James	O'Gorman	Smith, Ga.
Bryan	Jones	Overman	Smith, Md.
Burton	Kenyon	Page	Sterling
Camden	Keon	Perkins	Thomas
Chamberlain	Lane	Pittman	Thompson
Clarke, Ark.	Lea, Tenn.	Pomerene	Thornton
Cummings	Lee, Md.	Ransdell	Warren
Dillingham	Lewis	Robinson	White
Fletcher	Martin, Va.	Shafer	Williams
Gallinger	Martine, N. J.	Sheppard	

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present.

Mr. NELSON. Will the Senator yield to me for a minute?

Mr. BORAH. I yield.

Mr. NELSON. I offer an amendment to the trade commission bill. It is very short, and I ask that it may be read, printed, and lie on the table.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to amend the bill, on page 20, lines 20 and 21, by striking out the words "That unfair competition in commerce is hereby declared unlawful," and by inserting in lieu thereof the following words:

Competition in commerce, the purpose or effect of which is to cripple or destroy the business of a competitor, shall be deemed unfair competition, and is hereby prohibited and declared unlawful.

Mr. BORAH. Mr. President, the roll call having brought to the Chamber a full Senate, and the manifestation of interest being unmistakable in this great measure, which is calculated to change the industrial policy of the country, I will proceed with the discussion, with the assurance to my colleagues that I shall be as brief as possible.

I find that I am not the only one who has heretofore contemplated with some disturbance of mind the proposition of tolerating these combinations and monopolies and providing a system of regulation. Mr. Bryan, the present Secretary of State, several years ago, immediately after the rendition of the decision of the Supreme Court in the Standard Oil case and the American Tobacco case, in an article in the New York Times, said:

Mr. Gary, head of the Steel Trust, proposes regulation even to the extent of the regulation of prices, and the principle is endorsed by the Attorney General. The latter compares the trusts with the railroads, argues in favor of regulation of prices, and puts the regulation of prices upon the same ground as the regulation of railroad rates.

To clearly understand the situation it may be well to suggest that there are now three remedies before the country. First, the national incorporation of interstate industries; second, the regulation of interstate industries by a board of the court, which will have power to fix prices; third, legislation which will dissolve within a reasonable time the private monopolies that now exist and prevent the organization of new ones, thus restoring competition.

The first and second are really one in essence, since they simply contemplate different means of reaching the same end. Those who advocate national incorporation expect, of course, that the incorporation will be upon conditions which will in themselves constitute a regulation, while those who advocate regulation only, without national incorporation, will reach the same end in a little different way.

The objection to national incorporation is that it is intended to do away with State regulation entirely and compel reliance exclusively upon national regulation. This is objected to—and I think the objection is sound—on the ground that the State is left helpless in case Federal legislation is not sufficiently strict.

Federal incorporation is not only objectionable, but it is unnecessary. The Federal Government now has power to employ any means necessary for Federal regulation without national incorporation, and whatever Federal regulation is necessary ought to be added to State regulation and not substituted for it.

The second plan is objectionable for two reasons: First, because it is insufficient—that is, Federal regulation is not a complete remedy. The influence exerted by monopolies is so great that the people would be in a constant battle with the great corporations to see which would elect officials through whom control would be exercised; and no one who has watched these decisions can fail to recognize the helplessness of the masses when they have to fight a vigilant, sleepless group of financiers who have a large pecuniary stake in controlling the Government.

Mr. President, when the time comes in this country when the regulation of railroads is in the hands of a commission and the regulation of the currency is in the hands of a commission, and the regulation of industry is in the hands of a commission, there will be but one fight—only one will be necessary, with such discretion as is lodged in this commission and the commission into which this will finally grow—and that is, to control the commissions.

We passed some time ago a currency bill. It provided for what is in effect a currency commission. The Government of the United States issues the notes and loans them to the banks.

Mr. President, when the industries and the commerce and the currency and the transportation of the country have been centralized at Washington, and that wide and indescribable and incomprehensible discretion given to the commissions which is being given to these commissions, there will be only one fight in politics, and that will be to control these commissions. They are given all kinds of power. The division of power which inheres in our form of government is practically ignored when we reach the commissions, and they exercise almost every conceivable kind of power which a government possesses.

Again, Mr. Bryan says:

The larger the control vested in the national commission or court, the more important it would be for the trusts to control the selection of the members. If the court was intrusted with the fixing of prices, it would mean hundreds of millions a year to the trusts. No well-informed citizen need be told that with so large a sum at stake the trusts would be active in every congressional, senatorial, and presidential election.

It has been suggested that the regulation of prices would be socialistic, and there can be no doubt that its tendency would be in the direction of ultimate ownership by the Government of the industries themselves. When the country decides that competition can not be restored—that monopolies are a permanent development of industry—then the people will be face to face with the socialistic issue.

Yes, Mr. President: when the time comes in this country when the people are resolved that they can not destroy monopoly, that they can simply do no more than regulate it and control it through commissions, so far as I am concerned, rather than undertake merely to regulate monopoly through commissions, which is about the same thing as undertaking to regulate a cancer in the human system, I would prefer to try State socialism.

Mr. WHITE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. BORAH. In just a moment.

The Democratic platform outlines a plan, and our new form of government makes this plan easy of adoption. The plan is, in substance, as follows: Let a license be required of interstate commerce corporations—

And so forth. What I was seeking was the justification which the Secretary makes—

Mr. WHITE. What I wanted to know from the Senator from Idaho was from whom he was quoting.

Mr. BORAH. I was quoting from the present Secretary of State, Mr. Bryan.

The third plan is, to my mind, the only one consistent with history, with economic principles, and with the public welfare. The private monopoly should be regarded as indefensible and intolerable, and legislation should be enacted which will compel the dissolution of all monopolies now in existence and make it impossible for a private monopoly to be created hereafter.

Again, Mr. Bryan says, and this seems to me particularly pertinent here:

The only reason for combination is to prevent competition, and the only reason for preventing competition is to secure larger profits.

The trust is not an economic development any more than horse stealing or burglary. The man who holds up the passenger on the highway acts upon the same principle that underlies private monopoly. The trust conducts highway robbery on a more polite and more extensive scale, but there is no distinction from a moral standpoint between the trust methods and the methods of the highwayman.

If the public does not see that the methods are identical, it is because the glamour of financial success has obscured the processes by which the victim's money is extracted.

Again, he says:

Is it not time to pay some attention to the just demands of the honest business man and relieve him from anxiety and expense at the same time that the country is relieved from the conscienceless depredations of the monopolist? Such relief is possible. The plan embodied in the Democratic platform protects the honest man, restrains the corporation which attempts to control business, and does it without invoking any new principle.

There is no tenable middle ground between competition and Government ownership. Wherever competition is impossible, Government ownership is necessary. We have our choice, therefore, between the restoration of competition and preparation for Government ownership.

I have faith that the people, when they understand the trust question, will prefer to rely upon competition rather than to permit private monopolies to exist and then trust to regulation.

Mr. President, any measure, any policy, which can be shown to be in aid of the destruction of private monopoly I will support. I may be entirely in error as to the effect of this measure. I do not believe that I am in error as to what its ultimate effect will be.

Let us go now to the bill itself and see in regard to section 5:

That unfair competition in commerce is hereby declared to be unlawful.

To my mind this furnishes no standard whatever; and in so far as it furnishes no standard, it favors the lawless and embarrasses the honest. I can not conceive of a term which is more elastic in the mind of the business world than the phrase "unfair competition." I have searched very earnestly for the authorities which have defined "unfair competition," and I have been unable to find any authorities, except that upon a particular state of facts, relating alone to the case before the court, the court has decided under the Sherman law, generally, that that could not be done. Any definition which would fit a state of facts until the determining tribunal had them before it, which would be a guide to a citizen, I have been unable to find.

The Senator from Arkansas [Mr. ROBINSON] called attention the other day to the work on words and phrases. But when we examine this work we find very little comfort and less guidance. Under the heading of "Unfair competition" the authors of this work simply refer to certain cases wherein a particular state of facts was deemed to be proof of unfair competition. But all these cases, so far as I have been able to examine them, are trade-mark cases. The question involved was what was an unfair use of a trade-mark. These were cases where deception and fraud in the use of trade-marks were involved. It needs no argument to show that that is no guide for the man in the general business world.

One of the cases cited was from the Ninety-fourth Federal, and I read a single paragraph from the syllabi:

Nothing can be legally appropriated by anyone as a trade-mark which, aside from superiority and excellence, popularity, or cheapness of the article bearing it, would practically confer upon him a monopoly in the production or sale of like articles.

Another one of the authorities cited is the *T. B. Dunn Co. v. Trux Manufacturing Co.* (63 N. Y. Sup.). The syllabi of this case discloses the matter in controversy:

Such packages not having been the same, and not having been devised so as to deceive or with intent to deceive or induce a belief that they were put up by plaintiff, defendant's use thereof could not be enjoined upon the ground of unfair competition.

The case of *Sterling Co. v. Eureka Co.* (80 Fed.) is also a trade-mark case. All of these cases were trade-mark cases, and the court in no instance undertakes to define or even to

discuss unfair competition separate and apart from the infringement of trade-marks. Nothing therein contained gives the slightest suggestion as to the general rule of business.

The Senator also called attention on yesterday to an article by Prof. William S. Stevens, of Columbia University, and cited it in support of his contention that unfair competition had a well-defined and well-understood meaning. It seems to me, however, that Dr. Stevens, with whose views I in nowise disagree, is authority for the very opposite of that view.

He opens his article by saying:

"Unfair competition" is a term difficult either to define or explain. To different individuals it connotes different things. The lawyer's view of unfair competition, for example, is based upon the statutes and the decisions of the courts; that of the economists upon economic consequences and results. To the lawyer, a method which is legal is not unfair. To the economist, on the other hand, legally per se is no criterion of fairness. The opinions of the lawyer and of the economist are therefore likely to be at variance in the case of more than one method. This divergence of views will appear more clearly in the course of this article which is written from the standpoint of the economist.

In order to determine the meaning of "unfair competition" from an economic point of view it is of service to consider first the meaning of "fair competition."

After a person has performed the inconsequential and ordinary task of determining, in the whole field of human industry, what is "fair competition," the business man will be prepared to proceed to determine what is "unfair competition." That is the argument of the doctor upon this subject, and I agree with him. I do not criticize or find fault with his views. But it must be conceded that it is a rather large field of exploitation to which he invites the business man.

Fair competition in an economic sense signifies a competition of economic or productive efficiency.

You will notice the limitation of that statement.

Fair competition in an economic sense signifies a competition of economic or productive efficiency. On economic grounds an organization is entitled to remain in business so long and only so long as its production and selling costs enable it to hold its own in a free and open market. As the productive and selling efficiency of competitors increases, marginal concerns which are unable to keep pace will gradually lose their market and ultimately discontinue business. But in such an elimination there is nothing not economically fair to all concerned. If all have an equal chance to survive, it is economically proper that those failing through lack of efficiency should be destroyed. The community is entitled to the most efficient service that can be given. Inefficient organizations constitute a burden to the community and no justification can be found for their continued existence.

In other words, Mr. President, fair competition in the mind of this distinguished scholar is synonymous with productive efficiency. It is a term, therefore, incapable, as he plainly intimates, of definition or explanation. It depends upon a thousand conditions and upon environment; it depends upon the mental attitude not only of the judged, but the adjudged. Under such conditions as the doctor describes, the boldest monopoly that ever contributed to a presidential campaign could be secure, and in time they would be secure.

Unfortunately, competition is not always conducted under such conditions of equal opportunity in a free and open market.

Then further along in the article the doctor gave a classification of the things which have been declared to be unfair competition.

1. Local price cutting.

Unquestionably; and it is inhibited now. It is one of the monopolistic practices which is condemned by the Sherman anti-trust law. It will add nothing to reassert the proposition in another statute. The courts have repeatedly announced that as true, and we derive the things which constitute unfair competition from the decision of the courts under the trust act.

2. Operation of bogus "independent" concerns.

That has been repeatedly condemned by the courts under the trust law, and is already inhibited. The statute already covers the subject matter.

3. Maintenance of "fighting ships" and "fighting brands."

Which is also a matter which has been passed upon by the courts as inhibited.

4. Lease, sale, purchase or use of certain articles as a condition of the lease, sale, purchase or use of other required articles.

5. Exclusive sales and purchase arrangements.

6. Rebates and preferential contracts.

7. Acquisition of exclusive or dominant control of machinery or goods used in the manufacturing process.

8. Manipulation.

9. Blacklists, boycotts, white lists, etc.

10. Espionage and use of detectives.

11. Coercion, threats, and intimidations.

Those are the 11 subjects which the doctor looked upon as constituting unfair competition and there he ceases. But it is clear that this committee would not be willing to assert that as a code constituting in full what the committee want under any circumstances to be unfair competition.

You have therefore not lessened the field of doubt nor lessened the field of understanding by designating those 11 things which are unnecessary of designation for the reason, as I said, that they are already included within the pronouncement of the courts with regard to these matters. I find no criticism of the article, but I do find that here is an economist who has made a special study of this subject for the specific purpose of trying to define in two articles in a magazine what he conceives to be unfair competition. He starts with the statement that it is difficult to understand, or difficult to define, and difficult to explain.

Mr. President, you are announcing a rule here which will enable the business men of the country to practice almost any kind of competition or else, upon the other hand, it will so circumscribe them by reason of the doubt that they will not be able to proceed until they have had repeated decisions from this commission as to what constitutes unfair competition. What constitutes unfair competition to-day does not constitute unfair competition to-morrow in the business world. Some things which are unfair competition to-day would not have been regarded as unfair competition 20, 50, or a hundred years ago, and a number of things, as business development grows, with different conditions, different views.

The bill further says:

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce it shall issue and serve upon such corporation a written order at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside in whole or in part any order issued by it under this act.

I call attention to some of the expressions from the courts with reference to this kind of a statute, as to the uncertainty of the language, the ambiguity of the language upon the question of their enforcement either in civil process or in a criminal court. My attention has been called to a case which is often cited—in the Forty-fifth Arkansas, at page 164, the case of Andrew Jackson ex parte. This case says:

The warrant alleges that the petitioner was convicted of the crime of committing an act injurious to the public morals, by leaving his wife, etc. By the Revised Statutes, chapter 44, section 7, it is made a misdemeanor to "commit any act injurious to the public health, or public morals, or to the perversion or obstruction of public justice, or the due administration of the laws." We are not aware that this act has ever been judicially questioned or ever in any case heretofore enforced. It has trickled down unnoticed in practice, through all the digests, and finds its place in Mansfield, section 1961. For want of something more definite, the justice of the peace has brought it now to bear upon Andrew Jackson, and it must be noticed.

We can not conceive how a crime can, on any sound principle, be defined in so vague a fashion. Criminality depends, under it, upon the moral idiosyncrasies of the individuals who compose the court and jury. The standard of crime would be ever varying, and the courts would constantly be appealed to as the instruments of moral reform, changing with all fluctuations of moral sentiment. The law is simply null. The Constitution, which forbids ex post facto laws, could not tolerate a law which would make an act a crime or not, according to the moral sentiment which might happen to prevail with the judge and jury after the act had been committed.

Analyzing this warrant we can not find that it sets forth any offense as the ground of commitment. We think the honorable chancellor was mistaken in his view of the law and should have held this commitment void, as he had rightfully held the former was.

Mr. President, what are you doing with this commission except establishing a censor for morals in the business world for right conduct, for right action? To enforce fair competition is to practically oversee the moral conduct of all men engaged in a business in which they have a competitor.

I want to say in this connection that if this law should become effective, and if you should make it a success from the standpoint of reviewing everything that every citizen might consider unfair which he should present to you, there would be no end of the expense and of the cost of the number of officers, agents, and parties who would be engaged in the performance of this work.

As I said the other day, Mr. President, the best enforcement of the law in this matter is the individual himself. The trusts for a long time did not take much concern in regard to the proposition that if a man was injured by a monopoly he could recover treble damages. But after the Supreme Court had rendered a decision in which that phase of the law was exploited and applied to the labor organizations so as to be effective for its purpose, these suits against monopolies are springing up by individuals all over the country. If a monopolist understands that if he injures a man to the amount of \$10,000 by unfair practices—by monopolistic practices such as are now defined in our decisions—the man injured may turn around and

recover from it \$30,000. It is going to be the most effective and powerful instrument for the dissolution of monopolies in this country that we can possibly have. I would rather have the countless hundreds and thousands of men who were injured by monopolies contending for the enforcement of the law than any commission or any public institution you can possibly create. Under this proposed law, if a man has been guilty of unfair practice what you do is to say to him, "Go thou and sin no more." No punishment for past deeds, no reparation to the injured party.

With reference to the question of the expense of bureaucratic forms of government, commissions, and so forth, in 1894 the United States Government employed 247,000 persons. In 1914 the same Government employed 712,000 persons. In 1894 the population of the United States was 66,000,000. In 1914 the population of the United States was 95,000,000. In the same time that the population has increased 47 per cent the number of employees has increased 186 per cent. Yet men speculate about the cost of living, and the taxes, and the fact that we can not get enough taxes by an income tax and a revenue tax and every other kind to keep the Treasury from going to a deficit.

I ask those who are favoring this bill to contemplate what in 10 years from now or 20 years from now will be the amount appropriated by the Government of the United States to bring public lawsuits and to adjust the competitive conditions of business in this country if, indeed, this proves to be a workable proposition.

But, further, Mr. President, with reference to some of the decisions on the question of uncertainty, in the case of Cook versus The State, Twenty-sixth Indiana State Court Reports, page 278, it is said:

There must be some certain standard by which to determine whether an act is a crime or not.

As I understand the proposition, this is not made a crime, simply unlawful, but the principle of ascertaining what is the rule or standard by which business is to be guided is ascertained by reviewing those authorities in which the court has held that similar language was too uncertain for enforcement.

There must be some certain standard by which to determine whether an act is a crime or not; otherwise, cases in all respects similar tried before different juries might rightfully be decided differently, and a person might properly be convicted in one county for hauling over a turnpike in that county and acquitted in an adjoining county of a charge of hauling the same load on the same wagon over a turnpike in like condition in the latter county, because of the difference of conclusions of different judges and juries, based upon their individual views of what should be the standard of comparison of tires, derived from their varying experiences or the opinions of witnesses as to what difference of width of tires would constitute one wagon a narrow-tired wagon and another a broad-tired wagon.

If it should be said that the question as to what is a narrow-tired wagon is one which may be determined in a particular case by the jury trying it, under proper instructions from the court, can we hold that the court in its instructions could lay down any principle or rule which would obtain in all such cases throughout the State? If so, can this court indicate what should be the scope or tenor of such instructions? The phrases "narrow-tired wagon" and "broad-tired wagon" are not technical phrases having a peculiar and appropriate meaning in law, and they are to be taken in their plain or ordinary and usual sense. Thus taken a narrow-tired wagon means a wagon having wheels with tires which are narrow, while a broad-tired wagon means a wagon having wheels with broad tires. If tires of particular widths be compared, it is easy to say which is comparatively narrow and which is comparatively broad, but without any prescribed standard it is impossible to say as a matter of law that a tire 2 inches wide is certainly either a narrow tire or a broad tire.

The Supreme Court has said in Ninety-second United States, page 214:

"Every man should be able to know with certainty when he is committing a crime." (U. S. v. Reese, 92 U. S., 214, 220; 23 L. ed., 563-565.) This obvious duty must be performed by the legislature itself, and can not be delegated to the judiciary. It may doubtless be accomplished by the use of words or terms of settled meaning or which indicate offenses well known to and defined by the common law. Reasonable certainty, in view of the conditions, is all that is required, and liberal effect is always to be given to the legislative intent when possible. But when the legislature declares an offense in words of no determinate signification or its language is so general and indefinite as that it may embrace within its comprehension not only acts commonly recognized as reprehensible, but others also which it is unreasonable to presume were intended to be made criminal, the courts, possessing no arbitrary discretion to discriminate between those which were and those which were not intended to be made unlawful, can do nothing else than declare the statute void for its uncertainty.

Justice Brewer, in a case in Fifty-second Federal, page 917, says:

But in order to constitute a crime the act must be one which the party is able to know in advance whether it is criminal or not. The criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty.

Mr. President, I should like to see the legislation in regard to the trust question confined to such statutes as would have for their object and purpose the enforcement and execution successfully of the law which we have. I had supposed from the nature of the bill which is now pending be-

fore the Judiciary Committee, that the prime object was to secure legislation which would make more specific and certain the execution of the Sherman antitrust law. If this bill were confined to the subjects which are necessary to be considered in the administration of that law, in view of the decisions of the courts I would be willing to support it, although I believe all that could be done by additional provisions of the law creating the Bureau of Corporations. If that department were enlarged by some additional provisions to the law so that there would be an expert in the department having the sole business of overseeing the execution of judgments and decrees rendered under the Sherman law after they had been entered, I believe that it all could be done with very little expense. This bill we must concede is a very extensive proposition, or will be, and if it can be accomplished in the other way with less expense it seems to me it would be a wise thing to do.

Mr. President, even as early as the days of Anacharsis it was said, "Laws are like spider webs, and will, like them, only entangle and hold the poor and weak, while the rich and powerful will easily break through them." Severe and sardonic, but of peculiar and scathing pertinency just now. Legitimate business and honest industry have a just complaint against the Government. We are piling statutes upon statutes and rule of conduct upon rule of conduct, while we enforce and execute our laws with no regard for consistency and often with a keen regard for political exigencies and with notorious favoritism. Thus honest and legitimate business is enmeshed in a wilderness of laws, made the plaything and the puppets of politics, while dishonest and illegitimate business—monopoly—in its brazen impudence, purchases favors by campaign contributions and thus "easily breaks through." We have in this country arrived at, or seem to be closely approaching, the time when the organizers and creators of monopoly are to lay down the rules and fix the regulations by which they are to carry on business.

The vast majority of the business men of this country are willing and anxious to do business on an honest basis. They believe in honesty as the best policy as a business proposition. They will obey any law that rests in feasibility and reason—any law that business can obey and exist. The laws which we pass ought to take this fact into consideration. But we do not do so. We legislate upon the theory that business is morally bankrupt, as it seems to bid fair to be financially bankrupt. We seem to be reaching out with commissions and inquisitorial bodies to oversee, superintend, and police every business man and every line of business in the United States. We have a penchant just now to see how our business will look when incased in the strait-jacket of a bureaucratic system. When a wrong is suggested, instead of making and enforcing the law as to those who violate it, we create a commission with many officials, a retinue of clerks, and special agents to oversee at great expense to the taxpayers those who violate no law, while those who do so are occasionally and spasmodically prosecuted, and when prosecuted the prosecution generally stops on the hither side of effectiveness.

We are either unable or unwilling from sheer political cowardice to execute the laws against monopoly, against the few who ride roughshod, booted, and spurred over their fellows in a business world. We make a pretence to the multitude of doing our duty by enacting a few more laws while the multitude is suffering, not because of the lack of laws but because of the failure to execute what we have. We hope in this way, apparently, to satisfy the interests who pay the campaign expenses and to delude and chloroform the suspicions of those who cast the votes. What we need in this country now above all things is the execution of our laws rather than the enactment of more laws.

There are few men in this country, very few compared with the ninety-odd million of people, who have created vast combinations and monopolies, who are constantly in violation of the law. They have organized and created these monopolies in such a way that even the sinister and slippery method in which they did it disclosed their consciousness of guilt while they were doing it; and yet in order to get these few men who have demoralized the business of this country by the monopolies we create here a commission which has to do with every legitimate industry and every business in the United States.

To my mind it is a mistaken policy, and I have never understood the President's message nor a single word that the President ever wrote to be in support of such a thing. I know that he said during the campaign—

I don't want a smug lot of experts to sit down behind closed doors in Washington and play Providence to me. \* \* \* I am one of those who absolutely reject the trustee theory—the guardianship theory. I have never found a man who knew how to take care of me, and reasoning from that point out I conjecture that there isn't any

man who knows how to take care of all the people of the United States. I suspect that the people of the United States understand their own interest better than any group of men in the confines of the country understand them. \* \* \* If any part of our people want to be wards, if they want to have guardians put over them, if they want to be taken care of, if they want to be children, patronized by the Government, why I am sorry, because it will sap the manhood of America.

His idea, as I understand it, was not to tie the whole business world up with overseers and policemen, not to have a superintendent for the average honest citizen throughout the United States, but to give business its freedom, to destroy monopoly, to release the unbounded energies of the average citizen and depend upon him to be both honest and successful.

I am a supporter of that kind of a policy. I do know, Mr. President, that those who advocate this measure have not in view that which I think will be the result and effect of it, but if this commission is going to have any business in the world to discharge and it proves a success in the end, that is precisely what will result—the business of the country will come to this commission for authority and direction.

Mr. President, I would like to see at the close of this session the passage of a national incorporation act, and certain provisions which I deem to be essential for the enforcement of the Sherman antitrust law, and then I would like to see the announcement made that the monopolists of this country must obey the law as laid down by the Supreme Court, and that neither a plea of business condition nor a plea of business confidence or lack of it would deter the enforcement of the law with reference to these great monopolies. I do not believe that it will help the situation to send out a roving commission to superintend or supervise, to oversee and police the hundreds who are not violating the law. I do not think it will help business a particle to have in the statute an uncertain provision with reference to unfair competition. I think that which will bring about what we must ultimately have—to wit, the destruction of private monopoly—is the announcement that private monopoly must go. And let us not forget that the owners of private monopoly distinctly understand the decisions of the Supreme Court now in that extent that they know that they must go if those decisions are carried into effect.

Let me recall to you a piece of history which some still living helped to make, and all of us have often read. For 40 years we compromised and dickered with human slavery, procrastinated and side-stepped, apologized for or defended the institution. We were afraid that to destroy it would destroy business and involve the country in financial distress. We tried the Missouri compromise, the fugitive-slave law, the Dred Scott decision, and squatter sovereignty. We searched our false and cowardly hearts for justification of the pernicious doctrine that one man should live off of another's toil. We scoffed at the moral law and falsified the Scriptures until the whole Republic reeked with inhumanity and venality and a whole people seemed enmeshed in cowardice and crime. But in that hour there came into camp a strange, ungainly figure from the ranks of adversity and poverty, with his simple but living faith—a house divided against itself can not stand. From that hour slavery was doomed; the sacrifice had to be made, and it was great; but slavery was doomed. The age of compromise and procrastination, of moral obliquity and intellectual cowardice, had passed. Monopoly is ten thousand times worse than black slavery; it is the father of class domination, the molder of chains both for the body and the soul, and can not exist in any form with safety to the people in a Republic. A Republic is strong enough to destroy, but never could be strong enough to regulate monopoly. The human system may survive the knife, but it never can survive the subtle encroachments of the insidious hunger of disease. Some of these days all political parties—because the people will rise in their might—will take up this proposition of monopoly, and declare in terms unmistakable that a Republic and monopoly can not exist under the same flag; will declare that we will put the man in jail who organizes a monopoly and practices monopoly as quickly as a man who organizes a combination of thieves and takes our property in another way.

Mr. LEWIS. Mr. President, I shall occupy the floor for a few minutes and will then give way to the able Senator from Iowa [Mr. CUMMINS], who, I understand, desires to address himself to some of the distinctive legal features of this measure.

No man in the Senate can hear with more pleasure the distinguished Senator from Idaho [Mr. BORAH] than myself, and while I am not always able to give my approval to his conclusions, no man can accord to him sincerity of conviction in the announcement of premises more readily than I. I am particularly moved to a consideration of the things to which he alludes in referring to the extent of monopoly in this country, and I am interested to recall that the denunciation of just such monopoly has for years come from the Democracy and been made

by men of no less sincerity of purpose and of no inferior patriotism to that of the Senator from Idaho.

A single reply to the Democrats came from those who had least regard for public opinion and none for the right to express it. It was the hurled-back charge of "demagogue" or "anarchist" against every Democrat crying out the danger of these evils. If there had been more heed in this country to the warnings which have been given by Democracy against the encroachment of private monopoly, there would not have been need today in this great body for any man to defend or assail legislation having for its object the remedy of those monopolies and the restraint of those who continue to execute the infamy upon the citizenship of this country which monopoly permits. Let it be now recalled that Republican administrations for the last 20 years have licensed by law these monopoly privileges which now Democrats and patriotic men of all parties alike condemn as they seek to rescue their oppressed countrymen.

There is no real citizen of this country desiring the welfare of his Nation but will agree with the anathemas hurled by the able Senator from Idaho. They join with him in all the condemnation that the splendor of his utterance flames around this hideous object and behold with him the frightening vision which he conjures up to the horror of this honorable body.

But, Mr. President, who and what did this thing? I answer. It is by and under laws upon the statute books under which these institutions have taken their shelter and their license. They were passed under administrations which denounced the Democracy because it sought to avoid the very evil which is now put upon the Republic and which eminent Republicans, such as the distinguished Senator from Idaho, confess need curbing in some instances and destruction in others.

So far as I am concerned, I wish to be very frank, and unreservedly to say that by principle I am opposed to the form of legislation which finds its way into this Chamber to-day and which is traveling fast upon the heels of similar kind that has been pacing and romping the circle of Congress for the last five or six years under the guise of remedies of national wrongs. It is to be regretted, Senators, that there is a tendency, whenever the mind is aroused by a public wrong, to remedy that public wrong by committing a greater public wrong in the form of the remedy. I deplore that there should be upon this country a general atmosphere of consent that the Federal Government should constitute itself a pater familias of each citizen of the Government and arrogate to itself power to remedy every conceivable wrong, real or imaginary, of any citizen of the Republic, however limited in operation to the domain of his local abode. The older and greater doctrine, and that more noble institution of home rule, by which a man may be regulated by his State within the State where he lives in the extensive privilege of its own police power, has been wholly abandoned, and the theory upon which this Government has so long survived is to be forsaken and forfeited, while we are to be rushed into the mazes of all the confusions and of all the disasters which the theory of centralized government ever project upon the citizen wherever it is fostered by privilege and upheld by power.

No great evil upon government has ever been successfully perpetrated save as it has introduced itself under the guise of necessity and blessing. No great departures from the constitutional theory of government—which long having been tried and long proven successful—have ever been entered upon save through that specious excuse of the immediate emergency which is justifying the exception.

#### EVIL OF PERSONAL DISCRETION IN GOVERNMENT.

The able Senator from Idaho has laid his finger clearly upon that element of weakness that is in all such legislation as this which new conditions have forced the Democracy and the Senate to bring before the country. It is the vesting in any centralized set of men the uncontrolled personal discretion to say wherein certain acts are within the law and when such shall be regarded as excluded from it. It were better by far that we could have certainty of method of procedure, exactness of definition of what makes offense—all stated with absoluteness in a statute. It would be more satisfactory that there should be specified in every law the particular things which are denounced, the things which are permitted, the penalty for the violation of the things denounced, and the privileges accorded to the things which are obeyed.

This form of legislation was the early standard of legislative bodies, as the distinguished Senator well says. He need not have gone back so far as his classics; he could have reverted to the first chapter of his Blackstone to recall that we are taught that the three great elements of legislation are permanency, uniformity, and universality.

Yet, Mr. President, there can be no permanency in any legislation that rests solely upon the variable and shifting discretion of the opinions of mortal man. There can be no universality, because any other set of men similarly situated will vary their judgment according to the change of affairs which have been introduced into the arena of action. There can be no uniformity unless the Government is so constructed that that which will apply in one place of government under certain conditions would apply to all of the Government in every part of it under the same conditions. With 48 States of the Union, with the varying demands on the part of those different Commonwealths, the changeable needs of our countrymen, the effect of geography, the production of soil, the tastes of men and their political inclinations, it is almost an impossibility to assume that any one set of defined expressions, such as the able Senator points out as necessary to this bill, could ever have uniform application to each of these States, be universal in that application to all of the conditions, or become permanent in the changing modes and methods of the operation of business and government.

How, then, in view of these facts, shall you remedy the apparent wrongs to the people caused by various practices in different localities in the light of the conflict of local complication and local method of operation? There is but one way. It is to adopt in legislation some general phrase acknowledged and defined in law to which men of honor, wisdom, and discretion may measure or square the complained conditions and, deciding upon them all, render judgment in justice accordingly.

Mr. President, I concede that there is much ground for the fears of the Senator from Idaho as he expressed them, that confusion may arise in some quarters as to the meaning of the law until this body, to whom its keeping is committed, has rendered a definition and given an illustration upon different arising facts by their decisions of the meaning. I also readily concur in that other fear, that men will hesitate lest the conduct they are about to perform should be afterward denounced as being within the general application, and they would be nervous that the Federal Government, in the exercise of its powers, would intrude itself upon the personal discretion in the discharge of their own private business according to their own private codes of honor. But I want to say to the able Senator from Idaho, in this notable presence, that I want the responsibilities for this new intrusion by the Federal Government into this field of supervision of private and personal conduct of the citizen in every State placed right where it belongs.

If it were left to my school of thought as a theory of legislation I would not support this measure, nor any of its kind. If I had the choice or opportunity to take that which I know would be its better—the local regulation of the institutions within the local States where they are incorporated and draw their life and enhance their value—there would I repair for remedy.

#### WHO IS RESPONSIBLE FOR THIS CENTRALIZED LEGISLATION?

These eminent gentlemen who are now complaining about Federal introduction into their private affairs and Federal intrusion upon the commerce of the country, whom, I ask, have they to blame if such an era has been brought upon them? I say, themselves; and I ask all my colleagues in the Senate to hearken to what I feel will be a statement that no just man can say is colored with partisan prejudice or political bias.

Mr. President, I charge that every effort which has been made on the part of the States to regulate any corporate concern within their midst and to pass fair laws looking to their regulation has been met by those large institutions with a protest and appeal to the Federal courts upon the claim that the local legislation was a violation of the interstate-commerce clause of the Constitution, or as taking property by confiscation. Then the general anathema of condemnation designated "unconstitutional" would be called up from the depths of legal mystery in order to apply to and confound the undertaking. So successful in instances and so numerous were they that they gathered strength with their march and defeated every such undertaking in every State by the accommodating Federal court which would enjoin legislation of the different States that sought by moderate methods to restrain these extremes of persecution on the part of these individuals and corporations. These are the institutions characterized by the able Senator as baleful, sinister, and disastrous to the liberty of this country.

May I illustrate a few instances arising to my mind?

#### INSTANCES OF USURPATION.

First, there came the States of North Carolina and Alabama, in the South, which introduced upon themselves a mere State regulation touching freight rates in matters of local concern for their local citizenship. A Federal judge, under the theory

that these regulations were not a guaranty to the railroads of fair return, and, because it was not a guaranty of profit, such was "taking property," under the fourteenth amendment of the Constitution, enjoined the execution of the law, nullified the statute of sovereign States, paralyzed the arms of executive and constabulary. Further, it took steps to imprison editors and other citizens as criminals because they dared to criticize this Federal usurpation and dared cooperate in behalf of local home rule in a local sovereignty of their State government.

Then came following, as we remember, the great State of Minnesota. Its legislature passed local legislation to control the charges in freight rates and fares of passengers, and to give warehouse protection, and accomplish other regulations in the State on purely State institutions operating in the State. Then the Federal court was resorted to by these corporations seeking to escape all law. Why? These large business interests, not willing to be bound by the law, coming directly from the votes of the voter through the legislature, in moderate regulation, sought to overturn the sovereign State, to defeat the will of the voter, to destroy the legislative enactment, and to take refuge, as was the custom, to the safe haven of a Federal court. There in the State of Minnesota, a Republican State—as I have also alluded to Democratic States—these officers of the law were restrained; the very able officer of the law, the attorney general—now the able Senator Mr. CLAPP—vested with power by the votes of his people, sworn to uphold the law under the constitution, was prohibited from executing his solemn oath before God at the instance of a Federal court under the motive power of these "business institutions." These were willing to destroy a sovereign government that they might execute their purpose of avoiding all forms of regulation of their conduct and escape obedience to all law. We found the decisions of the Federal courts in those cases paralyzing Minnesota.

Then an effort was made in the States of Kansas and Oklahoma merely to pass laws that had for their object the protection of local depositors in local banks from the robbery and embezzlement by officers of the bank speculating with the depositor's money. This law provided a certain percentage of deposits as an insurance fund—a bank-guaranty law. What became of these laws? Hardly had they asserted themselves until the same "business institutions" that demanded that the States should no longer control their own affairs and should not be so impudent as to assume to exercise regulation or control over these large interests that went by a corporate name, mystic and attractive, utilized for stock selling and bond swindling—these went into the Federal courts and enjoined the banks from protecting their own depositors upon the ground, among others, that it was "unconstitutional." Ah, that word, like charity, was supposed to cover a multitude of sins—as against them. These favorites of Federal usurpation held up this particular undertaking of relief year in and year out, while they denied local government and local sovereignty the opportunity or privilege of governing its own people. This was done by crying out that the legislation was "unconstitutional." They asserted that only the Federal Government should undertake these measures of protection—if to be ever assumed. The injunctions followed.

Then Texas passed a law for the purpose of levying a tax upon the railroad properties in the State of Texas; but individuals living in New York, who posed as bondholders, brought action in behalf of these railroad companies in the Federal courts, claiming exemption from taxation by Texas upon the ground that as the railroad cars moved over tracks along the borders of Texas from time to time and commingled and joined with cars in another State, to wit, Louisiana, for that reason were engaged in interstate commerce. That therefore the tax could not be levied against such cars. They were successful in taking from the treasury of Texas the tax which Texas had a right to exact for the protection afforded in the shape of police guardianship to this property. This done under the theory that only the Federal Government should take charge of these institutions, their different muniments, and their different policies of conduct in the discharge of their undertaking as carriers. These cried for "uniformity"—"one master." Need I go further to bring to the attention of the Senate other instances where these gentlemen have availed themselves of the Federal courts to escape regulation imposed by the respective States and all control by the people through law?

Mr. President and gentlemen of the Senate, we have lately seen that so far has this doctrine been carried that these influences have succeeded in having the Supreme Court of the United States—by a construction that I am not able to agree with nor to eulogize, as does the distinguished Senator from Idaho, as a high

"expression of duty"—through which it is held now that, if a State passes any legislation looking to the regulation of freight rates within the borders of the State, or to prevent unjust exactions as to rates charged passengers, or to prohibit unfair monopoly or oppression of its people, such legislation is invalid merely because Federal legislation by Congress upon a similar subject exists. Thus by virtue of a sovereignty they find in the Federal Government superseding and excluding that of the State, the State is forbidden to legislate upon this subject for the protection of its people in anywise whatsoever.

Thus a State may have these institutions in its midst; it may protect them with a police power supported by the aid of its taxing power; it may yield up the contribution of patronage to the extent of making millionaires of the owners of the property; but under no condition can these owners be regulated or the law of the State be applied to them to avoid their exactions and prevent great wrongs in the form of oppression upon the people of the State. Yet the people of the same State are denied the right to go to the Federal Government in the same way for their relief against these wrongs, because the moment they step into the Federal courts and ask to have the wrongful rates restrained as against them we can hear them met with the query: "Mr. Petitioner, you live in this State, do you not?" "I do." "This company is a corporation here, is it not?" "It is." "Then you are both citizens of this State, and therefore the Federal court has no jurisdiction as to you. If you have overpaid, sue in the courts; if you have not paid and they are exacting too high tribute, it is a mere breach of contract, sue before your home jury for money if you think you will live long enough to get a hearing." By this policy of discrimination, by this Federal intrusion and oppression, it has come about that there is no other place for a man to go for legislation of relief against oppression at his doorway but to the Federal legislature at Washington. He finds himself here because he has been driven here by the wrongful policies inaugurated with success on the part of these institutions who now seek exemption from the legislation of this body. They denounce the effort to pass Federal laws on the ground that it oppresses them with the system of control. That it is so enlarged and general that, with the application of the law, they will be confused, and with an enforcement they will be harassed. Well, who brought it on them? Who builded this Frankenstein which these gentlemen feel now bind them? They did. We Democrats announce our new adaptation of the Federal centralism—it is that because the National Government has so long allowed corporate power the privilege of oppressing the citizen of the State the citizen of the State must now avail himself of the power of the Government to defend himself against the oppression of corporate privilege.

Mr. President, I remember that, when delivering law lectures in England lately, of seeing a marvelous presentation of part of a prophecy from a distinguished man now passed into that ephemeral thing we call "the fame of the ages." This he said: "Law lords and landlords, and trade lords, the specters you have conjured up have arisen. Rent rebels, strikers, behold the lawless bands; there they are! They are the fruits of the seed you have planted—the nihilist with his bomb, the socialist with his flag, the lawless individual with his methods—they are yours. You summoned up the system by which they could obtain no rights for themselves, and they were then bent on the only thing they knew—retaliation by wrongs against you. Behold you, sirs!" Said the great one, "Hear you the tide? It is the sweep of the water you summoned up. You planted the dragon's teeth; you will hear the roar of the pack as sure as the stream goes seaward."

#### NECESSITY FOR RESORT TO FEDERAL AID.

Mr. President, what do we see on the part of these gentlemen? After having successfully destroyed every form of local autonomy in this Government; after having, through their agents, been able to destroy the sovereignty of the local State courts; after having denied the privilege to local legislatures to govern their own people; and having exempted themselves from all local form of control within the State, they then fancied they had complete immunity from all forms of law. Then you began to act. Did you begin, my brother Senators? No; but the great force behind you began with you. There was that voice in our country reminding you of wrongs, which, because of the failure of local relief, had multiplied in number within the States. These had denied the right of home rule and of self-control. You were then told by the people that since they were denied the right of home rule they were determined to obtain relief at the only place they could secure it. You saw the wrongs perpetrated upon your countrymen; you saw the infamies visited upon your States; you saw the oppression put upon your citizen-

ship by these institutions; then you turned yourself about to find your remedy in the Congress of the United States. Not, sirs, because you believed in the creed of the destruction of the States, but because you were compelled to adopt the only system permitted you that promised relief of your country against anarchy on the part of the ignorant and revolution on the part of the learned.

So legislation then began in the National Congress to a degree that the fathers who founded this Government never dreamed would be assumed; methods of paternalism, systems of concentration of power, having for its object the control of everything a man ate and everything he drank, where he walked and where he went, every system of his life, and this by administrators miles and miles from him, to be directed by men for whom he never voted, whom he never saw, and who had no interest in his life or in his death, in the welfare of his children, or in the prosperity of his household. He was confronted with this emergency and out of necessity he was to yield to it. And here we are, accepting and adopting the best we can to prevent the worst from resulting.

#### EFFORT TO DEFEAT NATIONAL LEGISLATION.

Then, sir, we ask what did these institutions that now seek exemption from Federal legislation do when there was an honest attempt upon the part of able Senator on both sides of the Chamber to enact legislation that could be said to be fairly within the purview of honest purpose and fair regulation? They then began to denounce the Congress of the United States. They began it eight years ago, and they have kept it up ever since. I want to warn Senators if ever you "lay that flattering unctious to your soul" that you had capacity to prescribe regulations or the ability to shape legislation or that you had in any degree merit which would serve in the Senate with patriotism or ability—I warn you to behold the criticisms of yourselves and the source whence it comes and feel your insignificance (?). Behold through these estimates of you how "degraded" you have become. Who are these "business men" who have been sending to this body their petitions of defiance against any form of legislation looking to the regulation of their wrongful conduct? They are those who having exempted themselves from any State control or local home rule regulation—now demand exemption from Federal regulation; immunity from all law—as their privilege.

When President Roosevelt saw this impotent condition of the States, he sought to have a bill passed in Congress looking to the regulation of the railroads. After the railroads had avoided local control by the legislatures of the States, these masters of them hovered around the Senate with their emissaries—committees and their lobbies; they shadowed the House of Representatives like black omens; they followed the legislators with annoyance wherever they could; they maligned them wherever it was possible; and misrepresented many men in public life wherever opportunity afforded. All this with a view of defeating the railroad-regulation bill and any form of regulation whatever. Then went forth, as goes forth now, the cry that such legislation meant disaster to business; it meant destruction of honest railroad industry; it was a direct assault at the integrity and purpose of business men. President Roosevelt was compelled to rely upon certain Democratic Senators to assist him in his undertaking, and, with the aid of certain independent Republicans, the legislation found its way to the statute book. Have the railroads been destroyed? Has business been decimated? Have these men been sent to bankruptcy? Has that dissolution hung like a cloud and burst with disaster upon us? Not at all. But we have the very same men who were busy denouncing us, hurling anathemas, and uttering curses, now confessing that the legislation was of great relief, was of great benefit, and that now they realize the great error they made in denouncing the President and Congress in their effort to circumvent this form of regulation.

Then, if we recall, when there was another move made on the part of this body looking to mere commerce regulation, to prevent the rebate system, and the Elkins law was before the body, there came the same swirling cavalcade denouncing this attempt. "It was destructive to business interests." "It would destroy the great corporate welfare." "It would rob the railroads of their honest earnings and their honest industry, as well as their earnings." "It would destroy the laboring man." "It would bring a holocaust generally upon the Nation." And thus we had the same audacious and daring form of intimidation attempted upon this body then as now.

What did it avail? Courageous men, animated by a nobler purpose than serving a temporary expediency and too courageous to yield to such frightening aspects, passed the legislation, and to-day we have admitted by these men the benefits of the legislation and the accrued welfare of the citizen;

and these very men who denounced it then, as those who are denouncing the attempt now, concede that that which Congress did was to their welfare and to the advancement of commerce.

Then, when we passed the banking and currency law, how these business bankers denounced it as a performance of ignorance and destruction. Then, when it was passed, how they fell over each other to praise as a blessing what they had tried to prevent. Then many who had cursed the effort tried to get the appointment as one of the administrators of the system. Such hypocrisy was not calculated to awaken respect here nor confidence from the citizenship of the country.

TRICKS OF MASTERS OF FINANCE.

Now, Mr. President, we contemplate what many of these gentlemen masters of finance did to deprive themselves of public confidence before the face of an astonished Nation. Mr. President, all corporations are not dishonest; all business men are not tricksters; but the Holy Scriptures hath it, in the ancient doctrine of the fathers, that the sins of the fathers descend to the children. I am not able to see the justice in that ancient Mosaic theory, yet I do realize that it was proclaimed by a very high source. These corporations which have been criminals in this Government and these business men who have played the trickery upon this Nation have, whether consciously or not, transmitted to the innocent ones the fate of their own conduct and the results of their own offenses.

Who are these men who have brought this Republic to a point where it no longer has confidence in corporate management and has serious suspicion of all business undertakings? Do these "business men" forget that the great insurance concerns of this country, managed by certain "business men," seized thousands and thousands of widows and orphans and placed them as victims upon the altar of greed and avarice, as these men robbed these helpless children and defenseless women of the money that was left for them by their parents and husbands, while these business men appropriated this money to their own guilty uses? How they builded castles along the Roman Campagna to emulate Lucullus of the ancient day, and upon the hills of the Hudson, that they might not be outclassed by the barons of the Rhine—all out of the money of these helpless persons. Do we forget how they gave the money out as campaign contributions to purchase elections and buy judges? That then when they were brought to book in investigations how they shifted the blame from one to the other, until finally they all launched it upon one tripping dancing-master millionaire, who, to the pleatings of a lute, played his little part in Paris as he capered before the white-wigged "angels" who are nameless in this particular assemblage, but who in their particular method, held him secure in a foreign country during the period of the American statute of limitations. [Laughter.]

Can you imagine that under these conditions these "business men" would not reap the direct result of this kind of policy, when you recall that while these very trust funds were stolen by these people not one was forced to disgorge nor one of these culprits ever jailed. True, one happened to be indicted, but he held the enviable attitude of exemption before the law. He was able to plead guilty and, in the language of a former code of political morals, "stand pat," while an appellate court, which was well understood to be very favorable to him and his sponsors, rendered the expected ruling, to wit, that he could not be held guilty upon the indictment, giving the usual legal distinction in such cases, to wit, "for that, to wit, whereas the aforesaid gentleman was charged with taking the said \$50,000 with his left hand when it should have said by his right opposite his left by which he left little that was right. Therefore as the community, being blind, could not see which hand this handy man so handily unbandaged these widows and children of their all, now, therefore, the said defendant goeth without day and is acquit." Wondrous is justice. [Laughter.]

Do you fancy that when that ruling was made, and that distinguished head of great institutions in this country was allowed to escape deliberately in confessed violation of the law that such did not likewise cause a great mass of citizens to see how unjust and discriminating was the law, as the able Senator from Idaho well said, quoting the ancient, "how like a net that caught the weak and let the strong escape"?

If I may be pardoned by the Senator for being so bold as to suggest a more fitting quotation, well might I use the words of the great Shakespeare—

Plate sin with gold,  
And the strong lance of justice hurtless breaks;  
Arm it in rags, a pigmy's straw does pierce it.

And such, our great country realized, was the privilege of these big institutions in their safe corporate control of certain courts. Then, sir, do you realize what the management of these

great corporate institutions continued to do? The Alton Railroad Co., in my splendid State of Illinois, under the specious management of these financial necromancers, did not hesitate, with the twirl of the wand, at drawing water figuratively as out of the lake that surrounds the city of the corporate home and selling it for stock, crystallizing it as it were into a beautiful display like the stalactites that might fall from the roof of the Mammoth cavern and garnishing it with seductive illustration in the form of a "stock certificate." Thus millions and millions of money, by the great prince of "presto," were drawn from the trusting public without one step ever being taken to punish these great offenders, who took money of the humble and trusting and put it in their private purse and treasury, without giving one cent of return. Yet these justified their conduct with a smile of "corporate management"; and when the State of Illinois sought to punish the offenders we were met by the precedent established in the new theory of the Federal dispensation that it was only for the Federal courts or the Federal Congress to regulate these eminent financial highbinders. It was only little offenders that could be seized by the courts of the States; punished for crime, all they have sacrificed, their reputations destroyed, their wives widowed, their children orphaned—if need be, to the gallows.

Then came the St. Louis & San Francisco Railroad Co., with one set of gentlemen—the directors and trustees—buying worthless property with the railroad money, then lifting its price twenty times and selling it to their own masters and pocketing the profits, and stalking through the country with their brazen countenances unabashed. They issued more bonds on the falsified value of the embezzled property and sold these by a process of commercial lying to a gullible public who now stand bankrupt and helpless. The stockholders pillaged, the bondholders robbed, and the people to be drained in railroad rates to make up the stealings. Then, sir, when the United States Supreme Court rendered its ruling a few days past in the Shreveport case, saying that the State of Louisiana was powerless to regulate these concerns, as all States must now yield to sole congressional control, one of these culprits did not hesitate to have himself interviewed and say: "How glorious is the judgment of the law! The politicians who occupy places on the State railroad commissions can no longer fiddle with us."

Yes; but these gentlemen have found an arena where there will be some fiddling, and it will not be Nero's performance with the world burning, but with an indignation blazing, and they it will be who will be first sent to the caldron.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD—BUSINESS MEN.

Then, Mr. President, just the other day, before our eyes, we saw another exhibition—one after the other—the New York, New Haven & Hartford, and its nauseous eruption of treachery, trickery, and thieving. I shall not attempt to detail at this time the sickening spectacle that procession of crime presents to the revolting gaze. It is sufficient to know that they performed their undertaking of robbing the constituency of four States, not only through the muniments of exemption from State control and the manipulation of corporate management, imposing upon the credulous as they robbed the trusting, but they did it in the name of the Lord, for they wrote a prayer as their pleading—and put their crime in the guise of an angel weeping for oppressed souls. A distinguished professor of a distinguished college in the East—one of that kind who, standing by their imaginary altars, thank the Lord that they are not as other men are—was purchased for \$3,000 to write the prayer in false, delusive, and seductive psalmist language. This prayer was to conjure the innocent citizens from the lowlands of New England and from the heights of the hills to cry "O Lord," in the words of the psalmist. All to induce the people to restrain any further opposition to the railroad garroters smothering New England. Then under the spell of the effect the railroad holy rollers proceeded to take millions and millions from that property and put it in their private pockets to the bankruptcy of the stockholders and to the disgrace of honest railroad management throughout the country. And it was they, if we remember, who, through their certain two spokesmen, not long since denounced an attempt on the part of this honorable body to bring about a fair regulation of these concerns. They had themselves quoted—denouncing the efforts of Congress as "demagoguery" and dangerous interference with the "business men."

Mr. President, that these men have brought upon themselves the natural penalty of their own conduct no man can deny. There is no logic to an awakened resentment. There is no philosophy in a wounded heart. There are no narrow limitations of constitutional construction within the souls of men who feel that they have been wronged by those they trusted and betrayed by those in whom they invested all of property and honor.

So the time came when there was no other place where the citizen could have resort but to the Federal Congress; and I regret to confess that I am forced to surrender to a very great degree the very creed of a lifetime's undertakings, in the theory of government, when I adopt this system of a national regulation and a national control over the affairs of a State citizen in purely State affairs. Nor would I subscribe to it under conditions as they now surround us if I were not driven to adopt it as the only means by which my fellow citizen may have guardianship in the property he possesses against the omnivorous crew of these that have previously devoured his kind and to protect my State and my country against approaching anarchy of desperation and revolution of aroused revenges.

THE REAL OBJECT OF THE BILL.

Then what is the measure that is suggested here? It is that "unfair competition" should not be permitted these masters, lest that unfair competition should completely merge out of existence the defenseless and literally devour the weak and leave the citizen no place, no refuge, no succor against a monopoly of trade that grinds him to slavery and his children to poverty.

"Now," says the able Senator from Idaho, and wisely, "the expression 'unfair trade' is not defined in such specific terms as will enable the men who have to administer the phrase to know exactly what is only to be comprehended." *I confess the criticism is just, but I have to say that it is better that the phraseology shall be so large and so comprehensive that it shall allow no man to perpetrate the offense upon the weak and the defenseless than that it should be so limited that while it gave to a few the knowledge how to exactly comply with words of the law, it gave to the many the privilege to violate its spirit and escape its consequence, because of the limited words of the law.*

Says the distinguished Senator, "The law should have specific terms," and the able Senator reads a decision from the Supreme Court of the United States laying down the fundamental law that legislation should be specifically prescribed in terms. I take no issue with the decision. The able Senator could have regaled his excellent legal knowledge—and to that I readily certify, for I have not been without experience of his eminence in the courts by my personal association—and could have reverted to an old case of United States versus Sharp, which he will find in Peters, where the Supreme Court of the United States laid down the doctrine that all legislation in matters touching crime should specifically define what that crime is, that the citizen may not, of course, go awry and blunder by committing an offense when he did not know what he was doing, and if not so specific the act is invalid.

Correct; but there came a time when there had to be a new form of legislation. Why? The older doctrine of definition. I must tell my learned friend, grew out of the theory when crimes came in two forms—those which we took from the common law of England and those which we were compelled to create in our own country by setting forth the specific act which when done constituted the offense. But, then, there came along a line of business which invented for itself a business phraseology and escaped the constructions of the former law. These found exemption from all the terms of the statutes and, by the invention of this new phraseology, secured immunity from the statutes as they were prescribed upon the ground that their words and acts were not within the words of the law. In this way they always escaped punishment by the strict construction of words, notwithstanding the language of the Scripture that "the spirit maketh and the letter killeth the law." Therefore the only thing left for the legislative bodies to do was to adopt their "business" language, the language invented by them, their language of trade and commerce.

Then from time to time the plain man expressed that a wrongful thing was "unfair," and he complained in equity; he complained in justice; he complained to his neighbor; he complained to his friend. From that the courts began to adopt his phrase—not the phrase of the law, not the scientific phrase of statutes, not the refined phrase of construction, but his phrase as he made it and understood it in his everyday walk of life. Then came the phraseology to be adopted as the method of the law, because it conveyed a certain meaning to those who had first initiated it; and to this very hour we have those phraseologies carried on in certain lines of commercial undertakings now defined, well understood, and carried into the decisions with a complete and exact meaning, among which is the phrase "unfair trade."

I will not read books to the Senator nor to the Senate; but I invite the Senator's attention to the construction of the Supreme Court of the United States in the case which involved the very Elkins law to which I referred, where the word "device" is used. The Supreme Court of the United States say that

while the word "device" is capable of many and several meanings, nevertheless it has a specific meaning as to devices respecting transportation methods that seek to juggle and manipulate methods of rebates and devices to accomplish them; and having had statutes previously denouncing devices to cheat and swindle, the word "device" is held to be complete and sufficient for the courts or those who administer the law.

Now, I invite my learned friend to a decision that possibly escaped him in the multitude of his labors. Lately in the city of Chicago there was indicted a set of gentlemen, known as the packers, for violating the Sherman antitrust law. These men went before the court upon demurrer to the indictment upon the ground that the law which used the term "restraint of trade" meant nothing; it did not define what particular acts would render them amenable to the statute; what acts or things would be restraint; and that the act was unconstitutional because it was equivalent to making subsequent acts criminal which, at the time, looked fair and just, and was equivalent to an *ex post facto* application of the statute. But viewing the whole excursion of certain criminal marauders in commerce, anticipating these despots of trade, and beholding a march that they had undertaken across the very ramparts of independence in this country, the court said the phraseology would remain, because it was a phraseology understood in their particular language. That they knew its meaning, and knew when the things they did was within its scope; general as it was, that the words were fitting to that undertaking.

They came to the Supreme Court of the United States on appeal subsequently to all the decisions cited by the able Senator from Idaho, and there sought certiorari and habeas corpus upon the ground of all the contentions made now by the able Senator from Idaho in the legal argument which he now makes before this body. That court declined to accept the contention, and returned these defendants to the forum from whence they came, leaving the action as based upon the ground that the phraseology, general as it was, had a commercial meaning, and that any further specific definition had not been undertaken by the act and could not now be undertaken without confusing the effect and guidance of all the previous precedents established under the Sherman Antitrust Act.

So I say to my learned friend, supposing there should be an attempt made on the part of Congress now to define with specificity the particular things amounting to unfair trade or unfair competition. There would arise just such able lawyers as himself, although I do not believe he would be found among them, because I know his conscientious scruples in matters of public duty, and this would be their argument:—

"We demur to this proceeding, may it please the court." "Why?" says the court. "Because," says the offender, "the legislation has specifically defined what makes unfair trade. It therefore repeals by rejection all previous definitions of such as now found in the law decisions of the phrase." They will say "Congress, by the doctrine of elimination, declined to accept the words 'unfair trade' as previously understood, and adopts a new form of definition." Now, they will say we can do all the conduct previously understood to be unfair in trade, however oppressive, and we are not within this law. We decline to be within the definition as now defined, while we find perfect safety in perpetrating our offenses under the old definitions not now without and not included. Thus you see they will escape all the previous decisions of the courts, and all the things that we seek here to avoid as having been done in the past we would allow those gentlemen to perpetrate in the present and go free from any restraint or punishment in the future.

Therefore I am sure the able Senator will see that while there is much to be said in favor of his contention from the standpoint of abstract reasoning if it were a new question, for the first time brought into the arena of conflict, yet the conditions are such as to form an absolute exception, and therefore it becomes absolutely unavoidable that the only language we can use is the kind of language used in this act. In the words of *Riverdale Mills v. Atlantic Coast Line* (219 U. S., 186)—

A situation had come about which demanded regulation in the public interest according to the judgment of Congress.

ATTEMPTS TO AROUSE PANIC BY CERTAIN "BUSINESS MEN."

Now I desire to advert to another phase. I refer now to that aspect that since we have undertaken this legislation you behold a certain class of "business" gentlemen throughout this country who first start with the assertion that this legislation will create a panic, and then the next assertion that it will mean great loss and disaster to them personally—and here we are very much interested in what is known as the "psychology of the condition." I quote an eminent authority.

I behold a distinguished banker, distinguished by virtue of having his speeches published more frequently because of the

position he occupies than of the matter contained in the utterance, that of an officer of the National City Bank of the city of New York. This distinguished gentleman delivered himself lately of his weekly address in which he condemns the Congress of the United States as a body that is playing with the fate of the Republic, that is bringing to disaster the commerce of the country, that has the daring impudence to attempt to regulate the financiers of America.

Senators, it is shocking to my mind that, sent here by the great people of your country, you would have the daring temerity to undertake any legislation without first crawling upon your knees to the portals of these eminent establishments, and asking what is their pleasure upon the occasion, before you undertake the discharge of your official duty.

We read in the public press what a degree of benighted, pitiable ignorance we are displaying before the country, how lacking in patriotism our every undertaking, how wanting in common sense in all our proceedings; and just as I read that particular speech of this distinguished banker from New York I likewise see the very same speech, in almost absolute words, made by an officer of a railroad company at Hot Springs, Ark., on the very same night, and by a vice president of a banking institution of the city of San Francisco upon the very same night.

Now, I respect exceedingly this inspiration of new-found banquet oratorical skill on the part of these eminent financiers; but I would suggest a more commodious method by which they may circulate the slander of panic and induce the sentiment of fear in their country. That instead of having a speech prepared for them by some skilled newspaper boy, struggling for an existence upon the least of compensation, but who writes excellent English for such oratorical displays of one-night eruptions, that the speech be mimeographed and sent to a few gentlemen with the notice that at a certain clock stroke it is to be delivered upon certain great occasions and delivered to the press as the emanations of financial genius. This would be organization. I suggest that thereafter they may use a phonograph and that some one of their particular chosen spokesmen be selected, that a tent be engaged, and the announcement be made to the country that from this eminent source there is to come forth a great speech upon the disorders of the country, the distempers of Congress, and the ignorance of the Senate. That these distinguished leaders shall, through this particular chosen official, "speak this speech, I pray you, as taught you." Read first the speech of Hamlet to the players, and then emulate it with exactness, and then, in this phonograph, perpetrate it.

There is in this country an inoffensive community of 5 cent moving-picture shows that will illustrate it, if it is accompanied with the moving antics of the swelling orator. Then have it arranged so that at certain times throughout the country it may be delivered with the same consecutive, chronological exactness that these particular addresses are made upon the part of these distinguished gentlemen on the same sentiment which they now deliver to the country to the fright and terror of the Senate and to the trembling sensations of the country at large—and to the snickering amusement of all sensible citizens who know these men.

But I also have another word to say, and that is that these gentlemen who are seeking to hold up the Nation as being misguided and imposed upon, to hold up this Senate and this Congress as unworthy of the respect of this Nation, all as in no wise entitled to the credit of respectability before the world—these men should pause and remember the line of the Holy Law, and behold the beam in their own eye before they pluck out the imaginary mote in another. Let one remember: how, in a customhouse deal in New York, this Government was robbed by this great institution of thousands and thousands of money, never responded to, while one of the officials of the Government who allowed that robbery was afterwards made an official of the institution in reward for his generous nature, that could see no offense in permitting the outrage; in taking his specious bribe from the perpetrator.

Do these gentlemen fancy that they are impressing the honest men of this country? Do they think that the humble toiler can not read his weekly paper; that the woman of the house can not read her magazine by lamplight; that the merchant does not keep up with the daily press; that the country at large does not understand who they are, what they are, what they represent? Will they never understand that all their methods have been the same, all their undertakings alike; that they are but a poor army of bad duplicators of a greater race? Unfortunately for these descendants, suffering from the blight of an imagined new-found capacity of oratorical skill, are constantly perpetrating the insipid and ridiculous performances upon the country,

under the self-infatuation that such is fascinatingly constructed, wonderfully delivered, and overwhelming in its influence.

Alas, Mr. President, how sad is that estate of new-found greatness when flattered by fools and incited to ridiculous exhibitions by swollen conceit and pompous vanity.

Now, I would say to those gentlemen there is a way to reach this body. It is by an honest, fair presentation of a cause. It is by coming to these honorable men who occupy these seats, without regard to their political alignments, and letting them know the honest views of honest business men, and by letting them have the private views of any private citizen. But that manner of man who masks in the gilded helmet and armor that he has molded out of the gold that has been lawlessly extracted from the hard earnings of the poor and from the honest industry of the country comes branded as a felon before the honest men of the Nation, and his voice is as one who cries from the pit to where his deeds have immured him.

Mr. President, this manner of man will have little influence upon the honest sentiment of the country. He is neither being misunderstood by us nor is he deceiving the country, to which he thinks he speaks.

Now, this legislation, let me say as I conclude, has but one object. It is to speak to that manner of men who heretofore went out and said to their rivals, "You will either join with us, so that we may amalgamate you out of existence, that you shall take such as we shall give you in compensation for your property, or we will beat you to the ground." Then following the threat by conspiring with certain railroads to grant rebates against which the competitor could not live, then finding himself withering to the ground, the competitor had the only alternative left him by a surrender to that superior power of the brigand in commerce. We seek also to protect against that other kind of man who, having a large banking institution, as demonstrated in proofs evinced here upon hearings, says to competitors, "You shall not have the right of banking houses; you shall not have opportunity to supply customers nor give to merchants a chance to enlarge that business or maintain themselves in the hour of disaster." These who say we demand that when we get men down they shall stay down.

That high-class merchant, that honorable gentleman, that conscientious banker, that faithful railroad operator, that splendid master of commerce, wherever he is, he will need no such guardianship; he will have no punishment. He is the pride of our country. He is the kind of man we point to to show what thrift can accomplish and what honorable life may achieve. But this other kind that brought this Nation to debasement in the last twenty years, and in the last five years so near to revolution that men despaired of liberty and doubted that free institutions could be maintained in this Union—these shall not repeat their offense without responding to their country for the crime committed against freedom and mankind.

Mr. President, I have uttered these observations because of the views just closed of my learned friend, the Senator from Idaho. The Senator more completely expressed in his views the views of all those who might be found opposing this bill. None can improve on his analysis or presentation. I am desirous of infusing confidence in the merchants of our country. I want the great respect of this country to go to the law, and the respecters of the law to be the subject of our admiration and our just guardianship. I want confidence in business. I want the plain citizen to respect the man of honest riches and I want the rich man to respect the industrious poor. The honest corporation is no offender or criminal and the dishonest corporations should know that they will be found out, searched out, and justice meted out to them.

Mr. President, I have not always agreed with my learned friends on the other side in abstracts, but I believe in this matter there are no serious differences. The man in the White House, Woodrow Wilson, may have certain creeds and doctrines that may not meet with your approval at all times, but he is seeking to give freedom an opportunity; to give to commerce liberty; to give to men justice.

We on this side of the Chamber who are behind him often likewise differ from many of his methods and do not agree with all his systems, but with the sincere purpose that animates his life he is coming to the rescue of the Republic, which he seeks to redeem to her old days when she was honored by all men, beloved by all citizens. All good citizens rejoice to cooperate in this high resolve. Under this act we are giving him hearty support, to the end that democratic institutions may still survive, and that this Nation may still be free, giving opportunity to industry, freedom to man, and success to American citizenship, to our glory before the world!

## DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, 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, 7, 9, 10, 11, 18, 19, 20, 24, 26, 36, 37, 38, 50, 51, 54, 59, 61, 64, 68, 77, 89, 90, 91, 92, 94, 97, 98, 99, 101, 103, 104, 105, 107, 109, 115, 122, 130, 131, 132, 133, 134, 150, 151, 152, 157, 161, 168, 169, 170, 171, 183, 187, 190, 191, 202, 203, 204, 212, 218, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 22, 25, 27, 29, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 55, 57, 58, 63, 67, 69, 70, 71, 72, 73, 75, 76, 79, 81, 82, 83, 84, 85, 86, 87, 93, 96, 100, 108, 111, 114, 117, 118, 119, 120, 121, 123, 125, 126, 127, 128, 129, 138, 139, 140, 142, 143, 144, 145, 148, 149, 153, 155, 156, 159, 162, 163, 167, 172, 173, 174, 175, 179, 184, 186, 192, 193, 194, 197, 198, 199, 200, 201, 205, 207, 209, 210, 213, 217, 219, 220, 221, 222, and 225, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$115,610"; and the Senate agree to the same.

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 sum proposed insert "\$13,034"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Columbia," in line 1; and the Senate agree to the same.

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 lieu of the matter inserted by said amendment insert the following:

"For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Philadelphia, Baltimore & Washington Railroad Co., and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, \$110,000. And authority is hereby given said commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the construction authorized by this appropriation, and to construct said viaduct and bridge and the approaches thereto, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder: *Provided*, That the cost of constructing said viaduct and bridge, including approaches thereto, shall be borne and paid one-half by said railroad companies in proportion to the widths of their respective rights of way, and the remaining one-half by the United States and the District of Columbia; and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States; and the same shall be valid and subsisting liens against the franchise and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid; and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the Commissioners of said District in the Supreme Court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co., or said Baltimore & Ohio Railroad Co., or both; and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company; and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of 'An act providing a permanent form of government for the District of Columbia,' approved June 11, 1878, and paid into the Treasury, one-half to the credit of the

United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$142,500"; and the Senate agree to the same.

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 matter inserted by said amendment insert the following:

"For paving with asphalt the north approach to the Highway Bridge across the Potomac River from Water Street to the west intersecting park driveway nearest to the Highway Bridge, a distance of about 1,900 feet, and for paving with granite block the balance of the north approach from the west intersecting driveway to the bridge structure and the south approach to the bridge, \$27,000: *Provided*, That the Commissioners of the District of Columbia are authorized and directed to do this work with their portable asphalt plant if, in the judgment of the officer in charge of public buildings and grounds, such work can be economically performed by the use of said plant: *And provided further*, That the said Commissioners of the District of Columbia are authorized to transfer to the officer in charge of public buildings and grounds for the above work any granite blocks removed from streets in the District of Columbia whose roadways are authorized herein to be repaved with a smoother pavement, the cost of hauling the blocks so transferred from the streets to the site of the work to be charged against this appropriation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$190,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$270,000"; and the Senate agree to the same.

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: At the end of the matter inserted by said amendment insert the following: "*Provided*, That this sum shall not be available for the payment of traveling or subsistence expenses"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, for playgrounds, \$43,265, which sum shall be paid wholly out of the revenues of the District of Columbia."

And the Senate agree to the same.

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 sum proposed insert "\$3,000"; and the Senate agree to the same.

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 lieu of the sum named in said amendment insert "\$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$425,000"; and the Senate agree to the same.

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 matter inserted by said amendment insert the following:

"For the purchase of a site for a new Eastern High School, \$150,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 46 of the bill, line 25, after the word "athletics," insert the following: "including school playgrounds"; and on page 46, line 25, after the word "gardens," insert the following: "school publications"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty drivers at \$840 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$912,141.53"; and the Senate agree to the same.

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 sum proposed insert "\$6,000"; and the Senate agree to the same.

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 sum proposed insert "\$56,120"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$120,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of the pound and stable as follows: For metal folding shutters for the wagon shed, \$1,000; painting inside walls, \$50; erecting flagpole, \$75; screens and awnings, \$100; and fire hose, \$100; in all, \$1,325."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,350"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$17,450"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000"; and the Senate agree to the same.

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 sum proposed insert "\$6,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "stenographer, \$1,400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "\$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$125,325"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,230"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$24,780"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000"; and the Senate agree to the same.

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 sum proposed insert "\$60,120"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the preparation of plans and specifications for the erection of hospital building, including power house and domes-

tic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, \$15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

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 matter inserted by said amendment insert the following: "For agent, \$1,800; clerk, \$1,200; placing and investigating officers—one, \$1,200; one, \$1,000; five at \$900 each; record clerk, \$900; clerk, \$720; messenger, \$360; in all, \$11,680"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$55,000"; and the Senate agree to the same.

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: In lieu of the sum proposed insert "\$90,180"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$19,790"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor of boys, \$720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$9,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$27,280"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,100"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$56,990"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$177,490"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"There shall be assessed as special benefits for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line upon the aforesaid plans, such sum or sums as the jury hereinafter provided for may determine, on such lots and pieces or parcels of land abutting the area of improvement, and adjacent thereto, and any other lots, pieces, or parcels of land in the District of Columbia that such jury shall determine are specially benefited by reason of said reclamation and development, in the manner following, that is to say: It shall be the duty of the Secretary of War, for the purpose of said assessment, to divide into sections, in such manner as he may deem best, the entire area of improvement; as soon as practicable after the reclamation and development of each section is completed he shall furnish to the Commissioners of the District of Columbia a plat of such section showing the area reclaimed and developed, and thereupon it shall be the duty of said commissioners to institute in the Supreme Court of the District of Columbia, sitting as a district court, by petition, a proceeding in rem for the assessment of benefits. The proceedings in such case shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, in so far as the same are applicable. It shall be the duty of the jury provided for in said proceeding to find as special benefits the in-

crease in value which such reclamation and development has added to each lot, piece, or parcel of land abutting such improvement, and adjacent thereto, and any other lot, piece, or parcel of land in the District of Columbia, which it may find will be specially benefited by reason of said improvement; and of the amount which said jury shall find such lots, pieces, or parcels of land so benefited it shall assess one-half thereof upon such lot, piece, or parcel of land. In determining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may specially receive from such reclamation and development, and where any part of any lot, piece, or parcel of land has been dedicated for the purpose of such reclamation and development, the jury in determining whether the remainder of said lot, piece, or parcel of land is to be assessed for benefits and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of land so dedicated. The said assessments shall be levied and collected under the provisions of said subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, and shall be paid into the Treasury of the United States to the credit of the United States and of the District of Columbia in equal parts, and when finally ratified and confirmed by the court shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal annual installments with interest at the rate of 4 per cent per annum from and after 60 days after the confirmation of the verdict of the jury. Where not otherwise herein provided for, all of the provisions of said subchapter 1 of chapter 15 of said Code of Law for the District of Columbia shall be applicable to the levying and collecting of said special assessments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: Strike out "\$2,000" where it occurs in said amendment and insert in lieu thereof "\$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$86,935"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 28, 31, 226, and 227.

JOHN WALTER SMITH,  
LUKE LEA,  
J. H. GALLINGER,

*Managers on the part of the Senate.*

ROBERT W. PAGE,  
T. U. SISSON,  
C. R. DAVIS,

*Managers on the part of the House.*

The report was agreed to.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments still in disagreement, request a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER conferees at the further conference on the part of the Senate.

#### EXTENSION OF APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 286) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies. The joint resolution makes a continuing appropriation for 15 days from July 1. Unless it is passed, the Government will be embarrassed on the 1st of July to carry on its operations. I ask unanimous consent that the joint resolution may be considered at this time.

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

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

#### EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 30, 1914, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate June 29, 1914.*

##### PROMOTIONS IN THE ARMY.

###### COAST ARTILLERY CORPS.

Capt. Harry L. Steele, Coast Artillery Corps, to be major from June 26, 1914, vice Maj. Benjamin M. Koehler, dismissed June 25, 1914.

##### PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from June 5, 1914:

Frank T. Leighton,  
Alva D. Bernhard,  
Arthur S. Dysart,  
Tracy L. McCauley,  
John H. S. Dessez, and  
Augustine W. Rieger.

Medical Director James G. Field, an additional number in grade, to be a medical director in the Navy from January 22, 1913, with the officer next below him, and to change the date from which he takes rank as previously confirmed.

Medical Director George Pickrell to be a medical director in the Navy from January 22, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director Albert M. D. McCormick to be a medical director in the Navy from September 29, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director George B. Wilson to be a medical director in the Navy from October 20, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director Charles F. Stokes to be a medical director in the Navy from November 14, 1913, to change the date from which he takes rank as previously confirmed.

Walter C. Miller, a citizen of Georgia, to be an assistant dental surgeon in the Dental Reserve Corps from June 24, 1914.

Edwin N. Cochran, a citizen of Maryland, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from June 24, 1914.

Gordon H. Claude, a citizen of Maryland, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from June 24, 1914.

##### POSTMASTER.

###### ARKANSAS.

William J. Johnston to be postmaster at Fort Smith, Ark., in place of Frank B. Bumgardner. Incumbent's commission expired February 16, 1914.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 29, 1914.*

##### POSTMASTERS.

###### ARKANSAS.

William J. Johnston, Fort Smith, Ark.

###### MASSACHUSETTS.

William J. Kenney, Attleboro, Mass.

###### PENNSYLVANIA.

Thomas S. Moreland, Jamestown, Pa.

Karl Smith, Sharpsville, Pa.

Thomas G. Vincent, Danville, Pa.

###### TENNESSEE.

Thomas P. Rucker, Franklin, Tenn.

#### REJECTIONS.

*Executive nominations rejected by the Senate June 29, 1914.*

##### POSTMASTERS.

###### ARKANSAS.

Albert S. Snowden, Paragould, Ark.

Edward T. Varner, Searcy, Ark.

F. O. Cogbill, Wynne, Ark.

## HOUSE OF REPRESENTATIVES.

MONDAY, June 29, 1914.

The House met at 12 o'clock noon.

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

We turn to Thee, O God, our Father, source of all our longings, hopes, and aspirations, for inspirations, strength, courage, that we may pursue the tasks before us with clear vision, strong hearts, and earnest desires; that we may do Thy will, satisfy our conscience, bear one another's burdens, and so fulfill the law of Christ.

The world again is startled, amazed, confounded, by the red hand of the assassin. Hasten the day, O God, our Father, when all men shall know and practice the golden rule, the art of living together in peace and harmony.

Hear us in the name of the world's great Exemplar. Amen.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

There was no objection.

The SPEAKER. The Clerk will read the Journal of Sunday.

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

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITE, indefinitely, on account of illness.

To Mr. BARTHOLDT, indefinitely, on account of sickness.

To Mr. HOWARD, for two days, on account of illness.

To Mr. BARTLETT, for 10 days, on account of illness.

## WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCGILLICUDDY was granted leave to withdraw from the files of the House, leaving certified copies, the papers in the case of C. B. Conley, H. R. 14373, Sixty-second Congress, adverse report having been made thereon.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker—

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

Mr. FLOOD of Virginia. To call up the conference report on the Consular and Diplomatic appropriation bill.

The SPEAKER. The Clerk will report it.

Mr. BURNETT. Mr. Speaker—

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

Mr. BURNETT. I make a point of order that a conference report is not in order on this day. It is set apart for the purpose of suspensions.

The SPEAKER. The Chair is rather inclined to think the point of order is not well taken.

Mr. FLOOD of Virginia. Mr. Speaker. I ask unanimous consent that the statement may be read in lieu of the report.

Mr. POU. Mr. Speaker, the gentleman from Virginia is willing for me to make this request—

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

Mr. POU. I ask unanimous consent that one night of this week be set apart for the consideration of the Private Calendar.

The SPEAKER. What night does the gentleman wish?

Mr. POU. I ask that on Tuesday, June 30, 1914, the House stand in recess from 5 o'clock p. m. until 8 o'clock p. m.; that the House shall continue in session from 8 p. m. until not later than 11 p. m. During said session it shall be in order to consider in the House as in the Committee of the Whole bills on the Private Calendar to which there is no objection. The consideration of said calendar shall begin with No. 244 thereon, continuing to the end, after which other bills on said calendar may likewise be considered by unanimous consent.

The SPEAKER. Is there objection to the present consideration of the order of business?

Mr. MANN. Mr. Speaker, I object.

Mr. MURRAY of Oklahoma. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. MURRAY of Oklahoma. I rise to ask unanimous consent to extend my remarks in the RECORD in reference to the Creek equalization payment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks on the Creek equalization payment. Is there objection? [After a pause.] The Chair bears none.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the completion of the reading of the Journal, I may address the House for 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow morning, immediately after the reading of the Journal, he may be allowed to address the House for 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object, on what subject?

Mr. DOUGHTON. On the subject of the effect of the tariff on wool and woolsens and the remarks of the gentleman from Illinois [Mr. MANN] last Saturday.

The SPEAKER. Is there objection?

Mr. MANN. I shall not object.

Mr. GARDNER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] objects. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The conference report is as follows:

## CONFERENCE REPORT (NO. 908).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, 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 9, 10, 12, 19, 22, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 11, 13, 14, 17, 18, 20, 24, 26, 27, and 28, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

## "INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

"To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, \$15,000: *Provided*, That \$10,000 thereof is made immediately available to resume and continue the work relating to the distribution of water, under the direction of the Secretary of State, and as authorized by and in pursuance of the protocol of May 6, 1896, between the United States and Mexico.

"The commissioner appointed by the Secretary of State under article 21 of the treaty of 1848, and reaffirmed under article 7 of the treaty of 1853, and article 5 of the treaty of 1884, and article 8 of the treaty of 1889, to carry on this work, is hereby authorized and directed to pay the salaries, compensation, wages, and allowances heretofore authorized or approved by the Secretary of State, and any and all persons employed by or under the direction of the commissioner appointed by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, wages, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service; and the appropriation made by the Diplomatic and Consular appropriation act approved February 28, 1913, 'To enable the commission to continue its work under the treaties of 1884, 1889, and 1905' is hereby reappropriated and made available for the payments herein authorized and directed."

And the Senate agree to the same.

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

## "INTERNATIONAL PRISON COMMISSION.

"For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, \$2,550."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 16 of the bill, in lines 20, 21, and 22, strike out the following: "and the expenses of the United States delegate in attending

the meetings of the commission"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

"Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at \$1,200 each per month, \$10,800; stenographer for arbitrators, for three months, at \$100 per month, \$300; messenger, for three months, at \$60 per month, \$180; traveling expenses of arbitrators, \$2,000; reporting proceedings, \$5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, \$500; in all, \$9,390.

"For rent of office for joint secretaries, \$300.

"Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, \$7,500 per annum; counsel, \$5,000 per annum; 2 counsels, at \$2,520 per annum each; 2 law clerks, at \$1,800 per annum each; joint secretary, who shall also act as disbursing clerk, \$3,000 per annum; 2 stenographers, at \$1,200 per annum each; and messenger, \$720 per annum; in all, \$27,260.

"Expenses, United States agency: Necessary and contingent expenses, \$12,700."

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: Restore the matter stricken out by said amendment amended as follows: On page 20 of the bill, in line 22, after the word "expenses," insert the following: "in Washington City"; and on the same page, in line 25, strike out "\$50,000" and insert in lieu thereof "\$40,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 21 of the bill, in line 19, strike out "\$150,000" and insert in lieu thereof "\$100,000"; and the Senate agree to the same.

H. D. FLOOD,  
CYRUS CLINE,  
HENRY ALLEN COOPER,

*Managers on the part of the House.*

LEE S. OVERMAN,  
LUKE LEA,  
W. L. JONES,

*Managers on the part of the Senate.*

The Clerk read the statement, 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. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Provides that the salaries for "ambassadors" to Argentina and Chile shall be available for payment of salaries of "envoys extraordinary and ministers plenipotentiary" to those countries until such time as the duly accredited "ambassadors" are received by them.

On amendment No. 2: Provides that the salaries for "secretaries of embassy" to Argentina and Chile shall be available for payment of salaries of "secretaries of legation" to those countries until such time as the duly accredited "secretaries of embassy" are received by them.

On amendment No. 3: Appropriates \$75,000, as proposed by the Senate, instead of \$50,000, as proposed by the House, for emergencies arising in the Diplomatic and Consular Service.

On amendment No. 4: Appropriates \$15,000, instead of \$20,000, as proposed by the Senate, and \$10,000, as proposed by the House, for the International Boundary Commission, United States and Mexico, and inserts the language proposed by the Senate modified so as to place the work under the direction of

the Secretary of State and to eliminate the language requiring it to be done in pursuance to "concurrent resolution of April 20, 1892."

On amendments Nos. 5 and 6: Strikes out authority to use the appropriation for "Boundary line, Alaska and Canada, and the United States and Canada" for reducing field notes, as proposed by the Senate.

On amendment No. 7: Appropriates \$2,550, as proposed by the House, for the subscription of the United States as an adhering member of the International Prison Commission, and strikes out authority, proposed by the House, for the permanent participation and expenses of the United States as a member of such commission.

On amendment No. 8: Strikes out, as proposed by the Senate, the appropriation of \$1,500 for the quota of the United States as an adhering member of the International Geodetic Association for the Measurement of the Earth.

On amendments Nos. 9 and 10: Provides that moneys received from other American Republics for the support of the Pan American Union may be drawn from the Treasury upon requisition of the "chairman of the governing board of the union," as proposed by the House, instead of by the "Secretary of State," as proposed by the Senate.

On amendment No. 11: Appropriates \$500, as proposed by the Senate, as a contribution from the United States to the International Commission on Annual Tables of Constants and Numerical Data, Chemical, Physical, and Technological.

On amendment No. 12: Appropriates \$8,000, as proposed by the House, instead of \$4,800, as proposed by the Senate, for payment of the quota of the United States for support of the International Institute of Agriculture.

On amendment No. 13: Appropriates for the United States court in China in the language proposed by the Senate.

On amendment No. 14: Strikes out, as proposed by the Senate, the appropriation of \$7,156 for the pro rata share of the United States in the expenses of the Permanent International Council for the Exploration of the Sea.

On amendment No. 15: Appropriates \$800, as proposed by the Senate, instead of \$1,300, as proposed by the House, for the International Seismological Association, and strikes out authority for payment of expenses of the United States delegate in attending the meetings of the commission.

On amendment No. 16, relating to arbitration of outstanding pecuniary claims between the United States and Great Britain: Appropriates for the expenses of the work in the language inserted by the Senate modified in the following particulars: Provides that the agent of the United States shall be appointed by the President, by and with the advice and consent of the Senate; appropriates for two counsel, at \$2,520, instead of one at that salary; makes the salary of the disbursing clerk \$3,000 instead of \$2,500; and appropriates for necessary and contingent expenses in a lump sum instead of in detail, as proposed by the Senate.

On amendment No. 17: Appropriates \$1,000, as proposed by the Senate, instead of \$2,000, as proposed by the House, for the International Radiotelegraphic Convention.

On amendment No. 18: Strikes out the reappropriation, proposed by the House, for the international conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships.

On amendment No. 19: Appropriates \$75,000, as proposed by the House, instead of \$50,000, as proposed by the Senate, for the Fifth International Conference of American States.

On amendment No. 20: Appropriates \$750, as proposed by the Senate, instead of \$2,000, as proposed by the House, for the International Congress on Customs Regulations.

On amendment No. 21: Appropriates \$40,000, instead of \$50,000, as proposed by the House, for the Nineteenth Conference of the Interparliamentary Union, modified so as to confine its expenditure to "Washington City."

On amendment No. 22: Appropriates \$150,000, as proposed by the House, for the acquisition of embassy premises at Mexico City.

On amendment No. 23: Appropriates \$100,000, instead of \$150,000, as proposed by the House, for the acquisition of embassy premises at Tokyo, Japan.

On amendment No. 24: Strikes out the appropriation of \$140,000, proposed by the House, for the acquisition of legation premises at Berne, Switzerland.

On amendment No. 25: Strikes out the appropriation of \$375,000, proposed by the Senate, for the acquisition of consular premises at Shanghai, China.

On amendment No. 26: Appropriates \$15,000, as proposed by the Senate, instead of \$20,000, as proposed by the House, for the International Commission on Public and Private International Law.

On amendment No. 27: Appropriates \$375,200, as proposed by the Senate, instead of \$375,000, as proposed by the House, for allowance for clerk hire at United States consulates.

On amendment No. 28: Inserts the appropriation of \$40,000, proposed by the Senate, for the Fifteenth International Congress Against Alcoholism.

H. D. FLOOD,  
CYRUS CLINE,  
H. A. COOPER,

*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, 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. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 176, 177, 195, 218, 219, 220, 234, disagreed to by the House of Representatives, and had disagreed to the House amendments to the amendments of the Senate numbered 1 and 212.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report a joint resolution extending appropriations for the necessary operation of the Government and of the District of Columbia under certain contingencies, and I ask unanimous consent for its present consideration in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 286, H. Rept. 906) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

*Resolved, etc.,* That all appropriations for the necessary operations of the Government and of the District of Columbia which shall remain unprovided for on the 30th day of June, 1914, are continued and made available for and during the first half of the month of July, 1914, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1915; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided,* That no greater amount shall be expended for such operations than as the sum of one-twenty-fourth of the appropriations made for the fiscal year 1914 bears to the whole of the appropriations of said fiscal year: *Provided further,* That the total expenditures for the whole of the fiscal year 1915 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twenty-fourth of the appropriations for the fiscal year 1914, and twenty-three-twenty-fourths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further,* That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the same: *And provided also,* That the operation of the Interstate Commerce Commission, in securing a valuation of the several classes of property of carriers, subject to the act to regulate commerce, authorized by the act of March 1, 1913, shall continue, and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$65,000, for the first half of the month of July, 1915.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. FITZGERALD. Mr. Speaker, I ask that I may be recognized to move to suspend the rules and pass this resolution. The appropriations for the continuation of the entire Government cease to-morrow night, and unless this resolution becomes a law by to-morrow there will be chaos in the Government.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER].

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. We are about to go to the suspension of the rules—

The SPEAKER. Yes.

Mr. MURDOCK. It is a usual proceeding in this House, but it is very novel to this Congress. The power of recognition is wholly with the Speaker?

The SPEAKER. Yes.

Mr. MURDOCK. I would like to know from the Speaker how considerable a list of men have asked for suspension of the rules.

The SPEAKER. While that is not a parliamentary inquiry, the Chair will state there are about 15 for to-day and about 30 on a list in my office.

Mr. MURDOCK. Now, is that accessible to the membership of the House?

The SPEAKER. Part of it is made up. There are four or five who are not on this list that have agreed to it since. Of course, this day is not suspension day, and there was an arrangement made about it. It had to be made in order to get it made suspension day at all.

Mr. MURDOCK. Now, Mr. Speaker, I made the inquiry—

Mr. UNDERWOOD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is—

Mr. MURDOCK. Now, Mr. Speaker, I made no request of any kind.

The SPEAKER. Has the gentleman a parliamentary inquiry to propound or not?

Mr. MURDOCK. Yes; I have.

The SPEAKER. Well, state it.

Mr. MURDOCK. Under the rules, Mr. Speaker, is there any way in which a Member on suspension day may know what is going to come up?

The SPEAKER. The only way he can find out is to come to the Speaker—that is, on regular suspension days—and he will tell him what he knows.

Mr. MURDOCK. What about special suspension days?

The SPEAKER. This day is operating under a gentlemen's agreement that was made here last week, and the Chair does not—

Mr. GARNER. Mr. Speaker, it was by unanimous consent, and the gentleman from Kansas [Mr. MURDOCK] was here when that agreement was made.

Mr. MURDOCK. I have no objection to the suspension day, but I wanted to know how the House can find what is going to come up.

The SPEAKER. The way the Speaker finds out is, in the first place, a gentleman comes to him and tells him what the bill is and asks to call it up. There are certain bills that nobody, acting as Speaker, would allow to come up in that summary way, because they ought to be discussed more, and that is the only kind of veto that this Speaker undertakes to put on them.

Mr. MURDOCK. And the bills will be taken up seriatim?

The SPEAKER. The bills on this list will be taken up seriatim, and the gentleman from South Carolina [Mr. LEVER] is recognized.

COTTON FUTURES.

Mr. LEVER. Mr. Speaker, I move to suspend the rules and pass the bill S. 110 with amendments as follows—

The SPEAKER. Have you the amendments in the bill?

Mr. LEVER. I have, Mr. Speaker.

The SPEAKER. The gentleman will send the bill as amended to the Clerk to be read.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will suspend a moment. The gentleman from South Carolina [Mr. LEVER] asks to suspend the rules and pass the bill S. 110 with the amendments incorporated in it.

Mr. HAUGEN. Mr. Speaker, I demand a second.

The SPEAKER. We have not reached that place yet.

Mr. TRIBBLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. TRIBBLE. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. I wish to ask the Speaker if, in case this bill is taken up, it is subject to amendment by this House?

The SPEAKER. It is not subject to amendment after the Clerk reads it, but you can read anything on top of ground into a motion to suspend the rules.

Mr. JOHNSON of Kentucky. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. The Chair has not yet submitted to the House the question as to whether or not this bill be taken up. Am I correctly informed on that question?

The SPEAKER. The bill must be reported, and it takes a majority, going through the tellers, to take it up.

Mr. JOHNSON of Kentucky. That is my understanding of it.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

An act (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

The SPEAKER. Without objection, the Clerk will read the amendment in the nature of a substitute.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask for the reading of the bill.

Mr. UNDERWOOD. Mr. Speaker, as I understand the parliamentary situation, on the motion to suspend gentlemen can ask for the reading of the bill as amended and only have read the amendable portion?

The SPEAKER. This amendment is in the nature of a substitute, and a gentleman can ask for the reading of whatever he wants to pass.

Mr. LEVER. That was my motion, Mr. Speaker.

The SPEAKER. He does not have to ask for the reading of 6, 8, or 10 pages, as the case may be, that we do not want to pass. The Clerk will read.

Mr. TRIBBLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. TRIBBLE. The caption of the bill having been read, under the statement of the Speaker I move to substitute for that bill the bill known as the Scott bill.

The SPEAKER. You can not substitute.

Mr. HEFLIN. The regular order, Mr. Speaker.

Mr. TRIBBLE. Then I move to amend the bill.

The SPEAKER. The gentleman can not do that.

Mr. GARNER. Let the Clerk read, Mr. Speaker.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

An act (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

Be it enacted, etc., That this act shall be known by the short title of the "United States cotton futures act."

SEC. 2. That for the purposes of this act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person," wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 1 cent for each pound of the cotton involved in any such contract.

SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved without giving the weight each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

First, Conform to the requirements of section 4 of and the rules and regulations made pursuant to this act.

Second, Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified, either in the contract or in the memorandum evidencing the same.

Third, Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth, Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences determined as hereinafter provided.

Fifth, Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of good ordinary, or cotton that is below the grade of good ordinary, or, if tinged, cotton that is below the grade of low middling, or, if stained, cotton that is below the grade of middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or "ginned," or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth, Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

Seventh, Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the quality, or the grade, or the length of staple, of any cotton tendered under the contract, either party may refer the question of the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof, to be fixed and assessed by the Secretary of Agriculture, shall be collected and paid, in accordance with rules and regulations prescribed by the Secretary of Agriculture.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase, "Subject to United States cotton futures act, section 5."

The Secretary of Agriculture is authorized to prescribe the rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings, upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true quality, or grade, or length of staple of the cotton involved.

SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

SEC. 9. That the Secretary of Agriculture is authorized to establish and promulgate permanent standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades, to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States." The Secretary of Agriculture is authorized and directed to prepare practical forms of

the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

Sec. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into the words "Subject to United States cotton futures act, section 10."

This act shall not be construed to impose a tax on any sale of spot cotton.

Sec. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 1 cent for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5, or with all the conditions specified in section 10 of this act, except that the quality of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds.

Sec. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by section 11 of this act shall be paid by the sender of the order and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

Sec. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies. That no contract of sale of cotton for future delivery, made in pursuance of any order mentioned in section 11 of this act, shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conform to the requirements of section 4 hereof, and the tax imposed by section 11 upon the order for such contract shall have been paid in compliance with section 12 of this act.

Sec. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account as will fully and correctly disclose all transactions mentioned in sections 3 and 11 of this act; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents.

Sec. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$100 nor more than \$20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

Sec. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of \$2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section.

Sec. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

Sec. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

Sec. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30,

1915, the sum of \$50,000, or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act.

Sec. 20. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of \$150,000, or so much thereof as may be necessary, to enable the Secretary of Agriculture to make such investigations, to collect such data, and to use such methods and means as he may deem necessary to determine and designate what are bona fide spot markets within the meaning of this act, to prescribe rules and regulations pursuant to sections 5, 6, and 8 hereof, and to establish and promulgate permanent standards for cotton and to furnish practical forms thereof as authorized by section 9 hereof, and he shall publish the results of his investigations including rent and the employment of such persons as he may deem necessary, in the city of Washington and elsewhere. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9 of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

Sec. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately. All other sections of this act shall become and be effective on and after three months from the date of the passage of this act.

Mr. LEVER and Mr. HEFLIN rose.

The SPEAKER. Is a second demanded?

Mr. HAUGEN. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] demands a second.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. The Senate passed what is known as the Smith bill. It went before the Committee on Agriculture, and the Committee on Agriculture amended it by what is known as the Lever bill. Now, the Smith bill has not been read before this House.

The SPEAKER. No; and the Smith bill is not going to be read before the House.

Mr. TRIBBLE. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. Now, the amendment has been read before the House, which is not the Smith bill. At this time I offer what is known as the Scott bill as a substitute for the amendment.

The SPEAKER. It is out of order. Now, inasmuch as this is almost the first time we have had a suspension of the rules in this Congress the Chair thinks it nothing but fair to keep gentlemen from wasting time—which they do not want to do—to state two or three things about the suspension of the rules. You can not amend the bill after it is read. You can not offer a substitute for it. You can not make the ordinary motions of postponing, and so forth. The motion to reconsider does not apply.

It can not be recommitted. In addition to that, the modus operandi is very simple and very summary, and that is what it is intended to be. When the bill—whatever it is that is read by the Clerk, to be passed upon—is read it is the business of the Speaker to ask if a second is demanded. The Chair did so ask in this case, and the gentleman from Iowa [Mr. HAUGEN] demanded a second. The next thing he will do will be to ask that a second be considered as ordered. The House may or may not agree to it. If the House refuses to do it, it is the business of the Chair to appoint two Members to act as tellers, and the second is made by going through the tellers, and it takes a majority of the tellers to second the motion. Frequently a second is demanded simply and solely for the purpose of getting 40 minutes' debate.

Mr. MURDOCK. Now, will the Speaker inform me—

Mr. TRIBBLE. As a matter of fact, Mr. Speaker, this bill is not amendable under the suspension of the rules?

The SPEAKER. It is not.

Mr. TRIBBLE. That is what I wanted to get at. The Speaker stated it as a fact that after the bill had been read it could not be amended. How can Members know what it is until it is read?

The SPEAKER. They do not know unless they have hunted it up previously.

Mr. MANN. It is not amendable before it is read, either.

The SPEAKER. No. A Member rises in his place, if he can get the eye of the Speaker, and says, "I move to suspend the rules and to pass so-and-so, and he sends it to the Clerk's desk, and nobody can amend it or substitute for it, or anything of the sort.

Mr. DUPRÉ. Mr. Speaker, I want to call attention to the fact that this bill was reported by the committee on the 4th of June, and the gentleman has had ample time to acquaint himself with its contents.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If the Lever amendment is beaten, does the vote recur on the original bill?

The SPEAKER. It does not. It simply goes back into the status it was in a minute before the gentleman rose.

Mr. MURDOCK. Then, Mr. Speaker, as a matter of fact, the bill is not before the House, but an amendment to the bill?

The SPEAKER. A substitute for the Smith bill is before the House.

Mr. MURDOCK. And the substitute is not before the House?

Mr. MANN. It is the motion that is before the House; a motion to suspend the rules and pass the bill.

The SPEAKER. Of course it is.

Mr. MURDOCK. I beg the gentleman's pardon. It is a motion to pass not the original bill, but a substitute for it.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] demanded a second.

Mr. LEVER. I ask, Mr. Speaker, that a second be considered as ordered.

Mr. MURDOCK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] objects.

Mr. RAGSDALE. Mr. Speaker, the proposition before the House is either to pass the Lever bill or no bill?

The SPEAKER. That is the proposition. The Chair appoints the gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN] as tellers. Those in favor of ordering a second will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 75, noes 14.

The SPEAKER. On this vote the ayes are 75 and the noes are 14, and a second is ordered. The gentleman from South Carolina [Mr. LEVER] is recognized for 20 minutes.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for five minutes.

Mr. HEFLIN. Mr. Speaker, in 1911 I made a speech in this House about the conduct of the New York Cotton Exchange. Among other things, I said the New York Cotton Exchange as conducted to-day is the deadliest enemy that the cotton producer has. I am still of that opinion. In the hearings had before the Committee on Agriculture Mr. Thompson, a cotton dealer, appeared and testified. He has had much to do with the New York Cotton Exchange. I asked him this question, "The committee on fixed difference on the New York Cotton Exchange really has the power to fix the price of cotton?" And he said, "That committee can change the price of cotton a half a cent a pound in one night." [Applause.]

I want to say to gentlemen on this side of the House that I do not claim that this bill is perfect; it does not contain all that I would put in it if I were permitted to write the entire law. It does contain three provisions that I have contended for ever since I have been a Member of Congress, and one of these provisions is the one that strikes down the very conditions that I have just referred to regarding fixed difference on the New York Cotton Exchange. It would merit my support if it had no other provision than that one. [Applause.] I am anxious to have a law upon the statute books governing the conduct of cotton exchanges in the United States. We have no such law to-day. I want to warn gentlemen who think of opposing this bill because it does not contain everything that they would like to see in it that there is absolutely no law on the statute books now to check the evil practices indulged in on the cotton exchanges to-day. [Applause.] This bill has some features in it that will mean great good to the cotton producers. They will prevent cotton gamblers from robbing the farmers of the South of millions of dollars on the cotton crop. To gentlemen who favor other kinds of legislation let me say, do not permit yourselves to be placed in the attitude of opposing the only measure that it is possible to pass on this subject at this session of Congress. Because, if you do, you will stand in the attitude of favoring present conditions, and I tell you that under present conditions cotton gamblers are robbing cotton producers of millions of dollars every year. [Applause.]

If you can not agree to all the provisions of this bill, vote for it because of the good features in it. Upon that ground I shall give it my support. [Applause.] Mr. Speaker, let me submit briefly to the House the reasons that prompt me to support this measure: First, if disputes arise as to the grade of cotton named in the contract on the New York Cotton Exchange, the committee on classification and fixed differences settle the dispute and from its decision there is no appeal. Under this bill these questions will go to the Secretary of Agriculture, and he will settle disputes that arise without knowing the price stipulated in the contract. This is a very beneficial change. Second, this bill establishes the 9 grades of cotton standardized by Congress and now in use by the Department of Agriculture, in-

stead of the 28 different grades of stuff, ranging from dog-tail cotton up to the highest grade now in use on the New York Cotton Exchange. [Applause.]

This low-grade, unspinnable stuff is accumulated in New York and used to tender on contracts in the exchange. It is not accepted, of course, but remains there and is tendered over and over again on contracts, to the great injury of the cotton producer. The nine grades provided for in this bill will, in my judgment, do away with that practice. [Applause.]

Third. Under this bill a record of all transactions had on the exchange will be kept, so that we may know at the end of the cotton season how many bales of cotton have been handled on the exchange and how contracts have been fulfilled. This is a splendid provision.

Fourth. This bill requires actual cotton of a spinnable grade to be at the bottom of every contract on the exchange. [Applause.]

Fifth. It substitutes the commercial difference in the grades for the fixed difference now arbitrarily fixed on the New York Exchange. [Applause.]

Where will we go now to obtain this commercial difference? Mr. Speaker, the committee that now has the power on the New York Exchange to say just what the difference is between strict middling and good ordinary or between any other grades represents the exchange, and from its decision there is no appeal. Under this bill the commercial difference will obtain, and the Secretary of Agriculture is required to go, not to the committee on fixed difference on the New York Cotton Exchange, but to five spot markets in the South, to find what the price and commercial difference are. Let me say in conclusion, Mr. Speaker, that these provisions constitute a long and valuable step in the right direction and will be of vast benefit to the cotton producers of the South. [Applause.]

The operation of this bill will do much toward giving the producer the opportunity to exercise a right that belongs to him—that of helping to fix the price of cotton under the full and free operation of the law of supply and demand. [Applause.]

Mr. LEVER. I yield two minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker and gentlemen, when I first came into the House I was appointed a member of the Committee on Agriculture, and this matter was pending at that time. Since then the committee have held extensive hearings. Men representing the growers, men representing the middlemen, and those representing the mill operators have been heard. Hundreds and thousands of pages of testimony have been taken.

The evils now inherent in the trade as it is managed were very clearly set forth, and I believe a case was clearly made out that legislation is necessary at this time to protect the cotton grower and the cotton-mill man. In two minutes it is impossible to say more than a few words in outline. The first thing the bill does is to standardize nine grades which are the regular spinnable grades of cotton, including practically every fiber that is spinnable, but excluding grades that are not spinnable in the usual machinery, and the lowest grades, where the fibers are broken or where the fiber is weakened in character in any way and which can not be used in ordinary machines.

The difficulty with this low-grade stuff and this off-grade stuff is in finding a market for it. Not finding a market at the mills it has been shipped to the great centers of trade—the New York cotton market, for instance—and has been used there for delivery on contracts, the contracts requiring a basis of middling cotton with a certain number of points off or on, according to grade above or below the basis. And the grade was predominantly low, and the future contracts traded in on that market largely determined the price of the spot cotton in the southern market to the detriment at times of the millman and to the detriment at times of the grower and to the benefit of the middleman on the whole.

The next thing to be cured by the bill, after the establishment of the grades so that everybody can learn what they are and determine what kind of cotton he had and what it was worth, was the fixing of certain markets in the South to be known as the spot markets, to be fixed by the Secretary of Agriculture, where the actual price of cotton could be determined, so that the grower of cotton would not be at the mercy of speculators in the great centers, but would know from the spot market selected by the Secretary of Agriculture what were the prevailing prices of cotton and what the price should be that he ought at that time to receive. Gambling is like a cancer, that attacks the wholesome fibers of business and destroys them. There is a field for legitimate speculation, but gambling is a form of speculation that is not defensible, and like a cancer it ruins the regular, ordinary, healthful tissues of business.

The third thing that the bill endeavors to remedy is the matter of dealing in contracts on the exchanges. The contracts are bought and sold, with no intention of receiving or delivering the cotton. Millmen went to the cotton exchanges for the purpose of hedging. That was legitimate in itself so far as they were concerned, but they could not go there and get cotton to spin, for the reason that the cotton they were to receive was not any known quantity or quality of cotton or any known length or fiber of cotton, but it was cotton with so many points on or off from the basis of middling, and the exchanges were useless as places for the millman to go to buy the cotton that he needed to use in his mill to spin for the commodities sold in trade.

I have studied the bill with the committee, and I have been on every subcommittee that has prepared bills on this subject, and I am in favor of this bill, because I believe it affords some remedy for existing evils. [Applause.]

Mr. LEVER. I ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time.

Mr. HAUGEN. I yield four minutes to the gentleman from Georgia [Mr. HUGHES].

Mr. HUGHES of Georgia. Mr. Speaker, I regret very much that I can get only four minutes, one-fifth of the entire time allotted to those opposed to the measure, to discuss a bill in which I am vitally interested and in which the people whom I represent are intensely interested. I wish to say that I agree with my distinguished friend from Alabama [Mr. HEPLIN], who makes the statement that there is some good and some bad in this bill. That is true, but "a little leaven leaveneth the whole lump." As a producer of cotton and as a representative of a constituency which produces cotton and representing a district which is one of the largest cotton districts not only in Georgia but in the South, I oppose this bill because there are certain features in it which are detrimental to the grower, the producer.

Mr. Speaker, I know it has been said that it is necessary for the exchanges to exist in order that cotton may find a market. Ah, Mr. Speaker and gentlemen of this House, that is an old song that was composed and has been sung by the great cotton exchanges, and they are still singing it.

Nearly 75 per cent of the people of this entire country are forced to use cotton as the material for their clothes. Cotton will ever be in demand. It is sought for in the warehouse and on the plantation every day of the year. Now, the farmers of this country are willing to rely upon supply and demand. That and that alone should control.

It is true, Mr. Speaker, that under this bill the manufacturers will be protected, but in this game between the manufacturers and the New York Cotton Exchange the cotton producers are the men who furnish the stakes for their gambling. The cotton exchange, largely in New York, has manipulated and controlled the price of cotton for, lo, these many years. There are about 400 men who are members of the cotton exchange, and they have made themselves the self-constituted guardian of the cotton growers of this country. Mr. Speaker, they pay \$25,000 for a seat on that exchange, so I am informed, and I can assure you that they are not of that patriotic kind who stand ready to pay \$25,000 in order to protect the farmers of this country.

The SPEAKER. The time of the gentleman has expired.

Mr. HUGHES of Georgia had leave to extend his remarks.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, there is no economic outrage in the United States equal to that of gambling in cotton. That has been true for many years, a long, hopeless period, during which an outraged public sentiment not only in the South but throughout the Nation has repeatedly sought correction. It has never obtained the correction, and it is not now going to obtain the correction if this substitute for the Senate bill becomes a law. It is 20 years, Mr. Speaker, since Mr. Hatch, of Missouri, succeeded in passing through this House a drastic bill prohibiting gambling in cotton. He passed it by a majority of 40 votes. Afterwards the same bill passed the Senate by a majority of 10 votes. Having passed both branches of Congress, it ought to have become a law. But it did not become a law. It came back to the House for a few minor changes and was permitted by the leadership here to die.

I ask gentlemen from the South how many outrages do they think have since transpired in the South because of that action? How many crimes, how many defalcations, how many bankruptcies, how many miseries have followed in the cotton States the defeat of that measure 20 years ago?

Four years ago a Republican Congress passed a drastic bill against gambling in cotton, known as the Scott bill. It went through this House. There was only one remarkable feature about the consideration of the bill in the House, and that was

that it went through the House so easily. It went to the Senate and it died there.

Last year the Congress again had an opportunity to pass a drastic provision prohibiting gambling in cotton. It was placed in the tariff bill as an amendment by Senator CLARKE of Arkansas. It came to the House, and there was a time when the membership of this House had a right and an opportunity to put an end forever to this national infamy. The majority of the House deliberately and under challenge passed that opportunity by. The House amended the Clarke proposition and sent the amended tariff bill to the Senate. The Clarke proposition and the House amendment to it both died, as some of us then predicted.

Now, a year later, the Committee on Agriculture has brought in a substitute for a Senate bill—the Smith bill. The Smith bill prohibits gambling in cotton. It prohibits the use of the mails to the Stock Exchange of New York in "futures." That will stop gambling in cotton.

Mr. LEVER. Will the gentleman yield? The gentleman does not want to make a mistake as to what the Smith bill does.

Mr. MURDOCK. I yield.

Mr. LEVER. The Smith bill does exactly what this bill does—it regulates rather than destroys.

Mr. MURDOCK. The Smith bill proposes to deny the use of the mails to the Stock Exchange of New York. The stock exchange is made up of about 250 to 300 kid-gloved gentlemen. According to the statement of the gentleman himself, made in his own report recently submitted to this House, the farmers of the South are losing from ninety to one hundred million dollars a year in the production of cotton, because of the machinations of this leisured outfit in New York. What the American people want is a halt called on this gambling practice, and called indubitably, with certainty, and without compromise. This substitute does not do that. True, it standardizes the grades of cotton. That is a good thing. There is no question about that. The device in this bill by which it seeks to protect the market against the tender of riffraff—inferior cotton—in settlement of a contract, is good. So is the prohibition of pro forma deliveries. The proposition to do away with the practice of adjusting deliveries on the system known as the "fixed difference" as a basis of settlement is meritorious. But this bill does not prohibit gambling in cotton. That is what the Nation demands. The Nation will not be satisfied with less. The substitute should be voted down, and a bill brought before the House that will save the cotton producer this enormous annual sum of money and remove forever this gambling blot from the life of the Nation. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield four minutes to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, on February 9, 1910, a delegation of farmers appeared before the Agriculture Committee. That delegation of farmers was composed in part of Georgia men. The president of the Farmers' Union, Charles S. Barrett, designated Mr. T. J. Brooks and other farmers to appear before that committee and speak for the farmers. Mr. Brooks appeared before the committee and spoke for the farmers. He presented the planters' side of this question and advocated the Scott bill. The Agricultural Committee reported favorably the Scott bill, and this House passed the Scott bill since I have been in Congress almost unanimously. During the hearings on this regulation bill, known as the Lever bill, I wrote Mr. Brooks, the previous spokesman of the farmers, and he wrote me on May 29, 1914, in part as follows:

In the first place, I do not like the taxing way of reaching the exchanges. The Government goes into partnership with a gambling machine for a part of the spoils. The bill which passed the House twice (Scott bill) will do the work. These substitutes are subterfuges and playing with the subject—sparring for time.

Charles S. Barrett, president of the Farmers' Union, is unalterably opposed to this bill, or any other bill placing a tax on cotton.

Mr. Speaker, this bill is objectionable for two principal reasons—

First. The bill legalizes cotton future exchanges and proposes to give gambling transactions a commercial business standing. If gambling in cotton futures is wrong, then when you tax the gambler you give legal recognition to this evil; you legalize an immoral transaction.

Second. Tax should not be placed on cotton for any purpose. Since cotton was taxed as a war measure the South has never ceased to denounce the injustice as unconstitutional.

Mr. Speaker, gambling is an evil that should be suppressed. The man who deals in cotton futures produces no cotton. Why should he be permitted to fix the price? The people who pro-

duce the cotton should not be turned over to the mercies of the speculator.

I have earnestly tried to secure legislation on this question beneficial to my people. I am here to-day trying to amend this bill to meet the need of the farmer. It should not be passed in its present form, though after I have done all I can to amend it I will not obstruct its passage, for the reason it will go back to the Senate, and I have assurances that it will be amended and most of the objectionable features eliminated.

I seriously object to the manner in which the representatives of the cotton exchanges have furnished the evidence before the committee. The truth is, this bill meets the approval of the cotton exchanges in some of the material parts.

Mr. DUPRE. Will the gentleman yield?

Mr. TRIBBLE. No; I can not yield, for I have not the time. If the gentleman will get me more time, I will yield.

Mr. Speaker, Mr. Marsh, the President of the New York Cotton Exchange, said before that committee:

I want to begin by saying that I do not appear here in opposition to legislation in regard to the cotton exchanges.

He appeared in favor of it. Every man representing the cotton exchange who came before that committee advocated legislation regulating the exchanges by the cotton-tax feature.

Mr. Marsh further says:

Consequently it can not be said that I am, or that the New York Cotton Exchange is, opposed to legislation on this subject in principle. On the contrary, we believe in legislation on this subject.

Let me read to you another portion of the hearings before the committee.

Mr. Hill who has been in the cotton-exchange business 30 or 40 years and who has been president of the New York Cotton Exchange, and who has been appearing periodically in Washington for 30 years, looking after the interest of the exchange, said before the committee:

I like the initial clauses of this bill, and I like the tax idea rather than the prohibition of the malls. I think the business can stand a small tax.

He further said:

I feel quite sure that the political powers, were we to show this sort of spirit, would be satisfied with these changes and that these changes would add substantially to the volume of our business rather than to change it or reduce it.

Mr. Speaker, he then outlines this bill; he gives exactly what he wants. First, Government standards. That is this bill.

Second, commercial differences to be established, if possible, by the Department of Agriculture at Washington, or the Department of Commerce and Labor.

That is this bill.

Third, contract to call for an even running delivery of 100 bales of any one grade.

That is this bill.

Mr. LEVER. Is the gentleman opposed to those things?

Mr. TRIBBLE. This bill should be amended to suit the needs of the farmer. For one, I prefer not to take Mr. Hill as my authority on cotton legislation.

Mr. LEVER. Is the gentleman opposed to the things he enumerated?

Mr. TRIBBLE. I am in favor of the Scott bill, but I am not in favor of a makeshift. The regulations proposed may be good in a measure, but if we pass a bill to regulate exchanges it should be done by mail and telegraph regulation and not by taxing the farmer's cotton.

Mr. LEVER. I ask the gentleman if he is opposed to these provisions?

Mr. TRIBBLE. I have answered the gentleman's question—I am not in favor of regulation by taxing the farmer's cotton.

Mr. LEVER. The gentleman knows whether he is or not. It will not take him a quarter of a second.

Mr. TRIBBLE. Regulation of exchanges in the proper way is desirable; that is to say, by suppression by mail and telegraph. If the Scott bill can not be passed and this bill can not be amended, I shall not further obstruct its passage, expecting the proper amendments to be made in the Senate and in conference. When the bill returns to this House for final passage, I hope the objectionable features will be eliminated. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. LEVER. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I am one of those in this House who believe that dealing in cotton futures on the exchanges in this country works to the injury of the consumers of cotton goods and the producers of cotton. I have always believed in the abolishment of them, because they accomplish all of the harm and are just as bad as the distinguished gentleman from Kansas [Mr. MURDOCK] and the distinguished gentleman

from Georgia [Mr. TRIBBLE] have painted them. But under the peculiar parliamentary status in which this bill is brought into the House, you are either to take a bill that will greatly help the present situation or you are to vote against the bill and allow the present conditions in the exchanges to exist. No matter how much opposed I may be to gambling in cotton futures, I believe this bill, from the viewpoint of regulation—and I have never been an advocate of regulation, but abolishment—will work such good to the consumers of cotton goods in this country and the producers of cotton in this country that I shall vote for it. [Applause.] It contains many most excellent provisions, and from the viewpoint of regulation it could hardly be improved upon. The gentleman from Georgia [Mr. TRIBBLE] raises sand about nobody appearing before the Agricultural Committee who was a farmer or in the interest of the farmers of the country. That committee is made up of men who are the best friends of the farmer. They are always zealously looking out after their interests; and I want to say to the gentleman from Georgia that as one friend of the farmer I appeared before that committee and remained there, not as a farmer but as a champion of the farmer, during the entire consideration of this subject.

Mr. TRIBBLE. And did they give the gentleman the bill he wanted?

Mr. HARRISON. No; they did not; but they considered my bill, that would have abolished gambling in cotton futures on these exchanges, and they considered the bill of the gentleman from Mississippi [Mr. CANDLER], which would have done the same thing. The question, therefore, that now presents itself is whether you will accept this bill, which is not subject to amendment, in its present form, knowing that it will greatly remedy the present conditions in the exchanges, or whether you will vote against it and get no legislation. I commend it to the Members of the House and sincerely hope that it will pass. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, the gentleman from Mississippi [Mr. HARRISON], who has just taken his seat, says that he is opposed to this bill. If the gentleman is sincere in that, and I know he is, then he should vote down this motion to suspend the rules, so we can amend it. Every good thing in this bill can be retained, and the chairman of the Committee on Agriculture knows it. Vote down this motion and let the bill be considered in the usual way, so it can be amended. It will remain on the calendar and can be acted on later in the usual way, and then we can keep everything that is good in it and put some additional things in it that are better than anything that is in it now. Let me read you from the Democratic platform. [Laughter on the Republican side.] Oh, that will do to laugh over there on the Republican side, but these gentlemen on the Democratic side can not laugh at it when they get home. That platform says:

We favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges and others.

Mr. Speaker, the chairman of the committee has just admitted that this bill regulates but does not suppress gambling in farm products. Keep all of the regulation in it, but give us an opportunity to put some suppression in it, whether through the taxing power or otherwise. The Scott bill passed this House, and my distinguished friend from South Carolina supported it. The Beall bill, practically the same, passed this House, and the gentleman supported it; and why not take off the gag in the motion to suspend and give the Members an opportunity to offer amendments that will have a tendency to suppress gambling in cotton instead of galvanizing into respectability and giving legal status to the worst gambling machine that ever afflicted a civilized people? I defy you to take it off. The worst bills that have ever been passed in this House have been passed under suspension of the rules, because 20 minutes on a side does not give time to show what is wrong in them. When you gentlemen get back home and consult your farmer constituents and they find out that you voted with the president of the New York Cotton Exchange and that you have legalized, whitewashed, and federalized cotton gambling, wheat gambling, corn gambling, and oat gambling I fear you will have a long, hard time before you can explain to them your vote. The idea of this being the only chance to consider this bill! Such false claim as that ought to make every honest man blush for shame! Some gentlemen think the best thing we can do is to put off the consideration of the trust bills until the next session of Congress, the short session.

Can not this little bill be considered at that session? Can not it be considered now at this session before we adjourn? Vote down the motion to suspend the rules and it remains on

the calendar and can be considered in the regular order, in the regular way, open to amendment, and no man need say that this is the only opportunity to pass this bill. If it becomes the only opportunity, it is because by your vote you make it the only opportunity. Vote down the motion to suspend the rules and give us an opportunity, and then we will keep everything in that is of benefit to commerce and the farmer and take out those features that ought not to be in the bill. I want any man from the South or West or from the North to get up here on the floor of this House and say, "I am not in favor of the suppression of the artificial fictitious gambling in farm products." This bill only legalizes the gambling and will give the Federal courts jurisdiction as against your State laws, and I appeal to you to vote down this motion to suspend the rules and let us pass the bill with proper amendments.

The SPEAKER. The time of the gentleman has expired.

Mr. LEVER. I yield to the gentleman from Mississippi [Mr. CANDLER], a member of the committee.

Mr. CANDLER of Mississippi. Mr. Speaker, in the limited time allotted to me, of course, it is impossible to discuss fully the bill pending before the House. I am frank to say at the outset, in the few remarks I will be able to make upon this bill, that it does not meet in its entirety my approval, by any means. I would be glad to substitute for it H. R. 8192, introduced by me during this Congress on September 16, 1913, which is as follows:

A bill (H. R. 8192) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

*Be it enacted, etc.*, That certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word "person" shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than \$1,000 nor less than \$100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

SEC. 3. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him and that he has the intention to deliver such cotton; or that he is at the time legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than \$5,000 nor less than \$500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of sections 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. 4. That any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like

effect and force as officers having a seal, and such oath shall be administered without any charge therefor.

SEC. 5. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than \$1,000 nor less than \$500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts as are described in section two of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000 nor less than \$500, or shall be imprisoned not more than 5 years nor less than 1 year, or both. Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed.

SEC. 7. That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

SEC. 8. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

If my bill above could be enacted into law, it would, in my judgment, destroy the gambling exchanges and prevent the evils which have so long been complained of by the cotton producers. I offered this bill as a substitute for the pending bill in the Committee on Agriculture; my friend from Arkansas [Mr. JACOWAY] stood with me, but the committee refused to adopt my bill and reported the pending bill. But for the parliamentary status which prohibits the offering of an amendment to the pending bill, I would offer my bill in the House as a substitute for the bill under consideration and vote for it and give the House an opportunity to vote on it, but no amendments are in order and therefore I am unable to do so. Under the present situation we are forced into the position of taking the present bill without amendment or securing no legislation of any kind whatever and leaving the exchanges untrammelled and with no law upon the statute books to go on in their outrageous and damaging practices. The whole matter resolves itself, therefore, into the question as to whether it is better to leave the exchanges as they are, with no law at all, or to pass the pending bill. A vote for the pending bill is a vote against present conditions and practices of the exchanges. My constituents know and all my friends here know that I am earnestly and sincerely opposed to gambling in farm products of every kind, and that I favor destroying it and not regulating it, and I am anxious to secure if possible some legislation to prevent it. I agree with the gentleman from Kansas [Mr. MURDOCK] "That there is no economic outrage in the United States equal to that of gambling in cotton, and it should be suppressed." [Applause.] He calls attention to the fact that 20 years ago Mr. Hatch, of Missouri, succeeded in passing through this House a bill prohibiting gambling in cotton.

The bill passed the Senate and should have become a law, but it having been amended in the Senate it had to come back to the House, where the amendments were not agreed to, and therefore the bill failed to become a law. From that day until this efforts have been made to pass some legislation on this subject, but all have failed. We now have a chance to secure at least some legislation on the subject, not as drastic as I desire, because I would destroy the gambling exchanges, but I shall vote in the hope of securing some helpful legislation rather than to leave the exchanges to continue their gambling as they are engaged in it at the present time without any regulation or suppression whatsoever.

Now, let me state succinctly and pointedly the provisions of the pending bill, and when they are fully considered I assert without fear of successful contradiction, if this bill is passed, we will have some improvement over present conditions. It levies a tax of \$5 a bale on every bale of cotton included in any and all illegal future contracts; that is, contracts where it is the intention and purpose of the parties to deal in cotton

futures without any idea of the delivery of any cotton and without owning any cotton. This is believed to be a prohibitive tax, and, if so, will suppress this character of business. It requires every contract in reference to cotton for future delivery to be in writing. It provides, further, what the contract shall contain. It prohibits the delivery of all "dog-tail," "stained," "gin-cut," "repacked," "false-packed," "mix-packed," and "water-packed" cotton, or any cotton under the grade of "good ordinary." It provides that all tenders of cotton shall be the full number of bales specified, and the party tendering it shall furnish to the person receiving it written notice giving the grade of each bale to be delivered; and in case of disagreement as to the grade either party may refer the question to the Secretary of Agriculture to determine the grade, and his decision shall be prima facie evidence in all proceedings in reference thereto. It provides that all settlements shall be made on actual commercial differences upon the sixth business day, prior to the date fixed for delivery in the spot market where the sale is made, and if not made in a spot market then upon the sixth business day prior to the business day fixed for delivery in the spot markets of not less than five places designated from time to time for the purpose by the Secretary of Agriculture.

It establishes the Government grades of cotton, to be designated "middling fair," "strict good middling," "good middling," "strict middling," "middling," "strict low middling," "low middling," "strict good ordinary," and "good ordinary," and designates them as the "official cotton standards" of the United States. It provides that no tax shall be levied on contracts for future delivery of actual cotton, and provides in its face, "This act shall not be construed to impose a tax on any sale of spot cotton." "Spot cotton" is actual cotton in the hands of the farmer, merchant, or owner of cotton. I would not vote for this bill if it taxed cotton. It requires a record to be kept of every sale, open to Government inspection. Now, these are the salient features of the present bill, and I submit to every Member of this House the question as to whether or not, if these features are enacted into law, the cotton producers of the country will not be to some extent benefited. The features requiring a record to be kept of every contract made, the adoption of the Government standards, the right to appeal to the Secretary of Agriculture when dispute arises as to grade, the settlements on commercial differences, the abolition absolutely of settlements on fixed differences, and forbidding the delivery of "dog-tail" and other inferior grades of cotton are enough good features in the bill to justify every man interested in the welfare of the cotton farmer to vote for the bill, and in voting for it vote against the present outrageous gambling practices of the cotton exchanges. I shall vote for the bill only because of the good features in it; but I wish it was a drastic bill destroying and suppressing all possibility of gambling of every kind, and then I could vote for it with delight. The good Lord knows that what I want to do is to help the cotton farmers, who have by their products, in round numbers, added a billion dollars a year to the wealth of this country and helped in the exportation of cotton to bring the yellow gold from foreign countries to our shores to increase the balance of trade in favor of the United States of America. [Applause.] If I did not believe in my heart that this bill would benefit the cotton farmers, I would not under any circumstance vote for it; but believing that it would benefit them and that it is the only chance to secure any legislation whatever at this session, I shall vote for it, and if it becomes a law and proves inadequate to meet conditions we will amend it just as soon as that fact is ascertained and amendatory legislation can be enacted.

The great trouble in finding out exactly what the exchanges do and the extent of their gambling operations has been that they kept no records, which were open to inspection, and we could not get from them any definite statement of how many bales of cotton, not in existence, they bought and sold. They admit they probably bought and sold a hundred million bales and possibly a hundred and fifty millions or two hundred millions a year. If this bill becomes a law they will have to keep a record, open to inspection, and by this record we will be able to know the extent of their operations. As this is the only chance for legislation let us now by law at least take some step in the direction of correcting and suppressing if possible their outrageous practices. Let us stop the long delay and give heed to the appeals of the farmers made during all these years, and respond to their request, and at least enact the good provisions of this bill, and then if necessary go further in the future. The issue is made up. Shall we vote for this bill and secure some legislation—and it is in the hope of securing some legislation that I will vote for it—or vote against it, and in doing so vote to continue present conditions and allow gambling in cotton futures to go on without hindrance of any kind what-

soever? I submit this issue to you, and by your vote you will answer it. [Loud applause.]

Mr. HAUGEN. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, the gentleman from Tennessee [Mr. SIMS] practically puts himself in the attitude of being in favor of no legislation at this time on the subject of cotton exchanges. I want to say to the gentleman in the outset that this is the only chance that we will have to pass a bill on this subject at this session of Congress, and I appeal to him and others who really want legislation on this subject to cease their obstructive tactics in this House and let us get something on the statute books, and then, if the law does not work as well in every particular as we think it ought to work, amend it at the next session of Congress. [Applause.] I represent the largest cotton-producing district in my State, and I speak for the farmers not only of my State but of Georgia, Mississippi, South Carolina, Florida, North Carolina, and of every other cotton-producing State in the Union, when I say to you gentlemen that there are provisions in this bill that they want enacted into law. [Applause.]

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. WINGO].

[Mr. WINGO addressed the House. See Appendix.]

Mr. SISSON. Mr. Speaker, I do not want to lose my good friend from Arkansas [Mr. WINGO] from the House, but if he shall persist in the position which he takes, he will be compelled to resign, because we have to legislate by seesawing with the Senate.

Mr. WINGO. To relieve the gentleman's anxiety, I will say that I do not intend to resign.

Mr. SISSON. I am glad of it, for he is a valuable Member of the House. I am going to support this bill, not because it is what we want, but it is a beginning, and there are some features of it that every man from the South must indorse. And there are features of this bill that must go into any bill that will be enacted, and when we get it written on the statute books we can take advantage of the next session of Congress, as suggested by the gentleman from Alabama [Mr. HEFLIN], and can amend it.

I supported the Scott bill which passed the House a few years ago, and which was a very much better bill than this one. I think it a better bill, because it sought to prohibit gambling in cotton on the cotton exchanges. This bill seeks to regulate the cotton exchange, with the hope that by taxing gambling contracts that this will force the gambler off the exchange. I very much fear that this will not happen. I trust that it will.

But the many features in reference to establishing and fixing grades, in reference to the regulation and inspection of contracts and the information which can be gained by Congress for the purpose of securing the Federal tax placed on gambling contracts, will enable the Government, and through the Government will enable the people, to know what is going on.

We have passed through the House on several occasions bills looking to the suppression of gambling in cotton futures. In every case the bill has died in the Senate within the last 15 or 20 years, and usually in the Senate committee. About 20 years ago a bill very similar to the Scott bill was passed by the Senate while Senator J. Z. George, of my own State, was a Member of that body, and this bill had his approval. But this good piece of legislation died in the House of Representatives.

Senator CLARKE of Arkansas had tacked onto the Underwood tariff bill a provision which would have taxed out of existence all cotton gambling, but this provision was lost somehow in the conference committee between the House and Senate; at any rate, it never became a law.

I am getting weary of these futile attempts at legislation. What the farmers of the South want is some legislation that will prevent gambling in cotton futures; and while this bill does not go as far as I would like to have it go, and has some features in it that I do not like, it has some merit in it and is a beginning. If it does not work well, we will have committed the Government to the proposition of controlling the cotton exchanges; and having done this, I believe that the Federal Government, under the pressure of public opinion, will be compelled to finally write the proper law on the statute books.

The most unfortunate thing about the parliamentary situation now is that a bill of this much importance is taken up under the suspension of the rules, which will not permit any amendments to be offered, and which will compel each Member of Congress to either vote for or against the bill; and if we vote against the bill it may mean that it will kill all chances for legislation on this subject at this session, and if we vote for the bill it will mean that we have to take it just as it is reported

to the House from the Committee on Agriculture. I regret very much that the membership of this House are denied the privilege of voting on some amendments which could make this bill a good one. Personally I am violently opposed to that feature of the bill which to some extent legalizes dealing in futures, which may sometimes be a pure gambling transaction. No Member of this House would think of taxing a legitimate sale of cotton. This would be an outrage. But the purpose of the bill is to tax illegal sales of cotton, to tax sales when no delivery was contemplated; and if this taxing feature was not in the bill the courts would be compelled to declare it unconstitutional, because the New York exchange is purely a New York institution and the New Orleans exchange a purely Louisiana institution, both under the control of the laws of the respective States, and the Federal Government has no right to invade the domain of the States for the purpose of destroying these gambling institutions. It therefore becomes necessary that you destroy them with the taxing power or destroy them by denying them the use of interstate means of communication, such as denying them the right to use the mails, the telephone, and telegraph lines.

The attempt to destroy the gambling in agricultural products through the taxing power is fraught with danger, because it may sometimes be difficult to determine when a transaction is legal and when it is illegal, when it is a gambling contract and when it is not a gambling contract, and the enemies of this good legislation will muddy the waters as much as possible so as to make this method unpopular with the cotton producers of the country. In fact, unless it is administered with great care the cotton gambler and the cotton speculator might be able to unload this tax upon the cotton farmer. This is my most serious objection to the bill presented to us in this manner by the Committee on Agriculture. But if the bill is properly administered and the law properly enforced this evil can be eliminated. If the Committee on Agriculture had presented to the House the Scott bill, it would have been utterly impossible for the cotton gambler and the cotton speculator to have unloaded the burden on the cotton producer, because the Scott bill would not become effective until the provisions of the law had been violated, and this violation of the law was a criminal violation, and the party violating it would be punished in the criminal court by heavy fine, and might have been punished by imprisonment. I believe that this is the proper method of compelling observance of a law.

This bill proceeds upon the principle of regulation and not upon the principle of destruction. There can be no objection to a legitimate place being established by men for the exchange of their commodities with each other. A bill that would try to prevent this would be clearly unconstitutional. So I would not favor a proposition to destroy a legitimate business, but I would favor a proposition that would totally destroy, root and branch, every feature of gambling connected with all of the agricultural products of the country.

But since I can not at this time support a proposition of this sort, I will with reluctance give my support to this bill, stating at the time that I have some misgivings as to the results, and have some doubts as to its accomplishing very much good. But I do not believe that it can possibly make the situation any worse than it is now, and if it helps the condition in the least, then I feel that my vote is justified. At any rate, it will tend to turn the light on the situation, and I am perfectly willing to give the Secretary of Agriculture all the powers that he is vested with under this bill and give him all of the district attorneys he needs to properly enforce this law and give it a fair trial.

I fear that the fact that the committee saw fit to change completely the bill that passed the Senate may result in a total miscarriage of legislation on this subject at this time. So I feel that it would have been wiser for the committee to have made an effort to remove the objectionable features of the Smith bill rather than to have brought in a complete substitute for the Smith bill.

These are some of the reasons, Mr. Speaker, briefly stated, which cause me to give my support to this bill. I am not in favor of quitting now and not doing anything. I want to write something on the statute books at this time. We have been trying and trying for 20 years, so I say in conclusion let us do something now. [Applause.]

Mr. LEVER. I will ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time.

Mr. HAUGEN. Mr. Speaker, have I any tin remaining?

The SPEAKER. The gentleman from Iowa has used all of his time.

Mr. LEVER. I yield three minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I think some of the gentlemen who have been considering this bill have confused the use of the power with the merits of the bill. It is proposed to either suppress entirely the exchanges of the country or to regulate them. That is one proposition. The other proposition is to use some power of the Government to accomplish one or the other result. Now, you may have the same bill, whether you call it the Scott bill or the Lever bill or the Bell bill, to accomplish certain results, and you may apply to that bill the taxing power to enforce the law, or the interstate-commerce law to enforce the law, or the power of the use of the mail—the post-office power—to enforce the law. My contention is that the particular power that you use with which to enforce the law is a secondary proposition. But if you want to use the most effective power to enforce any law, there is no greater power in this Government than the power to tax. [Applause.] It is the most effective power that you can use to enforce any legislation. So I think that answers any objection to the mere use of a power to enforce the law. Now, coming down to the real merits of the bill, the question of whether you want the Scott bill, which wipes out, or is intended to wipe out, the cotton exchanges, or the Lever bill, which is intended to regulate the exchanges so only the evils in the exchanges shall be wiped out and good remain, is the real question before the House. Now, outside of going to the merits, in two different Congresses I have supported a bill along the lines of the Scott bill—first, the Scott bill in one Congress, and next a similar bill, the Bell bill, in another Congress—and we have sent them to the Senate of the United States, where they died in committee or on the calendar of the Senate. A similar bill passing the House this time would meet with the same result. But there is an opportunity now to pass a bill that will wipe out the evils of the cotton exchange, the use of the cotton exchange against the cotton producer of this country, and that bill is before the House to-day. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. LEVER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. LEVER. Mr. Speaker, I believe that the practices of the New York Cotton Exchange are costing the cotton producers of the South annually \$100,000,000. This bill proposes to eliminate from the New York and other cotton exchanges such practices as are laying upon our people this enormous burden. The man who votes against this bill places himself—unconsciously, of course—in the attitude of favoring the continuance of a system which has been denounced in every cotton-growing State of this Union. The man who votes against this bill says, in effect, "I am willing, rather than have this regulatory bill, to stand for the continuance of the evil practices of the New York Cotton Exchange, which have been burdening our people for more than half a century." No man who understands the parliamentary situation in this House can say that it is wise to vote this bill down and send it back to the committee, in the hope of bringing from that committee a more drastic proposition. The man who believes that, or who thinks he believes that, confesses to a culpable ignorance of the situation in this House. The gentleman from Alabama [Mr. HERLIN] told you truly that you have an opportunity here in the passage of this bill to send the whole proposition to conference, where the differences between the two Houses can be worked out and some legislation had. Vote this bill down, and every man who knows anything at all about the situation knows that there will be no legislation on the subject at all at this session of Congress. And in the meantime your people and my people will go on suffering an annual loss of \$100,000,000 on their cotton crop. I ask that the friends of the farmers, these Bombastes Furiosos that are willing to stand here and refuse to vote for this bill, which they admit is better than the present system, because they can not get precisely what they want—

Mr. TRIBBLE. Will the gentleman yield?

Mr. LEVER. I yield for a question.

Mr. TRIBBLE. If the friends of the farmers will vote to send this bill to conference, will the chairman of the Agricultural Committee tell us that he will do what he can to produce another bill that will be satisfactory to the farmers?

Mr. LEVER. The Chairman of the Agricultural Committee will do what he has been doing ever since he has been in Congress. He will bring from conference the best bill of which he is capable in the interests of agriculture. [Applause.]

Now, Mr. Speaker, these gentlemen who do not support this bill confess themselves to be in favor of a continuance of the multiplicity of standards that prevail in the marketing of

cotton. They confess themselves to be in favor of the present fixed-difference system of the New York Cotton Exchange.

Mr. HUGHES of Georgia. Mr. Speaker—

The SPEAKER. Will the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. LEVER. I will yield.

Mr. HUGHES of Georgia. I wanted to say this: That I am opposed to the general features of this bill. I admit that some are good and some are bad, but I am opposed to it on account of the bad features.

Mr. LEVER. I hope the gentleman from Georgia will see enough good features in this bill to support it.

Mr. HUGHES of Georgia. I do not.

Mr. LEVER. I thought the gentleman from Georgia saw in this bill a system which was better than the present New York Cotton Exchange system.

Mr. HUGHES of Georgia. If you kill this bill, you will get a better one.

Mr. LEVER. It will be a mighty long while. Now, Mr. Speaker, the Committee on Agriculture has given weeks and weeks to the study of this bill. We have brought cotton experts from every corner of this country to testify. We have engaged the best experts of the Department of Agriculture. We have invited the farmers to appear before this committee, and we believe that we have worked out a bill which will regulate conservatively, sanely, and sensibly, and in the interest of the cotton producers, the evil practices of the cotton exchanges.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. LEVER. And I hope that every friend of the farmer here will vote for this bill. [Applause.]

The SPEAKER. All time has expired.

Mr. ASWELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. I hold in my hand a bill I introduced on May 24 on this subject written by the national officers of the Farmers' Union of the United States.

Mr. MANN. Mr. Speaker, I ask for the regular order.

Mr. ASWELL. And I want to know if there is any opportunity under this parliamentary situation to introduced it as a substitute for the Lever bill? I am for the Lever bill as the best we can do now, if I can not get in this substitute.

The SPEAKER. Not under this bill.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. MANN. I object.

Mr. HULINGS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HULINGS. I have been denied an opportunity to speak on this bill, which I am very deeply interested in, and I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Pennsylvania [Mr. HULINGS] asks unanimous consent to extend his remarks on this bill. Is there objection?

Mr. MANN. I object.

Mr. LEVER. Reserving the right to object, Mr. Speaker—

The SPEAKER. The gentleman from Illinois [Mr. MANN] has already objected.

Mr. LEVER. I was just about to present a request that everybody who desires to do so may be allowed to extend his remarks on this bill.

Mr. MANN. On this side we have been allowed only 20 minutes' debate on this bill, and I am going to object in order to show that that is all the time that was allowed.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The question is on suspending the rules and passing the document read by the Clerk.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 84, noes 21.

The SPEAKER. On this vote the ayes are 84 and the noes are 21.

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

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point of order that there is no quorum present. The Chair will count.

Mr. WINGO. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Arkansas withdraws the point of no quorum. On this vote the ayes are 84, the noes are 21. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed.

CONSOLIDATION OF VETERINARY SERVICE, UNITED STATES ARMY.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass House bill 4541 with an amendment.

The SPEAKER. The Clerk will report the bill, reading the amendment into it.

The Clerk read as follows:

A bill (H. R. 4541) to consolidate the veterinary service, United States Army, and to increase its efficiency.

*Be it enacted, etc.,* That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed 2 such officers for each regiment of Cavalry and Field Artillery, 15 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 5 as inspectors of meats for the Quartermaster Corps, not to exceed 62 in all.

SEC. 2. That hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and that he shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

SEC. 3. That an assistant veterinarian appointed under section 2 of this act shall have the rank, pay, and allowances of second lieutenant; that after five years of service an assistant veterinarian shall be promoted to the rank, pay, and allowances of first lieutenant; that after 15 years of service an assistant veterinarian shall be promoted to veterinarian with the rank, pay, and allowances of captain: *Provided*, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay, and have no further claim on the Government.

SEC. 4. That the veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps provided for in section 1 of this act, now employed, who at the date of the approval of this act shall have less than five years' service, be reappointed as assistant veterinarians with the rank, pay, and allowances of second lieutenant; that the veterinarians who have over five years of service be reappointed and commissioned as assistant veterinarians with the rank, pay, and allowances of first lieutenant; that veterinarians with 15 years of service be reappointed and commissioned as veterinarians with the rank, pay, and allowances of captain: *Provided*, That they pass a prescribed practical professional examination as to fitness for mounted field service: *Provided further*, That veterinarians now in the Army and in the employ of the Quartermaster Corps who fail to pass the prescribed physical examination, due to disability incident to the service, and who have been incapacitated from rendering satisfactory service to the Government, shall be retired from active service with 75 per cent of pay corresponding to length of service as prescribed herein.

SEC. 5. That the Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps, who shall have the pay and allowances of second lieutenant during such period of service, and no longer: *Provided*, That such reserve veterinarians be graduates of a recognized veterinary college or university and have previously passed a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as required of assistant veterinarians; such veterinarians (reserve) to constitute a list of eligibles for appointment as assistant veterinarians under the same condition as to age, probationary service, etc., as provided for in section 2 of this act, and such examinations as may be deemed necessary by the Secretary of War for the proper performance of their duties.

SEC. 6. That candidates passing the examinations as prescribed in section 2 of this act shall be appointed, in the order of merit in which they passed such examination, to vacancies as they occur, such appointment to be a probationary one for six months, after which time, if the services of the probationer have been satisfactory, he shall be permanently appointed with commission antedated to embrace such probationary service. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, without any further claim against the Government.

SEC. 7. That the Secretary of War is authorized to appoint a board of examiners to conduct the examinations prescribed herein, one member of which shall be a field officer, one a surgeon, and two veterinarians.

SEC. 8. That all laws or parts of laws in conflict with the provisions of this act be, and are hereby, repealed.

The SPEAKER. The question to be voted on is to suspend the rules and pass this bill. Is a second demanded?

Mr. FOSTER. I demand a second, Mr. Speaker.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FOSTER. No, sir.

The SPEAKER. Any gentleman who is opposed to it has the preference in demanding a second.

Mr. HAY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. HAY] has 20 minutes, and the gentleman from Illinois [Mr. FOSTER] has 20 minutes.

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

Mr. HAY. I will.

Mr. MANN. Is any amendment reported except the amendment contained in the bill?

Mr. HAY. Only the amendment that is in the bill.

Mr. MANN. Would not the gentleman very briefly tell us what the bill covers?

Mr. HAY. I understand the gentleman from Illinois [Mr. FOSTER] wants to ask me a question.

Mr. FOSTER. The proviso in section 3 means that those who are now in the service who have passed a mental and physical test shall be placed on the retired list?

Mr. HAY. Yes.

Mr. FOSTER. And they shall receive only 25 per cent of the pay they are now receiving?

Mr. HAY. Yes.

Mr. FOSTER. Do they get just 25 per cent all the time, or does the time they have spent in the service make any difference?

Mr. HAY. I do not think section 3 applies to those now in the service. The gentleman means section 4?

Mr. FOSTER. Yes; I meant section 4. I got on the wrong section.

Mr. HAY. That means that they shall be retired upon three-quarters pay in accordance with length of service. Understand that in the Army a man after serving 5 years gets 10 per cent additional to his flat pay. When he serves 10 years he gets 20 per cent. When he serves 15 years he gets 30 per cent, and when he has served 20 years he gets 40 per cent.

Mr. FOSTER. I see also in section 5 this service is placed under the Surgeon General of the Army?

Mr. HAY. Yes. That was recommended by the Secretary of War, both the present Secretary of War and the previous Secretary of War. If the gentleman will read the report, he will find that it is based upon the ground that the Surgeon General's department will be better able to deal with veterinary surgeons than the Quartermaster's Department.

Mr. FOSTER. The Medical Department has no one in the office acquainted with the veterinary business?

Mr. HAY. No. They are all physicians and surgeons.

Mr. FOSTER. So that a detail would be made from his office?

Mr. HAY. No. It gives the authority to appoint for this particular corps, but they would not be detailed to the Surgeon General's office.

Mr. FOSTER. Who holds these examinations of these men?

Mr. HAY. A board, as provided for in section 7. The board comprises a field officer, who may be a major or a lieutenant colonel or a colonel, a surgeon, and two veterinarians.

Mr. FOSTER. That is all I care to ask.

Mr. HAY. If there is no further question, Mr. Speaker—

Mr. WILLIS. I wish to call the attention of the gentleman from Virginia [Mr. HAY] to the language in the proviso beginning with line 13 on page 2:

*Provided, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay and have no further claim on the Government.*

Would that bar a claim for pension, or would he be entitled to the time in any case?

Mr. HAY. He would only be entitled to a pension if he incurred some disability in line of duty.

Mr. WILLIS. If he has incurred the disability, this would not be a bar to a pension?

Mr. HAY. I think not. If he incurred a disability in line of duty before the five years expired, he would be entitled, then, to a pension.

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

Mr. HAY. Yes.

Mr. STAFFORD. In that particular, I wish to inquire of the gentleman as to when the language of the proviso applies, requiring that these assistant veterinarians must pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the mounted service?

Mr. HAY. Does the gentleman ask how does it apply?

Mr. STAFFORD. When is it intended that the assistant veterinarian shall be examined for appointment?

Mr. HAY. They will be examined as soon as this bill becomes a law—the veterinarians now in the service.

Mr. STAFFORD. I am quite well acquainted with that fact. We are now considering this provision, which relates also to those who are to come into the service.

Mr. HAY. Yes.

Mr. STAFFORD. Are they at the time of their entrance examination to be examined as to their adaptability for mounted service?

Mr. HAY. Yes.

Mr. STAFFORD. I suppose they will not be discharged from the Army with one year's pay?

Mr. HAY. Oh, no. That relates to men who are to be examined for promotion. If they are examined and found deficient, then they are discharged with one year's pay.

Mr. STAFFORD. I assume this requirement pertains to the examination when he enters the service as to all those who come into the service hereafter?

Mr. HAY. Yes.

Mr. STAFFORD. And that there can not be a case of a person found physically unadapted to mounted service after he has been in the service.

Mr. HAY. Yes; if after five years he comes up for promotion.

Mr. WILLIS. I think I did not quite understand the gentleman's answer, or he did not understand my question. The language to which I am calling attention begins with the proviso in line 13:

*Provided, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay and have no further claim on the Government.*

Now, if the officer in question had incurred disease or suffered wounds in the service so as to be entitled to a pension under existing law, I do not understand why this would not bar his claim for a pension.

Mr. HAY. As I understand it, if he incurred a disability in the line of duty he would be discharged for that disability.

Mr. WILLIS. Not necessarily so. The mere fact that he got a pension, would that necessarily bar him from the service?

Mr. HAY. I should think so. I do not think anybody in active service gets a pension. I do not know of any such case.

Mr. WILLIS. It occurred to me that there might be some possibility that that would not be sufficient—

Mr. HAY. Any disability that would be sufficient to give him a pension would be sufficient to discharge him for disability.

Mr. WILLIS. If that is the case, that answers my question.

Mr. HAY. I think so, undoubtedly.

Mr. STAFFORD. Now, further—

Mr. HAY. In answer to the gentleman from Wisconsin, I call attention to the fact that this section applies to people who have already served, and it applies to the examination of these officers for promotion. It says that after five years of service an assistant veterinarian shall be promoted to the rank, pay, and allowances of a first lieutenant. He can only be promoted, however, if he passes a satisfactory examination, and so forth.

Mr. STAFFORD. If the gentleman will permit, section 2 provides for the examination of candidates for appointment as assistant veterinarians in the future.

Mr. HAY. Yes.

Mr. STAFFORD. Section 3 refers to section 2, and to those appointed under section 2. Those two sections refer to those who are to be appointed in the future. Now, when I read this bill the query came to me whether they would be compelled to take this examination as to adaptability for mounted service only when they were candidates for the rank of captain after 15 years' service, or whether they would be submitted to that test when first appointed to the grade of second lieutenant.

Mr. HAY. No; when they are first appointed they pass an examination as provided in section 2, as to character, physical condition, general education, and professional qualifications. After they have been in the service 5 years they come up for promotion to the rank of first lieutenant. Then they must pass a satisfactory examination as to professional qualifications and adaptability for mounted service.

Mr. STAFFORD. Is not that only after they have been in the service 15 years, when they are candidates for captaincies?

Mr. HAY. No; it applies to those who have been in the service 5 years as second lieutenants, when they come up for examination for promotion to be first lieutenants.

Mr. STAFFORD. Why would not this same examination cover the requirement for adaptability to mounted service?

Mr. HAY. Because when they first come in it is only prescribed that they shall be examined as to character, physical condition, general education, and professional qualifications.

Mr. STAFFORD. Physical condition does not embody the idea that they shall be physically qualified for mounted service?

Mr. HAY. It does not, because they might not have had any experience in riding.

Mr. STAFFORD. So a man must show that he has that ability at the end of 5 years.

Mr. HAY. During the first 5 years.

Mr. STAFFORD. During the 5 years he has the rank of a second lieutenant?

Mr. HAY. Yes.

Mr. STAFFORD. Another question: As I read the bill, the committee did not follow the recommendation of the department to make this an adjunct to the Medical Corps of the Army?

Mr. HAY. If the gentleman will read the report, he will see that under the bill—

Mr. STAFFORD. I wish to inform the gentleman that I have read the report, and I favor the bill instead of the suggestion of the Surgeon General—that this be made a part of the Medical Corps. You attach it to the Quartermaster's Department.

Mr. HAY. The report at the bottom of page 6 states this:

The War Department has given its approval to this bill. The Secretary of War recommends that the veterinarians be placed in the Medical Corps. This bill is so drawn that the Secretary of War will be able to place these officers under the control of any department which he may deem best for the interests and efficiency of this service.

Now, if you will read the bill carefully, you will see that nowhere does the bill place any part of this corps under any particular bureau of the War Department, but places it under the Secretary of War, and the reserve veterinarians who are to be appointed by the Surgeon General.

Mr. STAFFORD. But you do permit them to be assigned to the Quartermaster's Corps.

Mr. HAY. They have to be, because the Quartermaster's Corps has a large number of animals.

Mr. STAFFORD. That feature of the bill appeals to me very much.

Mr. WILLIS. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. WILLIS. What does the gentleman say to this: Suppose an examination is held, as provided in the proviso, and it is found that the officer in question is deficient, and he is discharged from the service; suppose that subsequently to this the officer should apply for a pension on the ground that he incurred disease in the service which had not manifested itself until after he was discharged, that he was discharged for some other reason, but disease developed and he offered to prove that he contracted the disease in the service?

Mr. HAY. If he could prove that he contracted the disease in the service, I think he would be entitled to a pension.

Mr. WILLIS. But here is the language—that if he is discharged he shall have no further claim against the Government.

Mr. HAY. I do not think a pension is regarded technically as a claim against the Government. I do not think there is any question, if he could prove that while in the Army he incurred a disease in the line of duty, that he will be entitled to a pension.

Mr. WILLIS. What is the necessity for this language, then?

Mr. HAY. This language is the exact language carried in the bill providing for appointment to the Medical Corps. Where a man is examined for promotion in that corps and is found deficient, he is discharged with one year's pay, and the law goes on to say he shall have no further claim against the Government.

Mr. WILLIS. I am anxious to get the gentleman's opinion, for it may be of value hereafter in interpreting the statute. It is the gentleman's opinion that if he incurred a disease in the Army in the line of duty—

Mr. HAY. If he incurred a disease in the line of duty and could prove it—

Mr. WILLIS. He will be entitled to a pension, notwithstanding this language?

Mr. HAY. I think so.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

#### EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider in the House, as in Committee of the Whole House, House joint resolution 286, extending appropriations for the operation of the Government beyond the end of the fiscal year.

The SPEAKER. The gentleman from New York asks unanimous consent to consider House joint resolution 286, providing for extending appropriations for a certain length of time. Is there objection?

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I was on the point this morning of asking the gentleman a question which I would like to ask now. What is the reason for this resolution reaching the appropriations made for the Interstate Commerce Commission for the valuation?

Mr. FITZGERALD. The appropriations for the physical valuations of railroads during the current fiscal year amount to

\$489,627.09. If there be made available only one twenty-fourth of the amount for the first 15 days in July, it would give them only \$20,000. They contemplate spending during the month of July about \$125,000, so that we are providing for the first 15 days \$65,000.

Mr. MURDOCK. Making an exception of them?

Mr. FITZGERALD. Yes; giving them more than they otherwise would have.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, there are a number of requests for information regarding appropriation bills as they have passed the House up to this time. I have prepared a statement and I will ask unanimous consent to extend my remarks in order that I may print it in the RECORD at this place so that the information will be available for Members.

The total amount of appropriations carried by the 13 regular annual appropriation bills, including the river and harbor bill, for the support of the Government for the fiscal year 1915, as passed by the House at this session, is \$943,754,713.47; in addition to that sum there is authorized to be expended during that year the further estimated amount of \$131,196,407 under permanent appropriations, or a total authorized expenditure, so far as the House has expressed its will at this session, of \$1,074,951,120.47 for the support of the public service during the fiscal year beginning July 1, 1914, and ending June 30, 1915.

The total estimates submitted by the executive departments at the beginning of the session in December last, and in supplemental documents since that time, amount to \$1,114,383,619.24.

The whole sum granted in the regular annual appropriation bills as passed by the House, together with the estimated amount expendable under permanent appropriations, is \$39,432,498.77 less than the total estimates submitted to Congress.

The sums stated as total estimates submitted to Congress and the amount of the annual bills as passed by the House includes \$60,717,000 to meet the public debt sinking-fund requirements for the fiscal year 1915.

The total of the appropriations as passed by the House, together with the permanent appropriations, exclusive of the \$60,717,000 for the sinking fund, is \$1,014,234,120.47.

The total revenues of the Government were estimated at the beginning of the session last December at \$1,035,000,000, or an excess or surplus of \$20,765,879.53 over the appropriations approved by the House, if the sum for the sinking fund is not taken into account.

The total reduction of the public debt under the sinking-fund requirements has not reached the sum of \$1,000,000 under any one of the last four fiscal years and scarcely exceeded \$100,000 for the fiscal year 1913.

The state of the public debt is such that it is a matter of no great concern whether the regular annual requirements of the sinking fund either as a whole or in substantial part be met during the next fiscal year, for the reason that we have no outstanding bonds maturing before 1918. Of the Spanish War loan of 1908, under which bonds amounting to \$198,792,630 were issued redeemable after 1908 but not payable until 1918, there remain outstanding now only \$63,945,460.

Without any purpose of instituting invidious distinctions, it is not uninteresting to note, as shown by the record of the regular annual appropriation bills at this session, that the total regular annual estimates were reduced in the sum of \$39,432,498.77, or 4 per cent.

The estimates under the regular annual bills prepared by the Committee on Appropriations, amounting to \$357,832,372.73, which sum is 36.3 per cent of the total of all estimates submitted to Congress, were reduced in the total sum of \$27,592,553.26, or nearly 8 per cent, or, to be exact, the reduction is 7.7 per cent.

The estimates under the regular annual bills prepared by other committees of the House, controlling one bill each, amounting to \$625,354,839.51, which sum is 63.6 per cent of the total of all estimates submitted to Congress, were reduced in the total sum of \$11,839,945.51, or less than 2 per cent, and, to be exact, only 1.8 per cent.

The most notable reductions made in any single bill below the estimates submitted for that bill occur in the sundry civil and Army bills, which were reduced by \$17,535,289.77 and \$10,757,181.49, respectively.

If the total estimates submitted for the regular annual appropriation bills had been reduced by 7.7 per cent, as were the estimates for bills prepared by the Committee on Appropriations, the total reduction in all of the regular annual estimates would have been \$75,705,415.34 instead of only \$39,432,498.77.

Comparison of regular annual appropriation bills (prepared by the Committee on Appropriations) as passed by the House with the regular annual estimates submitted for the fiscal year 1915.

Bill.	Estimates.	Passed by the House.	Reduction.
District of Columbia.....	\$14,491,614.49	\$11,436,150.49	\$3,055,464.00
Fortification.....	9,124,399.49	5,175,200.00	3,949,199.49
Legislative, etc.....	39,584,709.70	36,532,109.70	3,052,600.00
Pension.....	169,150,000.00	169,150,000.00	.....
Sundry civil: Regular estimates, \$119,779,806.83; supplemental estimates, \$5,701,812.22.....	125,481,649.05	107,946,350.28	17,535,298.77
Total.....	357,832,372.73	330,239,819.47	27,592,553.26

Comparison of regular annual appropriation bills (prepared by committees other than the Committee on Appropriations) as passed by the House with the regular annual estimates submitted for the fiscal year 1915.

Bill.	Estimates.	Passed by the House.	Reduction.	Increase.
Agriculture.....	\$19,061,332.00	\$18,988,232.00	\$73,100.00	.....
Army.....	104,947,758.65	94,193,577.16	10,757,181.49	.....
Diplomatic and Consular.....	4,447,042.06	4,455,872.66	.....	\$8,810.00
Indian.....	10,208,865.06	8,661,737.82	1,547,127.24	.....
Military Academy.....	1,052,875.61	988,289.75	64,585.86	.....
Navy.....	144,417,453.53	139,808,333.61	4,609,119.92	.....
Post Office.....	305,953,117.00	307,013,867.00	.....	60,750.00
River and harbor.....	31,286,395.00	39,468,004.00	.....	5,141,609.00
Total.....	625,354,839.51	613,514,894.00	17,051,114.51	5,211,169.00
Net reduction.....	.....	.....	11,839,945.51	.....

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

Mr. FITZGERALD. Yes.

Mr. MANN. This resolution extends the appropriations until the middle of July?

Mr. FITZGERALD. For 15 days.

Mr. MANN. Does the gentleman think that the appropriation bills generally will be disposed of at that time?

Mr. FITZGERALD. We hope that they will be. The appropriation bills now undisposed of are the Agricultural, the legislative, the District, the Indian, and the sundry civil.

Mr. MANN. I thought that the Agricultural bill had been disposed of.

Mr. FITZGERALD. The Senate has not yet acted on the conference report.

Mr. MANN. I think the conference report was agreed to on Saturday.

Mr. FITZGERALD. The gentleman from South Carolina [Mr. LEVER] stated to me this morning that it had not been acted upon by the Senate. In the District bill there are three items still in dispute. The Indian appropriation bill has not gone to conference, the legislative bill is in conference, and the sundry civil has not passed the Senate. We hope in two weeks' time that they may all be passed, so that at least the appropriation bills will be out of the way.

Mr. MANN. Suppose this resolution were not to pass. Under the law would the Government stop—I do not mean actually, but as far as the law is concerned—would they have authority to proceed without appropriation?

Mr. FITZGERALD. In a great many instances it would be necessary to stop the employment of innumerable employees in the service.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

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

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

CELEBRATION OF TREATY OF GHENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13922) to approve of the celebration of the one hundredth anniversary of the signing of the treaty of Ghent between the United States of America and Great Britain and Ireland, and of the century of peace and amity between the United States and other nations, as amended, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the President is hereby authorized to appoint three members, the Vice President three members, who shall be Members of the Senate, and the Speaker of the House of Representatives three members, who shall be Members of the House of Representatives, of a commission to be known as the Peace Centenary Celebration Commission, and that the Vice President of the United States and the Speaker of the House of Representatives shall be ex officio members of said commission.

It shall be the duty of the commission to confer with such other commissions or committees as may have been or shall be constituted for similar purposes in the United States, Great Britain, Canada, and other countries, and to report to the Congress a plan for the appropriate celebration in the National Capital and elsewhere of the one hundredth anniversary of the signing of the treaty of Ghent.

Sec. 2. That the commissioners shall serve without compensation. For the expenses of the commission, including salary of a secretary, clerical service, traveling and office expenses, printing, and the preparation of plans, etc., the sum of \$25,000 is hereby appropriated from any moneys in the Treasury not otherwise appropriated, and to be immediately available.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HAY). The gentleman will state it.

Mr. MANN. Mr. Speaker, I demand a second.

Mr. DONOVAN. Is it too late to enter an objection to the consideration of this bill?

The SPEAKER pro tempore. It is.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. FLOOD] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, the purpose of this bill is to appoint a commission to arrange for the celebration of the hundredth anniversary of peace between this country and Great Britain.

On December 24, 1814, a treaty between this country and Great Britain was concluded in the city of Ghent, Belgium, and was ratified on February 17, 1815, which has resulted in 100 years of peace between the English-speaking countries of the world.

Patriotic citizens in this country, Great Britain, and Canada conceived the idea of celebrating this century of peace. Committees were formed in all of these countries to carry out this purpose. The American committee has on its membership the President of the United States, ex-President Taft, ex-President Roosevelt, Vice President Marshall, Hon. William Jennings Bryan, Hon. Alton B. Parker, Hon. Levi P. Morton, Hon. Charles W. Fairbanks, Hon. Elihu Root, Mr. Andrew Carnegie, Mr. Cornelius Vanderbilt, Mr. Nicholas Murray Butler, and many other distinguished citizens. These gentlemen favor an appropriate celebration of this event and have given the influence of their great names to bring about this result.

This committee proposed, in a bill introduced in the House by Mr. SMITH of New York, to provide for the appointment of a peace centenary celebration commission, to consist of 15 members, 11 of whom should be appointed by the President and 4 of whom should be ex officio members, namely, the Vice President of the United States, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Chief Justice of the Supreme Court of the United States. This commission was to report a plan for an appropriate celebration in Washington and elsewhere, and asked for an appropriation of \$150,000 for this preliminary work. None of the 15 members provided for in that bill would have had any connection with Congress except the Vice President, the President pro tempore of the Senate, and the Speaker of the House, and the commission thus constituted would probably have recommended a very ambitious plan for this celebration.

The Committee on Foreign Affairs believes that there should be a proper celebration of this great occasion. The subject has been more sympathetically taken up in Canada by the leading citizens and public officials in that Dominion. It has been taken up enthusiastically in Great Britain, and a very large and important committee, comprising the leading men in public and private life in Great Britain, have associated themselves together as the British committee for the celebration of the one hundred years of peace.

The British committee has moved forward in a very practical way and has already made the purchase of Sulgrave Manor, the home of the Washingtons, which is to be preserved as a public monument to the family of our first President and for the glory of both countries.

What is necessary for us to do at this time is to give some official recognition and the proof of official interest on the part of our Government in the furtherance of this plan.

The pending bill is for this purpose; and further, it provides for the appointment of a commission to arrange for the proper character of celebration to be held in Washington and elsewhere in this country.

The Committee on Foreign Affairs decided it would be better to have a number of Members of Congress on this commission, in order to hold down the suggestions for appropriations to such an amount as Congress would be likely to appropriate. It also felt that the appropriation for the preliminary work should not

be very large. The committee therefore reported the pending bill, which provides for a commission of 11, consisting of the Vice President, the Speaker of this House, three members to be appointed by the President, three members by the Vice President from the membership of the Senate, and three by the Speaker from the membership of the House; and provides for an appropriation of \$25,000 to meet the necessary expenses of this commission.

The Committee on Foreign Affairs feels that this is an important event and should be properly celebrated. It is not intended to confine this commemoration to the countries involved, viz, the United States and Great Britain, but it is the hope of those who project this scheme that there will be associated in the commemoration the leading nations of the world, and that every opportunity and inducement will be given to them, and we feel confident that they will gladly associate themselves with the celebration which is significant to the whole peace-loving world.

It is a particularly interesting occasion to the citizens of this country. Great Britain never accepted the verdict at Yorktown and a second war was therefore necessary to fully establish the results of the great triumph of our Revolutionary War and our integrity as a Nation.

The outcome of the War of 1812 irrevocably decided that question for all time, and its acceptance by Great Britain was set forth in the treaty of Ghent.

When we think of the devastation and the wasteful effects of war, with all of its present and following evils, we may well take the time and make the expenditure necessary to glorify the celebration of the one hundredth anniversary of peace between these great nations.

Mr. MANN. Mr. Speaker, there is a constant temptation whenever the fiftieth or the one hundredth or the two hundredth or the three hundredth or the four hundredth anniversary of something occurs for people to ask the Government to pay some money out of the Treasury so that they may be exploited. As a rule, the people who ask it ask it because they want to get the advertisement, the notoriety, to have their names printed in the paper, to be able to tell what great people they are, at the expense of the rest of the people, who do not care very much about it. We are now getting along to the time when everything connected with the War of 1812 and any victories we had some one will want to celebrate. Every year they will desire a celebration of the one hundredth anniversary of this or that event, and some of them even want to celebrate the fiftieth anniversary. Modestly here they first asked for \$150,000 for preliminary suggestions. I think the committee did well in cutting it down to \$25,000, and yet if the original request had been for \$25,000 for preliminary suggestions it seems to me a very large amount of money could have been saved. Of course they will ask that we appropriate a half a million or a million dollars for some kind of doings in Washington, where these good people—and I do not doubt they are good people—will have a chance to ride in a parade and some of them to make speeches, which we will print at the public expense, binding it in half morocco, so that they can distribute them. What does it all amount to? Whom does it do any good? Of what benefit is it to anyone? It does not make a particle of difference, so far as our relations with Great Britain are concerned. If we could entirely forget the war of 100 years ago we would be better friends with Great Britain. Every time you have one of these celebrations you revive the animosity which comes out of the conduct of the English people a hundred years ago. Why not celebrate the day they burned the Capitol Building? Do them honor; do it brown; tell them what great people they were when they marched up to Washington and burned the Capitol Building. For my part, I would like to forget all about it. I do not see any good accomplished in wasting money now on that subject.

I yield five minutes to my colleague, the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, in my opinion this is a splendid scheme on the part of some individuals who want to promote themselves as advocates of peace. It is nothing but a bunco game that is going to be worked off on the American public, because anybody who has read history knows that there has never been 100 years of peace between this country and Great Britain. Everyone knows the attitude of Great Britain toward this country in every crisis that our Government has been in. To expend \$25,000 for a matter of this kind is simply wasting the money of the people, because the whole movement is unwarranted by every fact. I can not understand who conceived the idea of trying to bunco the American people by any such move, and I hope that the Congress will defeat this resolution and refuse the expenditure of money for any such pur-

pose. I hope that gentlemen here will oppose the appointment of this commission. I do not believe it is warranted. I do not believe that the Congress ought to expend money for any such purpose. Talk about peace with America! Talk about England being at peace with any country! She is at peace only when it is to her advantage to be at peace. Who wants this celebration in this country? I know the people of my district do not want it, and I hope that you folks, who represent American constituencies, will oppose any such movement to spend the money of the American people.

Mr. Speaker, the passage of this law would be a sham upon history; it would fly into the teeth of historic fact, and proclaim to the country and to the world a glaring lie.

One hundred years ago the British invaders, under Gen. Ross, with a force of 4,000 men, appeared in the Potomac, captured Washington, and before evacuating the city burned the public buildings to the ground, razing to the ground this magnificent Capitol in which we assemble to guide the destinies of the Republic. Few more shameful acts are recorded in civilized history, and it was the more disgustingly shameful in the fact that this atrocious act of vandalism was done under strict orders issued direct from the Government in England.

And now we hear men born in America, and some who were not, prating pusillanimously about "hands across the sea," "one blood, one language, one race," and rot of that kind, and actually within these honored walls asking for an extravagant appropriation of the public moneys to celebrate an alleged century of peace—peace with the nation that perpetrated these atrocities.

Peace! Peace! There has not been a hundred years of peace between Britain and this country. Perfidious Albion has always been ready to make war upon us—not by indulgence in open and overt acts of war, but by secret, treacherous conspiracies to weaken and destroy us.

When, during our late rebellion, she found her opportunity to strike, she did not hesitate to deliver the deadly blow. She attempted to form a European coalition against the Union; and if it were not for the determined front of the Emperor of all the Russias, her scheme would have been consummated.

In the Spanish-American War her diplomacy, ever active to weaken our prestige, exerted her agencies against us. Whenever, in all our trials and foreign complications, Britain found it conducive to her own interest—and that was ever the case—she never hesitated to show her animosity toward us, either actively or secretly; and now we are asked by legislation of this kind to proclaim to the world that profound peace has prevailed between the United States and Britain for 100 years. It is not true; it is not the fact; and as a body of legislators, legislating for a decent, progressive, and self-respecting people, anxious to be at peace with all the world, it is our duty to ourselves and to the country to defeat this bill by a majority so overwhelming and decisive that its advocates will never have the temerity to call it up again.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds not having voted—

Mr. FLOOD of Virginia. Division, Mr. Speaker.

The House divided, and there were—ayes 19, noes 44.

Mr. FLOOD of Virginia. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Eighty-nine gentlemen are present, not a quorum, and the Doorkeeper—

Mr. MANN. Mr. Speaker, I move a call of the House.

Mr. FITZGERALD. The House was dividing.

The SPEAKER pro tempore. There being no quorum, and a question being before the House, the call is automatic. The Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—ayes 52, nays 187, answered "present" 8, not voting 186, as follows:

## YEAS—52.

Abercrombie	Gittins	Kent	Rubey
Alexander	Gray	Linthicum	Seldomridge
Brockson	Hardy	McLaughlin	Sims
Brown, N. Y.	Harrison	Montague	Small
Cline	Hay	Morgan, Okla.	Smith, N. Y.
Cullop	Hayden	Morrison	Sparkman
Danforth	Heflin	Murdoch	Steinerson
Dixon	Hensley	Murray, Okla.	Talcott, N. Y.
Dupré	Holland	Nelson	Thacher
Ferris	Howell	Oldfield	Townsend
Fess	Hull	Platt	Watson
Flood, Va.	Johnson, S. C.	Rainey	Waters
Foster	Kahn	Raker	Winslow

NAYS—187.

Adair	Doolittle	Igoe	Rayburn
Aiken	Doughton	Jacoway	Reed
Ansberry	Dunn	Johnson, Ky.	Reilly, Conn.
Aswell	Eagle	Johnson, Utah	Reilly, Wis.
Bailey	Edmonds	Johnson, Wash.	Rogers
Baltz	Elder	Keating	Rouse
Barkley	Esch	Keister	Rucker
Barton	Evans	Kelley, Mich.	Russell
Bathrick	Falconer	Kennedy, Conn.	Sabath
Beakes	Falconer	Kennedy, Iowa	Scott
Bell, Cal.	Fergusson	Kettner	Sells
Booher	Finley	Kindel	Sinnott
Borchers	Fitzgerald	Kirkald, Nebr.	Sisson
Britten	FitzHenry	Kirkpatrick	Slemp
Brodbeck	Fordney	Konop	Smith, Idaho
Brown, W. Va.	Fowler	La Follette	Smith, Minn.
Brumbaugh	Francis	Lee, Ga.	Smith, Saml. W.
Bryan	Frear	Lee, Pa.	Stafford
Buchanan, Ill.	French	Leshner	Stephens, Cal.
Buchanan, Tex.	Gallagher	Lever	Stephens, Miss.
Bulkley	Gallivan	Lewis, Md.	Stephens, Tex.
Burgess	Gard	Lloyd	Stone
Burke, Wis.	Gardner	Logue	Sutherland
Burnett	Garner	Lougan	Talbot, Md.
Byrnes, S. C.	Garrett, Tenn.	McCoy	Tavener
Byrns, Tenn.	Garrett, Tex.	McDermott	Taylor, Ark.
Candler, Miss.	Gilmore	McKellar	Taylor, Colo.
Caraway	Goetz	MacDonald	Taylor, N. Y.
Carter	Good	Maguire, Nebr.	Thompson, Okla.
Cary	Goodwin, Ark.	Mann	Towner
Casey	Graham, Ill.	Mapes	Treadway
Chandler, N. Y.	Graham, Pa.	Miller	Tribble
Church	Green, Iowa	Mitchell	Tuttle
Clark, Fla.	Greene, Mass.	Mondell	Vollmer
Claypool	Hamilton, Mich.	Moon	Volstead
Coady	Hamlin	Murray, Mass.	Walker
Collier	Hart	Nolan, J. I.	Walsh
Conry	Haugen	Padgett	Walters
Cramton	Hawley	Page, N. C.	Watkins
Crosser	Helm	Park	Whaley
Curry	Helvering	Patton, Pa.	Williams
Davis	Hill	Payne	Willis
Dent	Hinebaugh	Peters, Mass.	Wingo
Dickinson	Houston	Phelan	Witherspoon
Dillon	Hughes, Ga.	Pon	Woodruff
Donohoe	Hulings	Quin	Woods
Donovan	Humphrey, Wash.	Ragsdale	

ANSWERED "PRESENT"—8.

Adamson	Burke, S. Dak.	Glass	Prouty
Blackmon	Cooper	Plumley	Sloan

NOT VOTING—186.

Ainey	Drukker	Lafferty	Powers
Allen	Eagan	Langham	Rauch
Anderson	Edwards	Langley	Riordan
Anthony	Estopinal	Lazaro	Roberts, Mass.
Ashbrook	Fairchild	L'Engle	Roberts, Nev.
Austin	Farr	Lenroot	Rothmei
Avis	Fields	Levy	Rupley
Baker	Floyd, Ark.	Lewis, Pa.	Saunders
Barchfeld	George	Lieb	Scully
Barnhart	Gerry	Lindbergh	Shackelford
Bartholdt	Gill	Lindquist	Sharp
Bartlett	Gillett	Lobeck	Shirley
Beall, Tex.	Godwin, N. C.	Loft	Sherwood
Bell, Ga.	Goldfogle	McAndrews	Shreve
Borland	Gordon	McClellan	Slayden
Bowdle	Gorman	McGillcuddy	Smith, J. M. C.
Broussard	Goulden	McGuire, Okla.	Smith, Md.
Browne, Wis.	Greene, Vt.	McKenzie	Smith, Tex.
Browning	Gregg	Madden	Stanley
Bruckner	Griest	Mahan	Stedman
Burke, Pa.	Griffin	Maher	Stephens, Nebr.
Butler	Gudger	Manahan	Stevens, Minn.
Calder	Guernsey	Martin	Stevens, N. H.
Callaway	Hamill	Merritt	Stout
Campbell	Hamilton, N. Y.	Metz	Stringer
Cantor	Hammond	Moore	Sumners
Cantrill	Hardwick	Morgan, La.	Switzer
Carew	Harris	Morin	Taggart
Carlin	Hayes	Moss, Ind.	Taylor, Ala.
Carr	Helgesen	Moss, W. Va.	Temple
Clancy	Henry	Mott	Ten Eyck
Connelly, Kans.	Hinds	Neeley, Kans.	Thomas
Connolly, Iowa	Hobson	Neely, W. Va.	Thomson, Ill.
Copley	Howard	Norton	Underhill
Covington	Hoxworth	O'Brien	Vare
Cox	Hughes, W. Va.	Oglesby	Vaughan
Crisp	Humphreys, Miss.	O'Hair	Wallin
Dale	Jones	O'Leary	Weaver
Davenport	Kelly, Pa.	O'Shanessy	Webb
Decker	Kennedy, R. I.	Paige, Mass.	Whitacre
Delrick	Key, Ohio	Palmer	White
Dershem	Kless, Pa.	Parker	Wilson, Fla.
Dies	Kinkaid, N. J.	Patten, N. Y.	Wilson, N. Y.
Difenderfer	Kitchin	Peters, Me.	Young, N. Dak.
Dooling	Knowland, J. R.	Peterson	Young, Tex.
Doremus	Korbly	Porter	
Driscoll	Kreider	Post	

So, two-thirds not voting in favor thereof, the motion to suspend the rules was rejected.

The Clerk announced the following pairs:

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. KITCHIN with Mr. MADDEN.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. OGLESBY with Mr. PROUTY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.  
 Mr. FIELDS with Mr. LANGLEY.  
 Mr. SHERLEY with Mr. GILLET.  
 Mr. HENRY with Mr. HINDS.  
 Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.  
 Mr. CANTRILL with Mr. COPLEY.  
 Mr. DAVENPORT with Mr. J. M. C. SMITH.  
 Mr. STEDMAN with Mr. PETERS of Maine.  
 Mr. MCGILLICUDDY with Mr. GUERNSEY.  
 Mr. SMITH of Texas with Mr. YOUNG of North Dakota.  
 Mr. PALMER with Mr. VARE.  
 Mr. MOSS of Indiana with Mr. LEWIS of Pennsylvania.  
 Mr. LIEB with Mr. LAFFERTY.  
 Mr. LEVY with Mr. POWERS.  
 Mr. DALE with Mr. MARTIN.  
 Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.  
 Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.  
 Mr. BELL of Georgia with Mr. BURKE of South Dakota.  
 Mr. BLACKMON with Mr. AUSTIN.  
 Mr. HARDWICK with Mr. J. R. KNOWLAND.  
 Mr. STRINGER with Mr. MOORE.  
 Mr. YOUNG of Texas with Mr. AINEY.  
 Mr. ALLEN with Mr. BARCHFELD.  
 Mr. ASHBROOK with Mr. BARTHOLDT.  
 Mr. BARNHART with Mr. ANDERSON.  
 Mr. BORLAND with Mr. CALDER.  
 Mr. BOWDLE with Mr. DRUKKER.  
 Mr. CALLAWAY with Mr. ANTHONY.  
 Mr. CARLIN with Mr. AVIS.  
 Mr. CARR with Mr. BROWNE of Wisconsin.  
 Mr. COX with Mr. FAIRCHILD.  
 Mr. DERSHEM with Mr. FARR.  
 Mr. DIES with Mr. CAMPBELL.  
 Mr. DIFENDERFER with Mr. GRIEST.  
 Mr. DOREMUS with Mr. HAYES.  
 Mr. EAGAN with Mr. HELGESEN.  
 Mr. EDWARDS with Mr. KENNEDY of Rhode Island.  
 Mr. ESTOPINAL with Mr. KLESS of Pennsylvania.  
 Mr. GEORGE with Mr. KELLY of Pennsylvania.  
 Mr. GODWIN of North Carolina with Mr. KREIDER.  
 Mr. GOLDFOGLE with Mr. LANGHAM.  
 Mr. GORDON with Mr. MCGUIRE of Oklahoma.  
 Mr. GORMAN with Mr. MANAHAN.  
 Mr. HOWARD with Mr. MERRITT.  
 Mr. LOBECK with Mr. MOZIN.  
 Mr. MCCLELLAN with Mr. MOSS of West Virginia.  
 Mr. GREGG with Mr. MOTT.  
 Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.  
 Mr. PATTEN of New York with Mr. NORTON.  
 Mr. RIORDAN with Mr. PARKER.  
 Mr. SAUNDERS with Mr. PORTER.  
 Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.  
 Mr. STEPHENS of Nebraska with Mr. ROBERTS of Nevada.  
 Mr. WEBB with Mr. SWITZER.  
 Mr. VAUGHAN with Mr. SHREVE.  
 Mr. UNDERHILL with Mr. TEMPLE.  
 Mr. WILSON of Florida with Mr. THOMSON of Illinois.

For the session:  
 Mr. ADAMSON with Mr. STEVENS of Minnesota.  
 Mr. METZ with Mr. WALLIN.  
 Mr. BARTLETT with Mr. BUTLER.  
 Mr. SCULLY with Mr. BROWNING.  
 Mr. SLOAN. Mr. Speaker, I am paired with the gentleman from Oklahoma, Mr. WEAVER. I desire to withdraw my vote of "no" and answer "present."

The name of Mr. SLOAN was called, and he answered "Present."

The result of the vote was announced as above recorded.  
 The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

REMISSION OF PORTION OF CHINESE INDEMNITY.

Mr. TOWNSEND. Mr. Speaker, I move the rules be suspended and that House joint resolution 173 be passed with committee amendments.

The SPEAKER. Are they committee amendments or individual amendments?

Mr. TOWNSEND. They are committee amendments.

The SPEAKER. The Clerk will report the joint resolution with the committee amendments in it.

The Clerk read as follows:

House joint resolution 173, to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity.

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of \$2,000,000

reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of \$2,000,000, upon the certificate of the chief justice of said court, such sums as the said court may have spent, or shall hereafter spend, for printing testimony in the trial of the said claims; and further, that there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of \$2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That within three months from the passage of this act applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. MANN. I certainly am.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from New Jersey is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. TOWNSEND. Mr. Speaker, after the award by China to the individuals and nations that suffered from the antiforeign outbreak known as the Boxer uprising a commission, consisting of delegates from the various interested nations, decided upon the manner of distributing the damages claimed, and for which China held itself responsible and paid. That commission, among other things, laid down this rule for the administration of the fund for reimbursement:

Damages shall be assessed, as far as possible, in conformity with the above-mentioned principles, with a view to putting Governments, societies, companies, and private individuals back in the position in which they would have been if the antiforeign movement of 1900 had not taken place.

The claims for damages were heard by this commission, and in 1903 Congress gave jurisdiction to the Court of Claims to adjudicate these claims for damages. Some 8 or 10 of the claimants, out of a total of 20 or more, were allowed damages by the Court of Claims under the jurisdiction given it by this act of Congress. The act, however, did not give the Court of Claims authority to consider claims for costs. These costs in this particular set of circumstances, as Members will readily understand, are extraordinary and inevitable. Some of these claimants were not people who were damaged because they were living and doing business in China, but were responsible and old-established commercial institutions not expatriated but paying taxes and doing business in this country.

They were, however, very large shippers of American products to China. One that I have in mind, a representative of which appeared before our committee, sells in the Far East annually very many million dollars' worth of the products of American factories and shops. Among the goods they sell are many million dollars' worth of the kind of cotton manufactured in the South, and it was through the industry and energy and enterprise of this commercial institution that I refer to that the southern cotton mills first obtained their now very profitable business in their grade of cotton in the Far East. This institution, among others, was put to a very large cost in collecting evidence, for which, of course, they had to send to China, and, naturally, there were very large fees for the prosecutions of their suits. I know that among lawyers here the objection has been made that reasonable fees should not be paid, because it is not customary; but in this case you will understand it is not the claim of a litigant to be allowed fees to be charged against another litigant. These fees are collectible from a fund now in the Treasury of the United States, which fund was so distributed to those who lost because of this antiforeign outbreak, as I have read, with the view of putting such governments, companies, societies, and individuals back into the position they would have been in if the antiforeign movement of 1900 had not taken place.

Now, obviously, if these claimants are not permitted to recover from the court the very extraordinary and unusual expenses they were forced to incur, they are denied just that much share of justice.

Mr. RAKER. Will the gentleman yield right there?

Mr. TOWNSEND. With pleasure.

Mr. RAKER. I see two classes of cases. First, where recovery has been had, namely, the cost of litigation and attorneys' fees. Now, in those cases where recovery has been had, what is the estimated cost to-day? Does the gentleman know?

Mr. TOWNSEND. No; I do not know accurately, because our hearing was attended by representatives of only 2 of these 8 or 10 claimants.

Mr. RAKER. Now, taking this same class of claimants where recovery has already been had, what is the estimated or claimed amount of attorneys' fees to be taken in these cases where judgment has been had?

Mr. TOWNSEND. I have not the hearings before me, I will say to the gentleman from California, but I think that the estimate made before our committee was \$90,000, or something like that—complete bills, of course. How much of that would be attorneys' fees I do not know, although I will say to the gentleman from California that these attorney fees were large—and justly and necessarily large—and, of course, I believe that the innocent parties who suffered because of these antiforeign outbreaks are justified in collecting these fees.

Mr. RAKER. Taking the other class—the second one—where recovery has not yet been had, can you make any estimate of the probable cost?

Mr. TOWNSEND. There will be no more cases brought before the Court of Claims.

Mr. RAKER. In this second class of cases, what are the probable or estimated attorneys' fees?

Mr. TOWNSEND. Why, they are not permitted under this act to make their claims. Only those who have recovered from the court are permitted to make their claims. Only those who have recovered from the court are permitted by this resolution now to make claims before the court for costs.

Mr. DUPRÉ. Will the gentleman yield to me?

Mr. TOWNSEND. I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. RAKER. I would like to ask the gentleman in regard to this: It is provided on lines 10 to 12, on page 2—

That there shall be allowed no costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution

Now, that refers not only to costs, but attorneys' fees, namely, in the cases where recovery has been had, and second, attorneys' fees where recovery has been had as well as where recovery has not been had.

Mr. TOWNSEND. I will say to the gentleman that that is the language of the resolution, but, as a matter of fact, the cases in which recovery has not been had have practically been disposed of by the court.

I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. I want to ask if the gentleman from New Jersey was quite sure of the correctness of the statement made in the reports, that even if the claims of the United States were allowed, 50 per cent of the amount that was set aside would be remitted to China?

Mr. TOWNSEND. That is quite true. A very large sum has already been remitted, and there is \$2,000,000 held in the Treasury for further payments.

I only want to say at the present that the committee has had this resolution under consideration for some time. Twice it has referred it to the State Department. In each instance it has received a favorable report one from the Secretary of State, Mr. Knox, and one from John Bassett Moore, then counselor for the department. I will not read these favorable reports, but such is the case.

Now, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has reserved 12 minutes. The gentleman from Illinois [Mr. MANN] has 20 minutes.

Mr. MANN. Mr. Speaker, the Boxer insurrection in China was in 1900. At the end of that insurrection the various powers of the world that were interested in it exacted some indemnity from China. The Government of the United States exacted a considerable indemnity—\$24,000,000, or something like that, I believe. The powers declared that this fund which was exacted from China was for the purpose of refunding to the Governments their expenses. The purpose of the indemnity was to put the Governments back into the positions they occupied, so far as expenses were concerned, before the uprising, and for taking care of the societies, corporations, and private individuals who had been injured by the insurrection. A commission was appointed for the purpose of determining the damages to which American citizens and American corporations had been subjected in the Boxer insurrection.

One of the principal claimants before that commission was the China & Japan Trading Co., which had a claim of something more than half a million dollars. The commission turned down

the claim and refused to allow it. I do not recall whether they allowed any portion of it, but I know the bulk of it was not allowed.

The China & Japan Trading Co. has some very active people connected with it in the United States as well as in China, and they proceeded to get busy about legislation, and secured the passage of an act, in 1908, which permitted any claimant whose claim had been refused by the commissioners to file a claim in the Court of Claims, and this company filed its claim in the Court of Claims, with a number of other concerns. The Court of Claims has allowed on these different claims, I believe, something over \$700,000.

In this bill of 1908 it was provided that while most of this indemnity which we had exacted from China, over and above that which was necessary to refund to the Government its expenses and the other claimants, should be paid back to China; but in the act of 1908 we also provided that we should retain out of this sum, which amounted to ten or twelve million dollars, \$2,000,000 in the Treasury to meet the amounts which the Court of Claims might allow.

As I said, they have allowed about \$700,000. I do not recall the exact amount allowed to the China & Japan Trading Co., but I am informed by them that it was about 80 per cent of their claim.

Mr. STAFFORD. The amount of their claim was \$501,320, and they were allowed \$640,855, including interest.

Mr. MANN. So that, out of a total of \$782,000 allowed in claims, this company was allowed a claim of over \$600,000.

Mr. TOWNSEND. The total that the gentleman from Wisconsin [Mr. STAFFORD] read was not the total allowance of the court, was it?

Mr. STAFFORD. I have here a memorandum from the clerk of the Court of Claims, in which he says that the amount of the judgment in favor of the China & Japan Trading Co. was \$640,855.

Mr. TOWNSEND. I understood the gentleman to say that was the amount of the claim.

Mr. MANN. That is the amount allowed by the Court of Claims.

Mr. TOWNSEND. It is the amount allowed by the Court of Claims, but it is not the amount of their suffering by two or three hundred thousand dollars.

Mr. MANN. That is another thing. The first commissioners refused to allow them any sum at all. Then they secured action by Congress which permitted them to file their claims in the Court of Claims. They were not specifically named; there were a few other claimants for small amounts; but they were the ones that secured the action of Congress. They filed their claim in the Court of Claims, and the Court of Claims allowed them \$640,855. I think it was about 80 per cent of their original claim, and their original claim was \$564,779.20, exclusive of interest.

Now, what do they want? I read from the statement made by the company:

In May, 1901, the United States minister at Peking invited claims from American merchants in China for their losses. These claims were passed upon by two commissioners appointed by the legation. The awards by the commissioners in 1902 were made under a misapprehension, and for six years we were constant in our attempt to get adjudication of our claim. That was finally given us by Congress by act of May 25, 1908, sending us to the Court of Claims. After a trial extending over a year and exhaustive in all details we were given by the court an award of about 80 per cent, certain items being changed by the court under the interpretation of the act. We may say in passing that these expenses of ours are moderate—about 15 per cent of the award—and there is no other interest outside of our own in their recovery.

Now, they have received the amount of the award. They have had two trials at this. Having been defeated in the first trial before the commissioners appointed by our Government, they secured a chance to file their claim in the Court of Claims, as thousands of other claims are filed. They have received a special favor from Congress, allowing them to make a second effort to collect their claim; and having received that and collected their claim, they now want us to reverse every precedent that the Government has made from the beginning of the Government down to this hour and pay their expenses and their counsel fees. And that is all there is involved in this matter.

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

Mr. MANN. I will yield for a question.

Mr. TOWNSEND. What precedent has the gentleman in mind of such a set of circumstances as this—a claim against a Government indemnity fund?

Mr. MANN. We had exacted from China an indemnity of \$24,000,000, which probably would not have placed this Government in the position it was in before the insurrection, but we desired to show to China our generosity and our gracious inter-

est in China, and we decided to refund about half of that indemnity to China for that purpose. We were endeavoring to show our generosity to China by refunding as much of this fund as possible after paying the amount of the claims actually awarded. I consider that fund even more sacred than the ordinary money in the Treasury. My friend from New Jersey [Mr. TOWNSEND] thinks that because the money does not belong to the United States—though it does, as a matter of fact—because we propose to pay China the balance, we ought to pay counsel fees out of it. We would not pay counsel fees if the money was a claim against the United States. To me it is that much more reason why we should not pay counsel fees out of a fund which we propose to give back to China as a matter of generous treatment.

Mr. TOWNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TOWNER. If we allow these claims, or practically this one claim, this will be the only claim on which the Government will allow expenses and attorneys' fees, and all the rest of them will not have that benefit.

Mr. MANN. No; they all come in.

Mr. TOWNER. I mean on those that have preceded—those that are allowed by the commission.

Mr. MANN. On those which the commission allowed under the original indemnity no counsel fees would be permitted. On those claims that the original commission turned down and then Congress permitted the claimants to file their claims in the Court of Claims, it is proposed to allow counsel fees. On those claims which were good without doubt it is not proposed to allow any counsel fees. On those claims which were doubtful, that the commission threw out and the Court of Claims allowed, it is proposed to set a precedent by allowing counsel fees amounting to about 15 per cent, as these gentlemen inform us, of their claim. I can see no reason why we should depart from the traditional policy of our Government, which is not to allow counsel fees in suits brought against the Government for claims against the Government.

They say this \$2,000,000 belonged to China. Well, it is in the Treasury of the United States. I hope some time soon we will be able to refund what is left of it, something over \$1,000,000; but if all the people who had these claims to begin with find it so easy to work Congress on claims of this kind, we will have a whole lot of outlawed claims brought in again, and we will turn them over to the Court of Claims until there will be nothing left of the million or so dollars in the Treasury.

Mr. GARRETT of Tennessee. I want to ask the gentleman why this money has not been refunded? For what purpose is it being held now? I was under the impression—

Mr. MANN. I can answer the gentleman's question. When the original commissioners turned down a lot of claims, including the one I have specifically referred to, which is the largest, those claimants urged Congress to pass a law, which was passed May 25, 1908, reserving \$2,000,000 of the fund in the Treasury until the claims which might be brought in the Court of Claims had been disposed of.

Mr. GARRETT of Tennessee. Is that the Howard bill, or the Foster bill, perhaps?

Mr. TOWNSEND. This is the Foster bill. I inherited it. I did not originate it, but I am very fond of it.

Mr. MANN. This resolution now pending is a Foster resolution, not the original act that was passed.

Mr. McCOY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McCOY. Can the gentleman tell us whether or not the claims referred to in this measure were turned down by the original commission because the commission claimed that they did not have the power to pass on that specific kind of claims?

Mr. MANN. I understand not, from a letter which I hold in my hand, a portion of which I have read, from the China & Japan Co. The original commission did not think the claims were proper, as I understand.

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. GALLAGHER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER resumed the chair.

Mr. TOWNSEND. Mr. Speaker, the solicitude of the gentleman from Illinois [Mr. MANN] for the integrity of the remaining million and a third of this Chinese indemnity fund is interesting and in some aspects touching. I have a solicitude for the commercial industries and commercial concerns of this country that by enterprise and daring and the use of capital expand the commerce of our country.

I have no special anxiety that \$1,300,000 of this \$2,000,000 shall be returned to China so long as there is any justice in any claim which may be filed against it. I call attention to the fact that we are not deciding here that this Japan-Chinese Trading Co. shall be allowed any costs. This is merely preliminary. This merely allows these claimants, who have fallen from 20 to 50 per cent short of being put back into the position in which they would have been had it not been for this antforeign outbreak, to present their claims to the Court of Claims and permit that court to decide whether there is any justice in their claims. If there is justice in those claims I am quite content that the amount shall be taken out of the \$1,300,000 of the Chinese indemnity fund thus far unexpended. The gentleman from Illinois [Mr. MANN] speaks of only one of the 11 claimants who have recovered. In proportion to his loss the least of these claimants is entitled to as much consideration, in my estimation, as is the largest claimant.

This does not overturn any long-established system of court practice, as I understand it, to allow the claimant against an indemnity fund to recover damages under these circumstances. This fund was created for the purpose in part sought to be accomplished by this resolution. In view of what the gentleman from Illinois [Mr. MANN] has just stated, I want once again to direct the attention of gentlemen to this instruction to the Court of Claims that they should finally make a distribution from this fund, so that, as far as possible, the governments, societies, companies, and private individuals shall be placed back in the position in which they would have been if the antforeign movement of 1900 had not taken place.

Now, I have referred, as the gentleman from Illinois [Mr. MANN] has referred, especially to this trading company. It asks the permission of Congress to go into the court and present a state of affairs upon which it wants that court to pass. What is this wicked company? It is an association of merchants formed three-quarters of a century ago in Boston, having its headquarters in Burley's Slip, New York. It is a corporation whose stock is somewhat widely scattered, but held chiefly by people in Boston and New York, and who have gladly invested their funds in a company of this high standing, which has existed for three-quarters of a century, which began at a time when steamships to Japan were unheard of. It began sending out miscellaneous cargoes of the different small manufacturing industries of New England, but now it occupies more freight space than any other American concern in the great ships that cross the Pacific with the products of our mills and factories, our forges and our looms.

Now, this old and respectable institution comes to Congress and simply asks Congress to permit them to go into the Court of Claims and reestablish themselves financially in the position they would have occupied had not the foreign outbreak occurred.

Mr. TOWNER. Will the gentleman yield?

Mr. TOWNSEND. I will.

Mr. TOWNER. The gentleman, as I understood it, alluded to this bill as being for the purpose of allowing costs. I understand that that is not the terms of the bill, but that it allows to be taxed as costs these additional expenses. Am I correct?

Mr. TOWNSEND. The gentleman is entirely correct.

Mr. TOWNER. Have costs been taxed as a part of the judgment?

Mr. TOWNSEND. Not at all. The Court of Claims considered that under the jurisdictional act they could not consider the question of taxing costs.

Mr. TOWNER. The bill says that there shall be allowed such expenses of claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just. That merely extends the right of taxing as costs expenses which may be incurred. I judge that will include the sending over of an agent for finding testimony or anything of that kind.

Mr. TOWNSEND. Yes; that appeared in the hearings that it should include the unusual expenses these companies were subjected to. Attorneys and agents accompanying them had to go to China and hunt up various points in relation to damages and insurance, the amount of damage done to these people, and of course that is not like costs incurred in an ordinary matter of litigation.

Mr. TOWNER. There would be no question that if the bill was passed the Court of Claims would feel justified in allowing all such expenses as the gentleman has named and counsel fees besides.

Mr. TOWNSEND. Of course I am not in the confidence of the Court of Claims and do not know what they would do or feel justified in allowing, but certainly they would be restricted to the allowances under the terms of this bill.

Mr. WILLIS. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. WILLIS. Is it not a fact that the claimants allowed by the original commission were given expenses and counsel fees?

Mr. TOWNSEND. I do not think any allowance has ever been made for the unusual expenses.

Mr. WILLIS. That was my understanding. If the original claimants were not permitted to have counsel fees and expenses, what reason does the gentleman give for subsequent claimants going to the Court of Claims and having counsel fees and privileges which the original claimants did not have?

Mr. TOWNSEND. The original commission is not in existence, and it could not be resurrected to give these people counsel fees; but I will remind the gentleman that that commission sat in China, and the difficulty of obtaining evidence was less than it was eight years later for two reasons: First, the evidence was at hand, and, secondly, the lapse of time had not increased the difficulty.

Mr. HARRISON. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. HARRISON. I understand there are \$2,000,000, and if it is not paid out to these claimants it will be refunded to the Chinese Government?

Mr. TOWNSEND. It will be.

Mr. HARRISON. Is it not a fact that the matter had been approved by a former Secretary of State, who has said that this legislation ought to be passed?

Mr. TOWNSEND. Yes; I have that letter.

Mr. HARRISON. And this bill puts it up to the Court of Claims to say whether the claimants should have these expenses?

Mr. TOWNSEND. That is true.

Mr. BOOHER. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. BOOHER. Does this bill contemplate paying the attorneys in the suits before the original commissioner?

Mr. TOWNSEND. It contemplates paying the claimants for costs before the Court of Claims such as they would have presented had not the Court of Claims said that the jurisdictional act prohibited them from allowing them.

Mr. BOOHER. Why should these claimants have attorneys' fees when other claimants did not have the same right?

Mr. TOWNSEND. We are not to do an act of injustice to these claimants because an injustice was done to others.

Mr. BOOHER. Why not provide that all claimants shall have attorneys' fees?

Mr. TOWNSEND. Because these claimants had been put to unusual expenses, which the claimants theretofore had not been required to meet. Mr. Speaker, I ask for a vote.

Mr. MANN. Mr. Speaker, how much time has been used?

The SPEAKER. The gentleman from Illinois has seven minutes remaining, and the gentleman from New Jersey one minute remaining.

Mr. MANN. Mr. Speaker, I yield seven minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, everyone here recalls the action of our Government in refunding \$10,800,000 of the \$24,400,000 which China agreed to reimburse our Government for the losses sustained by our Government and by our citizens arising out of the Boxer rebellion. When a Senate resolution in May, 1908, was brought before the House to refund to China this \$10,800,000 there were certain claimants who induced the House to set aside \$2,000,000 of that amount that their claims might be passed upon in the Court of Claims.

There were innumerable claimants, and the aggregate amount of the claims was something like \$2,000,000. These claims have all been presented, and the total amount of the 23 claims that have been allowed aggregates something like \$800,000. There remains \$1,200,000 that under the original agreement and under the original resolution, if we are to keep faith with China, should be returned to China.

Mr. TOWNSEND. Will the gentleman yield?

Mr. STAFFORD. No; I can not yield. This is only a question of keeping faith with China. The original commission that was appointed by our State Department to pass upon all claims arising out of the Boxer uprising, a commission consisting of the American minister to China and one other, allowed claims aggregating \$13,650,000, and each claimant whose claim had been rejected or who was dissatisfied with the amount had the right to appeal to the Secretary of State and a rehearing was allowed.

The two principal rejected claims those of the China & Japan Trading Co. and the American Trading Co., presented their claims anew to the Secretary of State. The Secretary of State refused to allow them. They then came before Congress, as I said, in May, 1908, and they secured in this House an amend-

ment providing that all persons whose claims had been presented and which had been rejected should be given a further hearing before the Court of Claims, and the basis for determination was that they should be fully and substantially compensated for actual losses and expenses. I have in my hand the decision of the Court of Claims in one of those cases, namely, the American Trading Co. The total amount of their claim allowed is \$118,676. At the end of the decision is shown the principal amount of their claim, \$68,949, and the interest allowed on the respective items aggregate \$49,726, making a total of \$118,676. These claimants have had three chances to prove their claims. They had the interest at 7 per cent allowed, and now, having had that allowed, they have the effrontery, the gall—

Mr. TOWNSEND. The cheek—call it cheek, as they are only American traders.

Mr. STAFFORD. To come to Congress again and say that we should establish a precedent never before known in the history of the Government and allow them their attorneys' fees. I wish to submit this proposition to the House: If these claimants, who have had three chances to have their claims proven, should be allowed attorneys' fees, why should not these other claimants, whose claims aggregate \$13,350,000, be equally entitled to attorneys' fees? Is it fair treatment to those who have good claims to allow these persons who have somewhat doubtful ones to be allowed their attorneys' fees, just because it was rather hard for them to prove their case?

They failed twice in proving their case, once before the commission and again before the Secretary of State, Mr. Root, and then they succeeded in having a new rule passed in this House whereby they should be granted a third hearing before the Court of Claims, where the rule to be followed was that they should be fully compensated for actual losses and expenses. Then, after the whole matter has been adjudicated and this \$1,200,000 is ready to be sent back to China to keep faith under our promise, these claimants say: "No; we wish to hold this amount up and we want our attorneys' fees paid." If these claimants are entitled to their attorneys' fees, then there should be an amendment that all who ever presented claims should have attorneys' fees, and instead of our having \$1,200,000 available to return to China, we would be calling upon China to return to us some of the money already sent to her.

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

Mr. STAFFORD. Yes.

Mr. ALEXANDER. What was the nature of their claim? Why was it necessary for Congress to enlarge the scope under which they might make proof?

Mr. STAFFORD. These claimants, one the Japan Trading Co. and the other the American Trading Co., presented their claims to these two commissioners appointed by the Department of State to pass on all claims, and the commissioners rejected them.

Mr. ALEXANDER. Why?

Mr. STAFFORD. I could not give you the reason why. They did not believe they had any right to this indemnity fund.

Mr. TOWNSEND. Whom does the gentleman quote, or what, when he says that they had no right?

Mr. STAFFORD. When this matter was under consideration six years ago, in April, 1908, I went and had a consultation with the then Secretary of State, Mr. Root. I had in my possession at that time all of these papers, and they disclosed that the claims had been rejected by the commission.

Mr. TOWNSEND. Because they had no right?

The SPEAKER. Does the gentleman yield?

Mr. STAFFORD. Not at this moment. The papers showed that they then took an appeal to the Secretary of State and that Mr. Root rejected their claims, and that then they came to Congress after the original resolution had been framed in the Senate, providing for the return of this \$10,800,000, and had a provision carried in this House setting aside \$2,000,000, which was the total face value of all of those claims. They went to the Court of Claims. The Court of Claims has passed on them and the matter is now settled, and they want to hold up this fund still longer, so that we can not return the remainder of this fund to China.

The SPEAKER. The time of the gentleman has expired.

Mr. TOWNSEND. Mr. Speaker, I will use the minute that I have remaining to read this from Secretary of State Knox:

It seems but just that, since the claimants have been put to this extra expense through no fault of their own, the charge should be borne by the indemnity fund which was demanded from China in part for the payment of such claims.

And this from Mr. John Bassett Moore, recently of the State Department:

Inasmuch as Congress in 1908 provided under a joint resolution for the reopening by the Court of Claims of the awards made by this

department and the making of new awards "fully and substantially compensatory for actual losses and expenses of the claimants caused by the antifeign disturbances in China during the year 1900, excluding merely speculative claims or elements of damage," it would seem that it is for Congress to determine when its will in this matter shall have been met and what means shall be adopted for meeting it.

And the passage of this resolution is that means.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. TOWNSEND) there were—ayes 35, noes 42.

So two-thirds not voting in favor thereof, the motion to suspend the rules and pass the bill was rejected.

#### IMMIGRATION STATION, BALTIMORE, MD.

Mr. LINTHICUM. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 11625, to increase the appropriation for the erection of an immigration station at Baltimore, Md., as amended by the committee, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That section 29 of the public building act approved March 4, 1913, providing for an immigration station at Baltimore, Md., is hereby amended so as to increase the limit of cost from \$280,000 to \$550,000.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. Yes.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Maryland asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland is entitled to 20 minutes and the gentleman from Wisconsin is entitled to 20 minutes.

Mr. LINTHICUM. Mr. Speaker, the bill before the House at the present provides for the erection of an immigration station in the city of Baltimore, where we have no station whatever, although we are receiving something around 40,000 immigrants this year. We had last year 294 sick people in the hospital, of whom we lost 49. The hospital is an improvised one, being an old building used for that purpose, and it has been for several years past, notwithstanding that it is absolutely unfit for the purpose.

The bill before us has been amended by the committee. It originally appropriated \$600,000, and was cut down to the amount of \$550,000. By its provisions, which are set forth in the report, only \$425,000 goes into buildings, this amount allowing for the erection of a receiving building, a hospital building, an administration building, a power house, and some other buildings for minor purposes. The balance of the money goes into a pier and wharves and things accessory to this site. Thirteen thousand two hundred and fifty dollars we do not get at all, because it was appropriated for the purchase of the site which, after being purchased, was found absolutely unavailable, and which is to be sold, according to the bill passed last year, the amount derived therefrom to go back to the Treasury of the United States as a miscellaneous fund. Twenty thousand dollars is for a right of way to the site we now have, and I will say it is a most excellent site, being at Fort McHenry. I want to say to this House that this is a matter which is absolutely necessary if we are to conduct our immigration business at Baltimore as it should be conducted. We have not a pier; we have not a building; we have nothing, but are absolutely dependent upon the courtesies and good offices of the Baltimore & Ohio Railroad and the North German Lloyd Steamship Co. Now, Mr. Speaker, I yield four minutes—

Mr. STAFFORD. Will the gentleman yield?

Mr. LINTHICUM. I would rather the gentleman use his own time.

Mr. STAFFORD. The gentleman can take it out of my time.

Mr. LINTHICUM. Simply to ask a question?

Mr. STAFFORD. I do not wish to take up the gentleman's time, but I wish to get a clear conception of this case—

Mr. LINTHICUM. As I understand the gentleman—why does not the gentleman use that out of his own time. I think that would be preferred. I yield four minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I have been once or twice, I believe twice, with members of the Committee on Public Buildings and Grounds to look over the present quarters in Baltimore, and while every Member of the House, I suppose, knows my views with regard to the restriction of immigration, I

have always believed that when those people come they ought to be met with accommodations that would not make their first impression adverse and averse to our country. I have no doubt but what this is the worst condition, so far as the treatment of immigrants is concerned, that exists on the American coast anywhere, either on the Atlantic or the Pacific. The hospital facilities are miserable—

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BURNETT. Yes; for a question; I have only four minutes.

Mr. HUMPHREY of Washington. I want to ask the gentleman if he thinks that condition is any worse than conditions are at Seattle?

Mr. BURNETT. Yes; I think so. I have never visited Seattle, but from the presentation of the case and from what I have seen of the condition at Baltimore, I think so. Seattle, in order to make their accommodation ample, would require a great deal more expenditure, in my judgment, than would be necessary at this time, but one reason why the expenditure was not made for Seattle last year by the Committee on Public Buildings and Grounds, I think, was because of the fact that with the opening of the Panama Canal there will be no doubt a much greater influx of immigration there than there ever has been, and therefore the demands that will be made for these improvements at that time will be greater than gentlemen could foresee or foresee at the time when the proposition was presented.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman permit me to ask him one more question?

Mr. BURNETT. Certainly.

Mr. HUMPHREY of Washington. Is it not a fact the reason the committee did not recommend one at Seattle was because I asked for an appropriation for another building in the district and the committee would not permit but one building in a district? Is not that true?

Mr. BURNETT. The committee believed—I did as a member of the committee—for the reasons I have mentioned, that the building had better wait until a more opportune time. I think the gentleman will make a meritorious case. Now I desire to go on just a little further on this. One reason why this appropriation ought to be made is that the pier now where these immigrants land is owned by the Baltimore & Ohio Railroad. This station, if it is constructed at Fort McHenry, will be upon other lines of railroad. The result of having the station at that place was that one railroad has the exploitation of all these immigrants as they come in. Now, I felt like \$600,000 was too much, because they asked \$100,000 for a hospital. I felt \$50,000 was enough for a hospital, and it was on my motion, according to my recollection now, the committee reduced the amount from \$600,000 to \$550,000. The Supervising Architect has itemized in a statement here, which is made part of this report, the items which would carry the sum of \$600,000. We felt that one of the items should be cut down, and I do not believe from what I have seen personally, and my good friend from Iowa, Judge TOWNER, was with us on one of our trips, and I believe he will agree with the statement that has been made by the gentleman from Maryland and myself, that the conditions there are perhaps more deleterious and insanitary than any other station he has observed, or any other I have observed on the Atlantic coast. I do hope when we are erecting these stations we will do so in such a manner as to provide comfortable receptions for those people who do come to our shores. As I say, I would like to keep back a great many of them, but when they do come, as they are coming, let us have them received properly. I have been in favor of enlarging the accommodations of the steamship companies and everything of that kind in order to accommodate—

The SPEAKER. The time of the gentleman has expired.

Mr. LINTHICUM. I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I sincerely hope that this bill will pass. While I was a member of the Committee on Public Buildings and Grounds I was also a member of the subcommittee that went to Baltimore to examine the conditions there. I confess that I was not only surprised but wounded in my national pride at the conditions that we found there to exist. There is no immigration station at Baltimore except a shed that has been erected by a railroad company, the Baltimore & Ohio Railroad Co., which grants the use of it to the United States. There is no immigration station of the United States or any place that is subject to its jurisdiction or control except for the use that is given by the railroad company, of course primarily for its own benefit.

It is a condition that ought not to exist anywhere. This matter ought not to be considered in the light of a favor to the

city of Baltimore. It ought to be considered an act of necessity on the part of the Government of the United States to maintain its dignified self-respect in the treatment of its own offices. I sincerely hope that this Congress will not have any idea that it is conferring, or is to be considered as conferring, a favor on Baltimore when they consider whether or not they ought to pass this bill. We ought to have, we must have, a station there for this Immigration Service. National dignity and pride, as well as the ordinary national requirements, should cause us to do this, and I hope there will be no hesitancy on the part of Congress in that respect. Why it has been so long delayed I have never been able to understand. Certainly it ought now to pass and to pass speedily, because the need is immediate and great, and I hope Congress will see it in that light.

Mr. LINTHICUM. I will ask the gentleman from Wisconsin [Mr. STAFFORD] to consume some of his time.

Mr. STAFFORD. Mr. Speaker, this proposition has been before the House on several occasions during the present session. The gentlemen who have spoken would give the impression that the reason for the failure to erect a proper immigration station at Baltimore was because of the dereliction of duty on the part of Congress. Yet there has been no dereliction of duty on the part of Congress. The fault lies somewhere else, because at this present moment and for years there has been available \$280,000 that could be used at any time for the erection of a proper and adequate immigration station. That \$280,000, if I am not mistaken, was appropriated to be used for building a station at the present quarters, proximate to the Baltimore & Ohio Railroad. This Congress earlier in this session, in its magnanimity to Baltimore, donated for its use the Fort McHenry grounds, and also permitted them to use those grounds for an immigration site.

Mr. COADY. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. COADY. Do you not think it is a very good thing for the Government that Baltimore City has taken over Fort McHenry?

Mr. STAFFORD. I certainly approve of that project, and I want to see this immigration station erected at Fort McHenry, and I do not see why Baltimore has been hesitating all these months in going ahead with the erection of this immigration station when it has \$280,000 available. Originally, when this project first came before the Congress—

Mr. COADY. Will the gentleman yield?

Mr. STAFFORD. I will not yield just at this moment. When this project first came before Congress there was appropriated something over \$100,000; later \$280,000 was appropriated; and then they wanted \$600,000. Now they are receding and asking for \$550,000. And yet the Secretary of the Treasury, Mr. McAdoo, in a letter dated March 19, 1914, if I read his letter right, and that was a matter about which I wished to quiz the gentleman with his permission, states that \$475,000 only is needed for the construction of this building. I direct the gentleman's attention to that. I suppose he has the letter of the Secretary of the Treasury, and I direct his attention to the following language, referring to the \$600,000:

Inasmuch as this is an increase in the original limit, it necessarily includes the cost of the original site; deducting that and other items which are necessary incident to the construction but are not buildings, and deducting also the limit for the right of way, leaves the balance of \$475,000 available for the construction of the receiving building, the hospital building, the administration building, and the power house.

Mr. LINTHICUM. I will say to the gentleman that that was on the hypothesis that it was \$600,000, but it has been cut down, as the gentleman will recognize.

Mr. STAFFORD. Why, the Secretary of the Treasury says that only \$475,000 is needed for purposes of a modern hospital, and yet the gentleman is now asking for \$550,000.

Mr. LINTHICUM. The gentleman from Wisconsin fails to include the other items in there, such as the pier, dredging, and things of that kind, which are necessary. They are not a part of the building, but are necessary adjuncts for the immigration station.

Mr. STAFFORD. With the new policy adopted by this House favoring restriction of immigration, favoring a literacy test that will bar out many worthy immigrants from this country, if it should become a law, I can not see the need of spending \$550,000 on a station when there will be no immigrants coming to Baltimore. I will agree it will be an ornament to Baltimore, to have these ornate buildings erected at Fort McHenry, but where is there any need of expending at this time \$550,000? Show to us that \$280,000 is not adequate for the proper kind of a station. I am just as much in favor of a proper station with adequate accommodations for those immigrants at all our ports as anyone in this House. I sympa-

thize with immigrants. I want them to receive fair treatment, and the best kind of treatment, when they come to these shores; but with the announced policy of this House of limiting immigration, what is the reason for erecting ornate buildings for this service along the Atlantic coast? Baltimore has \$280,000 available now. There is no showing that it is not adequate to provide for the immigrants coming there.

Mr. TOWNER. Do you not think that if it shall ever become a law and we add the literacy test that that will make necessary more employees and better accommodations?

Mr. STAFFORD. As soon as the literacy test is placed in the law we know that the moral effect of that will be to keep away from these shores thousands of worthy immigrants.

How much time have I consumed, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I am not going to oppose this bill simply because of the fact that we need an immigration station at Seattle just as badly as they need one at Baltimore. I listened to the remarks of my friend, the gentleman from Iowa [Mr. TOWNER], in which he pointed out the conditions over at Baltimore and said that the building over there belonged to the railroad. That is exactly the condition at Seattle. The building belongs to the Great Northern Railway at Seattle, and it is on railroad property. It is an old wooden shack, and I can not conceive how it is possible for conditions to be worse at Baltimore than they are at Seattle. I visited the station at the latter place at one time, and I found in one room, about 14 by 16 feet square, 16 women who had been kept there for several days. They were white women, waiting to be tried as to whether or not they were to be deported. Now, if you can describe a condition worse than that at Baltimore, or anywhere else, I will be willing to say that Seattle ought to wait. Now, the fact about it is—and we might as well tell the truth—they refused to make the appropriation for the station at Seattle because there was another public building appropriated for in the same district that I happen to represent. You were dividing up your favors, not according to need but according to congressional districts. You were making appropriations, not where they were needed but because of political favors. And I am not saying you did not extend these favors to both sides of the House. But that is the fact about it. The station at Seattle is a disgrace, and it is a shame, as the gentleman from Iowa has said, that this great Government has to rent old wooden shacks from a railroad in which to keep people until they are examined to know whether they shall be deported or not.

Mr. SABATH. I desire to ask the gentleman whether he has ever visited the immigration station at Baltimore?

Mr. HUMPHREY of Washington. I have not.

Mr. SABATH. I assure the gentleman that if he will take the time and investigate the conditions there, he would not oppose it for a moment. If there is need of more room or accommodation at any station, it is at Baltimore.

Mr. HUMPHREY of Washington. The gentleman is in the same position with respect to Seattle that I am with regard to Baltimore. If the gentleman had visited the Seattle immigrant station, he would not oppose my bill. I am not going to oppose this bill, but I want to call attention to the fact that by some means or other the gentlemen from Maryland can get their bill reported, whereas the bill I have before that committee can not be gotten out of the committee.

Mr. SABATH. The gentleman should, perhaps, use good judgment in getting the bill out of the committee.

Mr. HUMPHREY of Washington. I think I used good judgment. At my request the Commissioner of Immigration went before the committee and pointed out the fact that a great emergency existed at Seattle and that that station ought to be built immediately.

Mr. SABATH. The commissioner did urge this some years ago, did he not?

Mr. HUMPHREY of Washington. Yes; and I think he has urged it ever since. He appeared before the committee a short time ago and urged an appropriation for the immigrant station at Seattle. It is absolutely impossible for conditions to be any worse at Baltimore than they are out there. But, as I say, I am not willing to play dog in the manger and vote against this bill because I can not get one at Seattle, although we are equally entitled to it, but I do want to emphasize the fact that the committee ought to report my bill.

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

Mr. HUMPHREY of Washington. Yes.

Mr. GALLAGHER. The gentleman will admit that in a place where between four and five million dollars is raised

from the head tax annually suitable accommodations ought to be made for the people landing there, instead of turning over nearly one-half of that sum into the General Treasury of the Government?

Mr. HUMPHREY of Washington. Certainly; suitable accommodations ought to be provided at Baltimore and at Seattle and at every other place where the commissioner has said it is necessary, and he has especially selected both Baltimore and Seattle.

Mr. GALLAGHER. At present the Government is taking the money from those people and turning it into the Treasury, instead of providing suitable accommodations for those people.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER. Mr. Speaker, I expect to take only a minute or so in saying what I desire on this bill. I am not opposed to proper quarters for these immigrants that come to our shores. I believe they should be properly cared for, but I think that in this case we have probably been a little more generous than is necessary. I do not particularly blame our good friends from Baltimore for endeavoring to secure in their city a monument in the way of an immigrant station. They came over here and were just as anxious to procure a situation for the building on the old site as on the one that was bought.

Mr. LINTHICUM. I would like to say to the gentleman—

Mr. FOSTER. In a moment I will yield. After awhile they came back and wanted another site, and it was given them, and then they wanted an increase of the appropriation, and that was given to them. Now, they are back here again, and I do not know how many times they will be back before they finally secure a building. When they get this appropriation I hope they will be satisfied, and will not come back to Congress for any more money in the future for that purpose. I hope they will secure this building and relieve the situation at Baltimore, which they all certify is so bad.

Mr. LINTHICUM. It was not our fault that we did not use the \$280,000. In the first place, \$13,250 was taken off. The architect absolutely refused to go ahead unless he had enough money to go to work. I will say to the gentleman that we shall not come back to Congress asking for another dollar for this purpose.

Mr. FOSTER. I will say to the gentleman that \$110,000 was unnecessary to put into a hospital building. I thought \$60,000 was sufficient. Now they propose to increase it by \$35,000. I am taking the gentleman's word.

Mr. LINTHICUM. I said that.

Mr. FOSTER. I do not think that to take care of the immigrants at Baltimore you need a hospital costing \$75,000. I do not think you need that much. Yet in this bill you are getting \$110,000.

Mr. LINTHICUM. They have taken off \$50,000.

Mr. FOSTER. And there are a whole lot of expenses that go along with these public buildings, and sometimes the money is easy to get.

I remember in the last Congress we allowed for a public building, quite a large sum additional for something fancy that happened to suit the people out in that particular locality, and then when the building was about to be completed it was said to me by a gentleman privately that he thought we had thrown away the additional amount. I want the people in Baltimore to have this immigration station, but I do suggest and believe in all fairness to the city of Baltimore and to the immigrants who land at that particular place that it is not necessary that we should build an immigration station there for the amount that is provided in this bill.

Mr. BURNETT. My recollection is that the department have said positively that they can not build a building at all commensurate with the needs of the situation with that \$285,000 that you refer to, and these are the items, one by one, furnished by the Treasury Department.

Mr. FOSTER. I will say to the gentleman that I have observed what they said about that; but then I think sometimes if they were given to understand that they must build for a little less money, they could do it. We know how those things go.

Mr. BURNETT. We cut them \$50,000.

Mr. FOSTER. My good friend understands how that happens. In all candor, I do not believe they need \$270,000 additional for the station at Baltimore, and I think we are appropriating an extra amount of money for that station, which is not needed and probably ought not to be given. Yet I judge the bill will pass, and I desired only to express my views on the question.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] has nine minutes.

Mr. LINTHICUM. I yield three minutes to my colleague [Mr. COADY].

Mr. COADY. Mr. Speaker, the bill now before the House for its consideration as amended by the committee provides for an appropriation of \$550,000 for the erection and completion of buildings and a pier at the immigration station at Baltimore.

Congress has already made provision for \$280,000 for this purpose, and this amount is now available, so that the passage of this bill will mean an additional appropriation of \$270,000.

It seems to me there are only two questions to consider with respect to this measure.

The first is, Are these buildings and pier needed there?

The second is, Is the amount asked for a proper and reasonable allowance for the purpose?

The Committee on Public Buildings and Grounds in its report submitted to this House a few days ago answers to both of these questions in the affirmative and recommends the passage of the bill as amended.

They did this after making a trip to Baltimore and seeing for themselves the lamentable lack of facilities for the handling and care of the immigrants.

The buildings and pier are needed for the reason that at present the Government has neither there, and the immigrants land on the private property of the Baltimore & Ohio Railroad Co., and the Government inspection of the immigrants takes place on this private property.

Is this the right and proper thing for this great Government of ours to do—to use the private property of a railroad company for its purposes?

Besides, as the situation now is no other railroad company can use this pier without the consent of the Baltimore & Ohio Railroad Co., the owner.

This company therefore now has, if it cares to exercise it, a monopoly of the business of transporting the immigrants landing there.

Boston, Philadelphia, and other cities have Government owned and controlled immigration stations, and the refusal of Congress to give Baltimore one would be a discrimination against the latter city, though through its gates there pass annually over 33,000 aliens of the most desirable type.

The hospital and the place of detention are under one roof, and are housed in an old private house rented, I believe, by the steamship company.

The building is an old one, without any modern conveniences, and with the most uninviting surroundings. It is one of those places where the first thing you want to do when you get in it is to get out.

The so-called hospital is hardly fitted for a stable. The whole place is a disgrace to our country.

As to the amount, it is \$50,000 less than the amount estimated by the Supervising Architect of the Treasury to be necessary for the buildings and pier, as set out in the report of the committee.

I sincerely trust that this bill as amended by the committee will pass, because the proposed buildings and pier are absolutely needed and because, as a matter of simple justice, Baltimore is entitled to them.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] has seven minutes and the gentleman from Maryland [Mr. LINTHICUM] six minutes.

Mr. STAFFORD. Does the gentleman intend to conclude in one speech?

Mr. LINTHICUM. I yield two minutes to the gentleman from Pennsylvania [Mr. LOGUE].

Mr. LOGUE. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, I visited the city of Baltimore. That there is a necessity for the establishment of proper buildings there no one can doubt. The conditions at Seattle may be bad. I do not think they quite equal the bad conditions that confronted us at Baltimore. There is an alleged hospital there, I think it could more properly be styled a morgue if any sick human being was put in it and permitted to remain for a few hours. It is quite distant from the wharf. We were there on a very inclement day. It was really more comfortable outside the hospital than in it. The entire condition of things there should not be allowed to continue to exist. For the health of the immigrants this hospital should not be allowed to remain. Humanity should prompt us to pass this bill. For a statement of the amount required we are dependent upon the proper source, the Treasury Department. We have received from the Secretary of the Treasury information as to the amount to be expended. The action of the committee, therefore, has been prompted by the needs and necessities which were manifest to

us, and, secondly, as to the amount required, we have recommended the amount stated to us as being requisite for the purpose.

Mr. STAFFORD. Mr. Speaker, if under the existing procedure we were given the privilege of offering an amendment to reduce the amount carried in this bill, I believe the House would vote to reduce the \$550,000 that the bill carries. I wish to direct attention to two items which I think are extravagant in character. The committee of its own motion has reduced the estimate of \$110,000 for a hospital building to \$60,000, and here we have \$50,000 provided for an administration building. That will indeed provide a pretty nice building for the few officials that will have their offices there. Again, there is \$40,000 for a power house. Power to keep the immigrants from landing? How can you conceive that there will be such a large appropriation for a power house? Everyone in this House wishes to provide adequate accommodations for the receiving building. We do not want to be niggardly in our appropriations; but when the gentleman comes here and insists that he should have these large amounts for these respective services, I think he is falling sadly in proving his case.

Mr. LINTHICUM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LINTHICUM. I believe the gentleman wants to be perfectly fair.

Mr. STAFFORD. I do.

Mr. LINTHICUM. I had the architect go there, and I tried to hold him down as much as I could to the lowest point. He said he could not do it. The ground is low; and I expect we will have to put the building on piling for a foundation. I did my best to hold him down to the last cent, because I knew that if the amount was large I would have trouble in getting it. I have not been lax in keeping it down to the lowest figure possible.

Mr. STAFFORD. My only criticism of the gentleman is that he stopped in his efforts. He only applied his efforts to shaving down the appropriation for the hospital building. For that building there was an estimate of \$110,000, and he acknowledged that that was \$50,000 too large. He was willing to shave that, and if he had only gone down the list a little more and shaved some of the other estimates there would have been no disposition here to criticize this bill.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BUCHANAN of Illinois. Has the gentleman any information as to the receipts of the Government from the immigration?

Mr. STAFFORD. When this bill was under consideration before, if I remember the statement at that time, the maximum number that would come in to the port at Baltimore on any one occasion was 2,000 to 3,000, and that on very rare occasions, Baltimore has not been a large immigrant port. I sympathize with the gentleman from Maryland in his desire to have an ornate building at this public park, but I do not think they should overdo it. I think we should not provide extravagantly for a building at this public park.

Mr. BUCHANAN of Illinois. I would like to state to the gentleman that I have the figures from the Immigration Bureau as to six months of this fiscal year, and it amounted to \$3,000,000.

Mr. STAFFORD. At Baltimore?

Mr. BUCHANAN of Illinois. No; from all over the country.

Mr. STAFFORD. Oh, yes; but Baltimore is only an incidental port, and if the new rule is to be established and the literacy test applied there will not be any use for this building at all. It will be a nice monument in a public park that the Government has donated for municipal purposes.

Mr. LINTHICUM. I want to say that during 1913 there were 33,596 immigrants that came in at \$4 a head, and it is estimated that 40,000 will come in this year. On March 4, 1909, we turned over to the National Government \$500,000 in the Treasury to our credit.

Mr. STAFFORD. The gentleman furnishes the committee with the figures for last year, and he estimates 40,000 immigrants during the present year. Can the gentleman give any estimate as to how many will come in when we have the literacy test applied? There will not be 10,000.

Mr. LINTHICUM. I think nearly as many will come into Baltimore, because the immigrants that come to that section will not be barred by the literacy test.

Mr. STAFFORD. That is what they all say; but we know that the literacy test will keep out a very large number.

Mr. COADY. Does the gentleman think it will become a law?

Mr. STAFFORD. I hope it does not.

Mr. BURNETT rose.

Mr. STAFFORD. I will yield to the gentleman from Alabama, chairman of the Committee on Immigration, who knows more about that than I do.

Mr. BURNETT. Mr. Speaker, I did not rise to answer that question, because I do not know any more about it than does the gentleman from Wisconsin, but I want to say that the class of immigration that comes into Baltimore is almost entirely from the northwestern part of the country and will not be affected by the literacy test, if it becomes a law.

Mr. COADY. Mr. Speaker, if the gentleman will permit me, I would inform him that within the last few months the North German Lloyd Steamship Co. that operates between Baltimore and Bremen has put on three additional ships, big ships of about 12,000 tons each, and they are now building two more ships for that trade.

Mr. STAFFORD. Mr. Speaker, the burden of the argument on the other side is this: At present they have very ill-suited quarters. We admit that. We gave Baltimore the ground, and there is available, and has been for a long time, \$280,000. They now come here and show their estimates are too large, and still they ask us to appropriate the full amount. I leave the question to the decision of the House.

Mr. LINTHICUM. Mr. Speaker, I yield one minute to the gentleman from Nebraska [Mr. BARTON].

Mr. BARTON. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, and as one who has inspected this building, and also as one of the members of the committee who has sat on the opposite side of the table fighting against expenses most of the time and against propositions submitted to us, I want to say that I think this is one of the most meritorious measures that we have had before us for our consideration. If gentlemen could see the people from foreign countries coming into what out in our country would be called cattle sheds, and those sheds owned by a railroad, and that one railroad which has an absolute monopoly of the business there, I believe the House would not hesitate to build a suitable place to receive the people who are coming from foreign countries and landing on American soil.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BARTON. Yes.

Mr. GREEN of Iowa. Did I understand the gentleman to say that he had personally inspected the building?

Mr. BARTON. Yes. With the committee I made a minute examination, and the sick babies in the old rookery called a hospital is a disgrace to this Nation. The immigrants that land at Baltimore will not be bothered by the immigration bill. Look at the record and you will see that less than 1 per cent can not read or write.

This is a just measure, and I hope the bill will pass.

Mr. LINTHICUM. Mr. Speaker, I yield the balance of my time to the chairman of the committee, the gentleman from Florida [Mr. CLARK].

The SPEAKER. The gentleman is recognized for three minutes.

Mr. CLARK of Florida. Mr. Speaker, this bill has been before the House several times, and if there ever has been a bill that has been thoroughly examined by the committee and has been thoroughly investigated by the department and every effort possible made in the interest of economy in framing it, this is that bill. I want to say, in justice to the committee, that the omnibus bill which was framed during the last Congress was not framed on the lines intimated by the gentleman from Washington.

The committee did not put into that bill any item which they did not believe was justified by the facts and by the demands of the community. I want to say that in the present Congress this committee has operated under certain rules, and the bill of the gentleman from Maryland [Mr. LINTHICUM] comes squarely within the emergency rules laid down by the committee. One of those rules is that where an authorization for a building has been heretofore made and the department in good faith has attempted to let a contract for its construction, and has found after advertisement for bids that there was not money sufficient to construct it, then this committee would consider an increase in the authorization, and in this instance the effort has been made, bids have been asked for, and it has been found utterly impossible to construct the character of station which the department and the committee desires and which ought to be constructed out of the appropriation already made. I want to say, Mr. Speaker, that I am astounded that my friend from Illinois [Mr. FOSTER] and my friend from Wisconsin [Mr. STAFFORD], who are not builders, who are not architects, although they may be gentlemen of very wide and diversified information, but who are not spe-

cially skilled in those directions, should stand here and place their judgment against the investigations of the committee and the deliberate opinion and well-considered judgment of the Supervising Architect's Office and the Treasury Department as to what these buildings ought to cost.

As I say, every effort has been made and it is the desire of the department, and the committee concurred in that, to erect at Baltimore a model immigrant station, one that will be a model for the ports of this country hereafter, one that will be complete in every detail, one that will be a credit to the country and that will be looked upon as a model for construction at Seattle and those other places which are to follow. The statement which the committee required of the Supervising Architect's Office has been itemized, and there is only in the neighborhood of \$400,000 going into the buildings. The balance is to go into the purchase of land and into the construction of other appurtenances and into the purchase and construction of a railway for the use of the station, and all these things together aggregate this amount. As I say, we have made every effort to cut down the appropriation, but we are informed by the officials charged with that duty that it is utterly impossible to construct at Baltimore the kind of station needed in all of its departments, which will be a credit to the country and which will be sufficiently adequate to answer the purposes of its construction, with the present appropriation. I hope the House will pass this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

#### REPEALING SECTION 3480, REVISED STATUTES, UNITED STATES.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill Senate 751.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 751) to repeal section 3480 of the Revised Statutes of the United States.

*Be it enacted, etc.,* That section 3480 of the Revised Statutes of the United States be, and the same is hereby, repealed so far as it affects payments for services in the Army of the United States prior to April 13, 1861.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is entitled to 20 minutes and the gentleman from Illinois 20 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I shall occupy the attention of the House only for a very few minutes. I found in the Judiciary Committee a bill intended to remove a penalty from the men who had fought in the army of the South in the late Civil War. Upon examination I asked the committee to take it up and consider it, believing that it was a patriotic duty to pass this measure. The committee unanimously reported it, and asked me to take charge of the bill and present it to the House. I do this with great pleasure and satisfaction. The bill is intended to repeal section 3480 of the Revised Statutes, which imposed a penalty upon those men, graduates of West Point, who served in the Confederacy. It included among the roll names like those of Lee, Jackson, Wheeler, and Pickett a long line of honorable and brave men.

We all know, for I can just remember that period, when the war closed, the bitterness of feeling that existed, and naturally existed, and existed upon both sides, with reference to each other. Out of that spirit came this punitive statute. Things have changed since then. The half century and more which has passed has brought together the warring combatants of Gettysburg to weep and cheer in unison upon that fateful field. [Applause.] I had the privilege and pleasure of attending at Arlington the scenes incident to the dedication of a beautiful Confederate monument, erected in a Government burial place, dedicated to the soldiers and men of the South who fought against and who lie side by side with the Union soldiers of that war. Memorial day has just passed, with all its hallowed associations and memories. In the beginning every flower that fell upon a soldier's grave was drenched with grief and perhaps

touched with bitterness. But here again the scene changes; we of the North began to better understand the men of the South and they of the South to understand us; soon we saw northern attendants upon this ceremony decorating graves of Confederate dead, and then the chivalrous people of the South, responding in like spirit and decorating the graves of Union soldiers. [Applause.] We have witnessed within a very few months scenes of reconciliation, harmony, and love at Gettysburg, and frequently noted men on one side surrendering to men on the other side the battle flags which were torn from each other in the heat of battle. Everywhere was that spirit which the immortal Lincoln referred to when he said:

We are not enemies, but friends. We must not be enemies. The mystic chords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as they surely will be, by the better angels of our nature.

[Applause.]

I feel that the spirit of the immortal Lincoln is invoking us in the exercise of our better selves to play upon those "mystic chords of memory" to-day. Let us unanimously, if it may, wipe from the statute books this penalty, the offspring of the feelings which the bitter strife of war engendered and left now for more than half a century upon the statute books of the Nation. This will promote a finer feeling everywhere, North and South. He who gives is twice blessed; he who receives has the spirit of gratitude created. I could read from a number of letters here, but will only quote from one, from no less distinguished a person than the widow of that brave, grand soldier of the Confederacy, "Stonewall" Jackson. [Applause.] Speaking of this movement, she said:

It creates a feeling of gratitude in my heart that you, a northern man, should advocate the passage of this bill.

[Applause.]

No one but a northern man should advocate its passage, but every man with red blood, whether from the North or from the South, should vote to pass the bill and thus help to eliminate one of the last vestiges of those things which make a distinction between the men of the North and the men of the South. [Applause.] "Fighting Joe" Wheeler and Fitzhugh Lee put on the uniform of the Nation and fought under the Stars and Stripes in the Spanish War. The descendants of these very people from whom we are removing this penalty also served their country and showed their willingness to die in her defense. [Applause.] Surely under such circumstances Congress should ungrudgingly and cheerfully wipe this penalty away, and say: "In this act we speak for the eternal concord and unity of our country." Such acts, such thoughts, such sentiments will make us repeat the scene I once witnessed in a southern city. I walked through a graveyard and I found the tombstones marked with the names of men from this State of the South and that State of the North and other States from all over the Union. Soldiers of these States had met to battle for New Orleans and to save her from the British Army in the War of 1812. That scene will be repeated perhaps, who knows, in the history of our country when we war with some foreign foe, and the men of the North and the men of the South, one in heart, one in courage, one in valor, will vie with each other in defense of every city and every foot of land in our blessed Republic. Side by side, one in patriotism, one in loyalty, one in death, those who fall may lie like they do to-day in the old graveyard at New Orleans. [Loud applause.]

The SPEAKER. The question is on suspending the rules.

Mr. MANN. Mr. Speaker, I demanded a second in order that the gentleman from Pennsylvania [Mr. GRAHAM] might explain the bill. Unless some one who is opposed to the bill desires time, I do not desire to consume any of mine.

The SPEAKER. Is there any gentleman opposed to the bill? [After a pause.] The Chair hears none. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. As a matter of fact, the vote is unanimous in favor of suspending the rules. [Applause.]

So the rules were suspended and the bill was passed.

#### UNVEILING OF JOHN TYLER MONUMENT.

Mr. MONTAGUE. Mr. Speaker, I move to suspend the rules and pass the Senate concurrent resolution No. 22, which authorizes the appointment of a committee of Congress to attend the unveiling of a monument to John Tyler, the tenth President of the United States.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 22.

Whereas the Government of the United States has erected a monument in Hollywood Cemetery, at Richmond, Va., over the grave of President John Tyler; and

Whereas exercises will be held very soon to unveil the said monument, and it being considered very appropriate that the Senate and House of Representatives should be properly represented on this occasion: Therefore be it

*Resolved by the Senate (the House of Representatives concurring),* That a committee of 10 Members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies; and authority is hereby given to expend \$250 from the contingent fund of the Senate and \$250 from the contingent fund of the House of Representatives to defray the expenses of said committee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, Mr. Speaker.

Mr. FOSTER. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a second.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. Mr. Speaker, permit me to state, if the House did not catch the full reading of the resolution, that it is a resolution heretofore agreed to by the Senate, whereby there is appropriated out of the contingent fund of the two Houses, respectively, the sum of \$250 for the appointment of a committee of five from the Senate and five from the House to attend the exercises incident to the unveiling of a monument to John Tyler, the tenth President of the United States, in Hollywood Cemetery in Richmond, Va.

In pursuance to an act of March 4, 1911, the Government appropriated \$10,000 for the building of this monument, and some time in the course of the next two or three months—the exact date I can not now apprise the House—the unveiling will occur, and I hope it will be the sense of the House, and I imagine it will be by their unanimous consent, to authorize this particular expenditure.

Mr. Speaker, may I observe that it is not inconsonant with the very eloquent remarks just submitted by the gentleman from Pennsylvania [Mr. GRAHAM] that I ask to print as a part of my remarks the memorial oration upon John Tyler by the late R. M. T. Hunter, formerly Speaker of this House, and latterly and for a long time one of the most conspicuous Members of the Senate of the United States, delivered in the Senate of the Confederate States on January 20, 1862, two days after the death of President Tyler. This address is a remarkably eloquent appreciation of its distinguished subject.

The address is as follows:

#### THE LATE EX-PRESIDENT TYLER. PROCEEDINGS IN CONGRESS.

At the close of the very appropriate tribute by Mr. Macfarland, published in the Whig of yesterday, Mr. Hunter, of Virginia, rose and said:

"I rise to offer my tribute of respect to the memory of the deceased. As has been well said, the name of John Tyler, now passed into the possession of history, has an order of its own in that great sanctuary. Its sojourn is over. Nothing can now dim its luster as it passes down the tide of time.

"It is said, sir, there is something in the story of the humblest life, which, if rightly told, will afford food for profitable study. With how much of interest, then, do we turn to the contemplation of the lives of those who have been martyrs of their kind, who have left examples for the imitation of posterity; of those whose voices have been the most persuasive and convincing in council, and whose shout, like that of the king, has been most potent in marshaling the hosts!

"Among the public men of our day, John Tyler has been one of the most marked and distinguished. With him disappears the last, save one who now sits in this Chamber, of those great men who adorned the Senate of the United States when I first entered upon public life with him. We shall bury the last of the line, the illustrious line of Southern Presidents whose names have connected us with the highest honors of the Union from which we have just parted. Does not this deepen the sense of our separation as we see one by one pass away not only the material links but the ties of personal association which bound us to those whom we have lately left?

"No man, Mr. President, has more fully completed the circle of honors which were opened to the aspirations of our public men than John Tyler. Scarcely had he attained his majority when he was sent to the House of Delegates in Virginia. After a service of a few years there, he was successively elected a member of the executive council, a Member of the House of Representatives of the United States, governor of the State of Virginia, Senator of the United States, Vice President of the United States, from which, by the death of Gen. Harrison, and through the operation of the Constitution, he was elevated to the Chief Magistracy of the land. Nor, sir, did his career end even there. When secession began and presaged the storm which is now sweeping over the land, he was sent to the convention of Virginia, and by that body to the peace congress, over the deliberations of which he presided; thence to this Congress, and afterwards was elected by his constituents to the House of Representatives of the Confederate Congress, soon to assemble in this place.

"But, full as was his life of honors, it was not more distinguished by them than by its achievements. From the commencement of his public career, he distinguished himself in whatever body he was serving, and by his eloquence and ability won an honorable place in the estimation of all with whom he associated. An advocate of the doctrines of the State rights school of Virginia, he for the most part adhered to those doctrines with consistency throughout a long and ardu-

ous career. Few men exerted themselves more to preserve the Constitution of the United States. He was among the first of our public men who, with the great Calhoun, declared that "the Constitution and the union of the States was one and inseparable." From the period of the nullification controversy, from the time when he gave his solitary vote against the force bill in the Congress of the United States, to his last appearance in Washington at the peace conference, he declared the Union and the Constitution must live or perish together.

"He exerted his utmost powers to preserve the Constitution and the administration of the executive affairs of the United States. Forced to choose between the desire to gratify the wishes of his personal friends, who had elevated him to the office, on the one hand, and a sense of constitutional obligation on the other, he determined finally to sacrifice the friends with whom he had been associated. From that time forward it was his lot to administer the affairs of the Nation, over which he presided in the midst of the severest party struggles the country had ever known, without the cordial support of either great political division by which the people were then divided; and he had to discharge his high duties in the face of such difficulties as had never been encountered by any of his predecessors. But, in despite of that spirit, he called around him some of the ablest intellects of the land—Webster, Upham, Legaré, Calhoun—who aided him in one of the most successful administrations which appears in the annals of American affairs.

"It was this administration that added Texas, an empire, to the Confederacy; and it was this administration that successfully accomplished the Ashburton treaty between Great Britain and the United States. It was in this administration that Mr. Calhoun, in his celebrated letter to Mr. King, for the first time made a public demonstration in favor of the right of the slave-holding States to respect and protection; and it was this administration which gave a final and fatal blow to the United States Bank. But prominent, sir, as was this administration, it was, perhaps, not so distinguished as his closing career. He had already reached the year of threescore and ten, when he was called from his retirement to aid in making up that great issue of human destiny which is now being submitted to the arbitrament of trial, as it is said, between nearly a million of armed men. True to the life-long professions of the past, his first effort was to preserve the Constitution, and, if possible, to save the Union with it; but when disappointed in that hope none was more determined than he to cut loose his native State from its perilous connection with enemies in disguise—none more resolved to make common cause with the South and take whatever might be the consequence of the act.

"We all know he threw himself into the cause with his whole soul. Gentlemen here present will testify to the truth of what I say when I affirm that to the last he devoted himself to it with a courage that did not quail, with a hope that did not fail, and with a purpose that held out to the last extremity and relaxed not to the end.

"Mr. President, it may truly be said that with John Tyler there has fallen a great man. I know, sir, that the death of any good man is the cause of grief to the friendly survivors; and yet I feel I do not err when I say that my deceased colleague was as fortunate in his death as in his life. As a soldier on the field of battle falls, he fell at the post of duty. A life, when it was full of years and honors, passed away. He left us before age had bowed his form or dimmed the luster of his intellect; when the future course of his life was about to promise him more of pleasure than grief. To-morrow we shall deposit him beneath the sod of that soil which he loved so well—on the beautiful banks of the James, where his slumbers will be soothed by the sound of its falling waters. Day after day, in the years yet to come, the morning and evening shadows shall lend a silent and varied charm to the scene; and when her hour of struggle is over, Virginia, as she leans upon her bloody spear to contemplate the past, and beholding the rising glories of her day, will lift her gauntleted hand to brush away the tear for the loss of him who, in the decline of life, exhausted his dying energies in her behalf, and staked his life, his fortune, his reputation upon the result, which will bring her safety and honor. Sir, she will embalm his memory in her best affections, and hand it down to her generations yet to come; and their children's children will transmit his honored name as an inheritance of princely value—an heirloom which his already run through more than two generations of distinguished men.

"But it is not my purpose, sir, to draw a portrait of this great man. His is a character which men will choose to study themselves; and they will seek it in the monuments of his own creation rather than in the testimonials of his friends; but perhaps, sir, it will not be deemed as usurping the historian's place were I to say of him he was kind and genial in all the relations of private life, and that he used the gift of the eloquence with which he was so highly endowed in the public service, and not for selfish purposes; that his faculties for usefulness seemed always to rise to the level of the demand upon them; that he was most able to discharge his duty under the most difficult circumstances, and that he served his native State with a love and fidelity which are beyond all praise.

"Mr. President, is there no useful lesson which we ourselves may draw from this occasion? Is there nothing in it that will deepen our sense of the uncertainty of human life and the instability of human affairs? Within how short a period has death sent its summons in our very midst? Does not this impress us with the utter worthlessness of the span of life allotted to any one of us, unless we use it for the purpose of preparing for another and better and more enduring state? Do not the scenes passing before us impress on us still more forcibly the sublime truth, 'The duties of life are to be preferred to life itself?'"

The SPEAKER. The question is on suspending the rules and passing Senate concurrent resolution 22.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the Senate concurrent resolution was agreed to.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

#### MOTHER'S DAY ASSOCIATION.

Mr. HEFLIN. Mr. Speaker, I move to discharge the Committee on the Judiciary from further consideration of the bill H. R. 16298 and suspend the rules and pass the bill as recommended by the committee.

The SPEAKER. The Clerk will report it.

A bill (H. R. 16298) to incorporate the Mother's Day Association.

*Be it enacted, etc.,* That Anna Jarvis, George W. Bailey, C. J. Hexamer, Louis Lukes, Francis B. Reeves, and Claude S. Jarvis, all of Philadelphia, Pa.; and L. L. Loar, of Grafton, W. Va.; and Charles Seidon, of Baltimore, Md.; together with such persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia.

Sec. 2. That the name of such body corporate shall be "Mother's Day Association," and by this name it shall have perpetual succession, save as hereinafter provided.

Sec. 3. That the objects and purposes of said association shall be to establish, promote, and perpetuate the association's work for the well-being of the home and to further establish, promote, and perpetuate the all-nations' observance of Mother's Day and any work incident thereto and arising therefrom.

Sec. 4. That the principal office of said association shall be in the District of Columbia, but the association, through its representatives, shall have the power to establish and maintain such other offices throughout the United States and its exterior possessions as the business of the association may require.

Sec. 5. That the control of such corporation shall be vested in a board of not less than three governors, their associates and successors. The incorporators hereof shall elect the board of governors for the first year. The board of governors shall have the power to adopt a constitution and to make such prudential by-laws and regulations as it may deem proper for the management and control of the business and affairs of said association, the powers and duties of its officers and agents, and from time to time to repeal or alter such constitution, by-laws, rules, and regulations.

Sec. 6. That this association shall further have power to have and use a common seal and to alter and change same at its pleasure; to sue and be sued in any court of the United States or other court of competent jurisdiction; to take, receive, and hold for the purposes of the association any gift, grant, devise, bequest, or purchase, and to accept and administer any trust for the purpose of said association.

Sec. 7. That this act shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States.

Sec. 8. That this act shall take effect immediately on its passage.

Mr. HEFLIN. Mr. Speaker, the Clerk has the report of the committee, and I would like to have it read.

The SPEAKER. There is no use in reading the report. Is a second demanded?

Mr. MANN. I demand a second.

Mr. HEFLIN. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

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

Mr. HEFLIN. I will.

Mr. MANN. As I understand, section 4 of the original bill is left out?

Mr. HEFLIN. Yes; the entire section is stricken out.

Mr. MANN. And that in section 7 of the bill as introduced there is left out the provision about the real estate of the corporation not being liable to any debt or obligation of the corporation?

Mr. HEFLIN. Yes.

Mr. MANN. And, further, that the bill as presented, with these amendments, has been passed through and approved by the Committee on the Judiciary?

Mr. HEFLIN. Yes. It was unanimously reported by the committee with these provisions, mentioned by the gentleman from Illinois, stricken out.

Mr. MANN. Is the gentleman at all familiar with the persons who are named in the bill as the incorporators?

Mr. HEFLIN. I only know one of the persons named in the bill, and that is Miss Anna Jarvis, of Philadelphia, who is at the head of this great work in the United States. She is a constituent of the gentleman from Pennsylvania [Mr. MOORE], and I presume that he knows the persons named in the bill.

Mr. STAFFORD. I may supplement the information of the gentleman from Alabama [Mr. HEFLIN] by saying that, so far as Miss Jarvis, George W. Bailey, Francis B. Reeves, and C. J. Hexamer are concerned, they are prominent Philadelphians, identified with the civic life of that city. C. J. Hexamer is the president of the German Alliance.

Mr. HEFLIN. Miss Jarvis discussed this with me and told me that the persons named with her in the bill are high-class gentlemen, and some of them are now engaged in philanthropic

work, and all are worthy of the positions given them in this bill.

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

Mr. HEFLIN. Yes.

Mr. WILLIS. What was done with section 4? Was that stricken out? Some of the language there may be subject to criticism.

Mr. HEFLIN. All of that section was stricken out.

Mr. WILLIS. And lines 13, 14, 15, and 16 of section 7 are stricken out?

Mr. HEFLIN. They are.

Mr. WILLIS. I have no objection to it.

Mr. HEFLIN. The bill as amended was unanimously reported by the committee, and naming, as it does, Miss Anna Jarvis as the president of this Mothers' Day Association, it contains a beautiful tribute to and merited recognition of the good woman who has for years devoted herself to the sweet and beautiful task of securing congressional recognition for the Mothers' Day Association of America. [Applause.]

Mr. Speaker, I ask for a vote.

Mr. BRYAN. Mr. Speaker, I ask for one moment. I have here a resolution, which I received with the request that I read it into the Record by the 8th of July. I ask unanimous consent at this time, Mr. Speaker, to insert this resolution, which was passed by a number of ladies in Seattle, Wash., in a convention said to represent 10,000 women, in reference to their view of advancing the cause of woman in this country. It involves the subject of woman suffrage.

In this day of recruits to the cause of suffrage, such as we had the other day in the Speaker's office, the Speaker of this House, Hon. CHAMP CLARK, in his usual straightforward way, asserting that he was for equal suffrage in the State of Missouri, and would so vote in that State, it is well that we put something into the Record that is practical; not only pure and ennobling and speaking for motherhood, but something that speaks for real, vital advancement of woman, whether she is a mother or not.

The resolution is as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Seattle, Wash., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Allen Dale's cafeteria this 2d day of May, 1914.

Mrs. P. D. HUGHES,  
Presiding Officer.

Attested:

Mrs. GEO. N. McLOUGHLIN,  
Secretary.

Mr. BRYAN. The following report of the meeting above referred to appears in the Seattle Sun of May 2:

WOMEN CELEBRATE SUFFRAGE ADVANCE—SEATTLE SUFFRAGE CLUB AT LUNCHEON ASKS CONGRESS TO TAKE ACTION TO ENFRANCHISE WOMEN VOTERS.

"Women's Day," established at the request of Dr. Anna Howard Shaw, of the National Suffrage Association, as a nation-wide event to promote the cause of woman suffrage, was celebrated by the Seattle Suffrage Club to-day by a luncheon at the Allen Dale Cafeteria.

After suffrage songs, uniform with those used at similar celebrations all over the continent, five-minute talks were given by Mrs. G. N. McLoughlin, representing the Seattle Federation of Women's Clubs; Mrs. Austin E. Griffiths, Mothers' Congress; Miss Adele M. Fielde, Washington women's legislative committee; Mrs. M. D. Harker, Women's Democratic Club; Mrs. E. M. Rhodes, Women's Commercial Club; Mrs. E. P. Fick, Seattle Suffrage Club; Mrs. Zamora C. Cauffman, Home Consumers' League; Miss Lucia Crangle, Grade Teachers' Club; Miss Lucy Case, Women's College Club; Mrs. John L. Burnside, King County legislative committee; Miss Adella M. Parker, Woman's Good Government League; Mrs. S. L. W. Clarke, North End Progressive Club; Mrs. P. Hughes, King County Progressive League.

Resolutions were adopted asking Congress to enfranchise women. Abigail Adams Chapter of the National Council of Women Voters met at 12:30 at the office of Dr. Sarah Kendall, in the Arcade Building, to make plans for its "Why" breakfast May 9.

Mr. WILLIS. Will the gentleman from Alabama [Mr. HEFLIN] yield additional time to the gentleman from Washington?

Mr. HEFLIN. I ask for a vote, Mr. Speaker.

The SPEAKER. The gentleman from Alabama moves to discharge the Committee on the Judiciary from the further consideration of House bill 16298, to suspend the rules, and pass the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Why is that motion necessary? I understand the bill has been reported from the Committee on the Judiciary and is on the Calendar of the House.

The SPEAKER. No; it is not on the calendar. It came in only to day.

Mr. MANN. I understand a report has been written up, but not presented to the House.

Mr. GARRETT of Tennessee. If the Committee on the Judiciary has passed on it, there is no use in making that request to discharge the committee.

The SPEAKER. The House has no knowledge that the Committee on the Judiciary has done anything with it until the committee reports. The question is on the motion of the gentleman from Alabama [Mr. HEFLIN] to discharge the Committee on the Judiciary from the further consideration of the bill H. R. 16298, to suspend the rules, and pass the bill as read by the Clerk.

Mr. HEFLIN. As amended.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill was passed.

The SPEAKER. What was the request of the gentleman from Washington?

Mr. BRYAN. Mr. Speaker, I asked to extend my remarks in the Record by printing the resolution which I mentioned.

The SPEAKER. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

INCOME TAX ON RAILROADS IN ALASKA.

Mr. HOUSTON. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 9770, to levy and collect an income tax on railroads in Alaska, and for other purposes, with committee amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the amended bill, as follows:

*Be it enacted, etc.* That in addition to the normal income tax of 1 per cent on net income there shall be levied and collected 1 per cent on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. So much of the provisions of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district," or acts amendatory thereof, as impose a license tax of \$100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The SPEAKER. Is a second demanded?

Mr. WATSON. Mr. Speaker, I demand a second.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I yield 10 minutes to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Speaker, substantially the bill before the House levies 1 per cent tax upon the gross income of railroads in the Territory of Alaska. In that respect it is different from the law that has heretofore prevailed in that Territory. I call the attention of the House to the law as it now exists, so that you may get the difference between the two acts.

In the act of 1900 a license tax of \$100 per mile is levied upon railroads in that Territory, which is a reasonably small tax in some cases but prohibitive in others. The tax itself is not so serious as the penalty inflicted for nonpayment. The penalty fixed by law for nonpayment is the amount of the annual tax for the first day, double the amount of the annual tax for the second day, treble the amount for the third day, and imprisonment in jail for not more than six months. So the small railroads in Alaska that have not heretofore been able to make it pay, running into a new country where there is neither trade nor population, find themselves covered up by millions of dollars of penalties, and it is for the purpose, primarily, of getting rid of those penalties that we are offering this bill. The taxes have nearly all been paid up to this moment. Those that are not paid are not remitted, but only the excessive penalties are remitted. This matter has been before the House so many times that I am sure the House understands it thoroughly.

Mr. FOSTER. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. FOSTER. Does the gentleman think that with the 4 per cent on the net income the Government is going to realize much out of it?

Mr. WICKERSHAM. I think the gentleman has not quite caught the reading of the bill. The bill has been changed to 1 per cent on the gross income. That is double the amount of the Philippine tax, and practically in the same words.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments read into it.

The question was taken; and two-third having voted in favor thereof, the rules were suspended and the bill was passed.

#### INTERNATIONAL DRY-FARMING CONGRESS.

Mr. MURDOCK. Mr. Speaker, I move to suspend the rules and pass House joint resolution 255, authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, as amended by the committee.

The Clerk read the amended resolution, as follows:

*Resolved, etc.*, That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914: *Provided*, That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

The SPEAKER. Is a second demanded?

Mr. FOSTER and Mr. FERRIS demanded a second.

The SPEAKER. Is the gentleman from Illinois opposed to the bill?

Mr. FOSTER. I am not.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. FERRIS. No.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. FITZGERALD. How did the gentleman from Kansas manage to catch the Speaker's eye so as to be recognized to suspend the rules?

Mr. MURDOCK. I occupied a seat close to the center aisle and agitated myself sufficient to catch his eye. It was merely a matter of agitation. [Laughter.]

Mr. MANN. I do not see why one red-headed man should ask that question of another red-headed man; both are conspicuous. [Laughter.]

Mr. FITZGERALD. This seems to be a live demonstration that the gentleman from Kansas, when he has a meritorious bill, can catch the Speaker's eye.

Mr. MURDOCK. Yes; if I get in a proper place and agitate myself sufficiently. That is true.

Mr. GARNER. Will the gentleman yield?

Mr. MURDOCK. Yes.

Mr. GARNER. The bill provides that the United States will be at no expense in the way of entertaining delegates?

Mr. MURDOCK. None.

Mr. GARNER. Is it the intention of the gentleman to come back later and ask for an appropriation?

Mr. MURDOCK. It is not.

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

Mr. MURDOCK. Yes; I will yield.

Mr. MANN. I meant to speak about this before. The bill provides—

That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

Now, we have appropriated \$20,000 for that Congress.

Mr. MURDOCK. That is for an exhibit by the Agricultural Department.

Mr. MANN. Does the gentleman think there will be no contradiction here?

Mr. MURDOCK. This is the first time that has been called to my attention. I do not think there will be any.

The SPEAKER. The question is on suspending the rules and passing House joint resolution 255 with the amendments which have been read.

Mr. MURDOCK. Including the amendment to the title, Mr. Speaker.

The SPEAKER. Oh, certainly.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the joint resolution passed.

#### BUILDING REGULATIONS OF THE DISTRICT OF COLUMBIA.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8593) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, as amended by the Committee on the District of Columbia.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill H. R. 8593 with the committee amendments, which will be read by the Clerk.

The Clerk read as follows:

*Be it enacted, etc.*, That any house, building, bridge, viaduct, or other structure being constructed or erected by any person, firm, or corporation in the District of Columbia shall be so erected and constructed as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon or passing under or by the same.

SEC. 2. That all scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances erected or constructed by any person, firm, or corporation in the District of Columbia for use in the erection, repairing, alteration, removal, or painting of any house, building, bridge, viaduct, or other structure shall be erected and constructed in a safe, suitable, and proper manner, and shall be so erected and constructed, placed, and operated as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon or passing under or by the same.

SEC. 3. That scaffolding or staging, swung or suspended from an overhead support, more than 20 feet from the ground or floor, shall have, where practicable, a safety rail bolted, secured, and braced, rising at least 34 inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereof and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 4. That all swinging and stationary scaffolding, platforms, and other devices shall be so constructed as to bear four times the maximum weight required to be depended therein or placed thereon when in use, and such swinging scaffolding, platforms, or other device shall not be so overloaded or overcrowded as to render the same unsafe or dangerous.

SEC. 5. That any workman or mechanic whose duties require him to use a scaffold, hoist, crane, ladder, or other contrivance in connection with the construction, alteration, repairing, removing, cleaning, or painting of any building, bridge, viaduct, or other structure may notify the inspector of buildings, calling attention to any defect or weakness which, in the employee's opinion, renders the scaffold dangerous, and such communication shall be strictly confidential.

SEC. 6. That when it shall come to the notice of the Inspector of buildings that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any swinging or stationary scaffolding, platform, or other similar device used in the construction, alteration, repairing, removing, cleaning, or painting of buildings, bridges, or viaducts within the District of Columbia are unsafe or liable to prove dangerous to the life or limb of any person, the said inspector shall immediately cause an inspection to be made of such scaffolding, platform, or device, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or other parts connected therewith. If after examination such scaffolding, platform, or device, or any of such parts is found to be dangerous to the life or limb of any person, the inspector shall at once notify the person responsible for its erection or maintenance of such fact, and warn him against the use, maintenance, or operation thereof and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance or by conspicuously affixing it to the scaffolding, platform, or other such device or the part thereof declared to be unsafe. After such notice has been so served or affixed the person responsible therefor shall immediately alter or strengthen such scaffolding, platform, or other device in such manner as to render it safe or remove it. The building inspector or any of his deputies shall have free access at all reasonable hours to any building or structure or premises containing scaffolding, platforms, or other similar device or parts thereof or where they may be in use.

SEC. 7. That any owner, contractor, subcontractor, foreman, or other person having charge of the erection, construction, repairing, alteration, removal, or painting of any building, bridge, viaduct, or other structure within the provisions of this act shall comply with all the terms thereof, and any such owner, contractor, subcontractor, foreman, or other person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than \$25 nor more than \$500 or imprisoned for not less than three months nor more than two years, or both fined and imprisoned, in the discretion of the court.

SEC. 8. That it shall be the duty of the owner of every house, building, or structure (except a private house, used or to be used exclusively as a private residence) now under construction, or hereafter to be constructed, to affix and display conspicuously on each floor of such building during construction, a placard stating the load per square foot of floor surface which may with safety be applied to that particular floor during such construction, or if the strength of different parts of the floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placards. All such placards shall be verified and approved by the inspector of buildings.

SEC. 9. That in all buildings in the District of Columbia in the course of construction and in all buildings having elevators intended for freight lifts only, and not constructed, protected, and operated as required for passenger elevators, it shall be unlawful to use hoists and elevators for hoisting materials, etc., in any such building or buildings unless the well holes or openings for such elevators or hoists on each and every floor of the building shall be closed to a height of at least 6 feet, with no opening greater than 2½ inches; and semiautomatic gates or doors at least 5 feet, with no opening greater than 2½ inches. By semiautomatic gates or doors it is meant to provide gates or doors which will close automatically when the car leaves the landing. All such elevators shall have a notice conspicuously painted or securely attached thereon, so as to be read clearly at all times, which notice shall read as follows:

"No person is allowed to ride on this elevator," which such notice shall at all times be maintained on elevators of this class. Such other safety or equivalent appliances as the inspector of buildings may determine to be necessary for the protection of life and limb shall also be provided.

SEC. 10. That any hoisting machine or engine used in building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly and securely supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is three stories or more in height, no material needed for such construction shall be hoisted or lifted over a public street or alley unless 15 feet or more of such street or alley shall be barricaded from use by the public.

SEC. 11. That if elevating machines or hoisting apparatus operated or controlled by other than hand power are used in the construction, alteration, or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor, or subcontractor during the use and operation of such elevating machines or hoisting apparatus in order that prompt and effective communication may be had at all times between the operator or engine or motive power of such elevating machine and hoisting apparatus and the employees or persons engaged thereon or in using or operating the same.

SEC. 12. That where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fireproof material or brickwork, the owner, contractor, or subcontractor shall complete the flooring or filling in as the building progresses to not less than within three tiers or beams below that on which the ironwork is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fireproof material, the owner, contractor, or subcontractor for work in course of construction shall lay the under-flooring thereof or a safe temporary floor on each story, as the building progresses to not less than within two stories or floors below the one to which such building has been erected. Where double floors are not to be used, the owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel, the contractor for the iron or steel work of a building in the course of construction, or the owner of such building, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except at such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials to be used in the construction of such buildings and such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

SEC. 13. That it shall be the duty of all architects, or draftsmen engaged in preparing plans, specifications, or drawings to be used in the erection, repairing, altering, or removing of any building or structure within the District of Columbia to provide in such plans, specifications, and drawings for all permanent structural features or requirements specified in the District of Columbia building regulations; and any failure to comply with these requirements shall subject the architect or draftsman to a fine of not less than \$25 nor more than \$200 for each offense.

SEC. 14. That for any injury to person or property occasioned by any violations of this act or failure to comply with any of its provisions, a right of action shall accrue to the party injured for any damages sustained thereby, and in case of loss of life by reason of such violation or failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs, or adopted children, or to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

The SPEAKER. Is a second demanded?

Mr. MANN. No; I do not demand a second. We are willing to vote.

SEVERAL MEMBERS. Vote! Vote!

The SPEAKER. The question is on suspending the rules and passing the bill H. R. 8593 as amended and read by the Clerk.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. TAYLOR of Arkansas) there were—ayes 28, noes 41.

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

The SPEAKER. Will the gentleman withhold that long enough to allow the Chair to lay before the House a report from the Committee on Enrolled Bills?

Mr. JOHNSON of Kentucky. I withhold it for that purpose.

#### ENROLLED BILLS SIGNED.

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

H. R. 14034. An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; and

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

#### ADJOURNMENT.

The SPEAKER. On the vote to adjourn, the ayes are 28 and the noes are 41.

Mr. MANN. I ask for tellers.

The SPEAKER. The gentleman from Kentucky has suggested that there is no quorum present,

Mr. BRYAN. If the gentleman will withhold that point while the vote is taken by tellers—

Mr. UNDERWOOD. Mr. Speaker, I want to say—

Mr. JOHNSON of Kentucky. Mr. Speaker, this is not debatable.

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

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until Tuesday, June 30, 1914, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of Labor, submitting an estimate of appropriation to pay Jesse W. Uppercu for information that led to the collection of \$50,000 in penalties from the Dwight Manufacturing Co., of Chicopee, Mass., and Alabama City, Ala., for importing aliens under contract in violation of the immigration laws (H. Doc. 1102); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for payment to William H. Garland, assistant United States attorney at Boston, \$47.62 for extraordinary expenses incurred in connection with an investigation at Paris, France, of violations of the customs laws (H. Doc. 1103); 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 Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15803) to amend an act entitled "An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910, reported the same without amendment, accompanied by a report (No. 909), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. THACHER, from the Committee on the Library, to which was referred the concurrent resolution (S. Con. Res. 22) authorizing the appointment of a committee of Congress to attend the unveiling of a monument to President John Tyler at Richmond, Va., reported the same without amendment, accompanied by a report (No. 910), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TREADWAY: A bill (H. R. 17559) to reimburse the State of Massachusetts for expenses incurred in the maintenance and support of a marine school, and for other purposes; to the Committee on Naval Affairs.

By Mr. STEPHENS of California: A bill (H. R. 17560) to provide for the establishment of a life-saving station at Venice, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. PAGE of North Carolina: A bill (H. R. 17561) to impose a special license tax upon automobiles and motor vehicles in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOEKE: A bill (H. R. 17562) to provide for the purchase of a site for a public building at Wapakoneta, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CARLIN: Joint resolution (H. J. Res. 289) granting permission to the Army and Navy athletic associations to use the polo field in Potomac Park; to the Committee on Military Affairs.

By Mr. ROUSE: Resolution (H. Res. 557) to print 20,000 copies of the opinion of the Supreme Court of the United States in the case of Patrick Collins, plaintiff in error, against the Commonwealth of Kentucky, delivered June 22, 1914; to the Committee on Printing.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 17563) granting a pension to Margaret L. Miller; to the Committee on Invalid Pensions.

By Mr. BORCHERS: A bill (H. R. 17564) granting an increase of pension to Charles W. Childers; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17565) granting a pension to Jerry Wildman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17566) for the relief of heirs or estate of John Weitinger, deceased; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 17567) granting an increase of pension to Anna R. Brown; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 17568) for the relief of Will R. Tremewan; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 17569) granting a pension to John J. Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17570) granting a pension to Gustav J. Tichy; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 17571) granting an increase of pension to Peter P. Swensen; to the Committee on Pensions.

By Mr. VOLLMER: A bill (H. R. 17572) granting a pension to Mary Guldenzoph; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 17573) for the relief of J. W. Cobb; to the Committee on Claims.

#### 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 signed by Dr. O. A. Muhm and others, of New Melle, Mo., protesting against the adoption of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request): Resolution signed by the pastor of the Brotherhood Calvary Presbyterian Church, of South Pasadena, Cal., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petition of Rev. O. S. Russell and citizens of Hamlin, Pa., favoring national prohibition; to the Committee on Rules.

Also, petitions of Mrs. E. H. Oliver, Mrs. C. S. Little, and others, of Tunkhaunock; Rosa E. Hagerman and others, of Wyalusing; and Louise M. Pratt, Amelia W. Hutchins, and others, of Towanda, Pa., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of 140 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of J. C. Abele, Johnstown, Pa., against national prohibition; to the Committee on Rules.

Also, petitions of Mrs. R. C. Esterline, Mrs. S. C. Curry, and others, of Altoona; Ida H. Ensley, Margaret W. Krebs, and others, of Cambria County; and J. A. Wright, L. A. Flight, and others, of Bedford, all in the State of Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BARTON: Petition of Mrs. Ella Lee and Mame Smith, of McCook; Cressa Morris and Mrs. May Danieken, of Upland; Ellen D. Horn, May H. Williams, and 200 others, of Kenesaw, all in the State of Nebraska, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of Mary Ella Robinson, Mrs. J. S. Nal, and others, of St. Joseph, Mo., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BORCHERS: Petitions of Mrs. M. E. Selby, Mrs. C. O. Porter, and others, of Lovington, and Ella R. Chadwick, Blanch Caraway, and others, of Tuscola, all in the State of Illinois, favoring Federal legislation for national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petition of Anna D. Gamble, Lois J. Bell, and others of York, Pa., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of Haffens Realty Co., New York; E. G. S. Miller, Buffalo; W. Becker jr., New York; the North American Skat League; and J. A. Kelly, New York, all in the State of New York, against national prohibition; to the Committee on Rules.

Also, petition of Building Trades Department, American Federation of Labor, favoring Buchanan bill for protection of workmen engaged in building erection in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 4 citizens of Sugerties, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of H. L. Bowly, general secretary Lord's Day Alliance of the United States, favoring Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of P. J. SchAAF, New York, favoring Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Henry G. Weide, J. Prunz, Peter G. Klein, and G. W. Willing, of Milwaukee, Wis., vigorously protesting against the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

Also, petition of H. Schraufnagel, Joe Martznecki, H. A. Hempe, J. J. Kamedulski, Mike Heim, H. E. Golz, Walter Leinke, James Thausan, John Nehrlass, Frank Drozt, and Charles E. Krallmann, all of Milwaukee, Wis., vigorously protesting the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

Also, petition of Thomas P. Woods, C. C. Glass, Ferdinand Rakep, John Qerskan, and Sam Tepper, all of Milwaukee, Wis., protesting most vigorously against the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

By Mr. CASEY: Petition of Katherine B. Lance, Margaret R. Elliott, and others, of Luzerne County, Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. CLARK of Missouri: Petitions of Martha Anna Tinsley, D'Arline Holcomb, and others, of Bowling Green; Mrs. J. A. Guthrie, Mrs. C. A. Buckner, and others, of Mexico; and Mrs. Jos. Gooldy, and others, of Fulton, all in the State of Missouri, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. COOPER: Petition of J. C. Wagner, Racine, Wis., against national prohibition; to the Committee on Rules.

Also, petition of J. B. Dow and others, of Beloit, Wis., against certain matter in the 1913 report of the Commissioner of Education; to the Committee on Education.

By Mr. CURRY: Petition of various citizens of Vallejo, Cal., signed by W. R. Lain, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 7 citizens of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 74 citizens of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 61 citizens of the third California district, protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of citizens of New York, against national prohibition; to the Committee on Rules.

Also, petition of J. F. Callheath, secretary of the American Mining Congress, Washington, D. C., favoring H. R. 9770, relative to license tax on railroads in Alaska; to the Committee on the Territories.

By Mr. DILLON: Petitions of citizens of South Dakota, against national prohibition; to the Committee on Rules.

Also, petition of citizens of Canton, S. Dak., favoring national prohibition; to the Committee on Rules.

Also, petitions of Ida L. Waite, Eunice P. Warke, and others, of Miller, and S. M. Wright, M. D. Whisman, and others, of Huron, in the State of South Dakota, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. DONOVAN: Petitions of citizens of Georgetown and Branchville and Norwalk, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of Elizabeth A. Runk, Constance Taylor, and others, of Greenwich, Conn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the Brooklyn (N. Y.) Hospital Club, relative to H. R. 6282, to regulate the dispensing of narcotic drugs; to the Committee on Ways and Means.

Also, petition of the American Asiatic Association, favoring appropriation for the building of an American consulate at Shanghai, China; to the Committee on Appropriations.

By Mr. FRENCH: Petition from citizens of Coeur d'Alene, Idaho, in favor of memorial to John Ericsson, inventor of the *Monitor*; to the Committee on the Library.

By Mr. GOEKE: Petition of 36 citizens of Lockington, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of Dr. I. H. Mayer and others, of Willow Street, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of citizens of Bangor, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HART: Petition of Mrs. Douglas Donald and others, of Ridgefield Park, N. J., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HAY: Petition of K. S. Paul, Mrs. H. V. Strayer, and others, of Harrisonburg, Va., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of Mercer County (Pa.) Sabbath School Association, favoring national prohibition; to the Committee on Rules.

Also, petition of Elk County Pomona Grange, No. 52, St. Marys, Pa., favoring governmental ownership of Postal Service and telegraphs; to the Committee on the Post Office and Post Roads.

Also, petitions of Mary Lee, S. L. Brooke, W. C. Leffingwell, William M. McKann, and others, of Mercer County; Mrs. J. I. Foster, Mrs. B. E. Duffee, and others, of Franklin; L. S. Neeley, Mrs. J. C. Luscher, and others, of Rockland, all in the State of Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington State, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of citizens of Port Angeles and Elma, Wash., against national prohibition; to the Committee on Rules.

By Mr. KELLEY of Michigan: Petition of 23 citizens of Detroit, Mich., against national prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 17457, for the relief of Catharine A. Smith; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 17321, for the relief of Edwin R. Allen; to the Committee on Invalid Pensions.

Also, additional medical evidence in support of House bill 17372, for the relief of William H. Philipps; to the Committee on Pensions.

Also, petitions of sundry citizens of the fifteenth Pennsylvania district, favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of citizens of Colorado, against national prohibition; to the Committee on Rules.

Also, petitions of citizens of Laird, Littleton, Denver, Yuma, Edgewater, Greeley, Hale, Longmont, Englewood, Boulder, Atwood, Highland Lake, Fort Collins, Sterling, Wray, Mancos, and Canon City, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

Also, petition of the Old Age Co., Lancaster, Pa., favoring old-age pensions (H. R. 4352); to the Committee on Pensions.

By Mr. J. R. KNOWLAND: Petition of Federation of Women's Clubs of California, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, letters and postals from residents of Los Angeles, Pacific Grove, Long Beach, San Diego, Whittier, Berkeley, Pasadena, Vallejo, Greenfield, Fillmore, and Colton, all in the State of California, favoring passage of prohibition constitutional amendment; to the Committee on Rules.

Also, protests from residents of Oakland and Rust, Cal., against passage of prohibition measure now pending in Congress; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. LEVY: Petitions of North American Skat League, Cortwright Co., F. Cohen & Co., Dryfoos, Blum & Co., L. Samuels & Co., all of New York, N. Y., against national prohibition; to the Committee on Rules.

By Mr. MCCOY: Petition of Helen Ennis, H. Clara Hopkins, and others of Wayne County, N. J., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, against national prohibition; to the Committee on Rules.

By Mr. MANN: Petition of Abraham Lincoln Post, No. 91, Grand Army of the Republic, Chicago, Ill., favoring peace jubilee at Vicksburg; to the Committee on Military Affairs.

By Mr. MAPES: Petition of Jacob Oest and 41 others, of Grand Rapids, Mich., against national prohibition; to the Committee on Rules.

By Mr. MOON (by request): Petition of Margaret H. Ervin, jr., Catherine J. Webster, and others of Chattanooga, Tenn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Protests of Martin Regel and 8 others, of Moundsville; H. J. Hawkins and 9 others, of Fairmont; Bernard Dorman, of Wellsburg; and Fred Baker and 9 others, of Benwood, all in the State of West Virginia, against national prohibition; to the Committee on Rules.

Also, petition of Beulah B. Ritchie, Mrs. E. C. McBee, and others, of Fairmont, W. Va., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of Leo Nesline and 46 others, of Wheeling, W. Va., against national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petitions of merchants of Londonderry, South Londonderry, and St. Johnsbury, Vt., favoring House bill

5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of 98 citizens of St. Johnsbury, Vt., favoring national prohibition; to the Committee on Rules.

Also, petitions of Green Mountain Chapter, Daughters of the American Revolution, and 30 members of the Northfield Circle, Ladies of the Grand Army of the Republic, of Vermont, against changing flag; to the Committee on Military Affairs.

By Mr. RAKER: Protest to change of American flag, adopted at the forty-seventh annual encampment, Department of California and Nevada, Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. ROBERTS of Nevada: Petition of citizens of Reno and Goldfield, Nev., against national prohibition; to the Committee on Rules.

Also, petition of Department of California and Nevada, Grand Army of the Republic, against changing the United States flag; to the Committee on Military Affairs.

Also, petition of Mrs. Rudolph Zadon, Christye Fulton, and others, of Eureka; Minnie L. Bray, Adeline Norcross, and others, of Carson City; Mrs. E. P. Langan, Evelyn Cooper, and others, of Virginia City; Mrs. J. B. Fitzgerald, Mrs. E. C. Caine, and others, of Elko; Carrie Orr, Mrs. Ethel Orr, and others, of Pioche; Anne H. Martin, Alexandrine La Tourette, and others, of Reno; Mary B. Bray, Mrs. J. Wright, and others, of Sparks; Mrs. J. H. Parks, Mrs. A. L. Miller, Edna F. Hotchkiss, and others, of Goldfield; H. C. Taylor, Mrs. Fiske, and others, of Fallon; Dr. G. E. Leavitt, Mrs. G. F. West, and others of Lyon County, all in the State of Nevada, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SABATH: Petition of executive committee of the United Societies for Local Self-Government, of Chicago, Ill., against national prohibition; to the Committee on Rules.

By Mr. SIMS: Petition of Kate C. Robertson, Mary Butler, and others, of Jackson, Tenn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petition of Mrs. Elizabeth Harlan, Mrs. Carrie E. C. Berston, and others, of Flint, Mich., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of Mrs. F. J. Shuler, Margaret L. Zimmerman, and others, of Buffalo, N. Y., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Joe Miller, Millard Barder, and other members of the Ramsey County Socialist Party, of St. Paul, Minn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of Theresa B. Payton, Bertha Sauer, and others, members of the State executive board, of St. Paul, Minn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of members of Young People's Society of Christian Endeavor of Dayton Avenue Presbyterian Church, St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of P. B. Williams, Mary N. Hopkins, and others, of Utica, N. Y., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. THACHER: Petition of the quarterly conference of the Methodist Episcopal Church of Nantucket, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petitions of Mrs. E. F. Feichert and others, of Plainfield; Frances J. Tuttle, Frances J. Wilcox, and others, of the borough of Madison; D. Van Black, Catharine Schultz, and others, of Boonton; Selma M. C. Week, Alta M. Berry, and others, of Union; Esther G. Ogden, Clementina L. Olmsted, and others, of Elizabeth; Fannie E. Bates, Frances P. Miller, and others, of Crawford, all in the State of New Jersey, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of citizens of Roselle and Plainfield, both in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIAMS: Petitions of the Quincy (Ill.) Trades and Labor Assembly; Journeymen Plumbers' Protective Benevolent Association; International Molders' Conference Board; United Brotherhood of Carpenters and Joiners of America; District Council No. 6, United Garment Workers of America; Brickmakers' District Council, No. 1; Local 342, Keg Beer Wagon Drivers, Helpers, and Chauffeurs; Local Union No. 597, Steam Fitters' Protective Association; International Union of Steam and Operating Engineers, Division No. 24, of the Amalgamated Association of Street and Electric Railway Employees

of America, of Chicago, Ill.; and Local 220, International Molders' Union of North America, favoring seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Christian Endeavor Union of Pike County, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of Kankakee (Ill.) Commercial Association, against labor provision in antitrust law; to the Committee on the Judiciary.

Also, petition of United States Customs Inspectors' Association, of Chicago Ill., favoring House bill 15764, fixing compensation of inspectors of customs; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Mrs. Mary B. Yoder and other citizens of Bellefontaine, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WILSON of New York: Petition of 70 citizens of the third congressional district of New York, against national prohibition; to the Committee on Rules.

Also, petition of the North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of 100 citizens of Mena, Ark., favoring national prohibition; to the Committee on Rules.

Also, petition of merchants of Ashdown, De Queen, Lockesburg, Fort Smith, and Nashville, Ark., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. WINSLOW: Petition of citizens of Worcester County, Mass., favoring national prohibition; to the Committee on Rules.

Also, petition of Myrtle Smith, Camilla G. Whitcomb, and others, of Worcester, Mass., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

## SENATE.

TUESDAY, June 30, 1914.

The Senate met at 12 o'clock m.

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

Almighty God, we seek the inspiration that comes from Thee alone that we may have courage for life's great struggles. We would be unafraid amidst the conflicts of interests and purposes and passions of life. We would not only conquer the adverse and accidental conditions of life, but we would have supremacy over the heartless forces of nature. Thou hast called us to be kings and priests unto Thyself. Thou hast made us to have dominion over the works of Thy hand. But Thy power alone is sufficient for these things, and we seek Thy power and Thy grace that wisely and well we may administer the trusts committed to our hands. Hear us in our prayer, guide us by Thy spirit this day, we ask for Christ's sake. Amen.

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

### PUBLIC-BUILDING SERVICE (S. DOC. NO. 527).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriation relative to the public-building service for the fiscal year ending June 30, 1915.

Mr. BRANDEGEE. May I inquire what the communication in relation to public buildings is?

The VICE PRESIDENT. The Chair would be glad to notify the Senator from Connecticut, but it consists of about 25 pages.

Mr. BRANDEGEE. I merely wanted to know if it is a report from the commission.

The VICE PRESIDENT. No; it is an estimate of appropriation relative to the public-building service for the fiscal year ending June 30, 1915.

Mr. BRANDEGEE. It is the estimate of the department?

The VICE PRESIDENT. Yes. The communication will be referred to the Committee on Appropriations and ordered printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 751) to repeal section 3480 of the Revised Statutes of the United States.

The message also announced that the House had passed the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4541. An act to consolidate the veterinary service, United States Army, and to increase its efficiency;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 16298. An act to incorporate the Mother's Day Association; and

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914.

The message also announced that the House had passed the concurrent resolution (No. 22) of the Senate providing for a committee to represent the Congress of the United States to attend the ceremonies incident to the unveiling of the monument in Hollywood Cemetery, at Richmond, Va., over the grave of President John Tyler.

The message further transmitted resolutions on the life and public services of Hon. GEORGE KONIG, late a Representative from the State of Maryland.

### ENROLLED BILLS SIGNED.

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

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915;

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Delaware, remonstrating against the passage of the so-called Clayton antitrust bill and alleging that certain provisions thereof are discriminatory in character, which was referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Lake Charles, La., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of Bridgeport, Georgetown, and Branchville, and of the congregations of the First Baptist Church of Bozrah and of the Trinity Episcopal Church, of Bridgeport, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 15, United Hatters of North America, of South Norwalk, Conn., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 157, International Union of the United Brewery Workmen, of Dallas, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McCUMBER presented petitions of sundry citizens of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Minnesota District of the German Evangelical Synod of North America, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WORKS presented telegrams in the nature of petitions from sundry citizens of Gardena, Bakersfield, Los Angeles, and Whittier, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.