PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 18380) providing for the erection of a public building at the city of Lancaster, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. DOUGHTON: A bill (H. R. 18381) providing for the purchase of a site and the erection thereon of a public building at Albemarle, in the State of North Carolina; to the Committee on Public Buildings and Grounds.

By Mr. MERRITT: A bill (H. R. 18382) for the purchase of a site and the erection thereon of a public building at Port Henry, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. TEN EYCK: A bill (H. R. 18383) to provide better sanitary conditions in composing rooms within the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOBECK: A bill (H. R. 18384) to provide for a site and United States post-office at Omaha, Nebr.; to the Committee on Public Buildings and Grounds.

By Mr. GOLDFOGLE: Concurrent resolution (H. Con. Res. 46) providing for the printing of additional copies of House Documents Nos. 939 and 908, of the Sixty-third Congress, relative to the dress and waist industry in New York City; to the Committee on Printing.

By Mr. MURDOCK: Resolution (H. Res. 592) requesting the Secretary of the Treasury to inform the House of Representatives of the number of persons paying taxes upon incomes of more than $250,000 a year; to the Committee on Ways and Means.

By Mr. ROGERS: Resolution (H. Res. 593) authorizing the printing of 5,000 copies of The Hague Conventions of 1899 and 1907, as a House document; to the Committee on Printing.

By Mr. FARR: Resolution (H. Res. 594) authorizing the Secretary of Agriculture to investigate the cause or causes of advances in the price of foodstuffs; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 18385) for the relief of the widows of L. W. Hughes and L. A. Cain; to the Committee on Appropriations.

By Mr. COOPER: A bill (H. R. 18386) granting an increase of pension to John C. Magill; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 18387) granting an increase of pension to Fenimore P. Cochran; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 18388) for the relief of the Ursuline Convent; to the Committee on War Claims.

By Mr. MACDONALD: A bill (H. R. 18389) granting a pension to Chester H. Bettison; to the Committee on Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 18390) granting a pension to Lydia F. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18391) granting an increase of pension to Mary M. Ayers; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 18392) for the relief of Ed Van Buskirk; to the Committee on Claims.

By Mr. STEPHENS of Nebraska: A bill (H. R. 18393) granting an increase of pension to Melissa E. Dickinson; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 18394) granting an increase of pension to Anna Fetterly; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 18395) granting a pension to George W. Townsend; to the Committee on Pensions.

Also, a bill (H. R. 18396) granting an increase of pension to Oscar Stice; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request and under the rule): Petition of D. H. Johnston, governor of the Chickasaw Nation, relative to distribution of the Choctaw-Chickasaw funds; to the Committee on Indian Affairs.

Also (by request and under the rule), petition of the Evangelical Slovak Union, against making Columbus Day a national holiday; to the Committee on the Judiciary.

Also (by request and under the rule), petition of Wharton Barker, of Philadelphia, Pa., relative to building up United States merchant marine; to the Committee on the Merchant Marine and Fisheries.

By Mr. BAILEY: Petition of letter carriers of Hollidaysburg, Pa., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. BROWNING: Petition of 20 citizens of Wenonah, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. GRAY (by request): Petition of sundry citizens of the sixth congressional district of Indiana relating to Senate joint resolution 144 and House joint resolution 282, to investigate claims of Dr. F. A. Cook to be discoverer of the North Pole; to the Committee on Naval Affairs.

By Mr. HELGESEN: Petition from 30 citizens of North Dakota, praying for the passage of the Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of L. J. Miller, of Sutersville, Pa., against national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of various business men of Nebraska City, Nebr., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. MERRITT: Petition of Mr. H. L. Smith, of Gouverneur, N. Y., favoring the appointment of a national motion-picture commission; to the Committee on Education.

Also, petition of Mr. H. L. Smith, of Gouverneur, N. Y., favoring the passage of the Sheppard-Hobson resolution providing for a national prohibition amendment; to the Committee on Rules.

Also, petition of Mr. George H. Springs, of Port Henry, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Mr. George H. Springs, of Port Henry, N. Y., favoring the appointment of a national motion-picture commission; to the Committee on Education.

By Mr. NEELEY of Kansas: Petition of the Shaw League and Shaw Sunday School, of Gray County, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of the Marine Engineers' Beneficial Association, of San Francisco, Cal., against legislation that would permit other than American citizens licensed by the Steamboat-Inspection Service serving on any vessel under the American flag; to the Committee on the Merchant Marine and Fisheries.

Also, protest of the Tobacco Association of Southern California, against an increase of taxes on manufactured cigars; to the Committee on Ways and Means.

By Mr. PROUTY: Petition of the faculty and students of the Highland Park College, of Des Moines, Iowa, asking for an adjustment of the polar controversy; to the Committee on Naval Affairs.

By Mr. SINNOTT: Petition of 39 citizens of Wasco County, Oreg., favoring national prohibition; to the Committee on Rules.

Also, petition of 14 citizens of Sumpter, Oreg., and the labor union of Baker, Oreg., against national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of S. J. Pollock and others, of Belleville, Mich., against House bill 16904 relative to the Sibley Hospital; to the Committee on the District of Columbia.

By Mr. STEPHENS of California: Petition of the Tobacco Association of Southern California, against increased taxes on manufactured cigars; to the Committee on Ways and Means.

SENATE.

MONDAY, *August 17, 1914.*

(*Legislative day of Tuesday, August 11, 1914.*)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

REGISTRY OF FOREIGN-BUILT VESSELS.

Mr. O'GORMAN. Mr. President, I ask that the pending conference report be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the conference report on House bill 18202.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

Mr. GALLINGER. Mr. President, I would suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Bankhead	Fall	Overman	Stone
Bryan	Gallinger	Penrose	Swanson
Burleigh	Hitchcock	Perkins	Thomas
Burton	James	Pomerene	Thornton
Camden	Jones	Saulsbury	Tillman
Chamberlain	Kern	Sheppard	Walsh
Chilton	Lea, Tenn.	Smith, Ga.	Weeks
Clark, Wyo.	Martin, Va.	Smith, Md.	
Culberson	Martine, N. J.	Smoot	
Cummins	O'Gorman	Sterling	

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. This announcement will stand for the day.

I will also state that the junior Senator from Vermont [Mr. PAGE] is necessarily absent on account of illness in his family. I will let this announcement stand for the day.

I wish also to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness.

Mr. CLARK of Wyoming. I desire to announce the unavoidable absence of my colleague [Mr. WARREN]. I make this announcement to stand for the day.

The VICE PRESIDENT. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CLAPP, Mr. COLT, Mr. DILLINGHAM, Mr. GRONNA, Mr. LANE, Mr. NORRIS, Mr. THOMPSON, and Mr. WHITE answered to their names when called.

Mr. OWEN, Mr. BRADY, Mr. POINDEXTER, and Mr. LEE of Maryland entered the Chamber and answered to their names.

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

Mr. PENROSE. Mr. President, I shall detain the Senate but a very few moments. I rise to make a brief statement upon the pending bill, and I would ask permission to have the Secretary read three telegrams, which are merely a sample of thousands which I have been receiving in the last two weeks.

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

The Secretary read as follows:

NEWPORT NEWS, VA., *August 15, 1914.*

Senator BOIES PENROSE,
Washington, D. C.:

Many thousands of people on the Virginia Peninsula will be rendered practically homeless by the passage of the amendment admitting foreign-built ships to our coastwise trade. Eighteen millions of dollars invested in the shipbuilding industry here, besides property now worth perhaps twice that sum and dependent for value upon that industry, will be wiped out of existence. I most respectfully but urgently protest against the passage of the amendment which will accomplish this result.

B B. SEMMES, *Mayor.*

WARREN, PA., *August 16, 1914.*

Hon. BOIES PENROSE,
Senate, Washington, D. C.:

I beg to call your attention to the new shipping bill admitting foreign-built vessels in coastwise trade of this country. Such action would be a disastrous blow to American built vessels. As I and a number of friends are largely interested in American-built vessels, I trust you can see your way clear to oppose admission of foreign-built vessels to coastwise trade.

JERRY CRARY.

WARREN, PA., *August 16, 1914.*

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.:

Many of our friends here and ourselves are largely interested in American shipping and its future welfare. We vigorously protest against admission to coastwise trade of foreign-built ships, even though flying our flag. Such an act would most seriously jeopardize hundreds of millions of American dollars now invested in our domestic shipping.

F. H. ROCKWELL & CO.

Mr. PENROSE. Mr. President, I have here a memorial addressed to myself, signed by thousands of the employees of the William Cramp & Sons Ship & Engine Building Co., of Philadelphia, Pa., declaring that they oppose the shipping bill now before Congress, as it would deprive them of their means of livelihood. At the proper time, when petitions are in order, I shall present the memorial and ask to have it lie on the table.

The VICE PRESIDENT. The memorial is in order now as a part of the discussion of the bill.

Mr. PENROSE. I will then present it now.

The VICE PRESIDENT. The memorial will lie on the table.

Mr. PENROSE. Mr. President, I am fully aware of the world-wide crisis which makes it necessary or desirable to do something for the relief of the conditions of our foreign commerce and enable us to carry American cargoes and American products in American bottoms under the protection of the American flag. But it seems to me that the proposition has been carried to an extreme which is utterly unjustifiable. In fact, it is difficult for me to conceive of legislation carried to such a radical and destructive extreme as seems to be contemplated by the pending bill.

There is no justification for this extreme measure. There is, in my opinion, no necessity for it. It is a sudden and unwarranted reversal of the policy of this country during almost the whole period of our national existence.

The coastwise law giving to American ships and American sailors the carrying trade from one American port to another has been the law of this country under Democratic administration as well as under Republican administration for a hundred years or more. The shipowners and builders of this country have "made good" under it. It is only American shipping in the foreign trade, which is without encouragement, that has declined.

American shipping in the coastwise trade has grown steadily. In 1883 this shipping amounted to 2,838,000 tons. By 1893 it had increased to 3,854,000 tons. In 1903 it amounted to 5,141,000 tons, and in 1913 to 6,816,000 tons. It is undoubtedly now 7,000,000 tons or more of American shipping engaged exclusively in American commerce. A part of this is on the Great Lakes, but by far the greater part is engaged in trade on the Atlantic Ocean, the Pacific Ocean, and the Gulf of Mexico.

The progress of this American industry, which is suddenly and without warning put in the present bill on a free-trade basis, is one of the most remarkable achievements of the United States. Though for reasons well understood in this body there are very few American ships engaged in trade overseas, the immense size of the coastwise shipping makes the United States the second maritime power in the world, having more tonnage than the German Empire has in both foreign and domestic commerce, and, indeed, more than Germany and France combined.

The building and repair of this great fleet of coastwise ships give constant employment to American labor. The maintenance and operation of the ships furnish employment to many more Americans. Twenty years ago the reports of the Commissioner of Navigation show that not more than 30 per cent of the men employed on American ships were American citizens. But the records of the United States shipping commissioners show that the number of American citizens so employed has been notably increasing of recent years. Thus in the year 1907 there were shipped by these commissioners on vessels of the United States chiefly in the coastwise trade, 69,822 American citizens, of whom 44,085 were natives of this country, and 25,737 were naturalized. In 1913 these commissioners shipped on vessels of the United States 95,820 American citizens, of whom 63,040 were natives of this country and 32,780 were naturalized. American citizens now make up one-half of the crews shipped by the United States commissioners. The bill of the conference committee, allowing the suspension of the law that requires that the officers of vessels of the United States shall be citizens of the United States, would inevitably lead to the displacing of American seamen by foreigners, for foreign officers would naturally prefer foreign crews, who not only will work for lower wages but will put up with mean living conditions and are less high spirited and more subservient than Americans.

This proposed bill, admitting foreign-built ships to American registry for the coastwise trade is a deadly blow at American labor, and American labor will sharply resent it at the very first opportunity. The emergency that exists can be met by confining foreign-built vessels, as the House bill proposed, to American registry for the foreign trade only. If admitted to the coastwise trade they will seek that trade because they will be safe there from annoyance by belligerent cruisers and safe from exorbitant war insurance rates. The original motive of this proposed legislation will be wholly defeated unless the coastwise amendment is stricken from the bill.

Mr. WEEKS. Mr. President, I wish to submit for the RECORD the protest of 2,000 employees at the Fore River Shipbuilding Yards, Quincy, Mass. Necessarily it has been difficult to get all of the interests which are involved in the pending legislation notified of its destructive qualities, but four or five days ago it was brought to the attention of the employees at this yard, and substantially every man has signed this protest, which I send to the desk and should like to have incorporated in the RECORD.

Mr. President, this protest expresses the fear which these men have that their employment, which has been of long standing in many cases, is going to be entirely taken from them. The employees of a great shipbuilding company are very largely expert machinists; they are not, to any considerable extent, the common labor which can be employed in any work, but are men who are trained for this particular service. If they lose

that employment it will be difficult for them to establish themselves in a similar work.

The VICE PRESIDENT. In the absence of objection, the protest will be printed in the RECORD.

The protest referred to is as follows:

FELLOW EMPLOYEES: The time at our disposal to prevent the passage of the bill which is engaging the attention of the Senate at the present time is very limited, as the vote is taken on Monday which will completely destroy the shipbuilding industry in this country. This bill provides free American registration for ships built in foreign countries, but also includes all our coastwise trade, which, up to the present time, has been rigidly maintained for the exclusive use of American ships built in American shipyards. The effect of the present bill will be to totally destroy our present source of employment, as foreign-built ships would dominate and control the whole situation. Your vote as a protest against the passage of such a bill is urgently required to present to the Senate, thus showing that you realize the effect which it would have on employees not only actually engaged in the construction of ships, but in the manufacture of the products which enter into it:

On behalf of the employees I ask your support in trying to prevent such an outrage on men engaged in our industry.

Mr. WEEKS. Mr. President, I also wish to read for the RECORD a protest signed by the secretary of the Carpenters' District Council of Boston. It is as follows:

BOSTON, MASS., *August 15, 1914.*

Hon. JOHN W. WEEKS,
Washington, D. C.

DEAR SIR: In behalf of our affiliated locals, numbering at present 32, we wish you to enter protest against the passage of legislation which will permit foreign-built ships or foreign-manned ships registering in American coast trade.

First. It will tend to reduce wages and demoralize the standard of American living.

Second. It will have a disastrous effect on our shipbuilders, their employees and kindred trades.

Yours, truly,
JOSEPH F. TWOMEY,
Secretary Carpenters' District Council.

I wish also to read into the RECORD an editorial taken from this morning's New York American, which is as follows:

AMERICANIZE THE SHIPPING BILL NOW AND AVOID FUTURE DIVISIONS.

The official appeal of tidewater Virginia to Mr. William Randolph Hearst and his newspapers for aid against the un-American shipping bill is a striking illustration of the intensity of the difference and opposition which that measure, as at present constructed, is receiving inside and outside of the Democratic Party.

The two Democratic Senators from Virginia—MARTIN and SWANSON—are opposing the bill vigorously.

It is not yet too late to amend and reshape the present shipping bill to make it more acceptable to the country.

The necessity for a merchant marine is so keen and pressing that many Senators seem willing to vote for any kind of an emergency bill that will meet the present situation, with the probable view that it will be at least the beginning of a merchant marine to meet the present urgent emergency, and can be amended and made American at leisure after it goes into operation.

There are some honest, even if humid and badly mistaken, Senators who take this view.

But, in the name of American common sense, why not take two or three more days now and lop off the unnecessary and un-American features that excite violent and continued opposition and give us from the beginning a more acceptable and serviceable bill that will do unimpeded service during this emergency and require less wrangling over when the European war is ended.

It is plainly and clearly not necessary to surrender everything American and to sacrifice our domestic shipping in order to get the ships to carry our Atlantic commerce and our South American trade.

Since the discussion began it has been made perfectly clear day by day that we can get the ships we need as American-owned ships.

Then why rush ruthlessly to a foreign ownership?

Why injure American commerce? Why seriously damage American shipyards?

Why raise serious questions of international law with other countries unless it was absolutely necessary to do so, unless it was the only way to get what we want?

That is the common-sense question at issue before the Senate.

It will be utterly impossible to maintain in Congress or before the people a merchant marine that is not American. It will be fought from the beginning to the end, and the American, whatever the outcome of Monday's senatorial ballot, will continually advocate the definite Americanizing of our marine, as it has always done.

This continual and inevitable division will do the bill more harm by far than can be done now by taking two days longer to insert the provisions that will provide a permanent American marine and will duly consider the American owners, the American officers, and the American men.

Just a little broad-minded, resolute national spirit now is needed in the eager rush for this commercial opportunity, and we can have a good merchant-marine bill instead of a bad bill.

Hasty legislation is always to be deplored. Let the Senate be deliberate and wise.

Mr. President, there are three or four questions involved in this legislation. The first question is, Is there need for ships in the trans-Atlantic service? Undoubtedly when this legislation was introduced there was pressing need for such ships, because the service of the vessels of all nations involved in the European war was temporarily discontinued. Since that time, however, the German fleet has been practically confined in its operations to the Baltic Sea and the ocean lanes of traffic for other merchant lines than those of Germany and Austria have practically been open.

It was stated yesterday in the New York Sun that substantially all of the English lines were prepared to continue their operations as heretofore, in some cases changing their English destination from Southampton to Liverpool, and that with the exception of the German and Austrian lines all other European lines, including the French, were in active operation.

Insurance rates, which vary from day to day and which represent the opinions of experts on the hazardous character of the business, are gradually, even rapidly, decreasing. The rate now charged bona fide American ships which are owned by American citizens and which were flying the American flag before the war is only about 2 per cent. The rates for "whitewashed" American ships, as indicated by the probable action of the insurance companies, would be substantially the rates charged for other shipping, even that included in the list of countries now at war, other than Germany and Austria. The rate on English ships is from 10 to 15 per cent; and there is a similar rate on French ships. As I have said, these rates are decreasing from day to day.

So our trans-Atlantic service is not entirely discontinued. The only real discontinuance that will affect our traffic is that of the German regular lines—the Hamburg-American Line and the North German Lloyd Line particularly. They are not entirely cargo carriers; they are very largely passenger ships; and therefore their loss is not so effective in preventing our shipping the goods which Europe needs and which we have to sell.

Necessarily European travel is going to fall off, and therefore the same number of steamers will not be required for this service that were required before the war. What we need is cargo carriers. The English Nation largely controls that service, and, as I have said, their ships are now in operation, at what seems a high insurance rate in normal times, but a rate that is decreasing from day to day and which will necessarily decrease as the conditions of the war progress if the English are successful on the seas.

Then we have in our own service six ships in the trans-Atlantic trade—the *St. Paul*, the *St. Louis*, the *New York*, and the *Philadelphia*, of the American Line, which are subsidized under the mail-subvention act, and the *Finland* and the *Kroonland*, of the Red Star Line, which are American built and American officered. Those ships are in actual operation to-day, and are carrying their full capacity of passengers and freight.

We also have the Ward Line between the Atlantic coast and Cuba and Mexico; the Red D Line between New York, Porto Rico, and Venezuela; and in the Pacific five ships of the Pacific Mail Line to the Orient, three ships to Australasia, all subsidized; one ship from Seattle to the Orient; and, in addition to that, between the coasts the American-Hawaiian Line, the line controlled by Luckenbach & Co., the line controlled by W. R. Grace & Co., and the line controlled by John S. Emery & Co., of Boston, these latter all prepared to take advantage of the Panama Canal and conduct a better service between the two coasts.

Mr. President, I am not opposed to the emergency bill as it passed the House, but I do not think it is nearly as necessary as it was when introduced; I think we will find that owing to the decreased volume of passenger traffic and of freight offering between here and Europe our ships and the English ships and the French ships will be able to take care of it fairly well; but if not, there are numerous offerings of our coastwise shipping to-day to go into this service. I was informed this morning by the representative of one company that his company had just offered four ships having an average tonnage of 7,200 tons to the Government, as they did when it looked as if we were likely to have war with Mexico. At that time they offered this tonnage to the Government for three or four months. Why? Because they wanted to do a patriotic service, in the first place, and because their ships were not employed to full capacity, in the second place. There are numerous cases of offering of coastwise vessels; the coastwise trade is dull now, so that we may supplement the English and French and the American service which we now have for the trans-Atlantic trade with many ships which are not now employed in the coastwise trade.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WEEKS. Yes; I yield.

Mr. HITCHCOCK. Will the Senator state whether any of our coastwise shipping has actually entered the foreign trade since this disturbance began?

Mr. WEEKS. Mr. President, I understand that in one day in New York there were 10 applications for transfer from the coastwise to the ocean carrying trade. I have not the figures at hand, but I think that statement is authentic; and I am quite confident that, if insurance rates warrant, there will be ample offerings of shipping for that purpose.

I want to suggest here that the most important thing we could do would be to try to bring down insurance rates to a living figure. That is what England has done with its trade; the English Government has been and is cooperating with English shipping interests in regard to insurance rates, and that would be the most effective step we could take to get our trans-Atlantic traffic carried cheaply and effectively.

Mr. HITCHCOCK. Mr. President, that matter is being taken care of, as I understand, by a separate bill. I want to ask the Senator if he can tell the Senate the amount of tonnage now available in our coastwise trade which could be put into the international trade?

Mr. WEEKS. Mr. President, I can not do that with accuracy, and I would not want to guess at figures. I have just stated that one company, doing a coal-carrying business, has offered 28,000 tons of shipping for this purpose; and it is reported that the American-Hawaiian Line has offered a considerable part of its shipping for this service. I have no doubt that there is a very large tonnage available, if the insurance rates will warrant its going into the foreign service.

Mr. BURTON. Mr. President, will the Senator from Massachusetts yield for an interruption?

Mr. WEEKS. I yield.

Mr. BURTON. Is it not true that the offering of ships of American registry for the foreign trade all depends upon insurance against war risks? There are boats which would enter the foreign trade, but they do not wish to do so until they can obtain reasonable insurance rates; they are asking Congress to pass a bill under which the Government shall guarantee against loss by capture or from floating mines and other losses incident to the war, and until that question is settled we can not know whether or not these ships will enter the foreign trade.

Mr. HITCHCOCK. Mr. President, I should like to pursue that inquiry a little further. Is it not expected that the result of the war will really increase the trans-Atlantic trade by reason of the increased demand for our products from Europe?

Mr. WEEKS. Mr. President, the first effect has been to decrease trade. Of course, passenger traffic is going very largely to fall off; it has already largely fallen off. As soon as we get our people home, the passenger traffic is going to be greatly reduced from what it is in normal times. Great importations have been coming into this country from Germany, amounting to several hundred millions of dollars a year. Necessarily, that business, if the English Government controls the seas, is going to be wiped off the slate; so that in all probability the volume of trade until the war terminates will be much less than in normal times. Our exports to Germany, for instance, were $332,000,000 last year.

Mr. HITCHCOCK. But they were all in German boats, were they not?

Mr. WEEKS. Oh, not necessarily. It depends on the kind of traffic. It may be in any kind of a cargo carrier—a Norwegian boat, for instance.

Mr. HITCHCOCK. My information has been that one-fifth of all our trans-Atlantic trade has been in German bottoms heretofore.

Mr. WEEKS. I do not think that is correct. I have not the figures at hand, but I think that is distinctly wrong, because the number of German cargo carriers is relatively small, and always has been. If we were to consider alone the kind of traffic that is carried by the mail lines or the passenger lines, like the Hamburg-American and the North German Lloyd, which include passengers, I should say quite likely that statement would be true; but the heavier, bulkier freight—iron products, potash, phosphates, and things of that kind—is carried by tramp steamers and the steamers of any nation; of those, Germany has a relatively small number.

Mr. HITCHCOCK. The figures I had in my mind were that the total tonnage last year was 17,000,000 tons, and that of that amount the German vessels carried between three and four million tons.

Mr. WEEKS. Mr. President, I understand that a rule was adopted about 20 minutes' time, if other Senators wish to speak. I am quite willing and glad to answer inquiries, but there are a few things which I want to state in my own time; and if I am to be limited to 20 minutes and the inquiries are to be taken out of that time, I shall have to ask that I be not interrupted again.

The VICE PRESIDENT. The Chair has no way to keep the time except by the time a Senator is on the floor, and the Senator's 20 minutes have expired.

Mr. WEEKS. Mr. President, it seems to me this is a time when we might find out how many there are who wish to speak, and, if possible, that I might be given additional time.

Mr. POMERENE. My understanding of the rule was that the 20-minute provision applied only after 2 o'clock.

The VICE PRESIDENT. Oh, no.

Mr. STONE. There is to be no debate after 2 o'clock.

The VICE PRESIDENT. A vote is to be taken at 2 o'clock.

Mr. STONE. Mr. President, unless the time of the Senator from Massachusetts is to be extended, I desire to take the floor now in my own right.

Mr. THOMAS. Mr. President, I think it is hardly fair, in view of the interruptions to which the Senator has submitted, to count that time against him. I had intended to say something, but I am perfectly willing to waive any right I have in favor of the Senator from Massachusetts.

The VICE PRESIDENT. There is no earthly way in which the Chair can keep track of interruptions. The Senator who has the floor has the floor.

Mr. STONE. How much time does the Senator desire?

Mr. WEEKS. I should like to consume a good deal of time, but if I might be given 10 minutes without interruption I will try not to detain the Senate further.

Mr. STONE. There are several Senators, I know, who desire to speak on this matter between now and 2 o'clock.

Mr. WEEKS. I do not wish to take any more time than I am entitled to; but I inadvertently allowed interruptions, not thinking of the 20-minute rule, which was adopted when I was not present.

Mr. STONE. Mr. President, I ask that the Senator's time be extended 10 minutes.

Mr. SMOOT. That can not be done under the unanimous-consent agreement.

The VICE PRESIDENT. It is wholly impossible to change the unanimous-consent agreement unless it is going to be wiped out.

Mr. GALLINGER. Mr. President, undoubtedly the Senator from Massachusetts can continue under the unanimous-consent agreement unless some other Senator says he desires to speak.

The VICE PRESIDENT. Yes; there is no doubt about that.

Mr. GALLINGER. So the Senator can continue unless some Senator interrupts him.

Mr. STONE. Then I shall not insist on the floor until the Senator has occupied his 10 minutes.

The VICE PRESIDENT. The Senator from Massachusetts may proceed for 10 minutes, unless some other Senator desires to speak.

Mr. WEEKS. Mr. President, one of the questions which we should consider is this: Is it safe to purchase ships and make transfers as proposed under this bill? I shall not have time to discuss that matter in any great detail. I think if bona fide transfers are made, if the ships are actually paid for, quite likely it will not get us into trouble; but if we permit any paper transfers, the organization of paper corporations to take over the large shipping interest which we know is waiting to be sold to Americans, then we are liable to get ourselves into very serious trouble.

I find a precedent which might apply in such a case. During our Civil War, when Capt. Semmes, in the *Alabama*, was cruising in eastern waters he fell in with a ship which looked like an American, flying the British flag. It turned out to be a ship called the *Martaban*, which had been known in the American service as the *Texan Star*. This ship was in an Indian port and transferred its allegiance to England in some form—due form, as far as the ship's papers were concerned. Capt. Semmes made this report:

> In the Straits of Malacca, at half past 11 a. m., "Sail ho!" was cried from the masthead, and about 1 p. m. we came up with an exceedingly American-looking ship, which, upon being hove to by a gun, hoisted the English colors. Lowering a boat, I sent Master's Mate Fullam, one of the most intelligent of my boarding officers, and who was himself an Englishman—

That is noteworthy—

> on board to examine her papers. They were all in due form, were undoubtedly genuine, and had been signed by the proper customhouse officers. The register purported that the stranger was the British ship *Martaban*, belonging to parties in Maulmain, a rice port in India. Manifest and clearance corresponded with the register, the ship being laden with rice and having cleared for Singapore, of which port she was within a few hours' sail. Thus far, all seemed regular enough, but the ship was American—having been formerly known as the *Texan Star*—and her transfer to British owners had been made within the last 10 days, after the arrival of the *Alabama* in these seas had been known at Maulmain.

Capt. Semmes removed the officers, who were Americans, and the crew, who were Americans as well, hauled down the British flag, and destroyed the ship and cargo. There was no question about the cargo having been British. It was shipped in a British port to another British port, and yet he burned the

ship and the cargo, and no protest against this action was ever made by the British Government, either at the time or later.

That is an indication of what may happen. What are we going to do if one of these transferred ships, transferred under similar conditions, is carrying a cargo from one American port to another, if you please, and an English man-of-war overhauls her, takes off her crew, and sinks the ship, hauling down the American flag? What position are we going to take? Are we going supinely to do what the English did under those circumstances, knowing that we are in the wrong, or are we going to protect our flag, as we should do, on the high seas? I simply instance that as one of the possibilities that may come out of this legislation; and yet if the bill were before us in its original form I would vote for it notwithstanding that dangerous possibility, because in a case like this I think everything should be done that can be done to protect our interests, and I hope these dangerous conditions would not arise.

Now, the question arises, Is there need for further shipping in our coastwise service? I should like to discuss that subject in great detail, but the evidence is on every hand that the coastwise shipping is largely idle at this time; that there are ships not only on the Pacific coast, but very many of them on the Atlantic coast, which are ready to go into the foreign service if it can be conducted profitably; that there is sufficient tonnage not only to do the coastwise business under present conditions, but to supplement our foreign trade. Under those circumstances, what possible reason can there be for injecting here this proposition, which came as a result of the conference, to open our coastwise trade to foreign shipping without limit for the next two years?

That has been tried several times before. You will recall that during the consideration of the Panama Canal bill in 1912 that proposition came up, and was promptly voted down by the Senate. I do not remember whether it appeared in the House or not. Only six weeks or two months ago we had a similar proposition before the Senate, during the consideration of the canal-tolls bill. The amendment of the junior Senator from Missouri [Mr. REED] was pending, as amended by the Senator from Wisconsin [Mr. LA FOLLETTE]. It opened our coastwise trade to foreign ships. The vote on that amendment, as Senators on the other side will recall—many of whom, I understand, are going to vote for this proposition, though they voted against that one—was only 12 in favor, 67 against, and 16 absent.

There never has been an expression of opinion, either in the Senate or in the House or in the country, when there was any demand to open our coastwise trade to the ships of foreign nations. We will not only destroy a great interest, in my judgment, but we will do more than that, because the protection of shipping is not like the protection of any other industry. The protection of a manufacturing industry may affect that industry alone. The destruction of the shipping industry not only destroys that industry, but it also prevents the developing men for our naval service and ships for our naval service, and in many other respects demoralizes a service which is of great national value to us.

It is said that there are not sufficient officers to command and to serve on board the ships that may come here. Possibly that may be found to be true; and yet I should like to call to the attention of the Senate the fact that the State of Massachusetts has been maintaining a school ship for a great many years, spending something like $60,000 a year for that purpose. The ship has been furnished by the Government, and there have been turned out every year 40 or 50 American boys competent to serve in any capacity on board any ship, either in a minor or in a primary capacity. There are a large number of men serving in our coastwise fleet as officers in junior capacities who have passed or are competent to pass examinations of the first class—that is, the navigation examination, the seamanship examination, and other examinations which would entitle them to the command of a ship in the deep-sea service. It is not necessary, in my judgment, to admit the possibility that we must go abroad to obtain officers or men for our service. It would be a serious handicap to the development which has been going on for years in Massachusetts and New York and Pennsylvania in the way of educating these young men for this service, if at this time, instead of promoting these young fellows who are entitled to promotion, we should say to them: "You are not fit, so we will take foreign officers for this service."

Mr. President, just one word about the taking over of foreign shipping for this service and what is being done to prevent it. I noticed in the New York World yesterday an editorial attacking the American shipping interests for appearing in Washington at this time to protest against this legislation. Why should not they appear? They are representing an industry that employs $100,000,000 or more of capital, that employs 50,000 men in addition to the people employed in developing the material that goes into the ships, that employs in the shipping interest itself large numbers of American citizens. Why should not they be here? And why should they be criticized any more than any other citizens for coming here to point out to Congress that this legislation is going to be damaging to their interests?

Does anybody criticize the cotton growers of the South for coming here and trying to point out how their interests can be promoted? Does anybody criticize any other similar interest for doing the same thing? Not at all. We take that as a matter of course, for it is their right and their duty to do so.

This talk about a "trust" in the shipping business is without any foundation. We have seven or eight great shipyards in this country. The time has never been, when the United States has asked for bids for the building of a battleship or any other craft for the service, when there has not been active competition among those yards. The same is true as to ships for other service. It is not a profitable industry, even under the present conditions. The great yard in Massachusetts, the Fore River Shipbuilding Co., which employs in normal times 3,000 men, has been reorganized three times during the last 20 years. The Cramp company, which is familiar to you all, has been reorganized. There is not any evidence anywhere, and there never has been a word of evidence taken, that there is any combination among these shipbuilding interests or that the industry is profitable, even to the extent of a reasonable return on the amount of capital invested.

This other claim of a combination which controls our coastwise trade is equally without foundation. It is true that certain steamship lines do conduct a service, carrying passengers between certain ports on the Atlantic coast, and they do control that kind of carrying capacity; but that is only a small part of the coastwise trade of this country. I can say to Senators, also that there is not a single one of those companies in the case of which, if anyone wants to invest money, he can not buy the stock at less than their replacement value, and in some of them, to my knowledge, it can be bought for less than 50 per cent of its replacement value.

All of this talk about trusts controlling the shipbuilding industry of this country or controlling the coastwise shipping is so entirely without foundation that it ought not to be credited by any Senator for one moment.

I see that I have used the 10 minutes that were kindly allotted to me, and I am not going to trespass on the time of others. If time develops before 2 o'clock, I should like to continue the remarks which I intended to make.

Mr. STONE. Mr. President, within the 20 minutes at my disposal I can not discuss our entire code of navigation laws, not even that part relating to coastwise shipping, nor have I time to inquire into the extent of American tonnage and shipping facilities. The Senator from Massachusetts [Mr. WEEKS] seems to think there is a sufficient supply of ships now having American registry to answer the emergency immediately upon us. I do not agree with him, but, on the contrary, I am satisfied that we can not depend upon American ships now registered under our laws to meet more than a small fraction of the demand the country is making for facilities for transportation to foreign ports of the products of our fields and factories. I can not, within the limits of my time, take that matter up in detail. I assume and assert that we are very short of ships for the service I indicate. If we are not short of ships then this legislation is wholly unnecessary.

Mr. President, I wish here to say that I seriously doubt whether it is wise or advisable to enter upon the work of revising our navigation laws to any extent not absolutely necessary when we are now supposed to be engaged upon the work of enacting legislation to meet a pressing emergency. At the proper time, and when we can have before us a measure covering our entire system of navigation laws, and when we will have time to give to that subject the consideration its importance deserves, I shall be glad to take it up. Primarily, I do not hesitate to say that I favor admitting all ships of American registry into both the coastwise and over-seas traffic; but I seriously doubt the wisdom of undertaking at this time and in connection with this emergency legislation to revise this long-established system of laws—a system involving a national policy, I think a mistaken policy, but one which has been in force for many years, and undertake to discuss and dispose of such a question with only a few hours of hasty and imperfect consideration. I look forward with the hope that in the almost immediate future Congress will take up the question of enacting legislation in a large way with a view to rehabilitating our merchant marine. I am anxious to do that and will be glad to dis-

cuss the various aspects of that legislation when the occasion arises.

But, Mr. President, at this time the only paramount object I have in mind, and which I suppose this Congress had in mind when this legislation was initiated, is to procure and supply adequate facilities, immediately available, for transporting our products to foreign markets, and thus ameliorate, if not terminate, the congested condition now prevailing. I am not seeking at this time to provide additional ships for service in the coastwise trade, but to provide additional ships for use in the over-seas traffic. I want to reach the outside markets of the world. I think the conference bill now before us will have little, if any, effect beyond putting a number of foreign ships into the coastwise business without adding anything of consequence to the carrying facilities for our products going abroad. I am not sensitive about the effect of this legislation on the coastwise shipping interests. The coastwise shipping is a legalized monopoly, and I have no sympathy with it; but if we shall permit ships purchased under this act to go into the coastwise business, they will not go into foreign business. Why should they? There are numerous foreign-owned ships now idle in our ports unable to escape from them. If they leave the shelter of our ports, they are almost certain to be captured and confiscated. We are told that many of these ships are for sale to Americans at a low price, but Americans will not, in my opinion, purchase them for use in carrying our products abroad. The purchasers could not get anything like adequate insurance on ships or cargoes without paying rates so high as to make them prohibitory. I do not believe they will pay such rates of insurance and at the same time take the risk of having the ships captured and dragged into prize courts, where they may be condemned and confiscated. I went over all this the other day, and it is hardly necessary to advert to it more at length at this time. I do not believe that Americans will invest large sums in foreign ships under the provisions of this bill or under the provisions of any bill like this, for use solely in trans-oceanic trade, especially in trade going to any of the belligerent countries. But if you open our coastwise shipping to these foreign-owned ships, Americans will be tempted to purchase them at low rates and turn them into the coastwise business until the European war is closed; but, as I have said, that is not what we want.

The moment you open a coastwise business to ships purchased under this so-called emergency legislation you make it practically certain that the ships will not be used for the purpose which I have supposed was moving us to enact this emergency legislation. We erect an obstacle that will stand in the way of accomplishing the very thing we had in view when we initiated this legislation. What I am after now is to get ships for the over-seas traffic and not for the coastwise traffic. At this moment we are not looking for relief, so far as the coastwise business is concerned—we now have adequate facilities for that—but we want ships to take our products to the outside ports of the world. I think this bill would be an utter failure; it would hold out the word of promise and break it to the hope. As much as I favor putting all American registered vessels into the coastwise trade, if they elect to enter it, I think if we opened that trade to these newly purchased ships at this time we would defeat the very thing we are primarily attempting to accomplish. This proposition ought not to have been attached to this legislation, and the bill ought not to pass with it if we expect to get any benefit from it.

Personally I do not believe there is anything of value in this bill now before us, for the reason that Americans are not going to buy these ships and take the risk of operating them on the high seas unless the Government itself shall become the insurer and issue war risks covering both ships and cargoes; and I think it more than probable that we will have to do that before we can secure anything approaching adequate relief for our farmers and manufacturers. For myself, as I have said more than once, I believe the Government itself should buy the ships and furnish the relief so grievously needed, instead of leaving all this to private enterprise. In this emergency I am in favor of legislation for buying Government ships far more than for legislation authorizing private citizens to purchase them. There can be no doubt of the right of the Government to buy ships upon its own account; and if they do buy commercial ships they can be used in any way the Government pleases to use them. Only the other day we passed a bill authorizing the use of warships for carrying mails, passengers, and freight to the ports of South America. If we can use our warships for such purposes, we could certainly use our commercial ships for such purposes. The one really sensible thing for us to do would be for the Government to buy ships, and when the war storm raging in Europe is ended and normal conditions restored, the ships so purchased could be and should be transferred to the Navy Establishment as an auxiliary. I would not want to sell the ships we might buy, for that would entail a great sacrifice and loss. They ought not to be sold, even though no heavy loss should be incurred, but they ought to be attached to the Navy for its uses at all times and for the use of the Government in any period of emergency.

Mr. President, we are told that if the Government should purchase ships and carry cargoes on its own account, it would prevent the organization of a merchant marine owned and operated by private citizens or corporations. This statement is based on the idea that private enterprise would not compete with the Government. Why, Mr. President, no advocate of the policy of Government purchase ever favored for a moment the notion of the Government continuing in the commercial business of transportation in competition with private enterprise. As soon as the emergency confronting us is ended, the ships bought by the Government would be retired from commercial uses and devoted to naval purposes alone. There is nothing to that argument.

It is also said that if the Government itself undertook to operate vessels of its own in transporting cargoes to foreign ports, especially ports of belligerent countries, we would run the hazard of becoming embroiled with some of the countries engaged in war. I do not see why that should be so. I assume that the officials in charge and direction of the business would not be idiots; that they would not attempt to run blockades or carry contraband in their ships. Articles in ordinary use among civilized peoples, such as clothing and foodstuffs, are at most only conditional contraband. What do I mean by "conditional contraband"? I mean that if any attempt should be made to take such articles to a beleaguered fortress, or into an actually blockaded port, or to the armed forces of a belligerent on either land or sea, that would make them contraband; but ordinarily such articles are not contraband under international law. If the Government insures a ship and it is taken and dragged into a prize court, the Government, in fact, would be the real party interested in the case. I assume that the Government would not buy a foreign-owned ship if the foreign Government, whose people own it, had some claim upon the ship, at least that we would not buy it without the consent of that Government. But if the Government whose subjects own a ship is willing for the owners to sell it, no other nation has any right to object. As I have said, I assume that the Government officials operating or directing the operation of Government ships carrying American cargoes would be governed by the rules of prudence and common sense, as well as by the canons of international law. I do not think there is anything to the argument made on this ground against the purchase of ships by the Government.

Mr. President, my time, I see, is about up. I want to see something done in a sensible, practical way—something that will accomplish substantial results in the way of relieving the burdens this great war has cast upon our people. We did not start out to get ships for the coastwise trade, but to get ships to carry our products to Europe, to South America, and to the Orient. We do not now have bottoms sufficient to transport our products to these foreign markets, and because of that we are not only suffering at home but we are losing a great opportunity to develop and extend our commerce throughout the world, and especially on this hemisphere.

I am troubled about this bill, or, rather, as to what I should do with respect to it. I am so anxious to relieve the pressure upon us and afford an outlet for our products to the markets of the world that I hesitate to vote against or to delay the passage of any measure that promises relief; but I can not escape the conviction that this bill in its present form will accomplish practically nothing on the line upon which we should accomplish much.

Mr. SAULSBURY. Mr. President, I sincerely hope that the Senate will not adopt this conference report. To my mind there are two very good reasons why it should not be adopted. I will take the lesser one first, because it is purely a matter of money; it is purely a matter of the welfare of a certain line of business or lines of business in this country, whereas to my mind the other reason is a question largely of national honor.

Since this bill came from the House there has been injected into it, and particularly in the report of the committee of conference, a provision that to my mind may be destructive of a great business. So far as it goes it would be as destructive of one great business as if we had gone immediately without any step to absolute free trade in this country, and thereby destroyed necessarily many lines of business which had been hothoused to the point at which they then stood.

I do not care anything about the coastwise commerce of the country except as it benefits my fellow citizens. I do believe that that coastwise commerce is a great nursery of seamen. It is a great teacher of seamanship; and we see in the present condition of the world how absolutely necessary it is that a great nation shall have some power upon the sea, the greater the better.

The shipbuilders of this country have been greatly hampered in the past, Mr. President, by provisions which had no relation in themselves to shipping. I have tried to avoid any question of partisanship in regard to this bill or a reform of our shipping laws. I stated the other day when the Senator from New Hampshire [Mr. GALLINGER] was speaking that I might interject a great deal of partisanship into it; that coastwise shipping has been hampered in the cost of ships built by the high cost of the material that goes into them; that the high cost of the material which goes into them has been kept up to its prices largely by the necessities of the railroad combinations protecting themselves against a tidewater line from Pittsburgh to the coast, when we could have had all structural steel and shapes going into ships, where we could have built them, with the exception of a small percentage, with the labor in this country just as cheaply as they could be built on the Clyde. But though I believe that to be absolutely true, I do not believe in striking down at this time without any sufficient hearing a great industry that is for the great advantage of this country.

I proposed an act before this bill came from the House allowing foreign-built ships bona fide owned by American citizens to engage in voyages a part of which was through the Panama Canal. My idea of doing that was to confine the coastwise trade absolutely within the limits which now exist until we could in some sensible way, in some judicious way, get proper changes in our shipping and commerce laws which would enable our people properly to go forward in this great industry. I believe in that provision now, and were this agreement by the conference committee changed very slightly it would meet my views. Simply for the purpose of enabling Senators to consider it, I would suggest that any provision such as that which has been proposed by the conference committee, if amended as follows, would probably meet the views of a majority of the Senators here, as I am informed the way their views now are. If, in line 23, on page 3, of the conference committee bill, you should insert after the word "if" and before the word "registered" the words, "the voyage in which they are engaged is in part through the Panama Canal, provided they are," I think it would precisely meet my view and the view of the Senator from Washington [Mr. JONES], whose amendment was adopted by the Senate. In order that the Senate may understand what result this suggestion would produce, I will read the clause as it would then stand. Beginning on line 22, on page 3, of the conference bill, the language would read, if amended as I propose:

Foreign-built ships may engage in the coastwise trade if the voyage in which they are engaged is in part through the Panama Canal, provided they are registered pursuant to the provisions of this act within two years from its passage.

In that way, Mr. President, I would provide that until we may have a sensible revision of our shipping laws—and I think they need a sensible revision—the coastwise traffic shall be confined as it is and protected as it is by the provision that foreign-built ships may not engage in it. I would prevent by such a provision as that its extension to the interocean trade, because I do not think that is necessary. In their essence voyages from the Atlantic to the Pacific coast are deep-sea voyages; but, to my mind, to inject into this bill such a provision as is proposed by the conference committee would simply work vast hardship and might destroy the only shipping on which we could depend, and might practically destroy American seamanship. Therefore I am unalterably opposed to the provision as it exists in the bill.

The other provision which I have endeavored to have placed in this bill, Mr. President, and which I think should be in it, is one which would throw such safeguards around the acquisition of foreign shipping in this time of war that we would not be unnecessarily embroiled in the raging world-wide conflict. No one can tell what small match will start a great conflagration. I do not believe that this country will be drawn into this foreign war; God grant that it may not; but I can see elements in this bill which may greatly tend to give some foreign monarch or potentate an excuse for dragging us in and possibly then to plead that he must make peace with others because of the overwhelming forces that may be against him.

Mr. President, before this bill came here from the other House, before I knew what its provisions were or what would be presented to us, I had introduced a bill, entirely of my own motion, to which I would ask the attention of those Senators who may be interested in this subject when we come to consider this matter in a broad fashion, and I do not believe, as it now stands, that we can consider this bill in a broad fashion, so far as our coastwise shipping is concerned. We have no safeguards, in my opinion, provided in this bill against embroiling us with foreign nations which are at war. I would provide in this bill, Mr. President, that no ships should be admitted to American registry unless they were owned by Americans. The case referred to by the Senator from Massachusetts [Mr. WEEKS] this morning shows how easy it would be to get up a great excitement over the seizure and condemnation in a prize court of American ships or ships flying the American flag. I would provide absolutely, as far as I could, that every interest in a ship flying the American flag and purchased during this time of war should be owned by American citizens, and that the ship should be commanded by an American officer.

The provision suggested by me in the bill I drew, which was accepted by the Committee on Interoceanic Canals, has been stricken out in this bill, although accepted in the first place. That would have been a great safeguard and security. There is now no provision in the bill which requires that there shall be more than a very few dollars—and they may be fictitious dollars—invested by Americans in ships flying the American flag. The cost of a charter, the cost of a few shares of stock, if those shares are honestly issued for the directors of the company, a board composed for the purpose of making it nominally an American corporation owning these boats, will be entirely sufficient to protect the ship of any foreign nation at war unless such ship is liable to seizure or condemnation in the prize court. I would, Mr. President, in every way avoid embroiling ourselves in such a way as that.

I can not give my consent to any bill passing this body that does not involve actual American ownership. We can get plenty of ships, I think; we can get them for our citizens; we can buy those ships. The freight in a short time will pay back all the money required to do so in this time of war; but not one ship with fictitious ownership, belonging to foreigners, would I have in this time of war justly condemned in a prize court anywhere. We can not be too careful in providing that with respect to the warring nations of Europe we are absolutely straight and honorable in all our dealings. For myself, I do not believe that loaning the American flag for temporary purposes to owners of ships flying the flags of nations which are engaged in war, as this bill might do, is honest treatment of warring nations. I do not want that done. I want to keep this country out of entangling alliances abroad in this time of almost universal war. The provisions of the bill as I have offered to amend them would, I think, protect this country in all respects; but I am willing now to vote for any bill which, in my judgment, does not tend to drag this country into this world-wide strife. I am willing to do anything to advance the American merchant marine, not, however, at the expense of war or of the dangers of war.

Our position in this world to-day is a grand one. We are friends of all, and hoping to remain so, and while we occupy that position we can be the friends of all humanity; but let us for the sake of paltry dollars, let us for any selfish reason give just cause to the nations of this world to let them embroil us in war, our usefulness as a great popular governed nation of the world, hating war and seeking to avoid it in every way, will be destroyed. For that reason, Mr. President, I sincerely hope that when this bill passes the Senate, and when it finally passes Congress, there will be no element in it which will tend to drag us for paltry dollars into the pending world-wide strife.

I shall certainly vote against any bill or any provision in the bill which does not always keep us as far as we can be kept from any possibility of this world war which is now raging. So far as the present effort is concerned, well-meaning, well-intentioned, intending again to bring the American flag upon every sea of the world, of course, I want to see it successful; but I do not want to see it succeed at the possible expense of American honor or at the possible expense of involving our country in a war.

Mr. CLARK of Wyoming. Mr. President, it would without doubt be much more profitable to leave the discussion of this matter to those who are more familiar with the past history of the legislation and of the actual operation of our shipping laws, but I can not refrain from giving one or two reasons at least why I am unable to support the conference report.

I was not in the beginning so thoroughly impressed as were many other Senators with the idea that there was an emergency which required the immediate enactment of this legislation. At the same time, I was not unwilling that any legislation should be passed designed to meet even an apparent emergency, and therefore I refrained from voting against the bill upon its former consideration by the Senate. I think that the develop-

ments of the last three or four days have shown that the emergency is not nearly so acute as we have been taught to believe. I read that nine great trans-Atlantic steamships cleared from New York on Saturday and a smaller number from Norfolk and from other ports. We are told that the British Government has sent out word that the commercial lanes upon the ocean are open, and from other sources we find that the North Sea travel to the Scandinavian peninsula is open; so that I really have no great fear that the world's commerce will not be carried on notwithstanding the war.

Mr. President, the bill as it comes back from the conference committee is a far different proposition than when it left the Senate; indeed, I have very grave doubt whether, under the rules of this body, the conferees were authorized to bring in the report which we are called upon to approve or disapprove. The bill which was passed by the Senate provided that in order to meet the emergency vessels might be purchased abroad, might be registered in the foreign commerce of the United States, and might be officered by men not citizens of the United States. The bill as it comes from the conference committee provides that, but it also provides that such vessels, having been registered under the navigation laws of the United States for the foreign trade, may also enter into our coastwise commerce.

Mr. President, I think there is no one who has not been filled with sorrow when he contemplates the history of our merchant marine and realizes that although we once carried 80 per cent of our own commerce upon the high seas, American shipping in over-seas commerce has so far dwindled that we now carry barely 8 per cent. Through all these years attempts have been made and various devices have been proposed in the way of legislation to remedy that situation, but the American Congress thus far has not risen to the occasion. We have not given our shipping upon the high seas the same advantages which other nations have given their shipping, and, as a natural consequence, the foreign-owned and foreign-manned ships have taken the commerce of the high seas. But we have during a hundred years built up a splendid coastwise trade—as we heard this morning, a coastwise trade equal in tonnage to more than the entire domestic and foreign commerce of Germany.

This conference report proposes what? It proposes not only to let foreign registered vessels enter our coastwise trade, it not only proposes to give them equal advantages with the American owner, but it proposes to give them a great advantage over the American owner. I can not understand, Mr. President, upon what theory this clause in the conference report was written. For the government of our coastwise trade we have built up a set of laws and regulations in regard to the character of the vessel, in regard to the character of the service, in regard to the treatment which the sailor shall receive, in regard to living conditions, in regard to sanitation, in regard to air space, none of which a foreign vessel will be required to observe under this bill.

Why, Mr. President, I think in our merchant marine we have a greater percentage of native-born Americans than in any other great business in this country; but this bill now throws our merchant marine open to vessels officered and manned by foreigners. An American vessel with a foreign crew and foreign officers can not now enter into our coastwise trade, but under this bill a foreign vessel when admitted to American registry may do so. An American vessel can only operate in our coastwise trade by observing the laws of sanitation and good living which are commensurate with the welfare of American citizens, but a foreign vessel operating in that trade under this bill may throw aside all laws of sanitation, may throw aside all laws of right living, and may enter into this great business and ply between our ports with none of the restrictions which we place upon our own vessels or upon our own owners for the benefit of our own sailors. Why is it that in this bill, which is intended to meet an emergency in connection with the over-seas trade, we seek to break up a system of law that has made our coastwise trade the pride of us all? Why is it that we are to break up a system of laws that has been a hundred years in the making?

Nobody knows better than do the Senators upon the conference committee that if this question were here as a naked proposition, dissociated from the present emergency legislation, it would be argued and discussed for weeks and weeks in order to arrive at a just conclusion; and yet the conference committee brings it here before us in a conference report where we are obliged to reject the whole report without amendment or consent to the wrecking of the coastwise trade. Mr. President, whether or not foreign vessels should enter into the coastwise trade is a question that may well be the subject of debate, but the proposal that the foreign vessel shall come into the costwise trade at a distinct advantage over the American vessel ought not to be the subject of debate for one moment in any American Congress. I am opposed to that portion at least of the conference report, and shall vote accordingly.

Mr. BORAH. Mr. President, I wish to refer to the amendment which was offered by the Senator from Iowa [Mr. CUMMINS] and afterwards eliminated from the conference report, particularly in view of the able argument just made by the Senator from Delaware [Mr. SAULSBURY] as to the possibility of involving this country in a difficulty with the belligerent powers, although we are dealing exclusively in this particular matter with the coastwise trade.

It is rather an extraordinary situation, Mr. President, that in dealing with our coastwise trade, which is just as much under our jurisdiction and subject to our discretion and control as a railroad, we should be charged with the possibility of disturbing our relations with foreign Governments. We will have to do something very extraordinary in order to give ground for criticism. In my opinion it is not foreign influence so much as local influence which we are likely to offend.

One of the reasons for this amendment was, it is said, that if a majority of the stock of a foreign-built vessel were owned by American citizens the good faith of the transaction could not be impeached, and that should such ships be brought into a prize court our integrity of purpose could not be impugned.

Mr. President, I wish to call attention to the decision of the Supreme Court of the United States in the case of the *Pedro*, in One hundred and seventy-fifth United States, at page 354. Knowing his great ability as a lawyer, I ask particularly the attention of the Senator from Delaware to this decision, because I think it throws some light upon this proposition. This was a case founded upon a state of facts which I can, perhaps, best give to the Senate from the opinion itself:

> In due course, proofs, in preparatorio, which embraced the ship's papers and depositions of her master and first officer, were taken. The master appeared in behalf of the owners and made claim to the vessel, and moved the court for leave to take further proofs, presenting with the motion his test affidavit. In the affidavit it was alleged that, although a majority of the stock of La Compania La Flecha was registered in the names of Spanish subjects and only a minority of the names of British subjects (members of the firm of G. H. Fletcher & Co.), one of the latter had possession of all the certificates of stock, which under the charter of the company established the ownership thereof, whereby he was the "sole beneficial owner of the said steamer *Pedro*." And further that the steamer was transferred from the British to the Spanish registry solely for commercial reasons, "there being discriminations in favor of vessels carrying the Spanish flag in respect of commerce with the colonies of Spain, in consideration of dues paid by such steamers to the Government of Spain," but that it was the intention of the British stockholders to withdraw her from the Spanish registry and from under the Spanish flag, and restore her to the British registry and the flag of Great Britain whenever the trade might be disturbed. It was also alleged that the steamer was insured "against all perils and adventures, including the risks of war, for her full value by underwriters of Lloyds, London, and by insurance companies organized and existing under and pursuant to the laws of Great Britain, and that if the said vessel should be condemned as prize by this court the loss will rest upon and be borne by the said English underwriters."

Here was an English-built ship, the stock still owned exclusively by Englishmen, underwritten by an English company, which, however, had been transferred to a Spanish corporation, the stock of which was still owned by Englishmen, and was sailing under the Spanish flag. Now, let us see what the court says. I am only going to read a very short paragraph, because I have not time to go into a full discussion of the matter.

> It was argued that the *Pedro* was not liable to capture and condemnation because British subjects were the legal owners of some and the equitable owners of the rest of the stock of the La Compania La Flecha and because the vessel was insured against risks of war by British underwriters. But the *Pedro* was owned by a corporation incorporated under the laws of Spain, had a Spanish registry, was sailing under a Spanish flag and a Spanish license, and was officered and manned by Spaniards. Nothing is better settled than that she must under such circumstances be deemed to be a Spanish ship and to be dealt with accordingly.

The court cites in support of its position the case of the *Friendschaft*, in Fourth Wheaton; the *Ariadne*, from Second Wheaton; the *Cheshire*, from Third Wallace; and Hall on International Law, section 169. I have examined these authorities, and they sustain the views expressed by the court. I shall not dwell upon them, however.

Further the court says:

> These stockholders were in no position to deny that when they elected to take the benefit of Spanish navigation laws and the commercial profits to be derived through discriminations thereunder against ships of other nations they also elected to rely on the protection furnished by the Spanish flag. Nor can the alleged intention to restore the *Pedro* to British registry, if war rendered the change desirable, be regarded. That had not been done when the *Pedro* was captured.

Mr. President, here was an instance in which there was manifestly a transfer to meet a situation, and the real ownership of all the stock was in the original owners of the boat. It was underwritten by the Lloyds, of London, but the boat was owned by a Spanish corporation, flying the Spanish flag, and under Spanish registry. The court said: We will not inquire further

than that fact. That settles the controversy so far as this question is concerned. And there it ended.

Mr. SHIVELY. Mr. President——

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

Mr. BORAH. I do.

Mr. SHIVELY. As I understand the case the Senator has been citing and reading from, the court denied the right of the English owners of the stock to raise the question of the good faith of the transaction.

Mr. BORAH. What the court decided was that so long as the ship was under Spanish registry, owned by a Spanish corporation, and flying the Spanish flag it was immaterial who owned the stock. That is what the court decided.

In dealing with our own commerce our transactions can not be material to foreign nations so long as we do not distinctly favor one to the disadvantage of another. So long as we deal by general law and for the purpose of accomplishing general purposes, letting the results reach where they will, to this nation or to that, it can not be said that we are violating in any sense, it seems to me, so far, at least, as it has been pointed out in this debate, any principle or any rule of neutrality. The fact that we are a neutral nation and that we are surrounded by conditions such as confront us because of conditions in Europe does not prevent us from carrying on our commerce and doing business. Whatever is essential to protect our commercial interests and to carry on our business is perfectly proper to be done upon our part, so long as it is not distinctly an act for the benefit of one nation and to the disadvantage of another.

Let me read a short paragraph from the New York Times of August 15, which states this matter, it seems to me, in a concise and conclusive way:

> It has been declared by a Federal court that "the neutrality laws are not designed to interfere with commerce, even in contraband of war, but merely to prevent distinctly hostile acts, as against a friendly power, which tend to involve the country in war." Our citizens may freely sell commodities to any or all of the belligerents; they may sell contraband of war, even arms and munitions of war, but contraband, of course, is exported at the buyer's or shipper's risk of seizure. We have a great deal of wheat and other foodstuffs for sale. We are free to sell to England, France, Germany, Russia, or Austria. Our American bankers are also free to negotiate loans for the Governments of the belligerent powers, and our investors are free to subscribe to such a bond issue.

That is another question which is not important now.

Mr. President, this condition of affairs in Europe has also imposed upon us an exigency; and in order to meet that, to find means of transportation, to call to our assistance other ships, to make it easy for foreign ships to assist us in our present situation, we propose to change our laws. They will operate alike as to all powers. They are designed primarily to benefit our commerce, to enable our cotton raisers, our wheat raisers, our manufacturers, and others to reach markets as best they may under the circumstances. What principle of neutrality is violated; what law, possibly, applies to that condition of affairs so long as it is our coastwise business with which we are dealing? True, this morning's paper prints the proposition that it may be considered distasteful or offensive upon the part of England because it might, in her conception, inure to the benefit of Germany, not by reason of the fact that it is a violation of any law of neutrality or any principle of neutrality, but by reason of the fact that the physical conditions are such as may result in advantage to Germany and disadvantage to England. That, however, is no reason why we should not act. We should not hesitate to give our farmers and those who have their cargoes lying upon the docks the means to transport them because, possibly, without any design upon our part, it may work to the advantage of one or the disadvantage of others.

It has been said upon the part of the Senator from Massachusetts [Mr. WEEKS] that there are sufficient ships. I do not know how it is with the part of the country with which he is most familiar. It may be so there; but I do know that there are not sufficient ships upon the Pacific coast to do the business, if responsible men can be relied upon in their solemn statements to their representatives. I have not personal knowledge about the matter, of course; but, as I said the other day, for more than six months, long before this emergency arose or was ever anticipated, I was being appealed to by representatives of business upon the Pacific coast to aid in inviting to our coastwise trade ships that would enable them to transport their cargoes. There could have been no possible reason at that time for misrepresentation; and since this question has arisen, within the last 48 hours, these representations have been repeated to me.

The simple question, then, is in regard to the matter of embroilment with another nation. May we be hindered, stopped, curtailed, circumscribed, and girt in in the discharge of our own domestic duties by reason of the fact that, incidentally, some other nations may be benefited or disadvantaged? I have heard no principle of neutrality announced in this debate, nor have I read of any in any authority upon international law, which would justify such a conclusion.

Mr. JONES. Mr. President, I am not going to discuss the merits of this proposition. I did so the other day, and I know there are Senators who have not discussed it who desire to take some time to do so now, and I do not wish to deprive them of the opportunity to speak. I simply wish to call attention, briefly, to some telegrams I have received.

On behalf of the junior Senator from Michigan [Mr. TOWNSEND], I ask that there may be printed in the RECORD a telegram from William Livingstone, president of the Lake Carriers' Association, protesting against the adoption of this conference report.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The telegram is as follows:

DETROIT, MICH., *August 14, 1914.*

Hon. CHARLES E. TOWNSEND,
Washington, D. C.:

Our association protests most earnestly against passage of registry bill as reported by conference committee of the Senate and House. To our mind it would be calamity to American shipping interests. Why would it not be much better instead of taking hasty action of this kind, to have joint committee from Senate and House appointed that would be empowered to go into matter thoroughly and investigate all phases; then draw bill?

WILLIAM LIVINGSTONE,
President Lake Carriers' Association.

Mr. JONES. I also present a telegram from Mr. H. F. Alexander, one of our leading shipping men, protesting against the adoption of this conference report. I will say that Mr. Alexander is in favor of the proposition I presented, with reference to the intercoastal trade. I ask that the telegram may go in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The telegram is as follows:

TACOMA, WASH., *August 15, 1914.*

Hon. W. L. JONES,
United States Senate, Washington, D. C.:

Opening coastwise trade to foreign vessels will be disastrous to Pacific coast and Alaskan shipping, as first cost of American vessels twice that of foreign, consequently impossible American-built vessels to compete with foreign bottoms. No necessity throwing open coastwise business, as more than sufficient American tonnage now in service or disengaged on this coast.

H. F. ALEXANDER.

Mr. JONES. Then I have telegrams from San Francisco, signed by 15 or more companies and 4 or 5 different individuals, protesting against the adoption of this conference report. I simply ask that the names of the signers of the telegrams may be noted in the RECORD as protesting.

The VICE PRESIDENT. It is so ordered.

The names referred to are as follows:

Pollard Steamship Co., E. J. Dodge Co., J. R. Hanify Co., Freeman Steamship Co., Sudden & Christenson, Swayne & Hoyt, Wilson Bros. & Co., Hart Wood Lumber Co., Aroline Steamship Co., Leelanaw Steamship Co., Olson & Mahony Steamship Co., Charles R. McCormick & Co., Hicks Hauptman Navigation Co., J. E. Davenport, E. K. Wood Lumber Co., Bowes & Andrew, J. O. Davenport, W. G. Tibbitts, Charles H. Higgins; all of San Francisco, Cal.

Mr. JONES. I also have a telegram from San Francisco, signed by seven different companies, which reads as follows:

SAN FRANCISCO, CAL., *August 14, 1914.*

Hon. W. L. JONES,
United States Senate, Washington, D. C.:

We commend your efforts on behalf of the bill affecting American shipping. The amendment as proposed by you perfectly met the necessities of the situation. However, the bill as reported by conferees will, if it becomes a law, be of inestimable value to Pacific coast; and, as owners of vessels engaged exclusively in coastwise trade, we much prefer relief afforded by conferees' measure to no relief, and urge your support of same.

HOBBS-WALL LUMBER CO.
UNION LUMBER CO.
POPE & TALBOT LUMBER CO.
THE CHARLES NELSON CO.
NORTHERN REDWOOD CO.
THE PACIFIC LUMBER CO.
HAMMOND LUMBER CO.

This telegram, as I have just read it, of course will be printed in the RECORD. I have quite a number of other telegrams, one signed by 13 different companies, and others signed by 14 different large companies in San Francisco. I ask that the names simply may be noted with the telegram I have read. This is all the time I shall take.

The VICE PRESIDENT. It is so ordered.

The names referred to are as follows:

S. Shasta Land & Timber Co., Truckee Lumber Co., Weed Lumber Co., Yosemite Lumber Co., Feather River Lumber Co., C. D. Danaher Pine Co., Big Basin Lumber Co., Fresno Flume and Lumber Co., Dorris Box & Lumber Co., Hume-Bennett Lumber Co., West Side Lumber Co., California Door Co., California Sugar & White Pine Co., Pioneer Box Co., Big Basin Lumber Co., M. A. Burns Lumber Co., Fresno Flume & Lumber Co., Shasta Land & Timber Co., California Pine Box & Lumber Co., Hume-Bennett Lumber Co., Selfridge Barrel Manufacturing Co., Wendling Nathan Lumber Co., Williams Brothers Lumber & Door Co., Klamath Manufacturing Co., Weed Lumber Co., Napa Lumber Co., and Saginaw & Manistee Lumber Co., all of San Francisco, Cal.

Mr. PERKINS. Mr. President, in addition to the telegrams sent to the desk by the Senator from Washington [Mr. JONES], I desire to present a number of telegrams received by me, and ask that the first five or six may be read. I will say that these telegrams are from the largest shipowners in California and on the Pacific coast, and speak for themselves.

As I said, I ask that the first five or six telegrams may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

SAN FRANCISCO, CAL., *August 15, 1914.*

Hon GEORGE C. PERKINS,
United States Senator, Washington, D. C.:

We the undersigned shipowners of Pacific coast most strenuously protest against the coastwise clause in the shipping bill under consideration to admit foreign ships, American registry. There are millions of dollars invested in American shipping on this coast which, if this bill should become a law, would be depreciated 45 per cent. At present there are 50 coasting steamers tied up in this port alone, account business depression.

Pollard Steamship Co., E. J. Dodge Co., J. R. Hanify Co., Freeman Steamship Co., Sudden & Christenson, Swayne & Hoyt, Wilson Bros & Co., Hart Wood & Lumber Co., Aroline Steamship Co., Leelanaw Steamship Co., Olson & Mahony Steamship Co., Chas. R. McCormick & Co., Hicks Hauptman Navigation Co., J. E. Davenport, E K. Wood Lumber Co., Bowes & Andrew, J. O. Davenport, W. G. Tibbitts, Chas. H. Higgins.

—

SAN FRANCISCO, CAL., *August 14, 1914.*

Senator GEORGE C. PERKINS,
Washington, D. C.:

Respectfully request your assistance in defeating bill allowing foreign-built ships into coasting trade. Our largest steel steamer has been laid up almost continuously since last year, and numerous other coasting vessels have been laid up for months. Seems to us very unjust to change Government's policy at this time when business is depressed and no emergency exists. We see no objection admitting steamers into foreign trade, especially under the emergency, but can see no reason for admitting them into coasting trade.

SWAYNE & HOYT.

—

SAN FRANCISCO, CAL., *August 14, 1914.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

The legislation as proposed is unnecessary, also detrimental and destructive to our present coastwise merchant marine. Before enactment of legislation permitting foreign vessels to engage in the coastwise trade we earnestly request that you will obtain for us a hearing before the committee having this matter in hand. Representatives of all interests affected are prepared to come to Washington to appear before the committee as soon as advised by you they will be given such opportunity.

J. C. FORD,
President Pacific Coast Steamship Co.

—

NEW YORK, *August 14, 1914.*

Hon. GEORGE C. PERKINS,
United States Senator, Washington, D. C.:

Coastwise tonnage greatly in excess of demand now lying idle on Atlantic coast and Great Lakes. No emergency demand exists in domestic shipping Admission of foreign vessels to this trade wholly unwarranted by conditions. Trust you will use your best endeavors to have this provision of pending bill eliminated. If any change to be made, would suggest hearing before action is taken.

AMERICAN TRANSPORTATION CO.,
JAMES W. ELWELL & CO., *Managers.*

—

NEWPORT NEWS, VA., *August 15, 1914.*

Senator GEORGE C. PERKINS,
Washington, D. C.:

Many thousands of people on the Virginia peninsula will be rendered practically homeless by the passage of the amendment admitting foreign-built ships to our coastwise trade. Eighteen millions of dollars invested in the shipbuilding industry here, besides property now worth perhaps twice that sum and dependent for value upon that industry, will be wiped out of existence. I most respectfully but urgently protest against the passage of the amendment which will accomplish this result.

B. B. SEMMES, *Mayor.*

Mr. PERKINS. I ask that the remaining telegrams may be printed in the RECORD.

The VICE PRESIDENT. It is so ordered.

The telegrams are as follows:

OAKLAND, CAL., *August 15, 1914.*

Senator GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

We take the liberty of requesting your support against the admittance of foreign vessels to the coastwise trade. We can count from our works alone 30 American vessels that are laid up looking for business, most of them since last year. While we admit that an emergency has arisen in the foreign trade, we see no justice in bringing vessels into our already depressed coast trade.

UNITED ENGINEERING WORKS.

—

SAN FRANCISCO, CAL., *August 14, 1914.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

Foreign vessels are not needed on this coast, as many American vessels are laid up on account of lack of business. This company alone has five out of commission. Hope you can prevent the grave injustice to American coastwise shipping that would result from the admission to the coastwise trade of the more cheaply built and manned foreign vessels.

GEO. H. HIGBEE.

—

SAN FRANCISCO, CAL., *August 14, 1914.*

Senator GEORGE C. PERKINS,
Washington, D. C.:

Many American vessels have been laid up on this coast for some time on account of lack of business, and there is surely no need of increasing this condition by admission of foreign vessels. Same would be a grave injustice to American coastwise shipping interests.

THE SAN FRANCISCO & PORTLAND STEAMSHIP CO.

—

SAN FRANCISCO, CAL., *August 15, 1914.*

Hon. GEORGE C. PERKINS,
Washington, D. C.:

We heartily favor passage of emergency shipping bill now pending in Senate, as we believe it will afford great and needed relief to producers and shippers on Pacific coast. Lumber, canned and dried fruits, and fish, and all other products of this coast are unable to get cargo space under present conditions. Would have preferred bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only, but interests of whole coast are greater than those of individual shipowners operating locally coastwise.

South Shasta Land & Timber Co., Truckee Lumber Co., Weed Lumber Co., Yosemite Lumber Co., Feather River Lumber Co., C. D. Danaher Pine Co., Big Basin Lumber Co., Fresno Flume & Lumber Co., Dorris Box & Lumber Co., Hume Bennett Lumber Co., West Side Lumber Co., California Door Co., California Sugar & White Pine Co.

—

SAN FRANCISCO, CAL., *August 15, 1914.*

Hon. GEORGE C. PERKINS,
Washington, D. C.:

We believe that the emergency shipping bill as reported by the conferees will be a great and needed relief to the producers and shippers of the Pacific coast, and especially to lumber manufacturers, most of whom are unable to get any cargo space for intercoastal shipment under existing shipping facilities, and while we are largely interested in steamers engaged exclusively in coastwise trade, and therefore would have preferred the Jones amendment, nevertheless we feel that the advantages of the bill to the whole community far outweigh any minor individual hardship that might result from its enactment and earnestly urge you to assist in the passage of the bill. We are owners of about 40 steamships in coastwise trade.

Caspar Lumber Co., Dolbeer & Carson, W. A. Hammond Co., Albion Lumber Co., Metropolitan Redwood Lumber Co., Pacific Transportation Co., Pacific Lumber Co., A. F. Easterbrook Co., Bayside Lumber Co., Holmes Eureka Lumber Co., Redwood Steamship Co., Chas. Nelson Co., Northern Redwood Co., Sunset Lumber Co., Consolidated Lumber Co., Homestead Lumber Co., Lucerne Lumber Co., Suisson Lumber Co., San Jose Lumber Co., San Francisco Lumber Co., Aurora Shipping Co., Pacific Shipping Co., Borealis Shipping Co., Ampeope Shipping Co., Union Lumber Co., The Mendocino Lumber Co., Glen Blair Redwood Co., Vance Redwood Lumber Co., Hammond Lumber Co., McKay & Co., Fred Linderman Steamship Co., Beadle Steamship Co., A. W. Beadle Co.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We strongly urge passage of emergency shipping bill now pending in Senate. Believe it will give necessary relief to producers and shippers on this coast. Lumber, canned and dried fruits, fish, and all other products here are unable to ship under present conditions. All industries depending on water transportation prostrated and commerce stagnant in all lines We preferred bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only, but interests of whole coast greater than those of individual shipowners or shipbuilders. Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest passage of Clayton bill 15657, exempting labor organizations from Sherman Act and providing for trial by jury in contempt cases, and are against all legislation pointing to radical regulations relating to business, which we believe will be bad for both employer and employees.

BIG BASIN LUMBER CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We strongly urge passage of emergency shipping bill now pending in Senate. Believe it will give necessary relief to producers and shippers on this coast. Lumber, canned and dried fruits, fish, and all other products here are unable to ship under present conditions. All industries depending on water transportation prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only, but interests of whole coast greater than those of individual shipowners or shipbuilders. Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest against passage of Clayton bill 15657, exempting labor organizations from Sherman Act and providing for trial by jury in contempt cases,

and are against all legislation pointing to radical regulations relating to business, which we believe will be bad for both employer and employee.

SHASTA LAND & TIMBER CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We urge passage of emergency shipping bill now pending in Senate. Believe it will give necessary relief to producers and shippers on this coast. Lumber, canned and dried fruits, and fish, with all other products here, are unable to ship under present conditions. All industries depending on water transportation prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only, but interests of whole coast greater than those of individual shipowners or shipbuilders Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest against passage of Clayton bill 15657, exempting labor organizations from Sherman Act and providing for trial by jury in contempt cases, and are against all legislation pointing to radical regulations relating to business, which we believe will be bad for both employer and employee.

M. A. BURNS LUMBER CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We urge passage of emergency shipping bill now pending in Senate. Believe it will give necessary relief to producers and shippers on this coast. Lumber, canned and dried fruits, and fish, with all other products here, are unable to ship under present conditions. All industries depending on water transportation prostrated and commerce stagnant in all ilnes. Our preference was for bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only, but interests of whole coast greater than those of individual shipowners or shipbuilders Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest against passage of Clayton bill 15657, exempting labor organizations from Sherman Act and providing for trial by jury in contempt cases, and are against all legislation pointing to radical regulations relating to business, which we believe will be bad for both employer and employee.

SAGINAW & MANISTEE LUMBER CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We urge passage of emergency shipping bill now pending in Senate. Believe it will give necessary relief to producers and shippers on this coast. Lumber, canned and dried fruits, fish, and all other products here are unable to ship under present conditions. All industries depending on water transportation prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American registry to engage in intercoastal trade only, but interests of whole coast greater than those of individual shipowners or shipbuilders. Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest passage of Clayton bill, 15657, exempting labor organizations from Sherman Act and providing for trial by jury in contempt cases, and are against all legislation pointing to radical regulations relating to business, which we believe will be bad for both employer and employee.

FRESNO FLUME & LUMBER. CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We urge passage of emergency shipping bill now pending in Senate. Believe it will give necessary and needed relief to producers and shippers on this coast. Lumber, canned and dried fruits, and fish, with all other products here are unable to ship under present conditions. All industries depending on water transportation prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American registry to engage in intercoastal trade only, but interests of whole coast greater than those of individual shipowners or shipbuilders. Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest against passage of Clayton bill, 15657, exempting labor organizations from Sherman Act and providing trial by jury in contempt cases, and are against all legislation pointing to radical regulation relating to business, which we believe will be bad for both employer and employee.

PIONEER BOX CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We hearily indorse emergency shipping bill now pending in Senate. Believe it will give needed relief to producers and shippers here. Lumber, canned and dried fruits, fish, and all other products of this coast are not able to ship under present conditions. All industries prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American registry to engage in intercoastal trade only, but interests of whole coast more important than those of individual shipowners or shipbuilders operating in a local way or otherwise. Now is the time to get a merchant marine without waiting many years to build it. Our whole coast in favor of prompt and decisive action. We also strongly protest against passage of Clayton bill, 15657, exempting labor organizations from the Sherman Act and providing for trial by jury for contempt, and legislation looking toward radical regulation relating to business. This is bad for both employer and employee.

CALIFORNIA PINE BOX & LUMBER CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We strongly urge your support of the emergency shipping bill now pending in the Senate, as we believe it will give the producers and shippers of this coast necessary relief under present conditions. All industries depending on water transportation are prostrated and commerce is stagnant in all lines. Now is the time to quickly acquire a merchant marine without waiting for 50 years to build it. We also protest passage of Clayton bill exempting labor organizations from Sherman Act and providing for jury trials in contempt cases, and are against all legislation looking toward radical regulations relating to business, which we believe will be bad for employer and employee.

SELFRIDGE BARREL MFG. CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We thoroughly indorse passage of emergency shipping bill now pending in Senate, as we believe it will grant the necessary relief to producers and shipper on this coast. Lumber, canned and dried fruits, and all other products of this coast unable to get cargo space under present conditions; all industries depending on transportation prostrated and our commerce becoming stagnant in all lines. Interests of whole coast greater than those of individual shipowners or shipbuilders, locally and otherwise. Now is the time to quickly acquire a merchant marine without waiting 50 years to build. Our people urge you to prompt and decisive action. We also protest against passage of Clayton bill, H. R. 15657, exempting labor organizations from Sherman Act, and against any legislation looking toward radical regulations relating to business.

WENDLING NATHAN LBR. CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We strongly urge passage of emergency shipping bill now pending in Senate; believe it will give necessary relief to producers and shippers on this coast. Lumber, canned and dried fruits, and fish, with all other products here, are unable to ship under present conditions. All industries depending on water transportation prostrated and commerce stagnant in all lines. We preferred bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only; but interests of whole coast greater than those of individual shipowners or shipbuilders. Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest passage of Clayton bill, H. R. 15657, exempting labor organization from Sherman Act and providing for trial by jury in contempt cases, and are against all legislation pointing to radical regulations relating to business, which we believe will be bad for both employer and employee.

KLAMATH MANUFACTURING CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We urge passage of emergency shipping bill now pending in Senate; believe it will give necessary relief to producers and shippers on this coast. Lumber, canned and dried fruits, fish, and all other products here are unable to ship under present conditions. All industries depending upon water transportation prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only; but interests of whole coast greater than those of individual shipowners or shipbuilders. Now is the time to quickly acquire a merchant marine without waiting many years to build it. Our whole coast urges prompt and decisive action. We also strongly protest against passage of Clayton bill, H. R. 15657, exempting labor organizations from Sherman Act and providing for trial by jury in contempt cases, and are against all legislation pointing to radical regulations relating to business, which we believe will be bad for both employer and employee.

HUME BENNETT LBR. CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We heartily indorse emergency shipping bill now pending in Senate. Believe it will give needed relief to producers and shippers here. Lumber, canned and dried fruits, and all products of this coast are not able to ship under present conditions. All industries prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only, but interest of whole coast more important than those of individual shipowners or shipbuilders operating in a local way or otherwise. Now is time to get a merchant marine without waiting many years to build it. Our whole coast in favor of prompt and decisive action. We also strongly protest against passage of Clayton bill, H. R. 15657, exempting labor organizations from Sherman Act and providing for trial by jury for contempt, and legislation looking toward radical regulations relating to business. This is bad for both employer and employee.

WEED LUMBER CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We thoroughly indorse passage of emergency shipping bill now pending in Senate as we believe it will grant the necessary relief to producers and shippers on this coast unable to get cargo space under present conditions. All industries depending on transportation prostrated and our commerce becoming stagnant in all lines. Interests of whole coast greater than those of individual shipowners or shipbuilders, locally and otherwise. Now is the time to quickly acquire a merchant marine without waiting 50 years to build. All our people urge you to prompt and decisive action. We also protest against passage of Clayton bill, H. R. 15657, exempting labor organizations from Sherman Act and against any legislation looking toward radical regulations relating to business.

NAPA LUMBER CO.

—

SAN FRANCISCO, CAL., *August 16, 1914.*

Hon. GEORGE C. PERKINS,
Senate Chamber, Washington, D. C.:

We heartily indorse emergency shipping bill now pending in Senate. Believe it will give needed relief to producers and shippers here. Lum-

ber, canned and dried fruits, and all products of this coast are not able to ship under present conditions. All industries prostrated and commerce stagnant in all lines. Our preference was for bill giving permission for foreign vessels placed under American register to engage in intercoastal trade only, but interests of whole coast are more important than those of individual shipowners or shipbuilders operating in a local way or otherwise. Now is the time to get a merchant marine without waiting many years to build. Our whole coast in favor prompt and decisive action. We also strongly protest against passage of Clayton bill, H. R. 15657, exempting labor organizations from Sherman Act and providing for trial by jury for contempts and legislation looking toward radical regulations relating to business. This is bad for both employer and employee.

WILLIAMS BROS. DOOR & LUMBER CO.

Mr. LIPPITT obtained the floor.

Mr. GALLINGER. Will the Senator from Rhode Island permit me just one moment to have a telegram read from Oakland, Cal., in connection with the other telegrams?

Mr. LIPPITT. Certainly.

The Secretary read as follows:

OAKLAND, CAL., *August 15, 1914.*

Senator J. H. GALLINGER,
United States Senate, Washington, D. C.:

We can count from our works about 30 American vessels that are laid up looking for business, most of them since last year, and we see no justice in bringing foreign vessels into our already depressed coast trade.

UNITED ENGINEERING WORKS.

Mr. LIPPITT. Mr. President, so far as the legislation which is proposed by this bill refers to the emergency that has been brought about by the war now going on in Europe, I am inclined to favor it. That legislation in effect provides that ships wherever built, whether in the United States or elsewhere, shall be allowed to enter into our foreign trade, and that they may do so regardless of the ownership, except that in case they are not owned by citizens of the United States, they must be owned by a corporation, the only limitation in regard to such corporation being that the president and the managing directors shall be American citizens. With this latter provision I was not in sympathy. Nevertheless, if the conference report had confined itself to that particular legislation, I think I should certainly have voted for it at the time it was presented. I am not so sure that I would vote for it to-day. The longer I think about it the less inclined I am to see the necessity or the wisdom of even that much of legislation in this direction just yet.

The relations of nations at a time like this are matters of great delicacy. We have seen within two days an application made in this country for a loan from France, and it is being discouraged by the President of the United States on the ground that it might affect the sentiment in regard to us entertained in other countries, although similar loans were made to Japan during her war with Russia. In this bill it is provided that foreign ships can fly the American flag, with all that that means, by the simple device of having a few American directors and an American president.

I am reliably told that the owners of the Hamburg-American steamships that are now in this country would, a few days ago, have been very glad to entertain a reasonable offer for their purchase. Under the provisions of this bill they would not have to go so far as to lose their actual ownership. What they could do would be to form an American corporation officered as the bill prescribes, and then these German-owned vessels would be able to carry on their traffic across the ocean as freely as if they were bona fide American. It seems to me that if it was a sentimental consideration which would prevent us from loaning money to France, there is here also a very strong sentimental relationship that should make us hesitate before we put the protection of our flag over a fleet of this kind.

But, Mr. President, whatever I might have felt in regard to that portion of the bill dealing with our foreign shipping, the addition to it which was made in conference, by which foreign-built vessels may engage in the coastwise trade if registered pursuant to the provisions of the act within two years from its passage, is one that I could not vote for under any circumstances. I do not propose at this time to present in detail the reasons for that position because the whole subject has been so thoroughly gone into this morning by the Senators who have heretofore spoken. I merely want to say that to my mind the haste with which this subject has been interjected into this bill, although it bears no relation at all to the emergency which makes the rest of the legislation in the bill perhaps desirable, is of itself a strong objection to such legislation being adopted.

The shipbuilding industry which would be seriously attacked by that provision is one of long standing in this country. The policy in regard to it has been uniform for nearly a hundred years. Under that policy it has grown to an industry employing some 50,000 men, with $125,000,000 capital, with an output of nearly $100,000,000 annually, paying in wages some $40,000,000, and purchasing some $35,000,000 worth of American products in addition. An industry of that importance and built up on a uniform policy of so long duration is entitled to have its situation carefully considered and thoroughly discussed before such a radical attack as this is made upon it.

I do not think it is necessary to settle to-day the question of whether or not there is at the present moment a sufficient supply of ships for the lumber trade of the north Pacific coast. That seems to have been the particular complaint that originated this provision. The people engaged in lumbering in that part of the country feared that when the Panama Canal opened and they were then in a position to ship their merchandise to the Atlantic coast through the canal they would not have sufficient shipping to meet their needs. There have been ample figures presented here this morning to indicate that they are mistaken in that, but whether they are mistaken or not in the actual conditions that might prevail when the canal is first opened, it would in all probability be nothing but a temporary difficulty, for the entire history of the coastwise shipping of this country for years back has been that there have been ample facilities for taking care of whatever was presented.

I know that has been the case on the north Atlantic coast, because I have had repeated and long experience in it. There has scarcely been a month in the last 25 years when, except so far as the trade might have been interrupted by extraordinary weather conditions, there has not been a reasonable amount of shipping to take care of such trade as was offered.

There is, however, one consequence of destroying our shipbuilding industry that has not been referred to, and I think the passage of this provision would mean the destruction to a very large extent of that industry. It can not be presumed that if in the next two years the people wishing to obtain new ships are going to pass by our native shipyards and go abroad to acquire them, that at the end of that period we should then have these shipyards in condition to go on and meet the demand that might exist? Such a provision lasting for that length of time would almost inevitably mean that the very conditions we have produced would necessitate the continuance of it.

What I particularly had in my mind with reference to that is the importance of a country being self-sustaining in its industries so far as possible. That necessity has been one of the arguments by which the protectionists of this country have justified that doctrine. It has not, however, been one that has ordinarily appealed very strongly to the popular feeling on this subject; it is more the argument of the scholar and the economist; but we at the present moment are receiving some very practical illustrations of the soundness of that doctrine.

In the cotton-manufacturing industry at this moment, to which the circumstances of the present war ought to bring perhaps a very extraordinary demand for their products, that industry is held up by the fact that the dyestuffs which they use are almost entirely of German manufacture. The whole value of those dyestuffs as compared with the product of cotton manufacturing is very small; it probably does not exceed in any case 5 per cent of the value of the cloth, and in many cases it does not exceed 1 per cent. Nevertheless, the mere absence in this country of that small detail at the present moment looks as though it might make it impossible for this country to meet the demands that will be created for that product.

In the same way the steel industry is very largely dependent upon ferromanganese. That is largely imported. The war has interrupted the shipping of that very essential article in the manufacture of steel with the result that whereas the ordinary price of ferromanganese is only somewhere from $30 to $40 a ton, last week it was selling at $125 a ton, and sufficient quantities were almost impossible to obtain even at that price, a condition, I understand, that causes much anxiety in the trade.

Even in the much debated industry of sugar raising we are seeing one of the disadvantages of not producing that article for ourselves. A few days ago the price of sugar was 2⅞ cents a pound. I am talking of raw sugar. August 14 it sold for 6½ cents a pound so that the people of this country are paying at this moment more than double for sugar simply because we are not producing enough for our own people.

Within the year in consequence of the legislation which has taken place in regard to sugar I am told that there has been a reduction of 133,000 tons in the amount of sugar beets planted, and that this year the crop of cane sugar in Louisiana will likely fall off 92,000 tons.

These instances illustrate results that sometimes happen of depending upon foreign supplies. In the coastwise trade to-day

we are not dependent upon foreign sources for our shipping and never have been. As a result of our self-reliance, the war has brought us no crisis in that direction. If a policy for our coastwise shipping such as this bill contemplates had been in force in the past and our source of shipping supply was from foreign countries instead of our own, might we not have been at this very moment bitterly regretting our lack of foresight.

Mr. President, there is one further reason which I want to suggest in opposition to the passage of this act or of any act which allows foreign-built and foreign-owned steamships to enter into our shipping trade. Perhaps some people will say it is a sentimental reason, but I am not ashamed of being influenced by some sentiments. Many times, sailing the waters of my native State and meeting a stately vessel plowing her way to her destination with the American flag trailing over her taffrail or flying in the breeze at her main peak, I have thrilled at the sight. I have been proud not merely of the noble picture such a sight presents, but because the structure over which those colors flew was an American product from keel to truck, because every timber and plank was from an American forest and hewed into shape by American shipwrights; every beam and plate was rolled from American iron in an American mill, and molded into an American design, perhaps from the board of a Herreshoff, a Hollingsworth, or a Cramp. But what American will be proud of a merchant marine whose only American connection will be a dummy president and a dozen dummy directors, sitting for an hour once a quarter in a single room of a New Jersey corporation skyscraper to give a perfunctory approval to the resolutions prepared for them by an English or German advisory committee of the real owners and forwarded from Liverpool or Hamburg? What American heart will thrill at the sight of the American colors on a vessel not one of whose timbers or planks or beams or plates or rivets ever knew the hand of an American shipwright or obeyed the orders of American owners.

If we have indeed become so weak and decadent that we can no longer provide even the ships for our domestic trade and must pass it over to the shipyard and capitalist of Europe, at least let us do it openly. Let us have no pretense or subterfuge about it. If we have to admit those ships, let them come as they ought to come—flying their English or German or Norwegian flag or whatever it may be. But let us keep the Stars and Stripes honest and unstained.

Americans will never be satisfied that the flag of Perry and Farragut, of Santiago and Manila Bay, shall be used as a shameful sham.

What hallucination perverts our reason that we allow the impatient greed of western lumber kings to seize the occasion of a Nation's need to reverse the policy of a hundred years, to shut the gates of our Atlantic shipyards, and compel our shipwrights to leave their useless and empty dinner pails on the kitchen shelves while they tramp the streets in a hopeless search for work? Let this bill go back to the conference committee, and eliminate from it what is not germane to the existing emergency. Take out of it the unnecessary thing that will surely bring idleness to our shipyards and dishonor to our flag, and bring it back as it ought to be, solely designed to meet the real emergency this war has created, and I doubt if a single Republican voice or a single Republican vote will be heard against it. In its present form it is un-American and unjust.

Mr. McCUMBER. Mr. President, this bill as it was introduced and as it came from the House was to meet an emergency. It has lost all semblance of its original character in the amendments that have been added to it. There has been no emergency in the coastwise trade. There was no necessity for an amendment at this time of our coastwise laws. The American people have been buying coastwise vessels for a good many years in anticipation of the opening of the Panama Canal. My own conviction is that we have all the vessels that we now need to meet the demands of shipment from coast to coast.

We compelled these American purchasers to have their ships erected in American shipyards, to give employment to higher priced American labor, and to pay from 30 to 50 per cent more for their ships than they would have paid had they purchased them from foreign shipbuilders; and now, after more than 100 years of encouragement to the American coastwise trade vessels, and without any indication in any way, shape, or manner that we were inclined to make a change in our coastwise laws, without any indication that we were to turn that trade over to vessels built in foreign countries, we now say to those Americans who have put their money into those vessels that as soon as the Panama Canal is open, for which the very vessels were constructed, we will immediately force you into competition with a class of vessels costing nearly 50 per cent less than those which were purchased by them and for that particular trade.

In other words, we say to the American who has paid $300,000 for a ship built in an American shipyard, "We will put you in competition with a ship that can be purchased in a foreign shipyard for $200,000." Such a competition, Mr. President, is so unjust and the change of our coastwise laws at this time is so unfair to the average American, so unfair to those who have invested in American ships, that I can not understand how anyone who has a just regard for what will constitute fair justice to our own people could now vote to force them in competition with foreign-built ships in this particular trade.

For that reason, Mr. President, I can not vote for the conference report, and I can not believe that there was any occasion whatever for making any change in the original House bill.

Mr. MARTINE of New Jersey. Mr. President, I have no desire to express myself at any length at this particular time on this subject. I have before spoken upon the matter, and I feel that the Senate as well as the country know very well my views.

I am utterly and positively opposed to the conference report. I feel that it is utterly and absolutely un-American. I feel that it is prejudicial and detrimental to the interests of my fellow citizens of the State of New Jersey and the country at large. Even from another point, which I do not press particularly, I can not see how under heaven the Democratic portion of the conference committee ever agreed to this so-called conference report.

Some mention was made by the Senator from Massachusetts [Mr. WEEKS] regarding the New York World, where the World said there are some shipbuilding interests here interested in this bill. I ask why in the name of heaven should they not be interested. I have seen men running around here with badges on their left side as long as your arm for a week. I asked them what they were here representing, and they told me they were representing the cotton interests of the South. Why in the name of heaven should not representatives of the shipbuilding interests or the farm interests or any other interest come here and in a legitimate and proper way press their side of the claim? But in this case, in pressing their side of the claim, I claim that they are pressing the American side, and that they are advancing the general well-being of our country.

I have in my hand the New York American of Saturday last. It says in large type—

This un-American merchant marine bill must be made American.

It goes on and speaks of several features of it. It says:

This bill as it stands should be promptly and vigorously defeated in the Senate and made sufficiently American in its provisions before it is accepted.

And if the haste and unintelligent zeal of its advocates should prevail in this emergency to enact it into law, then from the very beginning of its legal life it should be followed and amended and reshaped until it becomes tolerable as an American measure for American ships.

I will not burden the Senate by reading it all; and I respectfully ask that the editorial may be printed in the RECORD at the close of these remarks.

I have in my hand numerous telegrams from gentlemen whom I know, who ask consideration in this matter. I have one here from New York. My colleague [Mr. HUGHES] a day or two ago seemed to scowl at the thought that I was pressing some New York claim. New York is the Empire State of our Union, and New York City is the greatest metropolitan city and the greatest commercial city of the world; it is really the center of the world in commercial supremacy.

I have here telegrams from gentlemen I know—the Babcock-Wilcox Co.—protesting against this law. They say that it can work only detriment to the American people. They say:

We heartily favor the passage of the act so far as it applies to foreign carrying trade, but we utterly protest against the passage of this act as affecting the coastwise and merchant marine.

I have here a score of telegrams—from A. H. Bull & Co. and a number of other companies that have protested. I have one here from Newport News. I certainly think they are entitled to consideration, and they shall have my support and my help in every legitimate proposition that they may press.

But I have a letter here, written crudely, that I will read:

CAMDEN, N. J.

Senator MARTINE: You have grasped the hand of most of us—

And that is pretty nearly true. For 40 years of my life I have been campaigning, and I have wandered through the shipyards and the workshops grasping the hands of those toilers until often my own hand was as black as their shoes—

You have grasped the hand of most of us. We have listened to your speeches. We have believed in you. We believe in you now. Now

we ask that you will help us and save our shipping laws from destruction.

GUY SEEL,
A Camden Worker.

AUGUST 10, 1914.

That reflects the sentiment of something like 25,000 men engaged in four or five shipyards of this country, the Cramps, the New York Shipbuilding Co., and others. I will say that 90 per cent of those men are heads of families. Multiply the number by five, and you can see that there are over 100,000 people—men, women, and children—depending upon the success or the failure of our shipbuilding plants; and I plead with all the earnestness and zeal of my nature let not this blot be passed upon our legislation by a Democratic Senate in this crisis.

I want no particular special privilege; but here is a system that for 100 years has been invoked until we have grown beyond parallel, until our coastwise shipping is the admiration of the world. The foreign vessel owners have for years been endeavoring to break in on it in order that they might have the profits.

I will stand with my fellows to do all I can to advance foreign shipping. I want, as you know, a system of shipping owned by the people of the United States to transport our cargoes and our passengers to our ports; but our coastwise shipping to-day exists, and with one fell swoop you would wipe it off the statutes and leave us in the hands of those who for years have conspired against us.

I have here a protest presented by my fellow citizens in Camden and in Gloucester City, N. J., signed by over 2,400 names written by brawny hands, and there is the smell of the oil of the workshop upon it. These are genuine American citizens, interested in the welfare and in the well-being of our country. It is true they work for the New York Shipbuilding Co., but they bring their plant on the banks of the Delaware over at Camden and Gloucester. They fill the coffers and the purses of our workingmen and fill the banks and the treasury not only of Camden and Gloucester, N. J., but of Philadelphia, across in Pennsylvania. These 2,400 names plead for justice, plead for fairness, plead with the American system, of which they have been a part for years and years until we are the glory and admiration of the world. They plead that we stay the hand that would desolate and destroy our merchant marine.

I urge with all the zest and earnestness of my nature, Mr. President, let not the Senate record itself in favor of destruction.

I ask that these telegrams and this editorial and all these names of stalwart men be printed into the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

NEW YORK, *August 14, 1914.*

Senator JAMES E. MARTINE,
United States Senate, Washington, D. C.:

The A. H. Bull Steamship Co., 90 per cent of whose stock is owned by residents of New Jersey, own eight American steamers, six of which were built in American yards the last four years. The proposed bill to admit foreign steamers to the coastwise trade would depreciate their property at least 40 per cent. Our company has had confidence that some means would be found to extend the American flag to the foreign trade, and were preparing to take advantage of the Alexander bill as passed by the House, but this threatened attack on our coastwise business will make it very difficult for us to secure funds for further expansion, and every American shipowner is in like position. Are those who, against difficulties, have stuck to the American flag now to be penalized for doing so? Is the coastwise trade to be handed over to any alien who will form a dummy company? We hope you will use every effort to have this unjust provision admitting foreign-built vessels to the coastwise trade taken from the bill.

A. H. BULL & Co.

—

PHILADELPHIA, PA., *August 15, 1914.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Members of American Society of Marine Draftsmen protest against passage of legislation admitting foreign-built vessels to coastwise trade.

H. C. TOWLE,
President Delaware River Branch.

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MORRIS HEIGHTS, N. Y., *August 15, 1914.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

We believe admitting foreign-built ships to American registry spells death of shipbuilding in this country. As marine engineers, we ask your influence for our industry, which would avoid foreign inroads into this line and result in American merchant marine built by American workmen now idle.

GRISCOM-RUSSELL CO.,
C. A. GRISCOM, *President.*

—

NEWPORT NEWS, VA., *August 15, 1914.*

Senator JAMES E. MARTINE,
Washington, D. C.:

Many thousands of people on the Virginia Peninsula will be rendered practically homeless by the passage of the amendment admitting foreign-built ships to our coastwise trade. Eighteen millions of dollars invested in the shipbuilding industry here, besides property now worth perhaps twice that sum and dependent for value upon that industry, will be wiped out of existence. I most respectfully, but urgently, protest against the passage of the amendment which will accomplish this result.

B. B. SEMMES, *Mayor.*

—

SUMMIT, N. J., *August 15, 1914.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

Utterly impossible permanently enlist private capital, either here or abroad, in foreign ships under American flag in foreign trade, unless American standards of operating cost be reduced to equal those of foreign competitors. American standards of safety, seaworthiness, sanitation, number of officers, crew, and wages add probably 25 to 30 per cent to operating cost over English, German or Norwegian standards this crew. The only certain way to increase American merchant marine in foreign trade is to have American Government either grant subsidy or add discriminating duty equal to difference in operating cost or purchase auxiliary navy, the vessels of which in time of peace can be used commercially, or amend present navigating laws so as to reduce initial and operating cost and permit foreigners who will accept lesser wages to officer and man ships. By opening coastwise trade to foreign ships the present American shipyards will probably become bankrupt first, and our present magnificent coastwise fleet will soon follow, and we shall then have neither a foreign nor domestic merchant marine on which our Navy can rely in time of war. It will probably do no great harm for Congress to admit foreign ships to American registry for foreign trade, as at present intended, but it will do little good. To open the coastwise trade, which nearly always has had large surplus tonnage, to foreigners and foreign ships will not only fail to increase our foreign trade, but will discriminate against American vested rights and American labor. Within a few weeks, without additional legislation, sufficient foreign and coastwise tonnage should be available for immediate needs. Would therefore respectfully suggest that very deliberate consideration be given to this most important subject before any new laws be enacted. There must be positive assurance that conditions under which ships can be built and operated profitably will be permanent before any intelligant American will invest in shipping.

A. R. NICOL.

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[Editorial from the New York American, Saturday, August 15, 1914.]

THIS UN-AMERICAN MERCHANT-MARINE BILL MUST BE MADE AMERICAN.

This country, with all of its vociferous commercial necessities, demands a merchant marine.

The conditions in South American trade and with the temporarily paralyzed trade of Germany cry aloud for ships to meet our unparalleled present opportunities.

But this country demands an American merchant marine. It wishes not merely the American flag on the seas, but American ships on the seas. It wishes the American flag not to protect foreign shipping, but to develop American shipping.

The two Houses of Congress, under the frantic haste of this emergency and evidently without sound consideration, have passed an emergency bill which will create what is beyond all doubt the most absolutely un-American merchant marine that could have been conceived. If England and Germany could have fathered and fostered the bill, it could not have been more foreign or less American.

And the conferees of House and Senate who have it in hand have reported an agreement which actually leaves the un-American feature and leaves the bill an American travesty in shipping policy.

This bill, if agreed to, permits—

(1) The registration as American of any foreign-built hulk regardless of age.

(2) It allows aliens to man and officer this ship.

(3) And it permits this whole brood of foreign ships flying the American flag to do what they have longed to do for years—enter into and take possession of the domestic and coastwise trade.

And the conferees have cut out the only American provision, urged by Senator CUMMINS, which provided that a majority of the owners of these foreign ships should be Americans.

The bill as it stands is a blow to American shipyards and to American shipping.

It is a menace to the peace of nations in the danger of evoking armed protest or capture from German and Austrian and other warships because of its patent evasion of international laws.

When the war is over it opens the way and invites the action of these foreign ships to reenter the foreign service because it is more economical and more desirable to operate under foreign labor and under foreign laws.

It is not necessary, because it is entirely possible to get enough ships for our commercial emergency by public and private purchase under American majority ownership.

It is especially unnecessary and cruel to American domestic shipping in the fact that there is no crisis and no emergency in domestic commerce which justifies this sudden and damaging invasion, destructive to American shipyards and American shipping.

This bill as it stands should be promptly and vigorously defeated in the Senate and made sufficiently American in its provisions before it is accepted.

And if the haste and unintelligent zeal of its advocates should prevail in this emergency to enact it into law, then from the very beginning of its legal life it should be followed and amended and reshaped until it becomes tolerable as an American measure for American ships.

The New York American, which has fought for a genuine American merchant marine longer and harder and more consistently than any other American newspaper has fought for it, pledges its active and unceasing cooperation with every American Senator and every American Congressman who will fight to make this an American measure.

—

CAMDEN, N. J.

To the honorable Senate and Houses of Representatives:

We, the undersigned employees of New York Shipbuilding Co., earnestly protest against the admission of foreign-built vessels to the coastwise trade of the United States.

We believe the admission of such vessels, built by cheap foreign labor, will ruin the shipyards of this country and deprive us of our means of livelihood.

* * * * * * *

(Signed by over 2,400 names.)

Mr. CHAMBERLAIN. Mr. President, I understand that the Senator from Washington [Mr. JONES] noted the receipt of a good many telegrams he received from the West urging the western delegation to do what they might be able to do to assist in procuring the passage of this bill and the adoption of the conference report. I am not going to read them. I received practically the same telegrams that the Senator from Washington received, and I merely call attention to them.

Mr. President, I hope the conference report may be adopted. I think possibly if a vote had been had last week there would not have been very much question about the adoption of the report, but some of our friends who oppose the conference report have gotten extremely busy since that time, and I am not so sure now that my hopes will be realized in reference to it.

I merely want to call attention to the inconsistency of the position of some of my friends on this side of the Chamber to the difference between the position which is assumed by them now and the position which was assumed by them at the time the bill was passed repealing the exemption clause of the Panama Canal act.

My friend, the distinguished Senator from Missouri [Mr. STONE], says that he doubts the propriety at this time of undertaking to revise the general coastwise navigation laws in a bill which has for its object the relief of a situation which was created by an emergency. Mr. President, I insist that the enactment of this legislation would not constitute a general revision of the coastwise navigation laws; but referring particularly to the argument which my friend the Senator from Missouri has just made, I want to call attention to what the Senator said in his address when the bill was up to repeal the exemption clause of the Panama Canal act, and what he said at that time was in line with the position which was generally taken by those on this side of the Chamber when that exemption clause repeal proposition was up for consideration. On the 5th of May last, in advocating the repeal of the exemption clause, the Senator from Missouri said:

> On the merits of the pending question I can find no satisfactory reason why the American people should grant a subsidy of millions to this special interest, the coastwise merchant fleet, which now enjoys under our laws an absolute monopoly of the enormous traffic carried on along the coasts of all the seas bordering this continent. None but American vessels can enter into this coastwise business; it is a monopoly enjoyed by the American ships engaging in it.

That was the opinion of the Senator at that time, and, possibly, it is his view at this time.

Mr. STONE. It undoubtedly is.

Mr. CHAMBERLAIN. That was the view held by many.

Now, Mr. President, when the first proposition is offered to relieve the situation which was complained of by my friends at that time they oppose it; in other words, if foreign registered ships might be admitted to American registry and permitted to engage in the coastwise traffic, there is no shadow of a doubt that the immediate effect would be, if it is going to be as disastrous as they claim, to dissolve the monopoly which exists and which was admitted by all of us at that time to exist on both sides of the continent. The Senator says that it his opinion now, as it was his opinion then. I am sure that if foreign-built vessels could be admitted to the coastwise trade it would at least dissolve the monopoly against which all of us have from time to time complained.

One of the distinguished Senators has said to-day that our merchant marine and the coastwise business has been a magnificent training school for young men who want to follow the sea. Mr. President, I do not know whence that idea comes. We may have a few training schools, but if we refer to the testimony that was taken before the Committee on Interoceanic Canals, and which was reported to the Senate, we find from the testimony of Mr. Chamberlain, of the Bureau of Navigation, that there were engaged at that time in our over-seas traffic 6 vessels of the American Line, 1 of the Great Northern Line, crossing the Pacific, 3 of the Oceanic—the Spreckels line—crossing the Pacific to Australia, and 5 Pacific Mail ships, crossing the Pacific to Asia and the Philippines. In other words, we have the magnificent fleet of 15 vessels engaged in the over-seas trade, which were and are to be used as training schools for the sailors of this country, for the young men who want to follow the sea. At the same time we had the magnificent fleet of 15 vessels, we find that Great Britain had engaged in the over-seas business something like 4,100 steam vessels. If we could secure a part of them for our over-seas traffic—as I have said before, and I repeat, I do not believe this bill will result in bringing any of them here—but if we can succeed in bringing some of them here and adding them to our fleet as training schools, if for nothing else, we should have done a great good to our country.

On the other hand, speaking of the number of ships that were engaged in the coastwise traffic, I call attention again to the testimony of Mr. Chamberlain when he was before the Interoceanic Canals Committee. The coastwise vessels have been referred to in the discussion here as a magnificent fleet carrying on our American commerce, and we had, according to the testimony of Mr. Chamberlain, at that time about 24,765 vessels engaged in the coastwise traffic. Of the 24,765, only 363 steam vessels were suitable for passing through the Panama Canal, and these were still further reduced by the Panama Canal act of 1912 to about 37, because owned by railroad companies and other combinations. Mr. President, those 37 vessels are the fleet that will be compelled to conduct the coastwise trade, or the intercoastal traffic, if I may so speak of it, and yet some of my friends here have insisted that there are coastwise vessels tied up in all the ports that are unable to find anything to do. I repeat, there are but 37 vessels altogether which are engaged in this business that can pass through the Panama Canal.

If the transoceanic business should prove to be as great as it is hoped that it will be, if it is going to be the profitable business which it is prophesied it will be, then some of these 37 vessels which it is now claimed are in port and unable to find business at all will, in the very nature of things, be invited to engage in the transoceanic commerce and do some of the business that is now being done by the magnificent fleet of 15 vessels which at present are carrying on the transoceanic business. So if there are taken from the few vessels that can now pass through the Panama Canal at least half of them, we will have absolutely no adequate number of vessels with which to carry on our coastwise commerce, and the complaint is general, from my section of the country at least, that there are not vessels to carry the lumber and the fruit and the other products in the Northwest to any market at all.

We are here insisting, Mr. President, that this is not a revision of the navigation laws of this country; that while we are doing something in an emergency to provide for transporting the commerce of this country on this side of the continent to foreign ports, we ought to be willing at least to do something for the western side of the continent that will enable them to get their products to the foreign market; and if not there, at least to our own market on the Atlantic side. We therefore hope that the conference report will be adopted, because we feel it will measurably, at least, assist in relieving a situation which is pressing and which constitutes just as great an emergency on the west coast as exists anywhere on the Atlantic side.

Mr. O'GORMAN obtained the floor.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Fall	O'Gorman	Sterling
Borah	Gallinger	Penrose	Stone
Bristow	Gronna	Perkins	Swanson
Burleigh	James	Pomerene	Thomas
Burton	Jones	Ransdell	Thompson
Camden	Kern	Reed	Thornton
Chamberlain	Lane	Saulsbury	Tillman
Chilton	Lea, Tenn.	Shafroth	Vardaman
Clapp	Lee, Md.	Sheppard	West
Clark, Wyo.	Lewis	Shively	White
Colt	Martin, Va.	Simmons	Williams
Culberson	Martine, N. J.	Smith, Ga.	
Cummins	Nelson	Smith, Md.	
Dillingham	Norris	Smoot	

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

Mr. O'GORMAN. Mr. President——

Mr. GALLINGER. Mr. President, I will ask the Senator from New York if he could give me three minutes before he proceeds?

Mr. O'GORMAN. I yield for three minutes to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I had intended to speak on this question, but as I had once spoken, I was glad to give way to others. I now desire to ask unanimous consent to print in the RECORD an editorial from the Washington Post of this morning.

The VICE PRESIDENT. Without objection, permission is granted.

The editorial referred to is as follows:

[From the Washington Post, August 17, 1914.]

MISUSE OF THE FLAG.

Under the guise of an emergency measure, called for by war conditions in Europe, the bill providing for the transfer of foreign shipping to the American flag has been enlarged so as to permit the entry of

foreign shipping into the American coastwise trade, even if such shipping is owned entirely by foreigners.

The war in Europe has not created any emergency which requires Americans to share their coastwise trade with foreigners or to run the risk of being driven out of their own ports by cheap foreign ships.

The bill as it stands is a snare. It is a provocation of war. It paves the way for all sorts of trouble between the United States and its friends, Great Britain, France, Germany, Austria, Italy, Russia, and Japan.

Under this bill the foreign owners of a vessel that would be subject to capture at sea under its own flag could place it under the American flag and send it to sea with a cargo of conditional contraband. They would be entitled to claim the protection of the United States, although they might really be engaged in furnishing supplies to a belligerent. The United States would be forced to abandon protection of its own shipping or quarrel with the belligerent which captured the vessel. It would become a cat's-paw for foreign shipowners.

The vessels of the Hamburg-American Line now lying idle at New York, for example, could run up the American flag and go to sea with German officers and crews, ostensibly engaged in neutral commerce. Does anyone suppose that Great Britain would not seize such vessels? Under the law of nations they are presumptively under the American flag by fraud and may be seized as prizes.

Does the United States wish to have its flag used for any such purpose? Does it wish to see vessels flying the American flag seized and condemned as lawful prizes? What becomes of the neutrality of the United States in such a case?

The pending bill would permit foreign shipowners to use the American flag to suit their own purposes during the war, and then, at the close of the war, to take their vessels and place the foreign flag over them.

The bill is, in effect, an attempt to evade the international law regarding the bona fide transfer of ships to a neutral flag. It is an effort to evade the duties of neutrality. It lends the American flag to purposes of fraud.

Congress should not pass any law which degrades the American flag. Every ship flying that flag should be an American ship, owned mostly or wholly by Americans, and engaged strictly in neutral commerce. There is no exigency which requires Congress to admit foreign vessels into the coastwise trade. Those granted American register for the foreign trade should be required to give assurance that they will become bona fide American ships and engage solely in neutral commerce. The best method of accomplishing this is to require that the vessels shall be owned by American citizens.

Mr. GALLINGER. Mr. President, I also desire to insert a portion of a letter from the New York State Nautical School.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

NEW YORK STATE NAUTICAL SCHOOL,
17 State Street, New York, August 15, 1914.

Hon. JACOB H. GALLINGER,
Senate Chamber, Washington, D. C.

DEAR SIR:

* * * * * * *

It is a well-known fact that the powerful foreign shipping interests that now all but monopolize our foreign carrying will never be satisfied until they acquire possession of our coastwise carrying as well. These interests are rich, powerful, determined, influential, and united; and they are arrayed against American maritime interests that are comparatively poor, weak, unassertive, vacillating, uninfluential, and divided. It is a foregone conclusion that, in such a contest so unevenly matched, the result will be disastrous to American maritime interests. * * *

What is desired is legislation of some permanent value which will encourage the building of American ships, and a change in our navigation laws. At the present time a youth can not get out his license for third mate of ocean steamers until he has reached the age of 21 years. The age limit should be reduced to 19 years, the same as prescribed by nearly all other countries for this grade of license.

Very respectfully,

WILLIAM BAGLEY, *Secretary-Treasurer.*

Mr. GALLINGER. Mr. President, I wish to read one paragraph from a letter received on yesterday from a man who might well be called the leader of the Democratic Party in Massachusetts. He says:

The dismissal of another 1,000 men by the Fore River Shipbuilding Corporation to-day, making 3,000 men in all suspended from employment by reason of the ill-advised and ill-timed amendments to the pending measure, results in an irreparable loss, and I am hoping that we may yet prevail in the Senate on Monday next.

A hope, Mr. President, which I am very glad to say is going to be gratified.

I also ask consent to put into the RECORD a brief article from the Boston News Bureau, of August 15, 1914, on this subject.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The article referred to is as follows:

ATLANTIC, GULF & WEST INDIES—THE HARDSHIP WHICH UNDERWOOD LAW WOULD INFLICT ILLUSTRATED BY TAKING A MALLORY LINE BOAT.

The shipping bill will work a peculiar hardship to American coastwise trade, according to the viewpoint of steamship authorities like the Atlantic, Gulf & West Indies Co.

The hardship largely lies in the fact that foreign-built ships cost 33 per cent to 40 per cent less to construct than do American ships, such as those which exclusively make up the fleet of the Atlantic-Gulf subsidiaries.

A few figures will bring this point out clearly. Next week the Mallory line will put into commission two splendid new steamers which have cost $1,240,000. The company could have built these same identical boats in England for not over $900,000. In other words, it could have saved $340,000 if it had given the contract to English builders. But our laws at the time forbade the entrance into coastwise trade of any but American-built boats.

An equivalent English, Norwegian, German, or other foreign-built ship therefore enters into American coastwise trade with a capitalization of $340,000 less than the Mallory boat. On this $340,000 excess capitalization the Mallory Line must stand a 6 per cent interest charge on the capital employed, an allowance for 4 per cent annual depreciation, and 3 per cent for marine insurance. Here is a total of 13 per cent interest, or $44,000 per year, which must be taken care of in the operating expenses of this single steamer before the Mallory Line can begin to operate on conditions of even rivalry with a foreign-built steamer of equal capacity and accommodations.

And this $44,000 handicap applies to only two steamers.

Mr. GALLINGER. Mr. President, I have a most interesting letter from Mr. H. H. Raymond, vice president and general manager of the Clyde and Mallory Steamship Cos. I will only read five lines of the letter, as follows:

The value of the steamship property engaged in our coastwise trade all over the United States aggregates several hundred millions of dollars, and it is only equitable to the owners of this property, built in American shipyards by fiat of American law, that it should not be precipitately menaced on ex parte evidence without being accorded the opportunity of a hearing. They surely are entitled to this consideration.

I ask unanimous consent that the entire letter may be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The letter referred to is as follows:

MALLORY STEAMSHIP CO.,
PIER 36, NORTH RIVER, NEW YORK,
At Washington, D. C., August 17, 1914.

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

DEAR SIR: I have just read the report in the CONGRESSIONAL RECORD of the debate in the Senate on Friday, August 11, 1914, on the conference report on the emergency shipping bill. Many contradictory statements appear therein, particularly in relation to that part of the conferees' report permitting foreign-built ships admitted to American registry to participate in the coastwise trade. So apparent is the bewildering confusion of statements on this phase of the report it is self-evident that Congress is not yet in possession of facts sufficient to justify emergency legislation thereon.

As we view this matter, the emergency legislation now being formulated by the Congress is the result of the object lesson vividly presented to this country arising from the outbreak of hostilities between the leading maritime nations of the world, in that we suddenly find ourselves deprived of sufficient shipping to carry our produce to overseas markets, and the admission of foreign-built ships to American registry, it is felt, will enable us to overcome this. Just what connection this has with our domestic shipping, which is not affected by the European crisis, we are at a loss to understand.

The report of the conferees now under discussion in Congress involves two propositions bearing no relation to each other, each of which should be considered separately on its merits. Certainly it can not be contended that there is any such crisis in the coastwise shipping as would justify emergency legislation for it alone.

The existing policy of the United States, enacted in 1817, excluding foreign-built ships from our coastwise trade, has developed a shipping built in the United States and flying the American flag trading on our Atlantic and Pacific coasts, in the Gulf of Mexico, and on the Great Lakes, which a British bluebook, issued recently, characterizes as surpassing in tonnage the combined coastwise fleets of the leading maritime nations of the world, and significantly adds that it is chiefly due to this enormous volume of domestic tonnage that the United States ranks to-day as the second largest maritime nation in the world. It would seem, therefore, that our historic policy in regard to the development of our coastwise shipping has, to say the least, not been such as to warrant a resort to emergency legislation, and that before any attempt it made to reverse a policy which has been productive of such results full and thorough investigation should be undertaken and due consideration given to all the factors involved.

I may add that I have been connected with the American coastwise shipping for 30 years, and the companies with which I am connected operate a fleet of 35 steamers, aggregating more than 80,000 gross tons, and are at present taking over a new ship, to be followed in about three weeks hence by a sister ship, the largest cargo carriers in the Atlantic and Gulf coastwise trade, each of which will cost approximately $675,000, and these ships will depreciate from 33 to 40 per cent in value immediately after the passage of this bill. Not one dollar of the stock of our companies is owned or controlled by any railroad interest.

The value of the steamship property engaged in our coastwise trade all over the United States aggregates several hundred millions of dollars, and it is only equitable to the owners of this property, built in American shipyards by fiat of American law, that it should not be precipitately menaced on ex parte evidence without being accorded the opportunity of a hearing. They surely are entitled to this consideration.

Respectfully,

H. H. RAYMOND,
Vice President and General Manager
Clyde and Mallory Steamship Cos.

Mr. GALLINGER. Mr. President, I had intended in this closing hour of debate to invite attention to the fact that all the New York newspapers on yesterday in large headlines informed the country that the Hamburg-American Line had some ships that they were going to sell to the Government. I was going to discuss at considerable length the Hamburg-American Line, but will now only say that when we were in the stress of a war with Spain the Hamburg-American Line sold two of its best ships to the Spanish Government, and they were used against our country in that contest. I do not think that we owe the Hamburg-American Line any favors, and I trust that in any negotiation for ships for the foreign trade which may be made no particular favors will be granted to that corporation.

That corporation is the expectant beneficiary of this legislation. What has the Hamburg-American Line ever done to merit such distinguished consideration at the hands of the United States? I recall, as do some of the other older Members of this body, that this country of ours was placed in a very critical position by the lack of large merchant steamships as transports, auxiliary cruisers, and supply ships in the War with Spain in 1898. So greatly were our War and Navy Departments handicapped that if the full truth at that time had been known it would have appalled the American people. Some of us remember the motley crowd of transports hurriedly assembled to carry the United States soldiers from our southern ports to Santiago, Cuba, a fleet only the safe arrival of which—so said Admiral Dewey and the General Board of the Navy in a report to the merchant-marine commission a few years ago—could ever have justified its starting.

So that Senators may understand the character of this huge foreign corporation, in whose interest primarily we are asked to-day to tear up the historic navigation policy of the United States, I will briefly state some facts. The Hamburg-American management in the summer of 1898 signalized its friendship to the American people, whose patronage had made it prosperous, by taking two of its fastest and largest steamships out of its New York service—ships built for and sustained by the money of American travelers—and deliberately and knowingly sold those ships to the Spanish Government to be armed as Spanish cruisers and to be commissioned to "burn, sink, and destroy" the ships and the commerce of the United States.

One of these steamships thus transferred to the service of our enemies was the *Normannia;* the other was the *Columbia.* They were renamed the *Rapido* and the *Patriota,* under the Spanish naval flag. One of them made a part of the Spanish fleet which was hastily sent by the Spanish admiralty out through the Mediterranean via the Suez Canal to strike Admiral Dewey after his memorable victory in Manila Bay, which fleet was ordered back to Spain from Suez at the news of the second American victory and the complete destruction of Cervera's fleet in the great sea fight off Santiago.

One of these Hamburg liners was taken back by her thrifty owners from the Spanish Government after the war was ended and there was no more use for her against the American flag. For all I know, this ship may be one of the Hamburg liners now waiting in an American port for the passage of this bill, to be let loose with her German officers and crew in the coast trade of the United States.

Let me make one further observation about this proposed beneficiary of the legislation provided for in the report of the conference committee. Soon after the Spanish War some of the Senators of the United States, impressed with the need of a real American merchant marine, formed a committee for a frank and earnest study of the question. The leader in this movement was the late Senator William P. Frye, of Maine, one of the best and noblest men who ever sat in this Chamber. Senator Frye, with his unflagging industry and devoted patriotism, framed a bill which he believed would help the situation. Hardly had he introduced it before the then and present head of the Hamburg-American Company, Herr Ballin, of Hamburg, came flying over the Atlantic, and in a long and heated statement given out to the newspapers in New York attacked Senator Frye and his proposition, and, indeed, assailed any and every effort, either by subsidy, by preferential duty, or any other expedient, to build up American shipping in the over-seas trade, a monopoly of over 90 per cent of which was and is securely held by Herr Ballin and other foreigners. That extraordinary alien interference with the lawmaking powers of the United States—interference by the head of the very steamship company which had affronted and angered the American people by the thrifty sale of fast steamships to our enemy in our war with Spain—was not then misunderstood and is not now forgotten. It is the belief of many of us that one powerful factor in the several defeats of American shipping legislation in this country has been the wide influence exercised against the American flag on the ocean by the wealthy and formidable European steamship companies, of which the Hamburg-American is perhaps the chief. It was disclosed during an inquiry a few years ago by a committee of the other House of Congress that the two great German steamship companies had their regular representatives, unknown to the management, in the office of the Associated Press at Washington.

Mr. President, I thank the Senator from New York [Mr. O'GORMAN], who is to close the debate, for giving me a few minutes of his time, and will content myself by expressing gratification over the fact that this conference report, which ought never to have been brought into this body, is going to be rejected.

Mr. O'GORMAN. Mr. President, the character of the discussion in the Senate to-day might very well suggest the inquiry as to whether the Congress of the United States is not devoting all of its energies to the protection of special interests rather than to the promotion of the general welfare. That question must suggest itself to every citizen in the country who takes note of what we are doing.

In years gone by repeated efforts have been made to reform the navigation laws of the United States, but powerful private interests have overcome every patriotic effort made in the Congress to that end, and those powerful interests have apparently lost none of their influence in this day.

But a few months ago Senators on both sides of this Chamber declaimed against the coastwise shipping trade in this country as an offensive and oppressive monopoly and as a special interest favored by Government protection. Senators who then were eloquent in denouncing this monopoly find no difficulty to-day in standing in the Senate and by one argument or another urging a vote which will foster and perpetuate this monopoly that has fastened itself upon the American people. Why, Mr. President, I could scarcely believe my ears and my eyes to-day on hearing Senators professing allegiance to the Democratic creed paraphrasing every stock argument that has been made by Republicans for 20 years back in support of the protective tariff. It is not an inspiring sight to see Democrats employ the arguments which have been used during all these years by Republicans in support of the repudiated, discredited, and un-American system of protection.

What will be gained by the defeat of the report of the conferees? This monopoly will continue to monopolize the enormous internal trade of the United States without competition. Every four years for a long period we Democrats have promised legislation that would improve our merchant marine; but we have always coupled with our declarations the statement that the building of a merchant marine must not be by a subsidy. Now, in this emergency, which is recognized by everyone, we seek to enlarge our merchant marine by going into the markets of the world and buying ships as we buy other commodities and bring them here to fly the American flag. In this connection let me call your attention at this time to a statement made by President Wilson in accepting the nomination of the Democratic Party two years ago:

> The very fact that we have at last taken the Panama Canal seriously in hand and are vigorously pushing it toward completion is eloquent of our reawakened interest in international trade. We are not building the canal and pouring out million upon million of money upon its construction merely to establish a water connection between the two coasts of the continent, important, and desirable as that may be, particularly from the point of view of naval defense. It is meant to be a great international highway. It would be a little ridiculous if we should build it and then have no ships to send through it.

Some reference was made a few moments ago by the Senator from Oregon [Mr. CHAMBERLAIN] to the number of available ships in the coastwise trade. He correctly stated that on the evidence of Mr. Chamberlain, our Commissioner of Navigation, of the 26,000 craft in our coastwise trade there were about 370 fit for service through the Panama Canal; but it should be remembered that by the Panama Canal act of two years ago the Congress, dealing then with this monopoly, excluded from the use of the canal the ships owned by railroads and purchased by them for the purpose of destroying water competition, and also excluded ships owned or controlled by shipping combinations operated in defiance of the Sherman antitrust law; and it is estimated that because of those exclusions only 8 per cent of the vessels engaged in the coastwise trade of the United States to-day will be permitted to pass through the Panama Canal. On that basis the Commissioner of Navigation estimated that the total number of vessels in the American coastwise trade available for use in the Panama Canal will not exceed 33.

Now, Senators, do you meet the hopes and expectations of the American Nation when, after spending nearly a half billion dollars of their money on the canal and after it is open, as it was opened yesterday, there are but 33 vessels flying the American flag that can operate through it? Do you recognize how potential the defeat of the conference report will be in furthering the aims of that monopoly? If only 33 vessels can enjoy the advantage of that great trade, what tribute can they not levy upon the producer, upon the shipper, and ultimately upon the consumer of the country. Do you propose to inflict this burden upon the people?

We had hoped by this measure to bring a large number of foreign-built ships, owned by American citizens and American corporations under the American flag and operated under Amer-

ican law. In addition to other advantages, the owners of these vessels would contribute under the income tax of this country a part of their earnings for the national welfare.

Mr. President, let me continue with one or two more lines from the address of President Wilson:

> There have been years when not a single ton of freight passed through the great Suez Canal in an American bottom, so empty are the seas of our ships and seamen We must mean to put an end to that kind of thing or we would not be cutting a new canal at our very doors merely for the use of our men-of-war. We must build—

Senators, note the words of your President—

> We must build and buy ships in competition with the world. We can do it if we will but give ourselves leave.

Now, Democratic Senators, are you prepared to repudiate the solemn declaration of your President? Are you prepared to repudiate the declarations of your party in the past, or are you to give another exemplification of what some believe to be a truth once uttered by Gen. Hancock when he was a candidate against Gen. Garfield in 1880, when he declared that, after all, the tariff is a local issue? Because you have shipping interests in your State, do you think you are relieved of your solemn duty under the Constitution to advance the public welfare? Must your personal local interests in your State be forever paramount against the rights of the American Nation? This day you may take your choice and accept either standard. You may say, as has been said by one or more Senators, "Pass this law, and you destroy a $10,000,000 enterprise in my State." Another Senator says, "Pass this law, and you destroy a $15,000,000 enterprise in my State." But I beg to remind the Senators that when they were really orthodox in their Democracy a year ago in passing the tariff law they found no hesitation in putting sugar on the free list, even though it inflicted a loss upon the industries of the State of Louisiana of $40,000,000. It all depends upon whose ox is gored. Sometimes principle is thrown to the winds and men abandon high purpose and find refuge in expediency. Certain Senators have declared on the floor to-day that they believe that it would be a wise and wholesome policy to allow any American citizen to go abroad and buy a ship and bring it in and fly the American flag, and yet Senators making that declaration at the same time say, in substance, "This is not the time that I want my views to prevail. I do not want that policy inaugurated just yet."

Mr. President, my time is about concluding. I do not desire to occupy the attention of the Senate further; but I want to repeat what I said in the beginning—that every time an effort has been made to reform our antiquated navigation laws a powerful private interest has been able to compass the defeat of such legislation. The day must come when the people will be heard and their interests be respected.

The VICE PRESIDENT. The question is, Shall the conference report be adopted?

Mr. O'GORMAN. On that I ask for the yeas and nays.

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

Mr. BURLEIGH (when his name was called). I transfer my pair with the junior Senator from New Hampshire [Mr. HOLLIS] to the junior Senator from California [Mr. WORKS] and will vote. I vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I am compelled to withhold my vote. If at liberty to vote, I would vote "yea."

Mr. STERLING (when Mr. CRAWFORD'S name was called). My colleague [Mr. CRAWFORD] is unavoidably absent. He is paired with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. CULBERSON (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. DU PONT]. In his absence I withhold by vote, but if I were at liberty to vote, I would vote "yea."

Mr. BRYAN (when Mr. FLETCHER'S name was called). My colleague [Mr. FLETCHER] is unavoidably absent. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. GORE (when his name was called). I have a pair with the junior Senator from Wisconsin [Mr. STEPHENSON], and therefore withhold my vote.

Mr. LEA of Tennessee (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. CRAWFORD]; but it has been announced that if he were here he would vote "nay," and as I am going to vote "nay," I feel at liberty to vote. I vote "nay."

Mr. WEEKS (when Mr. LODGE'S name was called). My colleague [Mr. LODGE] is unavoidably absent from the Senate. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present, he would vote "nay."

Mr. MYERS (when his name was called). I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote.

Mr. PENROSE (when Mr. OLIVER'S name was called). My colleague [Mr. OLIVER] is absent, and is paired with the senior Senator from Oregon [Mr. CHAMBERLAIN]. If my colleague were present, he would vote "nay."

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. I have been unable to secure a transfer. If I were at liberty to vote, I would vote "yea." Under the circumstances I am compelled to withhold my vote.

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. Were my colleague present, he would vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote.

Mr. CLARK of Wyoming (when Mr. WARREN'S name was called). My colleague [Mr. WARREN] is unavoidably detained from the Senate. He is paired with the senior Senator from Florida [Mr. FLETCHER]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], and therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. TILLMAN. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. GALLINGER. I have been requested to announce the following pairs:

The junior Senator from New Mexico [Mr. CATRON] with the senior Senator from Oklahoma [Mr. OWEN].

The senior Senator from Connecticut [Mr. BRANDEGEE] with the junior Senator from Tennessee [Mr. SHIELDS].

The junior Senator from Vermont [Mr. PAGE] with the junior Senator from Arizona [Mr. SMITH].

The senior Senator from Illinois [Mr. SHERMAN] with the junior Senator from South Carolina [Mr. SMITH].

The junior Senator from Michigan [Mr. TOWNSEND] with the junior Senator from Arkansas [Mr. ROBINSON].

The result was announced—yeas 20, nays 40, as follows:

YEAS—20.

Ashurst	Kern	Shafroth	Thornton
Borah	Lane	Sheppard	Tillman
Bryan	O'Gorman	Shively	Vardaman
Hughes	Poindexter	Simmons	Walsh
Jones	Ransdell	Thompson	Williams

NAYS—40.

Bankhead	Dillingham	Lippitt	Pomerene
Bristow	Fall	McCumber	Saulsbury
Burleigh	Gallinger	Martin, Va.	Smith, Md.
Burton	Gronna	Martine, N. J.	Smoot
Camden	Hitchcock	Nelson	Sterling
Chilton	James	Norris	Stone
Clapp	Johnson	Overman	Swanson
Clark, Wyo.	Lea, Tenn.	Penrose	Weeks
Colt	Lee, Md.	Perkins	West
Cummins	Lewis	Pittman	White

NOT VOTING—36.

Brady	Goff	Oliver	Smith, Ga.
Brandegee	Gore	Owen	Smith, Mich.
Catron	Hollis	Page	Smith, S. C.
Chamberlain	Kenyon	Reed	Stephenson
Clarke, Ark.	La Follette	Robinson	Sutherland
Crawford	Lodge	Root	Thomas
Culberson	McLean	Sherman	Townsend
du Pont	Myers	Shields	Warren
Fletcher	Newlands	Smith, Ariz.	Works

So the conference report was rejected.

Mr. O'GORMAN. Mr. President, in view of the action just taken by the Senate, I move that the Senate recede from its amendments to the House bill and adopt the House bill.

Mr. BORAH. On that I ask for the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. CULBERSON (when his name was called). In view of my general pair with the senior Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. STERLING (when Mr. CRAWFORD's name was called). I wish to announce the unavoidable absence of my colleague [Mr. CRAWFORD]. He is paired with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present, he would vote "yea."

Mr. LEA of Tennessee (when his name was called). On the announcement of the junior Senator from South Dakota [Mr. STERLING] I understand that if the senior Senator from South Dakota [Mr. CRAWFORD] were present he would vote "yea." Therefore I am at liberty to vote, and I vote "yea."

Mr. PENROSE (when Mr. OLIVER's name was called). My colleague [Mr. OLIVER] is absent, and is paired with the senior Senator from Oregon [Mr. CHAMBERLAIN]. If my colleague were present, he would vote "yea."

Mr. REED (when his name was called). I again announce my pair with the senior Senator from Michigan [Mr. SMITH] and my inability to secure a transfer. If at liberty to vote, I would vote "yea."

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and in his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I desire to repeat the announcement of the unavoidable absence of my colleague [Mr. WARREN].

The roll call was concluded.

Mr. BURLEIGH. I make the same announcement as before, and vote "yea."

Mr. GORE. I have a pair with the junior Senator from Wisconsin [Mr. STEPHENSON], and therefore withhold my vote.

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

YEAS—41.

Ashurst	Hughes	Overman	Swanson
Bryan	James	Penrose	Thompson
Burleigh	Johnson	Perkins	Thornton
Burton	Kern	Ransdell	Tillman
Camden	Lea, Tenn.	Shafroth	Vardaman
Chilton	Lewis	Sheppard	Weeks
Colt	McCumber	Shively	West
Dillingham	Martin, Va.	Simmons	Williams
Fall	Martine, N. J.	Smith, Md.	
Gallinger	Nelson	Sterling	
Hitchcock	O'Gorman	Stone	

NAYS—19.

Bankhead	Cummins	Lippitt	Saulsbury
Borah	Gronna	Norris	Smoot
Bristow	Jones	Pittman	Walsh
Clapp	Lane	Poindexter	White
Clark, Wyo.	Lee, Md.	Pomerene	

NOT VOTING—36.

Brady	Goff	Oliver	Smith, Ga.
Brandegee	Gore	Owen	Smith, Mich.
Catron	Hollis	Page	Smith, S. C.
Chamberlain	Kenyon	Reed	Stephenson
Clarke, Ark.	La Follette	Robinson	Sutherland
Crawford	Lodge	Root	Thomas
Culberson	McLean	Sherman	Townsend
du Pont	Myers	Shields	Warren
Fletcher	Newlands	Smith, Ariz.	Works

The VICE PRESIDENT. The Senate recedes from its amendment, and the House bill stands passed.

PETITIONS AND MEMORIALS.

Mr. BURLEIGH presented a petition of the Cigar Makers' Local Union No. 179, of Bangor, Me., praying for the passage of the so-called Clayton antitrust bill, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 209, of the National Association of Civil Service Employees, of Augusta, Me., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. GALLINGER presented a memorial of Concord Lodge, No. 537, Brotherhood of Railroad Trainmen, of New Hampshire, remonstrating against the enactment of legislation authorizing the inspection of safety appliances by boiler inspectors, etc., which was referred to the Committee on Interstate Commerce.

Mr. NORRIS presented petitions of sundry citizens of the State of Nebraska, praying for the enactment of legislation for the recognition of Dr. Cook in his polar efforts, which were referred to the Committee on the Library.

Mr. WEEKS presented petitions of sundry citizens of Fitchburg, Osterville, Marstons Mills, Clinton, and of the congregation of the First Swedish Baptist Church, of Boston, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Pittsfield, Mass., praying for the postponement of further consideration of the pending trust bills until the next session of Congress, which was ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Mankato, Luray, and Coffeyville, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON presented petitions of Rev. W. A. Parkinson, of Barnum, and of Eidsvold Lodge, No. 23, and Hugnad Lodge, No. 39, International Order of Good Templars, of St. Paul, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minneapolis, Minn., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of Passaic, N. J., praying that strict neutrality be observed toward the European belligerents, which were referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of the State of Washington, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Seattle, Wash., favoring the revision of the navigation laws, which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 4150) for the relief of Eva M. Bowman, asked to be discharged from its further consideration, and that the bill, together with the accompanying papers, be referred to the Committee on Claims, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 3941) for the relief of Omer D. Lewis, asked to be discharged from its further consideration, and that the bill, with the accompanying papers, be referred to the Committee on Claims; which was agreed to.

Mr. SMITH of Georgia, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 6266) to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes, reported it without amendment.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 12919) to amend an act entitled "An act to provide for an enlarged homestead," reported it with amendments and submitted a report (No. 747) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. GALLINGER:

A bill (S. 6272) granting a pension to Charles W. Coolidge, jr. (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6273) granting an increase of pension to Rufus N. Brown; and

A bill (S. 6274) granting an increase of pension to Esli A. Bowen; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 6275) granting a pension to Christiana H. Nicholls; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 6276) granting an increase of pension to Sara J. Titsworth (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 6277) granting a pension to Rhoda C. Freeman;

A bill (S. 6278) granting a pension to Mary Jane Thomas (with accompanying papers); and

A bill (S. 6279) granting an increase of pension to William C. Campbell (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6281) for the relief of Artemus W. Pentz; to the Committee on Claims.

A bill (S. 6282) to correct the military record of A. G. Vincent;

A bill (S. 6283) to correct the military record of William R. Potter;

A bill (S. 6284) authorizing the appointment of Maj. John S. Bishop, United States Army, retired, on the retired list of the Army with the rank of brigadier general; and

A bill (S. 6285) granting an honorable discharge to Curtis V. Milliman (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6286) granting a pension to H. M. Hoy;

A bill (S. 6287) granting a pension to Eliza Boyd;

A bill (S. 6288) granting a pension to John McManus;

A bill (S. 6289) granting an increase of pension to Carrier Thompson;

A bill (S. 6290) granting an increase of pension to John McGuire;

A bill (S. 6291) granting an increase of pension to William A. McDermitt;

A bill (S. 6292) granting a pension to Wilhelmina Brotzman;

A bill (S. 6293) granting an increase of pension to W. F. Critchfield;

A bill (S. 6294) granting an increase of pension to Jeremiah H. Rauch;

A bill (S. 6295) granting a pension to Ella Afflerbach;

A bill (S. 6296) granting a pension to Michael P. Foley;

A bill (S. 6297) granting a pension to Anna E. Farnsworth;

A bill (S. 6298) granting a pension to John A. Stahlnecker;

A bill (S. 6299) granting an increase of pension to William H. Stitt;

A bill (S. 6300) granting a pension to Ed Sweeney;

A bill (S. 6301) granting a pension to William Force;

A bill (S. 6302) granting an increase of pension to Thomas Taylor;

A bill (S. 6303) granting a pension to John Carey;

A bill (S. 6304) granting a pension to Emma J. Huff;

A bill (S. 6305) granting a pension to Adda Leslie (with accompanying papers);

A bill (S. 6306) granting an increase of pension to William L. Henry (with accompanying papers);

A bill (S. 6307) granting an increase of pension to George W. Boals (with accompanying papers); and

A bill (S. 6308) granting a pension to Mary A. McGready (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6309) to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes; to the Committee on Public Lands.

By Mr. GRONNA:

A bill (S. 6310) granting an increase of pension to May C. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6311) granting an increase of pension to John E. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 6312) granting an increase of pension to Horace L. Farmer (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6313) for the relief of C. P. Zent; to the Committee on Claims.

By Mr. LEA of Tennessee:

A joint resolution (S. J. Res. 179) to reinstate Joseph M. Hayse as a cadet at the United States Military Academy; to the Committee on Military Affairs.

By Mr. NORRIS:

A joint resolution (S. J. Res. 180) to determine the rights of the State of Nebraska and its citizens to the beneficial use of waters stored in the North Platte River by the Pathfinder Dam; to the Committee on Public Lands.

SALARIES OF RURAL LETTER CARRIERS.

Mr. PENROSE. I introduce a bill and ask that it be referred to the Committee on Post Offices and Post Roads. I call the special attention of the committee to the bill.

The bill (S. 6280) providing for the salaries of rural letter carriers was read twice by its title and referred to the Committee on Post Offices and Post Roads.

BLACK WARRIOR RIVER LOCKS.

Mr. BANKHEAD. I send to the desk a joint resolution. It is very short, and I ask that it lie on the table and be printed in the RECORD.

The joint resolution (S. J. Res. 181) authorizing the Secretary of War to permit the contractor for building locks on Black Warrior River to proceed with the work without interruption to completion was read twice by its title, ordered to lie on the table and to be printed in the RECORD, as follows:

Resolved, etc., That the Secretary of War may, in his discretion, on the recommendation of the Chief of Engineers, permit the contractor for building locks and Dam No. 17, on Black Warrior River, to proceed with the work specified in the contract made in pursuance of the act of Congress approved August 22, 1911, and to carry the said work to completion without interruption on account of the exhaustion of available funds, it being understood that the contractor is to rely upon future appropriations for payment and that no payment for said work will be made until funds shall have been provided and made available therefor by Congress.

THE RED CROSS.

Mr. BURTON. I ask unanimous consent for the present consideration of a joint resolution which I send to the desk. It pertains to the Red Cross and is made necessary by the omission of an amendment to the shipping bill which was added by the Senate. I trust there will be no objection to the joint resolution.

The joint resolution (S. J. Res. 178) granting authority to the American Red Cross to charter a ship or ships of foreign register for the transportation of nurses and supplies and for all uses in connection with the work of that society was read the first time by its title.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That authority be granted to the American Red Cross during the continuance of the present war to charter a ship or ships of foreign register, to carry the American flag, for the transportation of nurses and supplies and for all uses in connection with the work of said society.

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

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

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

NAVAL CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 6120) for the allowance of certain claims reported by the Court of Claims, which was ordered to lie on the table and to be printed.

MESSENGER TO SENATOR GORE.

Mr. OVERMAN submitted the following resolution (S. Res. 441), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senator THOMAS P. GORE be, and he is hereby, authorized to employ a messenger at a salary of $1,200 per annum, to be paid from the contingent fund of the Senate.

THE OIL INDUSTRY.

Mr. CHILTON submitted the following resolution (S. Res. 442), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the production of crude oil has during the past 30 years come to be one of the great industries of Pennsylvania, West Virginia, Ohio, and other States, and hundreds of millions of dollars of capital is invested in the oil business in these States, rendering the business health of vast sections dependent upon this industry; and

Whereas it is alleged that through the ownership and control of a system of pipe lines through the oil fields, furnishing the only practical means of transportation, the Standard Oil Co., with its various subsidiaries and branches, has for years fixed the price of crude oil at its pleasure, and has thereby made the oil market; and

Whereas it is claimed that the Standard Oil Co. and the owners thereof have built up this condition until it has become substantially the only purchaser of crude oil in the States named, through the South Penn Oil Co., the Joseph Seep Purchasing Agency, and others, in fact, representing said Standard Oil Co., and that as such sole transporters and purchasers it has always solicited the business and production of independent oil operators and has purchased all the oil produced by them at a market price so fixed by itself; and

Whereas said course so pursued by said Standard Oil Co. is alleged to have created the conditions which have prevailed in the oil fields, including a market for all said product, thereby inducing thousands of citizens to invest their money in the oil-producing business, relying upon a continuation of the conditions so created by said company; and

Whereas it now appears that said Standard Oil Co., through the various pipe lines and purchasing agents it is alleged to control, has recently revolutionized the conditions of the oil business in the States named above not only as to price, but by refusing to run more than 25 per cent, or thereabouts, of the oil produced, and refusing to buy the product of the wells, thereby reversing the policy always heretofore followed, bringing chaos and ruin in the said oil fields and threatening the destruction of hundreds of millions of property, and the loss of the many millions of dollars of capital it so induced citizens to invest in the oil business in said States; and

Whereas it is alleged that said action on the part of said Standard Oil Co. and its subsidiaries, controlled companies, and purchasing agencies is monopolistic and in restraint and destruction of trade between the several States, and is therefore unlawful, and that such action is arbitrary and fraudulent; and

Whereas said conditions of the oil industry vitally affect the happiness and prosperity of thousands of our people, and if resulting from the causes alleged, such injustice is remediable by Congress under the interstate-commerce clause of the Constitution: Therefore be it

Resolved, That a committee of five Members of the Senate is hereby created, its members to be appointed by the President of the Senate, for the purpose and with direction to make thorough investigation of the conditions prevailing and that have prevailed in the States of New York, Pennsylvania, West Virginia, and Ohio, or elsewhere, affecting the production, transportation, and marketing of crude petroleum, with especial reference to the manner in which the market for same has been created, maintained, and controlled, and by whom, and the effect of such market and the maintenance and control thereof upon the inducement of capital to seek investment in the oil business, and especially in the development of new fields.

Said committee shall also ascertain what connection or relation of any kind has existed or now exists between or among any two or more of the pipe-line companies which have been or are now transporting crude oil within said fields, together with what, if any, common ownership, interest, or control has at any time existed or now exists between such pipe lines or any of them, and the various agencies that have purchased crude oil in said States since 1890, and what disposition such agencies have made of the crude oil so purchased, and to whom it has been turned over for refining and manufacture, and under what conditions, with the object of ascertaining for the information of the Senate whether the charge is true that substantially the same interests have operated the pipe lines, made the market, bought the crude oil, refined it, and fixed the price of the refined products, and whether in such respect the laws of the United States have been violated.

Said committee shall also inquire into, and ascertain if it is true that said pipe-line companies or any of them have recently stopped taking all or any part of the crude oil produced by independent producers into tanks to which such pipe-line companies have connected their pipe lines, and whether it is true that said purchasing agencies or any of them have recently stopped purchasing all or any part of the crude oil so produced by independent producers in said States, together with any information such committee may be able to obtain as to the reasons for such refusal to run and purchase oil, and what effect the same is having upon the oil industry, and especially properties already developed in the States named.

Said committee is authorized to sit in the recess of the Senate, and at any point in the United States, to employ such counsel, clerks, and stenographers as it may find necessary, to summon and swear witnesses, send for persons and papers and to do any other things necessary to the success of the investigation committed to it. Said committee shall report to the Senate its findings, together with the evidence taken, when its work hereunder is completed, and shall make reports from time to time as required by the Senate.

All expenses incurred by said committee hereunder shall be paid out of the contingent fund of the Senate.

OIL AND GAS LANDS.

Mr. PITTMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5673) entitled "An act to amend an act entitled 'An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States or their successors in interest,' approved March 2, 1911," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

KEY PITTMAN,
WILLIAM HUGHES,
Managers on the part of the Senate.

SCOTT FERRIS,
EDWARD T. TAYLOR,
BURTON L. FRENCH,
Managers on the part of the House.

Mr. SMOOT. Mr. President, I will ask the Senator to explain the amendment. From the conference report I can not judge what it proposes.

Mr. PITTMAN. There is but one amendment, and that is the amendment of the House providing that any proceeds derived from any oil within a naval reserve shall be put in a naval fund, subject to the appropriation of Congress thereafter.

Mr. SMOOT. This is only the temporary bill?

Mr. PITTMAN. This is only the temporary bill.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

PAY OF RURAL LETTER CARRIERS.

Mr. OWEN. I present a letter from the Postmaster General, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., August 7, 1914.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR OWEN: The unit of compensation for duty performed by letter carriers in the Rural Delivery Service of the Post Office Department has finally reached a point, through the action of the Congress in prescribing a maximum salary of $1,200 per annum, where the entire subject of adequate remuneration for service rendered in rural delivery and the return received therefrom is vital to the welfare of the country and the proper and efficient administration of the Postal Service.

This administration is committed to the fundamental principle that economy shall prevail in the public service, and that any expenditure of the money of the people shall bear some fixed relation to the returns received from such expenditure. Now, therefore, when $53,000,000 of the people's money is expended annually for the maintenance and extension of postal facilities to patrons anywhere, and the returns therefrom, as ascertained after careful investigation, do not exceed $10,000,000 (in 1912 the actual returns were $7,570,000), it is time that those charged with the responsibility of administering the distribution of such a huge sum at such a tremendous loss should earnestly endeavor, in a spirit of justice and equity, to provide a means whereby the maximum income from the expenditure might be secured.

This discrepancy and the discrimination that prevailed in the compensation of the employees in the Rural Service were so self-evident and so startling as to command immediate attention, and prior to the enactment of the legislation hereinbefore mentioned the department had carefully investigated ways and means that would reduce the annual loss of more than $40,000,000 that now appears in the operation of this service, and which is rapidly rendering prohibitive the cost of further extension thereof for the benefit of the people, and had arrived at the conclusion that the compensation of the employees engaged therein was entirely adequate for the work performed, subject to a radical revision of the unfair and unequal basis upon which such compensation was fixed. The attitude of the department was materially influenced by the enormous number of applications presented to the Civil Service Commission for employment at the prevailing rate of pay.

A careful survey of the details involved in the rural mail delivery developed these unusual conditions, in that the personnel engaged in such delivery, which was inaugurated in the year 1896, then received a uniform compensation of $300 per annum.

In 1898 this was increased to $400 per annum.
In 1900 this was increased to $500 per annum.
In 1902 this was increased to $600 per annum.
In 1904 this was increased to $720 per annum.
In 1907 this was increased to $900 per annum.
In 1911 this was increased to $1,000 per annum.
In 1912 this was increased to $1,100 per annum.

In each and every instance where increased compensation was authorized certain good reason therefor was apparent to the Congress, yet the mileage factor, which constituted the sole basis of compensation, was never changed by the department.

During this session of Congress a pernicious lobby, encouraged by the circulation of a sheet known as the "R. F. D. News," and labeled "The official organ of the National Rural Letter Carriers' Association," advocated the increase of the maximum salary of rural letter carriers to the extent of $100 additional per annum, ostensibly on account of the increase in the amount of mail matter carried, due to the establishment of the parcel-post feature of postal activity. This proposition to increase the annual cost of operation of the rural delivery mail service to the extent of $4,500,000 was further promoted by the periodical visits of certain officers of the National Rural Letter Carriers' Association, an organization presumably formed within the carrier body to cooperate with the department in the advancement of the Postal Service, but which in reality has degenerated to a point where, in the opinion of the department, it exercises a baneful influence over the service and incites the carrier body to political reprisal upon the Representatives of the people in Congress who may have the courage to deny its demands or defy its vengeance. Largely through the influence and activities of "the official organ" certain carriers submitted grossly exaggerated, misleading, and untrue statements to Members of Congress relative to the cost of maintaining service on their several routes. A circular, issued from the same source, dated July 29, 1914, boasts of the success of the methods pursued and tells of plans for further legislation, and mentions an allowance for equipment, etc., as the next avenue of approach.

Now, the annual maximum compensation of the rural carriers was fixed at $1,200, effective July 1, 1914, and the department, while not consulted as to the necessity for the increase in compensation, has earnestly endeavored to adjust the salaries of the employees in an equitable manner on the basis of additional service rendered.

Our further survey disclosed that on a very large number of daily routes more than 20,000 pieces and more than 2,500 pounds of mail are handled each month, whereas on other daily routes of equal length less than 3,000 pieces and less than 500 pounds are handled monthly. The following tables illustrate the woeful lack of attention which has heretofore been given to this most important factor involved in the equitable and definite relationship that should prevail between the amount of work performed and the amount of money paid therefor:

Statement showing weights and number of pieces of mail carried on certain rural routes, together with the old and new rates of pay.

No. of route.	Office.	State.	Length, miles.	Pieces.	Pounds.	Old pay.	New pay.	Increase.
1	Birmingham..	Alabama.....	24	28,102	2,395	$1,100	$1,200	$100
1	Phoenix.....	Arizona.....	22	11,555	1,446	1,056	1,200	144
2	Tempe.....	....do.....	22	10,497	1,512	1,056	1,200	144
1	Yuma.....	....do.....	22	14,138	2,129	1,056	1,200	144
1	Auburn.....	California.....	21	9,346	2,271	990	1,200	210
5	Bakersfield...	.....do.....	21	16,954	2,727	990	1,200	210
1	Carpinteria...	.....do.....	21	12,593	2,055	990	1,200	210
2	Chico.....	.....do.....	23	12,449	1,611	1,056	1,200	144
3	.....do.....	.....do.....	18	15,205	1,886	880	1,152	272
1	Concord.....	.....do.....	20	12,095	1,987	990	1,200	210
1	Gridley.....	.....do.....	20	13,288	2,470	990	1,200	210
1	Boulder.....	Colorado.....	23	12,027	1,748	1,056	1,200	144
1	Canon City....	.....do.....	18	20,928	3,086	880	1,200	320
2	.....do.....	.....do.....	21	13,678	1,841	990	1,200	210
2	Littleton.....	.....do.....	20	11,142	2,242	990	1,200	210
1	Eagleville.....	Connecticut..	22	27,467	5,378	1,056	1,200	144
2	.....do.....	.....do.....	6	12,862	3,009	484	936	452
1	Branford.....	.....do.....	20	15,510	2,703	990	1,200	210
1	Milford.....	.....do.....	23	27,517	3,415	1,056	1,200	144
3	.....do.....	.....do.....	23	14,521	2,176	1,056	1,200	144
5	New Haven....	.....do.....	23	12,938	1,541	1,056	1,200	144
2	Wallingford...	.....do.....	23	10,271	1,629	1,056	1,200	144
1	Hood River...	Oregon.....	26	39,529	7,502	1,100	1,200	100
2	.....do.....	.....do.....	24	36,199	7,143	1,100	1,200	100
2	.....do.....	.....do.....	24	38,182	7,071	1,100	1,200	100
2	Salem.....	.....do.....	23	20,320	3,125	1,056	1,200	144
1	Boonton.....	New Jersey...	23	16,142	2,624	1,056	1,200	144
2	Chatham.....	.....do.....	22	8,145	1,399	1,056	1,164	108
3	Vineland.....	.....do.....	22	21,014	4,397	1,056	1,200	144
1	Whippany.....	.....do.....	22	8,533	1,483	1,056	1,176	120
3	Delavan.....	Wisconsin....	22	16,611	2,901	1,056	1,200	144
1	Janesville.....	.....do.....	24	25,038	2,065	1,100	1,200	100
9	.....do.....	.....do.....	22	12,457	1,895	1,056	1,200	144
2	Milwaukee....	.....do.....	23	11,676	1,614	1,056	1,200	144
30	Oconomowoc..	.....do.....	22	12,444	2,193	1,056	1,200	144
29	Plymouth.....	.....do.....	23	13,924	2,247	1,056	1,200	144

Statement showing small amount of mail handled per month on certain other rural routes.

Route No.	Office.	State.	Length, miles.	Pieces.	Pounds.
1	Courtland.....	Alabama.....	21	1,171	173
1	Wheeler.....	.....do.....	19	1,437	176
32	Griffin.....	Indiana.....	24	2,677	327
1	Huron.....	.....do.....	23	2,887	395
4	Jasper.....	.....do.....	27	2,936	365
2	Shoals.....	.....do.....	24	2,713	345
1	Harper.....	Iowa.....	24	3,200	667
1	Boxville.....	Kentucky.....	24	3,130	398
3	Hardinsburg.....	.....do.....	20	1,752	241
1	Rock Haven.....	.....do.....	24	2,577	461
4	Anamoose.....	North Dakota.....	29	2,986	674
2	Emerado.....	.....do.....	30	3,709	578
4	Albany.....	Ohio.....	24	3,291	460
2	Coolville.....	.....do.....	24	2,904	386
2	Amarita.....	Oklahoma.....	27	3,045	420
2	Butler.....	.....do.....	30	2,562	316
1	Cooley.....	.....do.....	27	1,854	278
1	Boston.....	South Carolina....	28	1,908	222
1	Clemson College.....	.....do.....	26	1,736	151
1	Frogmore.....	.....do.....	24	2,302	255
1	Mountain Rest.....	.....do.....	24	2,507	268
3	East Berlin.....	Pennsylvania.....	24	3,134	404
1	Klingerstown.....	.....do.....	24	2,593	445
4	Eidson.....	Tennessee.....	25	1,148	126
2	Oneida.....	.....do.....	25	2,397	279
1	Martin Mills.....	.....do.....	24	1,677	256
5	Sneedville.....	.....do.....	26	2,036	304
2	Bedias.....	Texas.....	25	2,778	447
2	Chriesman.....	.....do.....	28	2,607	365
2	Bloomington.....	Wisconsin.....	24	2,631	337

A most cursory examination or comparison of these two tables shows conclusively that some readjustment of compensation for rural carriers was an imperative necessity. This the department has done, as it set forth in the inclosed order dated July 14, 1914.

To secure the increase of $100 in pay, as authorized by the Congress, a carrier shall transport each month 10,000 pieces of mail, which has been ascertained as the average carried in the past over a standard route, and not less than 1,300 pounds of mailable matter. You will note that this requires the carriage of one parcel of the maximum weight established by the regulation (50 pounds), or its equivalent in weight of mail matter of other classes, and is apparently in strict compliance with the intent of the Congress to provide for a higher compensation for the greater service rendered, due to the extra duty involved in handling the parcel post.

A return to the former mileage basis, as is suggested in certain bills introduced, would be inequitable and unjust to certain carriers whose compensation has now been very materially increased beyond that which has been paid them heretofore, and will include, in addition to those entered upon the tables above mentioned showing increases over $100 each, many thousands of other employees not so included, since it has been impossible as yet to complete the comparative tabulation of the entire service.

Your attention is also invited to the fact that under the new system certain pecuniary recognition is given to the carriage of closed pouches of mail to post offices located on rural routes, and to those carriers who serve routes in excess of 25 miles in length. The employees themselves have been insistent that both these factors should be considered in any revision of their salary schedule. Neither has heretofore been recognized by the Congress nor by the department. Thus the weight and number of pieces as an additional factor again illustrate their usefulness as a matter of equity and justice.

Finally, not a single employee in the Rural Service suffers any decrease in the compensation heretofore paid, and the only sentiment which is either material or relevant to the equity involved is that which has been created by the unfortunate dissemination of unauthorized information to the effect that all carriers in the Rural Delivery Service would receive an increase of one-eleventh in their annual rate of pay, regardless of the argument used in support of the requests for such increase or the facts that warrant the proper distribution of the increase in proportion to the actual work involved or amount of mail matter transported.

The future advancement and promotion of efficiency in the Rural Mail Service will undoubtedly be influenced by the attitude of the Congress on this subject. Shall these employees receive compensation in proportion to the amount of work performed, and the arduous nature thereof, as is the case in all other lines of employment throughout this country, or shall a special privilege be granted to certain of their number to receive the same remuneration for extremely limited service rendered, and who, for instance, may utilize a motor vehicle on highly improved highways, carrying in some cases only 10 pounds of mail matter in less than three hours daily, and then engage in other lines of competitive activity remunerative to themselves, while their fellow employees not so favored must perform eight hours of service daily on difficult mountain highways, carrying over 300 pounds of mail matter? The department has sincerely endeavored to remedy this gross injustice, and believes that the patrons of the Postal Service will recognize the substantial equity involved in the principle that the salary of an employee should be proportionate to the work performed.

Further, in the interest of thousands of prospective patrons it is the earnest desire of the department to continue the extension, and increase the frequency of the Rural Delivery Service, and plans have already been formulated whereby the delivery zone may be doubled, the accomplishment of which will be sadly handicapped when the available resources for the purpose have been otherwise applied.

Sincerely, yours,

A. S. BURLESON,
Postmaster General.

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ORDER NO. 8246.

POST OFFICE DEPARTMENT,
Washington, July 14, 1914.

On and after July 1, 1914, the compensation of rural carriers shall be based upon the length of routes and the number of pieces and the weight of mail carried as shown by the records of the department; and their rates of pay shall be computed on and fixed according to the following schedule:

Schedule.

Length of route.	Salary base.	Pieces of mail per month.	Pounds of mail per month.
4 miles and less than 6 miles	$480	3,000	400
6 miles and less than 8 miles	528	3,700	490
8 miles and less than 10 miles	576	4,400	580
10 miles and less than 12 miles	624	5,100	670
12 miles and less than 14 miles	672	5,800	760
14 miles and less than 16 miles	720	6,500	850
16 miles and less than 18 miles	840	7,200	940
18 miles and less than 20 miles	960	7,900	1,030
20 miles and less than 22 miles	1,080	8,600	1,120
22 miles and less than 24 miles	1,152	9,300	1,210
24 miles and over	1,200	10,000	1,300

An increase or decrease of $12 per annum shall be made for each 1,000 pieces and for each 100 pounds, respectively, greater or less than the schedule; and an allowance of $12 per annum shall be made for each closed pouch or closed sack of mail carried per day, and also for each full mile of route served in excess of 25 miles in length:

Provided, That no carrier shall be reduced in present compensation because of this order, and that $1,200 per annum shall be the maximum salary.

A carrier serving one triweekly route shall be paid on the basis and subject to the above conditions for a route one-half the length of the route served by him, and a carrier serving two triweekly routes shall be paid on the basis and subject to the above conditions for a route one-half the combined length of the two routes.

The compensation of carriers on newly established routes shall be at the rates in effect June 30, 1914.

A. S. BURLESON,
Postmaster General.

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POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, August 13, 1914.

HON. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR OWEN: In reply to your recent letter with reference to the readjustment of the pay of rural letter carriers, effective July 1, 1914, I beg to invite your attention to the inclosed copy of the order of the Postmaster General and explanatory statement concerning it. (See Order No. 8246, above.)

You will observe that in order to receive $1,200 per annum on a route 24 or more miles in length, a carrier is expected to deliver and collect a monthly average of 1,300 pounds and 10,000 pieces of mail. This requires the carriage of 50 pounds (equivalent to one parcel of the maximum weight) and 400 pieces of mail a day. On a very large number of daily routes more than 20,000 pieces and more than 2,500 pounds are handled each month, while on many other daily routes less than 4,000 pieces are handled. It is not proposed, however, to reduce any carrier's salary below the schedule in effect June 30, 1914.

The effect of this order will be largely to equalize the salaries of the carriers. It establishes, as is the case in all other lines of employment, an equitable and definite relationship between the amount of work performed and the amount of money paid therefor. Furthermore, on a considerable number of routes less than 24 miles in length, where a large amount of mail is handled, the carriers will receive a materially greater increase than if a mere flat addition of one-eleventh to the salaries of all carriers had been authorized. It seemed essential that the department should recognize the greater duty and responsibility thus involved, as the carriers who perform service under such conditions are un-

doubtedly entitled to remuneration in proportion. A partial list of such cases, taken at random from the files, is inclosed for your information, as is also a similar list showing the amount and weight of mail handled on routes where no increases have been authorized, and where it seems obvious from the amount of work performed that none should be authorized.

I also call your attention to the fact that the order provides some measure of financial return to carriers who serve routes in excess of 25 miles in length and who carry pouches of mail to post offices located on their routes. The employees themselves have been insistent that both of these factors be considered to some extent in fixing their pay, but neither has heretofore ever been recognized by Congress or by the department.

With reference to the complaint of the rural carriers at Reed, Okla., transmitted with your communication referred to above, I beg to state that the amount of mail handled by these carriers, as shown by reports recently submitted by the postmaster, is not such as to entitle them to additional compensation.

Sincerely, yours,

JAMES I. BLAKSLEE,
Fourth Assistant Postmaster General.

JULY 31, 1914.

The Postmaster General issued an order to-day promulgating the schedule of salaries to be paid carriers in the rural delivery service from July 1, 1914, in accordance with the recent act of Congress providing $1,200 per annum as the maximum pay of these employees.

Heretofore the unit of compensation upon which the salaries of carriers has been based included only the number of miles traversed, without any consideration of the time required to travel such mileage or the amount of work performed by the carrier during such travel.

The Postmaster General concluded that the time had arrived when certain recognition should be given to some additional features involved in the collection and delivery of the mail on rural routes, and that the most important item for particular attention was the improvement in the efficiency of the rural mail delivery, in order that the patrons of the service should receive the maximum return for the enormous expenditure involved, and that the remuneration of the employees engaged therein should bear some fixed relation to the amount of service rendered. To this end it was equally essential that the new features thus introduced should not interfere with or reduce the basis of compensation which heretofore prevailed and which was regarded as adequate, but should also establish equity, in so far as possible, in the compensation paid to the employees who now perform, and who have in the past performed, particularly arduous and difficult duty.

The establishment of the parcel post has been utilized as an argument for the necessity for increased compensation to postal employees. During the period that has elapsed since the inauguration of this very meritorious addition to postal activity the department has carefully ascertained the actual results produced on each rural route and every consideration has been given to the information thus secured in this order of the Postmaster General, now in effect. The basis of computation for maximum compensation requires the transportation of one parcel-post package per day of the maximum weight now established by the postal regulations, or the equivalent thereof in any mailable matter, and the handling of an average of 400 pieces of mail daily.

The order further provides that on routes less than the standard *length (24 miles)*, where carriers have been receiving less than the former maximum pay of $1,100 a year, an increase or decrease of $12 per annum greater or less than the schedule pay shall be made to or from the prescribed salary for such route for each 1,000 pieces, and for each 100 pounds of mail handled monthly, up to the maximum of $1,200 per annum. It also stipulates that an allowance of $12 per year shall be made for each closed pouch or sack of mail transported by carriers to post offices located on rural routes.

The Postmaster General believes that the new order will encourage the carriers to use all legitimate means to increase the business on their routes and that it will be a further incentive to the patrons to utilize the rural service in the transportation of articles by parcel post, in that the increase in the weight or number of pieces thus transported will indirectly have an immediate effect upon the remuneration of the carrier.

It is self-evident that the promulgation of this order is one of the first steps toward the improvement in the efficiency of the rural delivery mail service and the elimination to a large extent of the tremendous disparity that exists between the revenues and the expenditure in this particular branch of the service.

AUGUST 6, 1914.

Hon. A. S. BURLESON,
The Postmaster General, City.

DEAR SIR: Please advise me upon what basis the compensation of rural carriers was fixed prior to June 30, 1914, and the present basis of such compensation; and if a change has been made, I should be glad to know what the reasons were which actuated the department in making the change.

Please advise me whether the Post Office Department is now self-supporting, and especially whether the parcel post is self-supporting.

Yours, very truly,

_____.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., August 14, 1914.

Hon. R. L. OWEN,
United States Senate.

MY DEAR SENATOR OWEN: In further reply to your communication of August 6, I beg leave to state that should the plans of the department prevail whereby economy in the operation of the Postal Service may be established, there is no doubt whatever that the Postal Service in general will show that it is self-supporting and that the returns from the parcel post will be most gratifying in particular.

Sincerely, yours,

A. S. BURLESON,
Postmaster General.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on August 15, 1914, approved and signed the following acts:

S. 4966. An act proposing an amendment to section 19 of the Federal reserve act relating to reserves, and for other purposes;

S. 5313. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes; and

S. 6031. An act authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas.

PROPOSED ANTITRUST LEGISLATION.

Mr. CULBERSON. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. THOMPSON. Mr. President, one of the most important features of the pending bill, commonly known as the Clayton bill or antitrust bill—H. R. 15657—is the exemption of labor and farmers' organizations from the operation of the antitrust laws. It was never intended that these organizations should be included within the terms of the Sherman Antitrust Act, and it was a source of great surprise to the country when some of the courts took a different view. The law was originally designed to cover industrial combinations, as is clearly demonstrated by a review of the various speeches made in 1890, at the time of the passage of the act.

The senior Senator from Arizona [Mr. ASHURST] a few days ago, in a very able and convincing argument on this subject, read into the RECORD the expressions of the author of the law, Senator Hoar, and also remarks from Senator Teller, which I again call attention to.

I desire to have these inserted as part of my remarks. They have already been read, and I will not again read the arguments used at that time.

The PRESIDING OFFICER (Mr. WALSH in the chair). Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Senate, page 2729, March 27, 1890. Mr. Hoar.]

When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the State. It is the creation or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the Government and the character of the State itself.

The maintenance of a certain standard of profit in dealing in large transactions in wheat or cotton or wool is a question whether a particular merchant or a particular class of merchants shall make money or not; but the question whether the standard of the laborer's wages shall be maintained or advanced, or whether the leisure for instruction, for improvement shall be shortened or lengthened is a question which touches the very existence and character of government of the State itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes republican government itself possible, and without which the Republic can not, in substance, however it may nominally do in form, continue to exist.

I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations, who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that, we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

When, on the other hand, we are dealing with one of the other classes, the combinations aimed at chiefly by this bill, we are dealing with a transaction the only purpose of which is to extort from the community, monopolize, segregate, and apply to individual use, for the purposes of individual greed, wealth which ought properly and lawfully and for the public interest to be generally diffused over the whole community.

[Senate, page 2562, March 24, 1890. Mr. Teller.]

I know that nobody here proposes to interfere with the class of men I have mentioned. Nobody here intends that by any of these provisions, either in the original bill or in any amendment, and I have only called attention to it to see if the efforts of those who have undertaken to manage this subject can not in some way confine the bill to dealing with trusts, which we all admit are offensive to good morals.

* * * * * * *

I want to repeat that I am exceedingly anxious myself to join in anything that shall break up and destroy these unholy combinations, but I want to be careful that in doing that we do not do more damage than we do good. I know how these great trusts, these great corporations, these large moneyed institutions can escape the provisions of a penal statute, and I know how much more likely they are to escape than the men who have less influence and less money. Therefore I suggest that the Senators who have this subject in charge give it special attention, and by a little modification it may be possible to relieve the bill of any doubt on that point.

Mr. THOMPSON. The Court of Appeals of the District of Columbia in the initial decision on this question in the case of American Federation of Labor *v.* Buck's Stove & Range Co. (33 App. Cases D. C., 83), recognizes the absolute right of labor

to organize, to conduct peaceable strikes, and to resort to all lawful means to accomplish any lawful purpose, as shown in the opinion on pages 114 and 115:

The right of laboring men to organize into unions and the right of these unions to conduct peaceable strikes is justified because of their inability to compete single-handed in contests with their employers. In this competition any peaceable and lawful means may be resorted to, and it is only when the means employed becomes unlawful that the courts will interfere. The law recognizes the right of both labor and capital to organize. The contest between employer and employee is one which courts of equity should recognize as entitled to be fought out upon the basis of equality; and the rule applied by the courts to the strike is based, I think, upon that principle. The fundamental principle underlying this contest is that the employer who employs 1,000 workmen is in possession of the same competitive power to force those workmen to his terms as the 1,000 men, by the most powerful lawful organization, have to force him into a compliance with their terms. The contest, therefore, opens with the one on one side and a thousand on the other upon a substantial basis of equality. The employer has a property right in his business which he asks the courts to protect, and which is entitled to protection. It consists, among other things, in his right to employ whom he pleases. He may use in his business such types of machinery and appliances as he may think adapted to carry on his work most successfully, so long as they are reasonably safe and sanitary. The law protects him in these rights, and the courts will require others to respect them. On the other hand, the thousand employees have a property right in their labor, which is equally sacred with that of the employer. They have a right to engage their services wherever and to whomsoever they can secure the largest rewards and the fairest treatment. They have a right to cease working for their employer, with due regard for their contractual relations, when, in their judgment, they can better their condition by so doing. They have a right to organize for this purpose, and they have a right to advise others to join their organization, and the law will protect them in the exercise of these rights equally with the rights of the employer. The refusal of the employees to work for the employer may result in his financial ruin, but the loss will be no greater than the damage his refusal to employ the 1,000 laborers may work in the aggregate upon them and those dependent upon their labor. In this contest between employer and employed, it should be remembered that the one who most strictly recognizes and observes the legal and equitable rights of the other enters the struggle with tremendous odds in his favor.

It was also the doctrine of the common law that a thing which is lawful when done by one person does not become unlawful when done by two or more persons in combination, provided no unlawful means is agreed upon or used.

The courts have held, and I refer now to this same labor decision which was against labor at that time:

Employees have a perfect legal right to fix a price upon their labor and to refuse to work unless that price is obtained. They have that right both as individuals and in combinations. They may organize to improve their condition and to secure better wages. They may even use persuasion to have others join their organization. They have an unquestionable right to present their cause to the public in newspapers or circulars in a peaceable way, but with no attempt at coercion. If ruin to the employer results from their peaceable assertion of these rights, it is a damage without remedy. But the law does not permit either employer or employee to use force, violence, threats of force, or threats of violence, intimidation, or coercion. (My Maryland Lodge, No. 186, of Machinists, *v.* Adt (1905), 100 Md., 238, 249; 68 L. R. A., 752. See also National Protective Asso. *v.* Cumming, 170 N. Y., 315, 321; 58 L. R. A., 135.)

The opposition claim that the exemption of labor and farmer organizations would be unconstitutional by reason of discriminating between classes of citizens, and therefore denying the equal protection of the laws guaranteed by the Constitution of the United States, and that such legislation is new and unheard of in the operation of general laws.

In answer to this argument I call attention to the exemption provision of the section imposing a tax on corporations under the tariff law of 1909, approved and signed by President Taft, as follows:

Provided, however, That nothing in this section contained shall apply to labor, agricultural, or horticultural organizations, or to fraternal beneficiary societies—

And so forth. I also refer to a decision of the Supreme Court of the United States in the case of Flint *v.* Stone, Tracy & Co. (220 U. S., 107) on the validity of this provision, wherein the court held:

As to the objection that certain organizations, labor, agricultural and horticultural, fraternal and benevolent societies, loan and building associations, and those for religious, charitable, or educational purposes, are excepted from the operation of the law, we find nothing in them to invalidate the tax. As we have had frequent occasions to say, the decisions of this court from an early date to the present time have emphasized the right of Congress to select the objects of excise taxation, and within this power to tax some and leave others untaxed, must be included the right to make exemptions such as are found in this act.

That there is nothing uncommon or pernicious in provisions of this kind is further shown by a similar provision in the Simmons-Underwood tariff law recently enacted by Congress. In the section dealing with the income tax is found the following provision:

Provided, however, That nothing in this section shall apply to labor, agricultural, or horticultural organizations, or to mutual savings banks not having a capital stock represented by shares, or to fraternal beneficiary societies—

And so forth. Farmers are specifically exempted from the benefits of the Federal bankruptcy law. If it was legal to single out and deprive farmers as a class of the benefits given others under the bankruptcy law, it should also be legal to give them whatever advantage they may derive of exemption from the antitrust laws.

It will also be remembered that all annual incomes under $3,000 are exempt under the income-tax law, and that the compensation of all officials and employees of a State, or any political subdivision thereof, is exempt except when paid by the United States Government. The question is not whether a distinction is actually made, but whether such distinction is just and equitable and whether the results in making the distinction promote the welfare of the greatest number of the people and thereby contribute to the general good of the Government.

In the construction of a State statute involving almost the identical language in question, in the case of State *v.* Coyle, criminal court of appeals of Oklahoma (130 Pacific Reporter, 316), where the contention was made that this exemption of labor combinations is unconstitutional as discriminatory between classes of citizens and not affording the equal protection of the laws which the Constitution of the United States guarantees, Judge Furman in his opinion answered the question in the following forceful manner:

I desire, without reading, to have it incorporated as a part of my remarks.

The PRESIDING OFFICER. It will be so ordered.

The matter referred to is as follows:

A careful consideration of this matter will show that the contention of counsel for appellees is not tenable. It must be conceded that the legislature has the right and power to make reasonable classifications with reference to any proper subject of legislation. The assumption of counsel for appellees is that the rights of capital are equal to the rights of labor. Good morals do not sustain this assumption. While labor and capital are both entitled to the protection of the law, it is not true that the abstract rights of capital are equal to those of labor, and that they both stand on an equal footing before the law. Labor is natural; capital is artificial. Labor was made by God; capital is made by man. Labor is not only blood and bone, but it also has a mind and a soul, and is animated by sympathy, hope, and love; capital is inanimate, soulless matter. Labor is the creator; capital is the creature. But if we concede that the assumption of counsel for appellees is well founded and if we arbitrarily and in disregard of good morals place capital and labor upon an absolute equality before the law, another difficulty confronts them. Capital organizes to accomplish its purposes. Then, according to their own logic, it would be a denial of equal rights to labor to deny to it the right to organize and act without a breach of the peace to meet the aggressions of capital.

We therefore hold, from either view, that the provisions of the statute constitute a reasonable classification, such as the legislature had the right to make, and that the antitrust law does not, on this account, violate the clause of the Constitution of the United States which guarantees equal protection to all of the citizens of the United States. We deny that trusts and monopolies are entitled to protection as citizens of the United States.

Mr. THOMPSON. Whether the original decision against labor in the Buck's Stove case was correct or not, it is perfectly clear that we have a legal right to exempt labor from the operation of this law. That it is desirable to do so, few will deny. Labor is not property any more than the air we breathe. That it is necessary to organize to preserve the rights of labor can not be successfully denied. Without organization labor would be completely crushed by capital.

Mr. Gompers, president of the American Federation of Labor, when before the House committee, summed up his argument most convincingly in the following language:

Our existence is justified not only by our history, but our existence is legally the best concept of what constitutes law. It is an outrage—it is an outrage of not only the conscience, it is not only an outrage upon justice, it is an outrage upon our language to attempt to place in the same category a combination of men engaged in the speculation and the control of the products of labor and the products of the soil, on the one hand, and the associations of men and women who own nothing but themselves and undertake to control nothing but themselves and their power to work.

In another address to Congress on this same subject Mr. Gompers said:

That which we seek is not class legislation. It is a common custom in speaking to couple together the words "labor" and "capital" as though they stood for things of similar natures. Capital stands for material, tangible things, things separate and distinct from personality; labor is a human attribute indissolubly bound up with the human body. It is that by which man expresses the thought, the purpose, the self that is his own individuality; if he is a free man, he has the right to control this means of self-expression. This he values above all, for if he lose this right to decide the granting or withholding of his own labor, then freedom ceases and slavery begins. * * * Labor power is not a product; it is human ability to produce. Because of its very nature it can not be regarded as a trust or a corporation formed in restraint of trade. Any legislation or court construction dealing with the subject of organizations, corporations, or trusts which curtail or corner the products of labor can have no true application to the association of free men in the disposition or withholding of their labor power.

If it was a surprise when labor organizations were included in the terms of the antitrust law by the courts, it was certainly a greater astonishment when farmer organizations were also included. There seems, however, to have been but one prosecution of organizations of this kind that ever reached the higher courts, and it seems also to have been one of the very

few proceedings directly under the criminal section of the Sherman Act in any case. It is certainly a little strange that with all of the every-day violations of the antitrust laws by trust magnates in every section of the country that the poor farmers and laborers should have been selected as the only men to make an example of in cases of this character by criminal prosecution. I have always believed that if the men who sat at their desks in their offices in Wall Street in 1899 and deliberately planned and formed the Standard Oil Co., with its $100,000,000 capital stock, taking over and practically wiping out of existence 400 independent oil companies throughout the United States, giving themselves the practical control of 90 per cent of the domestic and export trade in oil, and who also at the same time planned and formed the Amalgamated Copper Co., with its $175,000,000 capital stock, for the purpose of purchasing and operating all of the copper-producing properties of the country without engaging in the mining business at all, neither owning nor operating a single mine, but acting simply as a security holding corporation, with its assets consisting only of stocks of other operating corporations, and the officers and directors associated with them in the formation of these companies had all been proceeded against criminally, convicted, and sentenced to the penitentiary, it would have done more toward putting a stop to monopolistic organizations than all of the laws we could pass in 100 years. It would have simply "nipped in the bud" all the unlawful high-finance schemes invented by the financial pirates of this country which have caused so much trouble to the business world in the last few years.

During the first 17 years of operation of the Sherman antitrust law the only persons convicted and sentenced under the criminal section of that act were eight farmers of Grant County, Ky. Twelve prominent farmers of that county were charged with the crime of conspiracy in restraint of interstate trade and commerce, the action was dismissed against 1 and acquittal was had in 3 cases and the remaining 8 were convicted and severally sentenced to pay heavy fines. The case is entitled Steers against United States. and is reported in One hundred and ninety-second Federal Reporter, at page 1. A fair statement of the case is given by the defendant, J. G. Steers himself, as follows:

The facts in brief are these: In the fall of 1907 Mr. W. T. Osborn was solicited to pool his tobacco. He refused kindly but positively. Then he proposed and promised to R. L. Conrad and several others of our good men that he would hold his tobacco until the 1907 pool was sold. We believed him sincere and trusted him to hold his tobacco.

Some time in November, 1907, he prized the tobacco, and in the week of the 29th of November, 1907, he hauled it to the Dry Ridge depot and received a bill of lading for shipment to Cincinnati.

This tobacco was in depot several days, and on Thanksgiving Day, November 28, 1907, a meeting of our local was called; a general rumor seemed to be going the rounds that something might happen to this tobacco that night. I and many others made talks urging peace, law, and order, and some one suggested that a committee be sent to see Mr. Osborn, to see if he would yet hold his tobacco. Then his best friends were looked for and J. S. Carter, a brother-in-law of Osborn, and A. C. Webb, a lifelong neighbor and friend, were made a committee to go at once and see what he would do.

A young man, Hugh Lee Conrad, furnished a rig and drove it, so the three—Conrad, Webb, and Carter—drove out to see him, and the rest of us waited at the lodge for their return. They reported a very pleasant, social meeting with Mr. Osborn; they told him what the general rumor was and he said, "He was already uneasy about it and thought he had made a mistake." He was asked to take it back home, but would not do it. Then they proposed he let them put it in some place and hold it here; to this he said, "No; I won't do that; but if you will haul it back to my barns I will let it lay there until you say for me to sell it." To this the committee agreed, and all separated as the best of friends. Osborn followed them to the road and thanked them and invited all back to see him.

The local received the news with rejoicing and all going home feeling very kindly toward Mr. Osborn. On the next morning 200 or 300 men, some on foot, some on horseback, and some in buggies, and four wagons met at the depot, loaded the four hogsheads of tobacco on four wagons and had a little parade and marched two by two toward Mr. Osborn's. The tobacco was delivered in good shape and a general good feeling, love feast, engaged in by all present. If there was a threat made by anyone I never heard it nor heard of it. We were unable to even locate the rumor. I called on the local to know if there was a man in the house who knew of anyone who would likely do violence or make any threats against Mr. Osborn or his tobacco, and I failed to find any, only several seemed to have heard the rumor, but could not tell where or from whom.

(Signed) J. G. STEERS.

This statement does not differ substantially from the statement of the case in the opinion of the court, except on the question of the threats against Osborn who had arranged to ship his tobacco, and defendants all claimed that there were no threats of any character made, and no force, coercion, or other unlawful means used or attempted by those who finally persuaded Osborn to hold on to his tobacco for a higher price. How these facts or circumstances could possibly amount to a violation of section 2 of the Sherman Antitrust Act is difficult to understand. In any event the conviction obtained under the facts in the case appealed so strongly to President Taft that he gave a full pardon to each of the defendants.

The Farmers' Union News of April 27, 1910, had this to say concerning the Kentucky convictions. I will ask leave to have it inserted as a part of my remarks without reading.

Mr. SHAFROTH. I wish the Senator would read that extract. It is very interesting and I should like to hear it read.

Mr. THOMPSON. I will be glad to read it.

THE KENTUCKY CONVICTIONS.

Eight of the eleven Kentuckians recently indicted by a United States grand jury have just been convicted in the United States district court and sentenced to pay fines ranging from $100 to $1,000. These eight were convicted under what is called the penal section of the Sherman Antitrust Act of 1890. They were convicted of "restraining interstate commerce." That is the heinous offense. The facts are simply these: Two or three years ago these men, who are excellent citizens of Grant County, Ky., and who stand high in the good opinions of their neighbors, persuaded one of their neighbors to haul his white-leaf tobacco back from the railroad station where he had taken it and had consigned it to a commission broker in Cincinnati, Ohio, just across the State line. For merely persuading a fellow friend and neighbor into withdrawing his products from the railroad's custody, which the shipper, the neighbor, had a perfect legal right to do, and where he had taken it and consigned it to a point in another State under the mistaken notion that the planters were no longer holding their tobacco, these eight men have been indicted and convicted of a crime. If the tobacco had been consigned to any town or city in Kentucky, the indictment and convictions could not have been, under the Sherman Act, which deals only with interstate and foreign commerce. What do you think of that? Much has been said on the Fourth of July and other patriotic occasions about this being a free country and about the inalienable rights of freedom of speech and the precious liberties we all enjoy in free America. But, Mr. Farmer, although the big trusts and monopolies have been allowed to run at large plotting, planning, and skinning you, both coming and going, the minute you get together or even talk of getting together in order to have some say about what you will take for your products or tell some friend he ought to hold his farm products, if they happen to have been consigned to a railroad company for shipment out of the State, you can be indicted and convicted of a crime under the Sherman Antitrust Act, which everybody knows was never intended to be used against anything or anyone except the big, thieving, robbing, oppressive monopolies and trusts. What is the matter with having Congress repeal that atrocious act, so ineffective against the trusts, and so outrageously unjust, and to our mind such an infringement of our liberties, both constitutionally and unconstitutionally?

Although the antitrust act was passed for the purpose of destroying trusts and the punishment of their promoters and others engaged in monopoly, it being clearly understood by the Members of Congress at the time of the passage of the act that it was not meant to apply and could not possibly be construed by anyone as applying to organizations of farmers or laboring men, yet farmers' societies and members of labor unions were the only persons indicted and convicted, all the big trust magnates being permitted to go their way and not a single one indicted until 1912 when the Cash Register people were convicted and sentenced. The conviction of the eight Kentucky farmers, the leading citizens of their community, is an illustration of the way the administration of the laws through the courts is sometimes used in a manner not anticipated, where the laws are turned against the supposed beneficiaries by those at whom the legislation was originally aimed.

Mr. SHAFROTH. I understood the Senator to say—and I have listened to his address—that up to this time the first convictions or the only convictions had under the Sherman antitrust law were against combinations of either laborers or farmers?

Mr. THOMPSON. That is my understanding.

Mr. SHAFROTH. To what time?

Mr. THOMPSON. Up to 1907.

Mr. SHAFROTH. Thank you.

Mr. THOMAS. The Senator from Kansas is making a most interesting and learned discussion on a very important feature of the pending measure. I want to call attention to the fact that, with the single exception of the Senator from Washington [Mr. JONES], sitting on this side of the Chamber, every seat upon the other side is vacant, and that three Senators upon the other side are engaged in a very earnest social or business discussion in one of the corners of the room.

Mr. THOMPSON. I hope it is not my speech that caused them to leave the Chamber. I notice it is a common practice indulged in by the other side whenever any Democrat speaks. So I do not feel at all slighted.

Mr. President, with the organization of the Consolidated Tobacco Co., in 1901, with its capital stock of over $500,000,000, acquiring or wiping out of existence about 150 concerns, the price of the finished manufactured product sold by the trust went soaring upward, and the price of the new unmanufactured tobacco raised and sold by the farmers to the trust went rapidly downward. The raw product of the farmers continued to go down to such a low point that there was not a decent living in its production for the Kentucky and other southern tobacco growers who, through dire necessity, were compelled to get together in a lawful organization to protect themselves against the unlawful acts of the Tobacco Trust. The trust had to have this white burley tobacco to use in the manufacture of

certain proprietary brands. The white burley leaf was grown only in limited area in central Kentucky. The trust was obliged to send its officials to bargain with a committee representing practically all of the tobacco growers instead of sending its agents to the individual growers, as it had theretofore done, to beat down the price by making all kinds of misrepresentations to compel the growers to accept whatever the trust offered. Consequently the price of raw tobacco gradually went up.

The tobacco growers became contented and prosperous. They thought the problem had been solved and that they were getting their just share for the product of their own toil. In the meantime the managers of the Tobacco Trust were watching for an opportunity to prosecute the growers under the Sherman Antitrust Act. This chance finally came when a single grower, Mr. W. T. Osborn, and his two tenants, of Grant County, Ky., although not members of the farmers' organization known as the Society of Equity, or the Burley Society, which had pooled and was holding at its warehouse all the tobacco of its members until they could get a higher price, thinking the growers were selling, took their tobacco to the railroad station at Dry Ridge and consigned it to a commission firm just across the river in Ohio. But upon being told by several members of the farmers' society that they were not selling yet finally joined them by canceling the sale and hauling the tobacco back home. These eight men, who resorted simply to the right of "free speech," were indicted and convicted of the crime of conspiring to restrain interstate trade and commerce. At the same time the big trusts, such as the Standard Oil, Tobacco Trust, and other trusts, which were being proceeded against in the courts, and although found guilty were merely called into court and told to dissolve, and no attempt whatever was made under section 6 of the act to forfeit their property engaged in interstate commerce. No wonder President Taft pardoned all of the farmers convicted in the prosecution against them.

They had simply peaceably agreed to hold their crop until they could get a higher price—a price sufficient to reasonably compensate them for their labor. There could certainly be nothing wrong in this, any more than if we Senators were all wheat growers and would agree among ourselves to hold our crop until we could get $1 per bushel. I formerly knew an old successful farmer who always held his crops, and encouraged his neighbors to do likewise, until he received at least 30 cents per bushel for his corn and at least 50 cents per bushel for his wheat. He figured that he had to receive this price in order to get back the cost of growing, with a fair profit for his time and labor. This farmer lived to be nearly a hundred years old, and was worth a round $100,000 when he died, showing an average of $1,000 savings for every year of his life. This was only common-sense business prudence, and no one ever imagined that he was in any way violating the antitrust law.

Farming in this country is one of the most honorable and useful occupations in which our citizens can engage. Daniel Webster said concerning farmers:

> The farmers are the founders of human civilization. Not only that, they are the lasting foundation. Let us never forget that the cultivation of the earth is the most important labor of man. Unstable is the future of a country which has lost its taste for agriculture. If there is one lesson of history that is unmistakable, it is that national strength lies very near the soil.

Although farmers are perhaps imposed upon more than any other class of citizens, they are the most law-abiding and patriotic people of the country. They perform the most important duties required for the highest type of citizenship. We could go longer without the followers of any other occupation much easier than without the farmer. Farmers are the real producers of the country, and without them the entire populace would eventually starve. They receive less for the value of their toil than any other laborers. They pay more taxes in proportion to the benefits received than any other citizen. They are therefore entitled to the highest protection of the law and of every reasonable favor in exemption that can legally and properly be extended to them in legislation or otherwise. This exemption from prosecution for associating together to protect themselves in order to secure just compensation for their products is certainly right and clearly legal for the reasons already stated. Organized labor and the farmer are seeking only legislative relief that they may not be prohibited from doing the things "not in themselves unlawful." That there is demand for this legislation is clearly shown by the action of the national meeting of the Farmers' Educational and Cooperative Union, which was held in my State at Salina last September, and adopted the following resolution.

I ask that the resolution be made a part of my remarks without reading.

Mr. SHAFROTH. I hope the Senator will read it. I am very much interested in his address, and I would like to hear the resolution read.

Mr. THOMPSON. Very well. I will gladly read it.

> Whereas according to the debates and statements made by Senators and Congressmen in charge of the bill on the floor of Congress in 1888 to 1890 it was never intended that the Sherman Antitrust Act should apply to aggregations of individuals, but only to aggregations of capital engineered by a few big speculators seeking unreasonable prices and profits; and
>
> Whereas during the first 17 years of the act the only convictions under the criminal section were farmers, promptly pardoned as a plain miscarriage of justice, the courts misinterpreting and misconstruing the act even to the extent of judicially legislating the word "unreasonable" into the law, wrongfully holding that trade meant traders, and that any interference with trade when done by farmers or by any persons, except, apparently, the big trust magnates, was criminal restraint of trade: Therefore be it
>
> *Resolved*, That the Farmers' Educational and Cooperative Union of America commend the action of Congress in limiting the $300,000 appropriation to the aggressive enforcement of the act and the real objects of the legislation, namely, the big trusts, and urge the importance of legislation that will correct the judicial legislation of the courts which have wrongfully decided that it means things Congress never intended and the people never expected and the construction placed upon the said law by the former and present President of the United States.

This farmers' organization is composed of over 3,000,000 farmers, completely organized in 21 States of the Union and with auxilliary local organizations in 11 other States.

The Democratic platform in 1908, repeated in 1912, on this important question, declared as follows:

> The expanding organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade.

President Wilson in his speech of acceptance of the presidential nomination spoke concerning working men as follows:

> The working people of America—if they must be distinguished from the minority that constitutes the rest of it—are, of course, the backbone of the Nation. No law that safeguards their life, that improves the physical and moral conditions under which they live, that makes their (the working people of America) hours of labor rational and tolerable, that gives them freedom to act in their own interests, and that protects them where they can not protect themselves can properly be regarded as class legislation or as anything but a measure taken in the interest of the whole people, whose partnership in right action we are trying to establish and make real and practical. It is in this spirit that we shall act if we are genuine spokesmen of the whole country.

Therefore, the exemption of the farmer and labor organizations as contemplated in this act, being right, legal, and clearly in accordance with the Democratic policy on this subject, I hope that the proposed legislation will be enacted.

Mr. SHAFROTH. I should like to ask the Senator whether he has examined into the statistics as to the number of antitrust indictments that have been made against labor organizations and farmers' organizations, and also whether he has examined as to how many indictments have been found among the large business people against those who combined for interference with interstate commerce?

Mr. ASHURST. Will the Senator permit me?

Mr. THOMPSON. Certainly.

Mr. ASHURST. If the Senator will permit me I will state that upon an examination recently made by myself I find that the Sherman antitrust law has been brought into requisition in 101 cases against farmers' and labor organizations.

Mr. SHAFROTH. How many against the big trusts?

Mr. ASHURST. I am sure that the same zeal that was used against the farmers' and laborers' organizations has never been exercised and used against the trusts.

Mr. THOMPSON. I will say for the information of the Senator from Colorado that I think there is a list published and it is furnished by the document room. My attention was called to it. I did not take the pains to count them to ascertain just how many; but I did look through it hurriedly to find that the first criminal prosecution of any sort was against farmers under the criminal section of the statute.

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

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

Mr. THOMPSON. I will gladly yield.

Mr. JONES. I desire to get the views of the Senator from Kansas as to how far he thinks this provision of the proposed law goes. Does it go any further than recognizing the legality of these organizations as organizations, or does it permit these organizations, after they are organized, to then go on and do things in restraint of trade and exempt them from prosecution for such acts?

Mr. THOMPSON. I think it exempts them simply as lawful organizations; but, of course, if they do anything unlawful or use any unlawful means, they are subject to prosecution under the antitrust law and under the general laws on the subject without regard to the antitrust law.

Mr. JONES. That is what I wanted to get at; that is about my idea with reference to how far this provision goes.

Mr. THOMPSON. The provision only protects such organizations in the performance of lawful acts, as I understand.

Mr. JONES. It prevents the court from holding as a conspiracy in violation of the Sherman law simply because of their organization?

Mr. THOMPSON. That is the intention, as I understand.

Mr. JONES. As I understand, that is the Senator's idea as to the extent to which this provision goes?

Mr. THOMPSON. Yes, sir.

Mr. JONES. I saw a statement purporting to come from the President that this provision, in effect, simply recognizes as lawful what many of the courts already hold is legal, and does not go any further; and, as I understand, the chairman of the Judiciary Committee of the other House gave out a statement to the press in which he held the same view; in other words, as the Senator understands, this provision does not really exempt any of these organizations from prosecution for the commission of acts which would, in fact, be in restraint of trade, and therefore prohibited by the Sherman antitrust law, but it does recognize their right to exist as organizations; the mere fact that they are organizations does not warrant any prosecution against them?

Mr. THOMPSON. No; nor for performing lawful acts in connection with the purposes of the organization.

Mr. JONES. Of course, they could not be prosecuted for performing lawful acts.

Mr. THOMPSON. Withholding crops for higher prices, refusing to work for certain wages, and acts of that character would not be unlawful; nor could you prosecute them for the mere fact that they are organized to protect themselves any more than you could prosecute the Masons or Odd Fellows or any other secret society by reason of their organization for the common good of all their members.

Mr. JONES. I merely wanted to get the Senator's idea. That was and is my idea as to what this section means.

Mr. CULBERSON. Mr. President, out of consideration for the Senate, as well as for myself, it is not my purpose to deliver any extended remarks on this measure; but I desire to invite the attention of the Senate briefly to the general outlines of the bill.

As is well known to the Senate, four general legislative purposes are sought to be accomplished by the bill under consideration:

First. It is proposed, without amending the Sherman Antitrust Act, approved July 2, 1890, to supplement that act by denouncing and making unlawful certain trade practices which, while not covered by that act because not amounting to restraint of commerce or monopoly in themselves, yet constitute elements tending ultimately to violations of that act. The trade practices made illegal by the bill are discrimination in prices for the purpose of unlawfully injuring or destroying the business of competitors, exclusive and tying contracts, holding companies, and interlocking directorates.

Second. It is proposed by the bill to further supplement existing antitrust acts by a provision that whenever a corporation shall violate the antitrust laws such violation shall be deemed as that also of the individual directors and officers who shall have authorized or participated in the acts constituting such violation, thereby establishing the personal guilt of the officials of the corporation who are really responsible for its illegal conduct.

Third. Following the original purpose of the framers of the Sherman antitrust law, the bill proposes expressly to exempt labor, agricultural, horticultural, and other organizations from the operation of the antitrust laws.

Fourth. The bill seeks to regulate the issuance of temporary restraining orders and injunctions generally by the courts of the United States, and particularly in labor controversies, and to make provision for the trial by jury in contempts which are committed beyond the presence of the court.

Many amendments to the bill are proposed by the committee, but the general scope of the bill is not altered by these amendments. While the amendments do not propose to depart from the general object of the bill, yet in some instances the form of the substantive law, as well as the remedies provided for its enforcement, are proposed to be changed. In sections 2 and 4, which deal with price discriminations and exclusive and tying contracts, respectively, instead of providing that the acts named shall constitute offenses punishable by fine and imprisonment, as in the House bill, the proposed amendments declare the acts unlawful and provide for the general enforcement of the sections through the agency of the Federal trade commission, the creation of which is provided for in a bill which recently passed the Senate and is now in conference. In sections 8 and 9, which deal with holding companies and interlocking directorates, respectively, some changes have been made in the provisions of positive law, and the general enforcement of the sections has been confided by the amendments to the Interstate Commerce Commission in the case of common carriers and to the Federal trade commission in the case of individuals, partnerships, and industrial corporations.

The pertinency and effect of the other amendments proposed by the committee will appear as we proceed with their consideration. I now ask unanimous consent that the bill may be read for the consideration of the committee amendments.

Mr. GALLINGER. Does the Senator ask that the formal reading of the bill be dispensed with?

Mr. CULBERSON. The formal reading has been had. The bill has been read at length.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none. The Secretary will state the first amendment reported by the committee.

Mr. GALLINGER. Mr. President, before the reading of the bill is commenced I wish to say that I have no knowledge whatever as to how many Senators on this side of the Chamber desire to debate the bill. I think it likely, however, that many of them are not aware of the fact that the bill is now being taken up for amendment. Therefore, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. CULBERSON. The bill has been read in full, on the insistence, in part, of the Senator from New Hampshire himself.

Mr. GALLINGER. I so understand; but my remark was that I apprehended that Senators did not know that the bill was being taken up for the consideration of amendments, and I think more of them ought to be in the Chamber. So I ask for a roll call.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gronna	Overman	Smoot
Bryan	James	Owen	Stone
Burton	Jones	Poindexter	Thomas
Chamberlain	Kern	Pomerene	Thompson
Chilton	Lane	Ransdell	Thornton
Clapp	Lea, Tenn.	Saulsbury	Vardaman
Culberson	McCumber	Shafroth	Walsh
Cummins	Martine, N. J.	Sheppard	White
Gallinger	Nelson	Shively	Williams
Gore	O'Gorman	Smith, Md.	

The PRESIDING OFFICER (Mr. WHITE in the chair). Thirty-nine Senators have answered to their names. There not being a quorum present, the Secretary will call the names of the absent Senators.

The Secretary called the names of absent Senators, and Mr. BRISTOW and Mr. SWANSON answered to their names when called.

Mr. MARTIN of Virginia, Mr. HITCHCOCK, and Mr. CAMDEN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. OVERMAN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that there is a standing order to that effect.

Mr. BANKHEAD, Mr. TILLMAN, Mr. LEE of Maryland, Mr. SIMMONS, and Mr. LEWIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, I will ask the Senator from Texas if he will permit me to make a brief statement?

Mr. CULBERSON. With reference to this bill?

Mr. GALLINGER. Just a word—more particularly with reference to my having called for a quorum.

Mr. CULBERSON. Certainly; I yield to the Senator.

Mr. GALLINGER. Mr. President, when the Senator from Texas was proceeding to ask that the bill should be read for amendment, and that the amendments of the committee should be first considered, there were only a few Senators in the Chamber, and I thought it but fair that Senators should have an opportunity to be present. I want the Senator to know that I did not call for a quorum for the purpose of delay at all. I do not expect to say a word on this bill, and I hope it will be speedily considered; and it is likely I shall not again call for a quorum; but I thought that the Senators perhaps were not aware of the fact that the bill was being considered, and as 60 Senators had answered to their names a little while ago, I thought we would secure a quorum speedily, and that the call would not create much delay.

The PRESIDING OFFICER. The Secretary will state the first amendment reported by the committee.

The first amendment of the Committee on the Judiciary was, in section 1, page 2, line 17, after the name "United States," to insert, "*Provided*, That nothing in this act contained shall apply to the Philippine Islands," so as to make the clause read:

"Commerce," as used herein, means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That nothing in this act contained shall apply to the Philippine Islands.

The amendment was agreed to.

Mr. CULBERSON. Mr. President, when the Committee on the Judiciary made their report on this bill, they proposed a number of amendments to section 2. Since then the Federal trade commission bill has passed the Senate and is now in conference. Under that bill all questions affecting unfair competition are to be submitted to that tribunal. I am now authorized by the committee to abandon the amendments to section 2, and to move in lieu thereof that the entire section 2 be stricken out, for the reason that the general subject embraced in that section can be dealt with by the Federal trade commission, as provided for in the trade commission bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to strike out section 2.

The motion was agreed to.

The next amendment of the Committee on the Judiciary was, on page 3, after line 24, to strike out section 3, as follows:

SEC. 3. That it shall be unlawful for the owner, operator, or transporter of the product or products of any mine, oil or gas well, reduction works, refinery, or hydroelectric plant producing coal, oil, gas, or hydroelectric energy, or for any person controlling the products thereof, engaged in selling such product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and any person violating this section shall be deemed guilty of a misdemeanor and shall be punished as provided in the preceding section.

Mr. JONES. Mr. President, I should like to know why that section is proposed to be stricken out. It is a provision of the House bill and affects certain enumerated products. I should like to know whether there is any special reason why those products should not be brought under the terms of this bill.

If we strike out that section, it would seem to permit a dealer in the products enumerated to refuse arbitrarily to sell to anyone.

Mr. CULBERSON. If we strike out the section, the question is left open like all other sales questions are left open for the parties. I will read the reasons given in the committee report recommending that section 3 be stricken out. They are as follows:

The proposed Senate amendment is to strike out this section altogether, because, in the opinion of the committee, it would be unwise to enact such legislation as is contained in it. It would, primarily, deny freedom of contract to one of the parties, and consequently would be of doubtful constitutional validity. Passing from this consideration, the committee believe that such an enactment, which would practically compel owners of the products named to sell to anyone or else decline to do so at the peril of incurring heavy penalties, would project us into a field of legislation at once untried, complicated, and dangerous.

Those are the reasons which impelled the committee to recommend that section 3 be stricken out.

Mr. JONES. Was the committee unanimous in that conclusion?

Mr. OVERMAN. Yes.

Mr. CULBERSON. I think so.

The PRESIDING OFFICER. The question is on the amendment reported by the committee to strike out section 3.

The amendment was agreed to.

Mr. CULBERSON. What I said a moment ago, Mr. President, with reference to section 2, applies with equal force to section 4. That is one of the matters pertaining to unfair competition, and as that general subject has been treated in the bill which has passed the Senate and is now in conference, the committee, instead of recommending the amendments to the section, withdraw those proposed amendments and suggest that the entire section 4 be stricken out.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to strike out section 4.

The motion was agreed to.

Mr. JONES. Mr. President, before we proceed to the next committee amendment I should like to ask the chairman of the committee if it is his judgment that section 5 would apply to violations of the trade commission bill when it shall become a law?

Mr. CULBERSON. I do not think it will.

Mr. JONES. The Senator does not think that that act will constitute one of the antitrust laws within the meaning of section 5?

Mr. CUMMINS. Mr. President, that would depend entirely on whether the definition of the antitrust laws remains as it is in the trade commission bill. If that definition is broadened so as to include the trade commission bill as one of the antitust laws, then this section would cover any violation of that law.

Mr. CULBERSON. This bill itself does not provide that the trade commission bill, when it finally becomes a law, shall be included within the antitrust laws as named in this bill, nor does the Federal trade commission bill so provide, as I remember.

The next amendment was, on page 5, line 12, after the words "Sec. 6," to strike out:

That whenever in any suit or proceeding in equity hereafter brought by or on behalf of the United States under any of the antitrust laws there shall have been rendered a final judgment or decree to the effect that a defendant has entered into a contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce, or has monopolized, or attempted to monopolize or combined with any person or persons to monopolize, any part of commerce, in violation of any of the antitrust laws, said judgment or decree shall, to the full extent to which such judgment or decree would constitute in any other proceeding an estoppel as between the United States and such defendant, constitute against such defendant conclusive evidence of the same facts, and be conclusive as to the same questions of law in favor of any other party in any action or proceeding brought under or involving the provisions of any of the antitrust laws.

Whenever any suit or proceeding in equity is hereafter brought by or on behalf of the United States, under any of the antitrust laws, the statute of limitations in respect of each and every private right of action arising under such antitrust laws and based, in whole or in part, on any matter complained of in said suit or proceeding in equity shall be suspended during the pendency of such suit or proceeding in equity.

And to insert:

That a final judgment or decree rendered in any suit or proceeding in equity brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

Any person may be prosecuted, tried, or punished for any offense under the antitrust laws, and any suit arising under those laws may be maintained if the indictment is found or the suit is brought within six years next after the occurrence of the act or cause of action complained of, any statute of limitation or other provision of law heretofore enacted to the contrary notwithstanding. Whenever any suit or proceeding in equity is instituted by the United States to prevent or restrain violations of any of the antitrust laws the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during the pendency thereof: *Provided*, That this shall not be held to extend the statute of limitations in the case of offenses heretofore committed.

Mr. THOMAS. Mr. President, I suggest that, after the word "equity," on line 13, page 6, there should be inserted the words "now pending or hereafter," so that it would read:

That a final judgment or decree rendered in any suit or proceeding in equity now pending or hereafter brought by or on behalf of the United States—

And so forth.

It seems to me the public should have the benefit of the provisions of the proposed amendment both as to suits that are now pending, and which have not proceeded as far as judgment or decree, and as to those which may be brought after the bill becomes a law.

Mr. CUMMINS. Mr. President, I have not considered the constitutional phase of the matter very carefully, but as I look at it the amendment proposed by the Senator from Colorado would be a limitation upon the amendment rather than an enlargement of it. As I understand this section, it applies to all decrees heretofore rendered as well as to decrees hereafter rendered, and makes those decrees prima facie evidence in suits brought by individuals for the recovery of damages.

Mr. THOMAS. If the Senator is correct, then, of course, my amendment would be a limitation, but I do not so understand the phraseology of the amendment. Generally speaking, I think it may be said that the presumption is against the retroactive character of legislation. There must be something in express terms to make it retroactive.

Mr. CUMMINS. May I suggest——

Mr. THOMAS. I would suggest, if the Senator will pardon me, that perhaps in the amendment, instead of using the words "now pending or hereafter," we might use the words "heretofore or hereafter," so that it would read:

That a final judgment or decree rendered in any suit or proceeding in equity heretofore or hereafter brought—

And so forth.

Mr. CUMMINS. As I understand, this section is prospective so far as it relates to suits brought by individuals; that is, suits that may be hereafter brought. That would be, I think, the construction given by the courts.

Mr. THOMAS. Yes; it is for the benefit of individual litigants hereafter.

Mr. CUMMINS. But when the suit is brought, then the judgment or decree of the court in the suit that has been brought by the Government would be prima facie evidence of violation of the antitrust law, no matter whether that decree is rendered hereafter or whether it has already been rendered; and I see no constitutional objection to making it so. In other words, it is simply a rule of evidence.

Mr. THOMAS. There might be, Mr. President, constitutional objection to making a judgment prima facie evidence in some suit thereafter brought when the judgment was rendered prior to the enactment of the law. There could be none with reference to pending cases in which judgment would be subsequently rendered. Of course, I do not mean to say that there is a constitutional objection in either case, but I think there is an ambiguity here——

Mr. NELSON. Mr. President——

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

Mr. THOMAS. Just one moment. I think there is an ambiguity here to which the principle that legislation will not be presumed to be retroactive would apply if we do not make it clear.

I now yield to the Senator from Minnesota.

Mr. NELSON. I desire to say to the Senator that I think he is decidedly right. The general rule of construction about statutes of this kind is that unless it expressly otherwise appears from the phraseology of the statute it has no retroactive effect; it applies only to future cases. I do not think this provision in lines 12, 13, 14, and so on, applies to anything except future cases as the language stands now.

Mr. THOMAS. Inasmuch as there is room for difference of opinion, which is quite evident, I think it should be amended so that it will read:

That a final judgment or decree rendered in any suit or proceeding in equity heretofore or hereafter brought.

So that there could be no question about it.

Mr. CUMMINS. "Heretofore brought or now pending or hereafter brought."

Mr. THOMAS. My first amendment was "now pending or hereafter brought," and the Senator objected to that.

Mr. CUMMINS. Unless there is a constitutional objection I should be very sorry to see it limited to decrees or judgments rendered in cases pending or hereafter brought.

Mr. THOMAS. Then the word "heretofore" would answer the purpose the Senator has in mind.

Mr. CUMMINS. For instance, take the decree in the American Tobacco case or the Standard Oil case. Suppose a person injured by either of those companies should bring suit to recover damages. I see no reason why the decree already rendered against those companies should not be made prima facie evidence in favor of the individual who brings the suit for damages.

Mr. THOMAS. I have no objection to that, Mr. President, but I think the amendment is necessary in order that the purpose which the Senator has in mind may be certainly and effectively carried out.

Mr. CUMMINS. I am rather inclined to agree with that.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Texas?

Mr. THOMAS. I yield the floor.

Mr. CULBERSON. I will read from the syllabus in the case of Union Pacific Railroad Co. versus Laramie Stockyards Co., in Two hundred and thirty-first United States:

The first rule of construction of statutes is that legislation is addressed to the future and not to the past. This rule is one of obvious justice.

So I suggest that if we amend this language in any respect we ought to insert the word "hereafter" instead of the word "heretofore," because the rule of the Supreme Court of the United States is, as suggested by the syllabus I have just read, that it is a rule of obvious justice that statutes shall only act prospectively and not retroactively.

Mr. CUMMINS. Mr. President, I do not agree that it is universal law that there can be no retroactive effect of a statute without coming into collision with the Constitution. A great many of our statutes are retroactive; but it would not be a retroactive statute in this case to make a judgment heretofore rendered, assuming that we have the right to deal with it in that manner, prima facie evidence in a suit hereafter brought. It is prospective in regard to the suits in which the judgment shall be evidence, and is not retroactive in the sense of the suggestion made by the Supreme Court in the case just cited.

There is no difference in principle between making a judgment already rendered between third parties prima facie evidence in another suit and doing the same thing as to judgments hereafter rendered. The person who is to be affected can not be admitted as a party in any suit hereafter brought nor to any decree hereafter rendered, so that the principle of the rule is just the same in either case.

Mr. THOMAS. Mr. President, the rule as announced by the Supreme Court in the case cited by the Senator from Texas is the universal rule, and it is, as there stated, an obviously just one, but it does not apply to statutes which in terms take effect prior to the time of their enactment. There are many State constitutions which forbid retroactive legislation of any sort. The Federal Constitution forbids Congress from enacting any ex post facto law, which, of course, has a technical meaning, and is applied to criminal statutes.

I quite agree with the Senator from Iowa that a decision favorable to the Government, rendered in a case brought by the United States against violators of the antitrust acts, should be prima facie evidence in actions brought by individuals against the same concern to recover damages which they have suffered from that violation or any other of similar character; but there are a great many cases pending in which, if this obvious construction be given to the statute as the amendment is phrased as reported here to the Senate, the litigants interested would be excluded from the prima facie effect which this statute gives to judgments rendered in cases brought after the bill shall become law.

Personally, I see no room for distinction, in justice and fairness, between the application of this principle in the Tobacco case or the Standard Oil case or any other case which has heretofore gone to judgment, as regards litigants bringing suit under this bill after its enactment, and its application to judgments rendered under suits brought by the Government after its enactment. The decision to which the Senator has referred makes the amendment which I suggest absolutely necessary, unless the Senate intends that it shall be only prospective in its operation.

Mr. CHILTON. Mr. President, I should like to ask the Senator whether the application of the decision read by the Senator from Texas does not depend upon the meaning of the word "rendered"?

Mr. THOMAS. No; I think not.

Mr. CHILTON. The provision reads:

That a final judgment or decree rendered in any suit or proceeding.

Mr. THOMAS. No; I think the word "brought" controls.

Mr. CHILTON. Does not that mean a decree or judgment hereafter rendered?

Mr. THOMAS. No; I think the word "brought" in this sentence, when the principle of the decision in Two hundred and thirty-first United States is applied to the amendment, would have that effect and would have reference to suits brought by the Government subsequently to the enactment of the law.

Mr. CHILTON. Mr. President, I can hardly agree with the Senator. This language refers to judgments or decrees rendered in any suit. Under the well-settled principle read by the Senator from Texas, of course, the word "rendered" there would be construed prospectively—that is, it would be held to apply to decrees hereafter rendered. I understand that is the meaning of the decision read by the Senator from Texas, and I take it that if we want it to mean something else it will have to be amended.

Mr. CULBERSON. I notice that on page 5, in the provision which we strike out and propose to amend in this respect, the House uses the word "hereafter" before the word "brought"; and I think it means the same as the Senate amendment in that respect.

Mr. CHILTON. I think, though, our attention should be centered upon when the decree was rendered. When the suit was brought makes no difference. The fact that the suit was brought 10 years ago, and has not yet reached judgment or decree, would make no difference. This is purely a matter of evidence.

Mr. CULBERSON. If the suit should be brought hereafter, the judgment could not be rendered prior to that, of course.

Mr. CHILTON. Certainly not; and that only emphasizes what I am saying. We are legislating as to certain decrees rendered. Now, under the law that means decrees hereafter rendered, and it makes no difference when the suit is brought. It is purely making it a matter of evidence, which is within our power, and I take it that under this language it means decrees hereafter rendered. I should think there would be no doubt about that.

Mr. POMERENE. Mr. President, I am disposed to agree with the construction which the Senator from West Virginia places upon that language, but would it not avoid all uncertainty to insert the word "hereafter"?

Mr. CHILTON. It depends upon what is the judgment of the Senate. As the language is now, it is perfectly clear that it has a prospective meaning, and it refers to judgments and decrees hereafter rendered. It depends upon what is the judgment of the Senate finally as to what it wants. I am speaking of the language used.

Mr. WALSH. Mr. President, referring to the remark made by the chairman of the committee [Mr. CULBERSON], I call the attention of the Senate to the fact that the word "hereafter" is quite appropriate in the House provision, which proceeds upon an entirely different basis. The House provision makes the judgment rendered conclusive of the facts and the law therein determined. Of course you could not make a judgment rendered in the past conclusive when it was not at the time it was rendered; and therefore, to give any force or effect at all to the House provision, you must have the word "hereafter" there. Indeed if the word "hereafter" were not in the House provision, the courts would so construe it anyway. It is, however, entirely unnecessary in order to give validity to the provision made by the Senate committee, because the Senate committee's amendment makes the judgment simply prima facie evidence; and the principle is thoroughly well established that you can declare a judgment rendered in the past to be prima facie evidence in the future, but you can not, as a matter of course, make it conclusive.

Mr. President, now that this matter has been precipitated, I desire to say that when this Senate amendment shall have been perfected it is my purpose to ask the Senate to reject the amendment and to stand upon the House provision; and if the Senate will bear with me a little while I desire to speak about that matter now.

The essential difference between the House provision and the Senate amendment is that under the House provision all judgments rendered in antitrust cases are made conclusive, both as to the facts and as to the law, in any action thereafter brought by a private individual against the corporation adjudged to have offended against the antitrust law, while the Senate provision makes the judgment simply prima facie evidence of the facts therein determined.

The operation of the thing is this: If the United States shall proceed against any organization said to be a combination in violation of the Sherman Act, and eventually, after a judicial proceeding going through all the courts, it shall be determined and decided that the organization is a combination in violation of the Sherman Act, that judgment stands and can be availed of by anybody who claims to have been damaged by reason of the existence of the combination. The party seeking to take advantage of it will not be obliged to travel again, step by step, over the entire field which the Government has been obliged to traverse in order to reach the judgment at which it arrived; but he will start in where the Government left off, the judgment being conclusive, establishing the facts and the law so far as it goes, and allowing him simply to establish and putting upon him the burden of establishing the actual damages which he has suffered. In other words, we give to the private individual the benefit which accrues by reason of the long litigation pursued by the Government in endeavoring to secure the judgment.

The amendment proposed by the Senate committee, however, simply makes that judgment prima facie evidence, so that when the individual citizen, claiming to be damnified by reason of the organization thus adjudged to be in violation of law brings his action to recover damages, he may submit in evidence the judgment and then prove his damages; but, although that will make a case for him, the organization still has a right to submit other evidence, to have a further trial upon the matter, and eventually to get a judgment overturning, if it can, the judgment that was rendered in the action brought by the United States Government.

What does that mean? That means that every private individual seeking to recover damages must go into court recognizing that he will be obliged to meet any additional evidence that the outlawed corporation may be able to command in order to arrive at a different result in the proceedings, and, as a matter of course, he must make his own provision in order to meet that testimony. We all know that the private individual is always at a disadvantage. He is never armed with the means at his command to cope with these great organizations; and that was the very reason why this act was passed—in order that the Government, with its great powers, might meet on something like equal terms the great aggregations of capital against which the statute was leveled.

I may say here—and I think I violate no confidence in saying it—that the force of these suggestions appealed powerfully to every member of the Judiciary Committee; and I believe that were it not for the fact that most of those members believed that the House provision violated constitutional principles the amendment suggested never would have been proposed at all.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. WALSH. I do.

Mr. CULBERSON. On the point to which the Senator has just alluded, if he will permit me, I will read him a sentence or two from the report of the committee:

> The material difference between the House provision and the Senate amendment is, of course, whether the decree in favor of the Government shall be prima facie evidence against the same defendant in a subsequent suit by another party or be conclusive against such defendant. The committee think there are considerations of public policy which favor the House provision of conclusiveness; but in the state of the decisions of the Supreme Court of the United States in kindred cases they believe the law should go no further than to make the decree prima facie evidence.

Mr. WALSH. I am very glad the Senator has called the attention of the Senate to the report of the committee confirmatory of the suggestions I have been making, and I believe the wisdom of the policy of the House provision will address itself, upon the very slightest consideration, to every Member of this body. So it becomes simply a question whether we may, consistently with the provisions of the Constitution, make a judgment rendered in an action brought by the Government of the United States conclusive in subsequent proceedings brought by a private individual to recover damages sustained by him in consequence of the conduct of the defendant in the Government's suit. With all deference to the opinions of my colleagues upon the Judiciary Committee—and I speak with entire respect—I say that I am unable to understand the argument which would condemn an act of that character as in violation of the Constitution.

Why, Mr. President, the defendant, the violating corporation, has had its day in court. It has had an opportunity to try out before a court, with all the forms of the law, every question involved in the lawsuit. It has tried them, and all of the issues have been determined against it. I ask, Mr. President, upon what principles of constitutional law can it rely for justification of a second trial of these very same issues?

Mr. THOMAS. Mr. President——.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. Suppose the Senator from Montana were a defendant in a suit brought by the Senator from Nebraska, who prevailed in the action, obtaining a judgment against the Senator from Montana. Subsequently I bring an action growing out of the same transaction. Does the Senator believe that a statute making the judgment of the Senator from Nebraska against the Senator from Montana conclusive in the action which I brought would be constitutional?

Mr. WALSH. I should say not.

Mr. THOMAS. I do not myself perceive any distinction between the case supposed and that of a suit brought by the Government against an offending corporation.

Mr. WALSH. I think I can demonstrate it very readily. I was going to try to do so.

Mr. THOMAS. I shall be very glad to have the Senator do so.

Mr. WALSH. The Senator has asked me whether a judgment taken by him against the Senator from Nebraska could be made conclusive in a subsequent action which he brought against me involving exactly the same facts.

Mr. THOMAS. Oh, no; the Senator is slightly in error in his statement. I supposed a case brought by the Senator from Nebraska against the Senator from Montana resulting in final judgment. I then supposed a case brought by myself against the Senator from Montana growing out of the same transaction, and asked whether a statute making the former judgment conclusive against the Senator from Montana in the case brought by me would be constitutional. I understood the Senator to say "No." My further query was as to the difference between the case supposed and one brought by the Government against an offending corporation under the antitrust act.

Mr. WALSH. I am unable to perceive any difference between the condition of facts now stated by the Senator from Colorado and the condition of facts that I have stated. I will say that, depending upon the relations that subsist between the Senator from Nebraska and myself, a judgment against him might be very easily made conclusive against me.

In fact, Mr. President, there are many relations in life and in business under which a judgment taken against one man is made conclusive against another man, to which I desire to advert. A judgment taken against an agent is under many circumstances made conclusive against the principal. A judgment taken against one individual of a class is very often made

conclusive against everyone belonging to the same class. A judgment taken against a city in a suit brought by a single taxpayer or a citizen of the city is often made conclusive in any proceeding subsequently brought by another citizen. Oftentimes an action is brought, for instance, by a citizen, a taxpayer, against the city and against parties said to be in collusion with the officers of the city in the transaction of certain business.

The judgment goes against that party adjudging that the proceeding was under the law and was warranted. That judgment becomes *conclusive* against any other citizen of the city desiring to prosecute the same character of action.

So, Mr. President, in all these antitrust prosecutions the Government of the United States prosecutes the action for the benefit of every one of its citizens. Otherwise there is no justification for the law at all. The Government of the United States sues in the action as parens patriæ, the father of all its children, and for their benefit. That is the relation which exists between the United States suing under one of these antitrust acts and all others of its citizens, and there is no reason at all why the judgment, so far as it goes, should not be made conclusive against a corporation when it is sued for damages to it resulting from the very acts complained of.

Mr. President, this is what might result under the existing state of the law or under the amendment proposed by the Senate committee. A judgment will have gone against the corporation adjudging it to be in existence in violation of the Sherman Antitrust Act. That lawsuit will have been fought out bitterly, desperately, through a long series of years at an enormous expense to both the litigants thereto, the contest being upon both the facts and the law, and judgment finally goes against the corporation. Then, Mr. President, you not only open up the matter and allow the corporation to put in additional evidence as against a private individual suing to recover his damages on account of the unlawful corporation, but legal principles are again opened up for determination, and in the action brought by the private individual, after harrying him clear through the courts to the court of last resort, you may find different legal principles even announced and principles that would have defeated the action in the first instance. In other words, unless you make this complete, it practically amounts to no assistance whatever to the man who desires to recover damages by reason of the combination adjudged to be unlawful.

Mr. President, in view of the relationship which exists between the Government upon the one hand and its citizens upon the other, I entertain no doubt whatever that when the law and the facts are tried out in the action brought by the Government on behalf of every one of its citizens, any one of them is entitled to have the benefit of that judgment, and to say these matters are all foreclosed and determined, and to insist that the only question which remains for consideration is the damages suffered by it.

Accordingly, I believe, Mr. President, that the House provision ought to remain in the bill, but, of course, if it does, you must leave the word "hereafter" there, because obviously the conclusive effect can not be given to judgments heretofore rendered.

Mr. HUGHES. Let me ask the Senator a question. I have heard only the latter part of the Senator's argument. It seemed to me that the provision of the Senate committee is quite an original departure from the House bill, and I wondered what the effect would be of striking out the word "hereafter." It seems to me that it would give a retroactive effect to past judgments and decrees.

Mr. WALSH. I stated to the Senate, in opening, that to my mind when the judgment is made only prima facie evidence that character can be given not only to judgments rendered in the future, but it may be equally attributed to judgments rendered in the past; but if you seek to give a conclusive character to it, it can of course only apply to judgments in the future.

Mr. CUMMINS. I desire to ask the Senator from Montana a question. He has raised a very interesting inquiry. I turn it around a little and put it in this way: Suppose the State of Montana were to institute a criminal proceeding against one of its citizens for larceny and a conviction followed, could the State make that conclusive evidence in a suit brought by the owner of the property against the defendant for recovery?

Mr. WALSH. I should say unhesitatingly that it could, and I was referring to a lot of those things by way of illustration.

Mr. CUMMINS. I am not asserting now any opinion of my own about it, but I see that that might be a parallel instance. The Senator from Montana says that the judgment or conviction of the defendant could be made conclusive evidence against the defendant in a suit brought by the owner of the property for the recovery of its value.

Mr. WALSH. I do not see why it could not. Let me go on. Here is a man charged with the larceny of my horse. In order to establish the action it is necessary to prove that it was my horse and that the defendant took it and converted it to his own use. I make the complaint against him. I charge that it was my horse and that he feloniously took it and converted it to his own use. We go on and try that matter, and the jury is charged that they shall acquit him unless they believe that he wrongfully took my horse and converted it to his own use. I should like to understand upon what constitutional ground it can be said that when I go into a civil action to recover damages for the taking of that horse the defendant is entitled to have another jury trial of that issue.

Mr. THOMAS. Mr. President, right there I should like to ask this question. Suppose that the act of larceny consisted of the felonious taking of a horse belonging to the Senator and another horse belonging to me, all in the same transaction. The Government proceeds by indictment against the defendant, including the horse of the Senator from Montana with my property in the indictment. Subsequently I bring suit for the recovery of the value of the horse taken from me. Could the conviction resulting from the indictment for the larceny of the horse of the Senator from Montana be made conclusive in the suit which I have instituted?

Mr. WALSH. Certainly not. The question of the taking of the horse of the Senator from Colorado was not in issue at all.

Mr. THOMAS. Is it not the fact that a great many, if not all, the suits brought for damages would be analogous to that situation, involving the precise, substantial property in the first suit?

Mr. WALSH. The judgment in the antitrust case would be determinative of merely the issues raised in that case. They would be conclusive just so far as they were issues of law and issues of fact in that case and no further.

Mr. THOMAS. I wish to say that I am in hearty sympathy with the argument of the Senator from Montana, because I can perceive very easily—all of us can—the consequences of making this judgment prima facie instead of conclusive. The result would be precisely as the Senator has predicted. I am unable as yet to bring my mind in harmony with the Senator from Montana on the constitutional question.

Mr. WALSH. Let me go a little further, Mr. President, and offer some further illustrations. A man is charged with the malicious destruction of personal property belonging to A. A makes complaint and the man is proceeded against criminally. He is tried and is found guilty upon evidence convincing a jury beyond a reasonable doubt that he maliciously destroyed the property of A. Then A begins action to recover damages against him. What constitutional right of his is transgressed by a statute which would make the judgment in that criminal proceeding conclusive in the action brought to recover the damages?

Mr. CUMMINS. I ask the Senator from Montana whether he knows of such legislation in the various States? It is a new subject with me.

Mr. WALSH. I will state that I searched very diligently and was unable to find any adjudication whatever upon the legal proposition which is here at issue between the House provision and the Senate committee amendment.

Mr. CUMMINS. One more question. If the House provision limited its operation to suits in equity brought by the Government, does the Senator know why it was not extended to criminal prosecutions as well?

Mr. WALSH. No; I do not. I was going to instance the case of a criminal libel. A newspaper publisher is indicted, charged with having published a criminal libel against A. A makes complaint and has him prosecuted criminally for publishing that libel. The question is whether he did publish it and whether it is libelous. He is adjudged to be guilty and is punished accordingly. Then A sues to recover damages by reason of the publication of that libel. Why in that civil action should he be called upon to do anything more than prove the actual damages, and upon what principle, under what provision of the Constitution can a man have a second trial of the very issues that were tried in the criminal case?

Instances of this kind might be multiplied. I must confess, Mr. President, that I am myself unable to find any satisfactory answer to them.

Mr. OVERMAN. I will ask the Senator whether the State could make a tax deed conclusive evidence as to the title of land?

Mr. WALSH. Many States have statutes making the deed conclusive evidence of every question, not going to the groundwork of the tax; that is to say, to the assessment and levy of the tax. It is held, I believe, that the tax deed can not be made conclusive evidence upon those questions.

Mr. CHILTON. Mr. President, as the Senator from Montana has very properly said, there was no division in the Committee on the Judiciary upon the desirability of making these judgments and decrees obtained by the Government against trusts conclusive. So far as it was expressed there, everyone would like to have it so that these judgments and decrees should be available by anyone who might be injured by reason of the machinery and the machinations of the trusts, so that the burden of a new trial would not be put upon private individuals.

But, Mr. President, in our zeal to do something for the people and to get legislation which has "teeth in it" we must remember that every person under the Constitution of the United States has rights. One of the fundamental rights of every person and every corporation in the United States is that he must have a day in court, and he must have his day in court on his case and on his facts. For instance, if we would make a judgment conclusive as against a defendant it shocks any man's sense of justice and right to fail to make it conclusive as against a plaintiff. Certainly no Senator can stand here and argue the proposition that if A and B would have a lawsuit he would make the facts found and the judgment rendered conclusive as against B and not make it conclusive as against A. I do not care what might be the necessity nor what might be the condition; I do not care what might be the evil and what might be suggested to me as a remedy, I am unwilling to stand upon this floor and vote for something that means that a law is applicable to one party in a litigation and not applicable to another.

If we can make a decree conclusive as to those not parties, and would make this a just law, we should make it so that this decree shall be conclusive for all purposes as against the plaintiff and as against the defendant. If made conclusive, we should make it conclusive for all purposes and for both sides. If we want to enact just legislation, legislation that shows to the country that we are trying to be fair and right about this thing and not trying to yield to prejudice, we would enact that kind of legislation. If we would do otherwise, then we would be in an indefensible position. Here the great Beef Trust has recently been prosecuted. A verdict of acquittal was rendered for them. Shall we stand here and give life to a system of laws that would make that Beef Trust forever innocent under the laws of the United States? Certainly not. And yet we will enact just such a one-sided law unless we adopt the Senate amendment.

Mr. President, this is not a new question in the courts. It has been settled by the authorities, and the fundamental principle is that if you make anything evidence in a case, anything that has been properly adjudicated, you must preserve one principle, and that is a man must have his day in court, to submit to the court in his case any evidence that bears upon a matter that is essential to the judgment or decree which may be rendered. For instance, take the case supposed by the Senator from Montana. Here is a suit brought by A against B. It is concerning the same transaction as to which C has a suit against B. But, Mr. President, A and B may enter a collusive judgment, which should not bind C. The judgment against B may have been brought about by testimony that is conceded at the time of the trial between A and B to have been perjured, to have been false, and when C and B try their suit everybody in the courthouse, the judge and the jury and both parties to the litigation, might be willing to concede that every witness who testified against B testified falsely, and yet the House bill provides that C can not show it in his case. It is for that reason that the courts have said that they will never allow anything to be made conclusive in a suit between parties if it goes to the extent of precluding either of the parties from showing any facts that bear upon the issue.

On that proposition I want to read to the Senate some of the authorities. One of them is in Two hundred and nineteenth United States, the case of the Mobile Railroad against Turnipseed. I do not want to read all of it. I read from page 43, Two hundred and nineteenth United States:

> If a legislative provision not unreasonable in itself prescribing a rule of evidence, in either criminal or civil cases, does not shut out from the party affected a reasonable opportunity to submit to the jury in his defense all of the facts bearing upon the issue, there is no ground for holding that due process of law has been denied him.

The court goes further and discusses that proposition. I do not want to read all of the decision, but I shall insert so much of it as may bear upon this matter. I merely wished to read that to make plain that one fundamental principle that runs through all of the decisions. It is that you can make a judgment or decree prima facie evidence, you can make it anything you want, provided you do not shut out the party who is interested in the litigation and who will be affected by it from his right to show any evidence that he may want to show and from introducing any fact that bears upon the issue, and that there is preserved to the litigant the right to have the court or jury pass upon that evidence and give due consideration to those facts.

Mr. CLAPP. Mr. President——

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

Mr. CHILTON. I yield to the Senator from Minnesota.

Mr. CLAPP. As I read the amendment proposed by the Senate committee, it is subject to the criticism to which the Senator has referred, that a judgment or decree is only made prima facie evidence against the defendant. If the criticism is a good one as applied to the House provision, it seems to me it is equally good as to the amendment reported by the committee.

Mr. CHILTON. Not at all, Mr. President, and for this reason: What we are trying to do is to frame legislation under which, whenever the Government institutes a prosecution against trusts, where it is necessary to employ detectives and lawyers and investigators, costing thousands and thousands of dollars, any citizen might have the benefit of the results obtained by the Government in any suit which he might bring. We were not worrying about the cost to the trusts, which can get lawyers and investigators and experts whenever they want them; that part of it did not bother me any. I would not mind making it prima facie as to both parties. I think that it is probably right and that we should do so; but where you make it conclusive you have a different proposition; there you end the suit; you prevent anybody afterwards from putting in evidence what everybody might agree to be the exact facts. You are bound by the decree, and it can be used as an estoppel in favor of some one else who was not a party to the litigation.

Mr. CLAPP. Mr. President, will the Senator from West Virginia pardon an interruption?

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

Mr. CHILTON. Certainly.

Mr. CLAPP. I think it should be made conclusive; and I think it should be made conclusive only against the defendant for the identical reason which the Senator from West Virginia is giving why it should be made prima facie only against the defendant. I am not solicitous for the trusts; but if it is a just criticism that being final it should be final as to both, I insist that the same criticism would make it prima facie as to both.

Mr. CHILTON. Mr. President, the Senator says he is in favor of making it conclusive, and I know that he believes we have the constitutional right to do so; I take it that the Senator would not want to put on the statute books a law which would be inoperative and which the courts would be compelled to hold unconstitutional. It was to that point I was alluding. I am as much in favor as is the Senator of making it conclusive as to both parties, if we could do so. It is a peculiar kind of litigation that in its very nature ought to be made conclusive, if possible. It affects the public, and every decree should, if possible, settle the facts found for everybody. Business does not thrive upon litigation or uncertainty.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. CHILTON. I yield to the Senator.

Mr. WALSH. I want to inquire of the Senator from West Virginia if the trusts should escape and be acquitted in one action brought by the Government of the United States, whether he thinks they would be in very much peril from an action brought by a private individual on the same ground?

Mr. CHILTON. No; I do not; and I am no more worried about their peril than is the Senator from Montana. The Senator need not question me about that, because during a long service on the committee with him I think he has found that I have not been shuddering about the peril of the trusts and the dangers to which they may be subjected. I have, however, in good faith been trying to report to the Senate a proposed statute that I could maintain as a Senator here and retain my own self-respect, and could truthfully say to the Senate that I thought it conformed to the Constitution of the United States; and I would not agree to report any other kind of measure. It is because of my fears of the constitutionality of the House bill that I took the position which I did, and favored the Senate amendment.

Mr. WALSH. Mr. President, I want to bear testimony to the unfailing diligence of the Senator from West Virginia in the effort to frame legislation appropriate to the case and to my belief in his entire good faith in the position he has taken in the matter. I asked the question simply to indicate as force-

fully as I could that the peril he sees in not making the estoppel reciprocal is one that is very vague and dim.

Mr. CHILTON. So far as the offending trust is concerned and so far as the question of injuring the trust is concerned I do not care to press the point, but so far as it may affect the courts and their reason for holding this legislation valid or invalid, my reason is not dim. I take it that we do not want to put upon the statute books one-sided legislation. We want to put on the statute books something that in our conscience we believe is right and fair. So far as I am concerned, if we are to enact a statute on this subject I want it to treat both sides alike, both the prosecutors, the Government, and the defendant. I do not assume that everyone who will be prosecuted under these laws will be guilty. It is entirely possible that some innocent people will be prosecuted under them, and if they are innocent I want them to have the benefit which every other citizen has under the law; and I am not afraid to say so in the Senate of the United States nor in any other place; and I have been just as zealous in putting teeth into the antitrust laws as any other member of the Judiciary Committee.

The next citation which I want to call to the attention of the Senate is the case of Chicago Railway Co. v. Minnesota (134 U. S., p. 456). In that case the Supreme Court of Minnesota had put a construction upon a statute of the State, and the Supreme Court of the United States in determining the validity of that statute, construed the statute as had the supreme court of the State, and, so construing it, held it to be invalid. This is what the court says about it:

> The supreme court (of that State) authoritatively declares that it is the expressed intention of the Legislature of Minnesota, by the statute, that the rates recommended and published by the commission, if it proceeds in the manner pointed out by the act, are not simply advisory, nor merely prima facie equal and reasonable, but final and conclusive as to what are equal and reasonable charges; that the law neither contemplates nor allows any issue to be made or inquiry to be had as to their equality or reasonableness in fact; that under the statute the rates published by the commission are the only ones that are lawful, and, therefore, in contemplation of law, the only ones that are equal and reasonable; and that, in a proceeding for mandamus under the statute, there is no fact to traverse except the violation of law in not complying with the recommendations of the commission. In other words, although the railroad company is forbidden to establish rates that are not equal and reasonable, there is no power in the courts to stay the hands of the commission if it chooses to establish rates that are unequal and unreasonable.

For that reason the court decides the law to be unconstitutional and invalid.

The next authority I want to call to the attention of the Senate is Cooley's Constitutional Limitations, seventh edition, page 526. Speaking of matters made evidence by statute it is said:

> But there are fixed bounds to the power of the legislature over this subject which can not be exceeded. As to what shall be evidence and which party shall assume the burden of proof in civil cases its authority is practically unrestricted so long as its regulations are impartial and uniform, but it has no power to establish rules which, under pretense of regulating the presentation of evidence, goes so far as altogether to preclude a party from exhibiting his rights. Except in those cases which fall within the familiar doctrine of estoppel at the common law, or other cases resting upon the like reasons, it would not, we apprehend, be in the power of the legislature to declare that a particular item of evidence should preclude a party from establishing his rights in opposition to it.

If the courts go to that extent as to a matter of evidence as between the same parties, what shall we say of the effort here to make a record in a suit between A and B binding in favor of the whole world besides, who have had no opportunity to participate in that trial and probably did not know at the time that their rights would ever be involved in the same set of circumstances or in the same class of litigation?

Proceeding, the same authority says:

> In judicial investigation the law of the land requires an opportunity for a trial—

That means an opportunity for a trial to each litigant as to every matter which has not been adjudicated as between him and the party with whom he may be litigating at the time.

Reading further:

> And there can be no trial if only one party is suffered to produce his proofs. The most formal conveyance may be a fraud or a forgery; public officers may connive with rogues to rob the citizen of his property; witnesses may testify or officers certify falsely, and records may be collusively manufactured for dishonest purposes; and that legislation which would preclude the fraud or wrong being shown, and deprive the party wronged of all remedy, has no justification in the principles of natural justice or of constitutional law.

And the authorities cited amply support that doctrine.

Mr. President, let me further illustrate: A brings a suit against a trust. Certain evidence is brought out. It may be in the power of one of the parties to that litigation afterwards to show that every witness who testified was mistaken; that the witnesses either perjured themselves or were mistaken as to the facts. It may be that the court and the jury and the public would be in such a state of mind as to want to render a different verdict. It is abhorrent to my mind that a statute can be constitutional which will put me in such a position that I who have not been a party to a litigation at all may be bound by a judgment rendered between other parties, although I have had no notice of the litigation, no opportunity to be heard, and may be in such a position that I can show the very contrary to be the fact.

I need not reiterate that the Committee on the Judiciary, without a single exception, was desirous of enacting a statute with teeth in it, as the expression is commonly used, one that would accomplish some good and would not merely play with this great subject; but when we came to investigate the question of the extent to which we could go a majority of that committee reached the conclusion that we could not go further than to make judgments or decrees rendered in a prior suit between other parties prima facie evidence. What does prima facie evidence mean? It means evidence sufficient to make out a case and to entitle one to recover unless overcome by proof. In other words, if A recovers judgment against B, then, in a suit brought by C against B, the former judgment that B has violated the law will entitle C to recover until and unless B shall overcome the prima facie case by competent evidence; and even then C is not precluded from introducing other evidence to support the prima facie case. It is an immense advantage for one to begin a lawsuit with sufficient evidence to entitle him to win; and that far we can go in safety.

Mr. CUMMINS. Mr. President, I should like to interrupt the Senator at that point, if he will permit me.

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

Mr. CHILTON. With pleasure.

Mr. CUMMINS. A judgment when it is introduced in evidence in any suit operates by way of estoppel, and ordinarily an estoppel must be mutual in order to be operative. But, apart from that, the antitrust law gives to anyone who is injured the right to recover treble damages for the injury and attorneys' fees. The person injured is not compelled to wait for the action of the Government either in the way of bringing a criminal proceeding or a suit in equity. Now, suppose that we were to attempt to say that in a suit in equity or in a criminal proceeding brought by the Government to enforce the law a judgment in favor of the defendant or defendants should be conclusive evidence against the right of an individual to recover the damages which he had suffered by reason of the violation of the law or by reason of a wrongful act in restraining trade. That would involve the same principle of law precisely, would it not?

Mr. CHILTON. And would be abhorrent to a sense of justice.

Mr. CUMMINS. It would involve the same principle of law?

Mr. CHILTON. Exactly the same.

Mr. CUMMINS. That is to say, if there is such a privity between the United States as a governmental organization and its citizens as to enable us to make a judgment in favor of the Government binding upon all its citizens, we could in the same way make a judgment against the Government representing all its citizens conclusive against the right of any one of them to recover against the offender.

Mr. CHILTON. Does not the Senator think that if we make it conclusive against one we ought to make it conclusive against the other, in view of these authorities?

Mr. CUMMINS. I am not so sure about that, because there are reasons which might be sufficient to remove this from the ordinary rule.

Mr. CHILTON. Yes; there might, but they do not occur to me now.

Mr. CUMMINS. The strength of the one and the weakness of the other; but I think it shows beyond any question that we can not make it conclusive in favor of one or of the other. We can not make it conclusive against a person who is injured by such a wrongful act, nor can we make the judgment conclusive in favor of the person who has suffered from such wrongful act. In either case the person must be left, under the Constitution, to pursue his remedy, which is to recover these damages. I have always thought the utmost we could do would be to give the former legal proceedings prima facie effect in any suit brought by the individual.

Mr. CLAPP. Mr. President, if the Senator will pardon me——

Mr. CHILTON. Yes; I yield to the Senator from Minnesota.

Mr. CLAPP. It does seem to me that the distinction there is too plain to admit of very much discussion. A suit is brought against a trust by the United States Government. That trust has its day in court. It is there with its lawyers and its witnesses. There is a vast difference between that trust, after having its day in court, being bound by that judgment, and a

man who has been injured by the trust and who has not had his day in court, who has had no opportunity to present his case, being bound by the verdict against the Government.

Mr. CHILTON. If the Senator will let me answer him, let us suppose that we have a case against a labor organization, which both the Senator and I believe should not be prosecuted merely as such under the statute. No doubt the Senator will vote with me upon that clause. Suppose it should be convicted. Must it remain forever under the ban of that decision, no matter what the fact may be?

The Senator is proceeding upon the idea that nobody will be prosecuted here but guilty people. Is it possible that you want one judgment rendered against a labor organization, if it should be rendered, to stand forever to bind it in other cases?

Take this case: A decree has been rendered in West Virginia holding a labor organization to be a criminal and violating the laws of the State. That judgment was rendered in the courts of West Virginia. Now, suppose other suits were brought against it and it could come in and show that the witnesses in the first case were mistaken, or swore falsely. Does the Senator want it to rest forever under that ban?

Mr. CLAPP. Mr. President, I will answer the Senator's question.

Mr. CHILTON. All right.

Mr. CLAPP. There is no way on earth, in human affairs, of avoiding, sometimes, perhaps, a wrong; but when a judgment is rendered against me upon false testimony I have a time under the law in which I may present proof of the falsity of the testimony; and if the time goes by in which the court can interpose and grant a new trial, wrong and unjust as it is, it is one of the infirmities attendant upon human administration of affairs, and I have no escape from it.

Carrying out the same analogy of the ultimate finality of judicial proceedings, when a combination, a trust, or a company or an individual has had its day in court at the complaint of the public, and the time has expired within which, under the rules of law and equity, it may ask for a new trial upon the ground of newly discovered evidence, that witnesses have been bribed, or any other occasion for which courts may relieve it from the judgment, there is no reason to my mind why the person who has suffered at the hands of the alleged wrongdoer should not have, equally with all the public, the benefit of that verdict and that trial, and not be compelled to travel the same weary, dreary course that the Government traveled in getting its verdict.

There is that difference between making the judgment prima facie evidence or conclusive evidence—for in this respect there can be no difference of opinion—as against the man or the combination that has had his or its day in court and making it conclusive or prima facie evidence against the man who has not been in court at all.

Mr. CUMMINS. Mr. President, may I trespass upon the time of the Senator from West Virginia?

Mr. CHILTON. With pleasure. The Senator and I are in entire agreement.

Mr. CUMMINS. We are now looking at the question from the legal standpoint alone, not from the sympathetic point of view nor from what might be called the standpoint of public policy. We have a Constitution; this is a country of law, and it is idle for us to enact a statute which will be stricken down by the courts.

I put to the Senator from West Virginia a case, and the Senator from Minnesota answered it by asserting a difference between the case I put and the case involved in the provision of the House bill. Let us see.

The Senator from Minnesota begins his argument by saying that in the case provided for in the House bill the corporation defendant has had its day in court. That statement assumes the whole controversy. The constitutional question is whether, under such circumstances, the defendant has had his day, or its day, in court. The argument of the Senator from Montana, which is persuasive, although, to my mind, not convincing, is that inasmuch as the Government of the United States represents all of the people of the United States, and all the people of the United States are privy with the Government in any suit that it brings and carries forward, therefore a judgment rendered in any such suit, if it be in favor of the Government, is a judgment rendered in favor of every citizen of that Government against the particular defendant who was being prosecuted. Upon that theory the well-known principle of the law, without any legislation whatever, would make the decree or judgment rendered in the suit conclusive as between all the citizens of the Republic; and it is only that reason that can bring the proposal within the scope of the Constitution.

Mr. WALSH. Mr. President——

Mr. CUMMINS. Will the Senator pardon me just one moment?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. CHILTON. I will yield with pleasure a little later.

Mr. CUMMINS. I want to show that the Senator from Minnesota assumed the real question in controversy when he made his first statement.

When the Government brings its suit and recovers, it is upon that theory adjudged, as between all the people and against the person or corporation against whom the recovery goes, that the facts are so-and-so and the law is so-and-so, just as I think it follows, if that reasoning be good, that if the judgment goes against the Government the person who asserts damages has had his day in court in the same way. He has had it through his own Government, which has prosecuted his case for him but has failed; and he therefore has had the same opportunities through his agent that many of these privies have had in the adjudicated cases with regard to a judgment covering a collection of persons. It seems to me pretty clear that if we can make the judgment conclusive in favor of the person who has been injured we can also make an adverse judgment conclusive against the citizen who asserts that he has been injured. I believe no one would contend that constitutionally we can do the latter.

I now yield to the Senator from Montana, although I yield at the courtesy of the Senator from West Virginia.

Mr. CHILTON. That is all right. I yield.

Mr. WALSH. I will say to the Senator from Iowa that I so contend, and I think I shall be able to demonstrate that there is not any question about it.

Mr. CUMMINS. That it could be made conclusive against the person?

Mr. WALSH. Against the citizen, of course.

Mr. CUMMINS. The Senator from Montana is sometimes startling, but he is always logical. I simply wanted to have the proposal so clear that we could see it from every point of view.

Mr. CHILTON. I will say to the Senator that I do not want to occupy the floor for more than a few minutes, but I will yield to the Senator, if he would rather have me, at this point.

Mr. WALSH. No; I prefer to have the Senator conclude, first.

Mr. CHILTON. I want to read just one other authority.

In the Encyclopedia of Evidence, volume 3, page 292, the principle is stated in this way:

> But a law which would cut off the right of a party to offer evidence bearing on the question to be determined, by providing that certain matters or facts shall be conclusive evidence of the truth of the charge, or of that which is to be proved, would be unconstitutional and void, and could not therefore be upheld as a valid act of legislation. Hence a legislature can not lawfully declare what specific facts shall constitute conclusive proof of any matter sought to be judicially determined and established.

That statement is supported by a long line of authorities from practically all the States of the Union. There are very few of them that have not decided this to be the law.

Mr. President, after all, in my judgment, the worst enemy of reform in these matters, no matter how good his intentions may be, is the legislator who would take any chance as to the legislation which we may adopt being constitutional. We have a broad enough field within the Constitution. We are not restricted in a great many lines. There is just a little narrow line that we have struck here where there is at least great doubt as to this legislation. So far as I am concerned, I would prefer to take the open track, where we know we are right, and where we will not subject the citizen and the Government to long litigation and possibly, very probably, have some legislation we enact here declared unconstitutional and thereby make a gap in our legislation, or make it one sided, when there is no good reason for it. There is no good reason from the standpoint of policy, there is no good reason in the situation which confronts us, to suggest the taking of a desperate chance.

When you come to consider the difference between the making of a judgment conclusive and its being prima facie evidence, the advantage of the one over the other is not sufficient to warrant us in taking the chance. Why does anyone want to make a judgment against anybody, whether it be a trust or a citizen, a corporation or an individual, conclusive, and preclude him forever from showing the fact, if the fact be against the decree or judgment?

We are here to uphold justice between parties. We are not here to persecute anyone. There is no need of it. There is plenty of public sentiment against a trust which violates any of

these statutes or the Sherman antitrust law to convict it if there be a proper case. In the one we say they shall not defend; in the other we say that there shall be a prima facie case against them.

Take all of these statutes in the States where they are enforcing prohibition laws, laws against the carrying of pistols, and so on. They never go beyond making a fact prima facie evidence. For instance, the carrying of liquor about your person, or being seen with liquor, is only prima facie evidence. They only make having the Government stamp or the payment of the Government tax prima facie evidence. We have a number of statutes of that kind in the various States; and this is the first attempt I have ever seen made anywhere to make a judgment between A and B conclusive evidence as between A and C or as between B and C. We are discussing something that never will be really material. Any citizen can have all the advantage from a prima facie case that he could have from a conclusive case.

Are we not now going beyond the real condition, the real trouble, that we started in to remedy? What we tried to do was to have some way by which the citizen could have the advantage of the evidence collected and produced by the Government. That is all that has been asked by the people. That is all that has been asked by those who have found difficulty in prosecuting these trust cases.

The Government goes out, under its great advantages and with its powers and its great resources, and makes a case against one of these trusts. Now, the citizen does not ask us to go into the field of conjecture and get him into trouble. He has not asked us to do that. He has not asked us to pass a doubtful statute which may get him into further difficulty and subject him to heavy costs. The citizen has simply asked us to give to him the benefit of the Government's case and make it prima facie evidence; to let him have that evidence certified in the other case against the trust concerning the same transaction or the same wrong. Therefore we are really, in my judgment, about to do as needless as a vain thing. What the people have asked for is the practical thing. It is a real reform. It will do some good. Why should we take chances?

So far as I am concerned, I have not much doubt that the courts will declare the House bill unconstitutional the first time it is put to the test. Believing that, I have voted for the amendment of the committee to make the judgment or decree prima facie evidence. In doing so I feel that we are giving the citizen and the country every advantage which justice demands. Until the authorities which I have cited shall be overthrown, or some one points out a precedent that justifies it, I can not vote for a law that makes a decree binding in favor of one not a party to the litigation in which it was rendered. Because of the large interest of the public in controlling these trusts, I will go to the limit of our power, and I believe that the Senate bill marks that limit.

Mr. WALSH. The Senator from Iowa [Mr. CUMMINS] stepped out, but I hope he may come in. The Senator from Iowa seems to labor under the impression that it is a sufficient answer to the contention made by me in this connection to say that it is beyond the power of Congress to make the judgment conclusive against the citizen as well as in his favor, and therefore it follows that the judgment can not be made conclusive in his favor.

Mr. President, I am not at all ready to accept the idea of the Senator from Iowa that it is beyond the power of Congress to make the judgment in an antitrust case conclusive against the citizen. In fact, I entertain no doubt whatever about the power of Congress to do that much. About that I believe there can be no two opinions upon serious reflection, because the citizen has a right of action at all merely because the statute gives it to him. If there were no statute, he would have no right of action.

It is true, Mr. President, that it is not necessary to convey the right of action in express terms, but as was declared here upon the floor a few days ago the bare fact that the law denounces these acts as unlawful gives a right of action to anyone who may be damaged by the acts thus put under the ban of the law. But the law simply carries by implication the right of action to the man who has been injured. In other words, his right of action rests upon the law; it has its origin in the statute. Congress gives to him the right of action, and when Congress gives to him the right of action Congress may attach to it any conditions it may see fit.

Mr. CUMMINS. Mr. President——

Mr. WALSH. I will yield in just a moment. It may develop that although the acts denounced in the statute are unlawful, no citizen shall have right of action by reason of any damages sustained in consequence thereof until after judgment shall have been rendered in an action brought by the Government. I yield to the Senator from Iowa.

Mr. CUMMINS. I have no doubt whatever about the last statement of the Senator from Montana. We have just such a provision as he has mentioned in the interstate-commerce law. A shipper who claims to have been overcharged can not bring a suit in the Federal courts until the rate has been found to be unreasonably high by the Interstate Commerce Commission. That is a condition precedent to the institution of a suit of that character. We could do so here. We could say that no suit shall be tried under the laws of the United States until a proceeding had terminated favorable to the United States in a suit brought for that purpose. That was not my proposition. We have given this cause of action. Those who suffer have the cause of action; and we are preparing a rule of evidence here. It was my proposition that, leaving the cause of action as it is, we could not say that the citizen could not prosecute that cause of action if a judgment against the Government had been rendered in a suit brought for the enforcement of the law.

Mr. WALSH. The Senator is talking about a cause of action which has already accrued.

Mr. CUMMINS. I am talking about leaving the statute as it is, with the cause of action in the hands of the citizen who is injured. We can, of course, destroy that cause of action entirely. We can repeal the provision of the antitrust law—there is no doubt of that—so that neither the Government nor citizen shall have any cause of action; but so long as we leave the cause of action I do not believe we can say that a judgment rendered between different parties shall be conclusive as between the injured citizen and the offending corporation.

Mr. WALSH. The Senator did not let me quite finish the line of the argument. However, he agrees with me now that we could amend the Sherman Antitrust Act so that it should provide that in the future no citizen shall be entitled to prosecute an action for damages resulting from the violation of the law until after a suit shall have been prosecuted by the United States and a judgment rendered in the action in favor of the Government. Therefore, if a suit was brought by the Government of the United States and failed, but a judgment were rendered against the Government, then the effect of a statute making that judgment conclusive against the citizen in an action brought by him would have exactly the same effect as a statute such as I first indicated, which denied to anyone the right to recover in an action unless first a judgment were rendered by the Government of the United States. In other words, a statute providing that no one could recover in an action of that character until after a judgment had been rendered in favor of the United States would be exactly the same as if it said that a judgment rendered in favor of the corporation shall be conclusive evidence against anyone prosecuting a private action for damages resulting from the unlawful combination. The two statutes would have exactly the same force and effect, and if you admit the power of Congress to pass the one you must admit the power of Congress to pass the other. So to my mind there is not any question about the right of Congress to make the judgment in the action prosecuted by the Government of the United States conclusive evidence against a citizen who prosecutes a private action for damages resulting from the act.

Mr. President, if we can pass that kind of a statute, why can we not pass the reciprocal of it; in other words, a statute providing that it shall be conclusive evidence when the judgment goes in favor of the judgment of the United States.

Now, just one other thought. The Senator recognizes the principle of the binding force of judgments by representation, a judgment in favor of a single individual binding upon all the members of the class which he represents, and he indicates that there is a close analogy, as undoubtedly there is, between a judgment of that character and a judgment in a suit brought by the Government of the United States, which represents all the citizens of the United States. I do not think that the principle of representation has ever been extended so far as to embrace all the citizens of a State in an action brought by the State; but why should it not? Is it not a perfectly arbitrary rule that excludes it? Where are you going to draw the line? Does not the Government of the United States in these prosecutions truly and rightly and justly represent its citizens in the prosecution of the action? It would be only a very little extension of the principle to include judgments brought in actions prosecuted by the Government or by the State.

I want to say just a word with reference to the authorities to which the attention of the Senate has been invited by the learned Senator from West Virginia [Mr. CHILTON]. Nobody questions them. They all lay down the rule that in an action

brought against an individual who has never theretofore had his day in court you can not make a certificate or a recital or an order of an administrative board or anything of that kind conclusive evidence against him. You may make it prima facie evidence. A tax deed is made prima facie evidence of the truth of all its recitals. The notice of a mining claim filed in the office of the county recorder is prima facie evidence of all the facts recited in it and required to be recited in it by the statute; indeed the principle is general that whenever the law requires a certain document to be filed containing certain recitals that document becomes prima facie evidence of the truth of the recitals therein, and you can not make it conclusive. That is quite a different thing. Here the party has had his day in court. He has tried every issue, and it is simply a question, now that he has had it tried, whether he may insist upon a second trial.

Let me say, Mr. President, that we are proceeding against organizations denounced as unlawful by this law as guilty of crime, as a peril to the State, as a menace to ordinary business transactions, as fraught with danger to the public. That is the kind of an organization we are dealing with, and there is a judgment rendered by the court to the effect that it is so guilty.

Mr. President, I submit that that is a different kind of a judgment from one which would ordinarily be rendered in an ordinary private controversy between two citizens, and I submit that you violate no principle of justice by making that judgment conclusive against the party who thus is adjudged to be a violator of the law and leave it still subject to prosecution by a private party. They can not be put upon the same ground. They stand upon an entirely different footing.

I assert, sir, that there is no element of injustice in the policy expressed by the House bill that these judgments are to be conclusive against the corporation, leaving the private citizen, if he desires to take upon himself the burden of a subsequent prosecution at his own expense, the right to do so.

When a trust or a combination of any kind has been prosecuted by the great Government of the United States, and has been victorious in that fight, coming out of it with a judgment of acquittal, I wonder how many there are of us who are fearful that some private individual will thereafter harass and annoy the corporation by the institution and prosecution of another suit at his own expense? There is no need for a provision of that character; and, Mr. President, the law is not open to the charge of injustice when it does not give the right to the corporation or the combination, whatever it may be, to assert the conclusive character of the judgment which was rendered in its favor when it is brought again to the bar by a private individual.

So, Mr. President, it occurs to me that there is no constitutional objection to the House provision, and that it embodies a wise policy the argument upon all sides admits.

Mr. President, I desire to submit in connection with my remarks a brief portion of a late editorial in Harper's Weekly upon this subject, which I ask may be read from the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows from Harper's Weekly for August 15, 1914:

> The Clayton bill, as it passed the House, carried out the President's suggestion effectively by providing that a judgment for the Government shall be conclusive evidence in damage suits by private individuals. The Judiciary Committee of the Senate, however, has changed the provision so as to keep the word of promise to our ear and break it to our hope. As reported to the Senate, the provision is that the judgment for the Government shall be merely prima facie evidence in private suits. This destroys the expected benefit. In order to overcome the prima facie effect of the Government's judgment, the trusts will only have to introduce some new evidence, and then the whole matter will be open for determination by a jury. No private individual will be able to sue without being ready to prove over again all that the Government proved. This is something that small victims of the trusts can not afford to do. It is essential that the Government's judgment should be conclusive evidence of the violation of the anti-trust law, and the Senate should see that it is made so, as the House did.

Mr. CHILTON. If the writer of that article does not know anything more about this subject than he knows about what prima facie evidence means, we can well submit the question to the Senate without any reference to the knowledge that writer has of the law of the land.

Mr. THOMAS. Mr. President, the Senator from Nebraska has suggested what I think is an improvement upon my proposed amendment. He has suggested that the words "heretofore or hereafter" be inserted after the word "decree," in line 12. I ask leave to change the amendment which I offered, so as to correspond with that suggestion. The clause would then read:

> That a final judgment or decree heretofore or hereafter rendered in any suit or proceeding—

And so forth.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado to the amendment.

Mr. CHILTON. I should like to have it reported, Mr. President.

The VICE PRESIDENT. It will be reported.

The SECRETARY. On page 6, line 12, in the proposed committee amendment, after the word "decree" insert the words "heretofore or hereafter," so as to read:

> That a final judgment or decree heretofore or hereafter rendered in any suit or proceeding in equity—

And so forth.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado to the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. HUGHES. I ask for a division. I am not sure that I understand it, but I was drawing an amendment intended to clear what I considered as an ambiguity in the section. Will not the Senator from Colorado allow his amendment to go over until I have a chance to read it in connection with the amendment I desire to offer?

Mr. THOMAS. I think I can explain it in a moment. The purpose of the amendment is to make the decrees heretofore rendered as well as those hereafter rendered prima facie evidence.

Mr. HUGHES. I will ask the Senator to let it go over until I have had a chance to compare it with an amendment that I intended to offer.

Mr. THOMAS. I have no objection.

The VICE PRESIDENT. Does the Senator from Colorado withdraw his amendment to the amendment?

Mr. THOMAS. No. It goes over without objection, I understand.

Mr. HUGHES. To be pending.

The VICE PRESIDENT. The committee amendment will have to go over, then.

Mr. CULBERSON. I think we can determine this matter without its going over. I suggest to the Senator from New Jersey that the amendment to the amendment is plain enough. The only question is whether the Senate wants to adopt it.

Mr. HUGHES. Then I want to debate it.

Mr. CULBERSON. Very well.

Mr. OVERMAN. Can we not take the vote on the motion of the Senator from Montana [Mr. WALSH] to strike out or disagree, and if the Senate disagrees to the amendment there will be no need of the amendment proposed by the Senator from Colorado?

Mr. CULBERSON. The question is on the adoption of the amendment proposed by the Committee on the Judiciary.

Mr. OVERMAN. If that is adopted, it can be amended subsequently.

The VICE PRESIDENT. The Chair understands the situation exactly. There has been an amendment offered to the committee amendment, and the Chair can not put the question on the amendment of the committee until the amendment to the amendment has been disposed of.

Mr. CHILTON. In other words, the Senate has a right to perfect the amendment before it is voted upon.

Mr. WALSH. Assuming the condition to be as the Chair has indicated, I have not yet offered my amendment. When the committee amendment is perfected, I imagine that the motion will be in order.

Mr. CULBERSON. I understood the proposition of the Senator from Montana to be to retain the House provision instead of the committee amendment. That question ought to be determined upon the proposition as to whether the committee amendment shall prevail.

The VICE PRESIDENT. There is no question about that. The committee amendment before the Senate has been proposed to be amended by the Senator from Colorado. The Chair asked the Senator from Colorado whether he would withdraw his amendment. He said "no."

Mr. OVERMAN. I suggest to the Senator from Colorado to withdraw it. He can offer it in the Senate and we can proceed with this legislation in Committee of the Whole. He can withhold it and let us take the question on agreeing to the amendment of the committee.

Mr. HUGHES. It seems to me that the Senator from Colorado has a right to attempt to perfect the text.

Mr. OVERMAN. He can do that hereafter.

Mr. HUGHES. It seems to me this is the most convenient way to get at it. I will simply state what I have to say on the amendment of the Senator from Colorado and call his attention to what I regard as its vice, as I have already called it to the attention of the various members of the committee. The House provision contains the word "hereafter"; it reads:

That whenever in any suit or proceeding in equity hereafter brought—

And so forth.

Mr. THOMAS. The provision makes it conclusive.

Mr. HUGHES. That a final judgment hereafter rendered shall operate in a certain way. The Senator from Colorado seeks to provide that a final judgment or decree heretofore or hereafter rendered shall operate in a certain way. The difficulty about that is we are opening up a vast field of litigation with reference to transactions that have passed and gone. This may well be productive of more litigation than anybody here dreams of; in fact, I know that it will be.

There is this also to be said, that in a great many of these cases consent decrees were entered by agreement and arrangement between the Government and the parties who were charged with offenses, and it does not seem to me fair that the Government, which induced these men, in order to save it the expense and trouble and time of litigation, to consent to a decree, which the Government might not have been able to obtain by regular procedure, before the case was tried, before a judgment was had, should afterwards, when that decree has been obtained by their consent, change the law and put them in a position which leaves them absolutely no redress or no recourse of any kind.

If Senators would stop for a moment to consider this they would realize that a great many of these consent decrees have been entered, and in every case thousands of individuals may claim that they have been injured and come in under the shelter of a consent decree and proceed against the defendant who consented to it probably because it desired to conduct its business in the way the Government said that it should. Without admitting that it had violated the law, but in order to make its peace and continue along the line mapped out for it by the Government, friendly cooperation existing between the defendant charged with an offense and the Government, the corporation may have given its consent to the entering of a decree, saying, "Very well, we will consent that in the future we shall not be permitted to do this."

This amendment opens that whole subject up to the time of the entering of the decree. I want Senators to understand that before they vote on it. I certainly would not vote for the amendment of the Senator from Colorado. The language of the bill as it came from the House provided explicitly that all the decrees entered hereafter should be of the binding force and effect sought to be given by this proposed statute. My understanding from the talk I have had with the various members of the committee is that it has been their idea and their intention that this proposed act should operate prospectively and not retrospectively.

Mr. THOMAS. Mr. President, there is no question but that the House provision is intended to operate prospectively, the only way it could operate if Congress has power to make such judgments conclusive.

Mr. CHILTON. The Senate amendment, also, is prospective.

Mr. THOMAS. The Senate amendment, however, is one which makes the judgements prima facie evidence. That being so, when the judgment is introduced as being prima facie evidence, it does not preclude the defendant against whom the judgment was rendered from explaining away its force and effect, that constituting the chief defect of the section, as the Senator from Montana [Mr. WALSH] has so well shown.

It is true that there are judgments which have been entered and decrees which have been entered by consent in some of these cases, but there are no cases in which any corporation was a defendant which I can now call to mind in which a consent decree was entered but that such decree would have been entered after final trial, the consent decree being influenced by what the inevitable result of the case would be. The mere fact that it is a consent judgment does not, it seems to me, detract from the privilege, if it be one, which this proposed statute gives of making the decrees prima facie evidence; and I am unable to distinguish between the justice of making a decree rendered upon a suit brought after this bill becomes a law prima facie evidence and making a decree rendered upon similar suits brought before this bill becomes a law prima facie evidence. Hence the amendment which I have suggested, that final judgment heretofore or hereafter rendered shall be prima facie evidence.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS]. [Putting the question.] The ayes seem to have it.

Mr. HUGHES. I call for a division.

The VICE PRESIDENT. Those in favor of the amendment will rise. Those opposed will rise. The amendment is carried.

Mr. HUGHES. I ask for the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I announce my pair and withhold my vote.

Mr. CULBERSON (when his name was called). Again announcing my pair with the Senator from Delaware [Mr. DU PONT], I transfer that pair to the Senator from Arizona [Mr. SMITH], and vote "nay."

Mr. THOMAS (when his name was called). In the absence of my pair, I withhold my vote.

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. GRONNA (after having voted in the negative). I inquire whether the senior Senator from Maine [Mr. JOHNSON] has voted?

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

Mr. GRONNA. I have a general pair with that Senator, and therefore withdraw my vote.

Mr. LEA of Tennessee. I transfer my pair with the senior Senator from South Dakota [Mr. CRAWFORD] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. REED. The conditions of my pair are that I may vote in order to make a quorum; and if we are lacking a quorum, and I am advised of that fact, I will vote.

Mr. THOMAS. I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], which I transfer to the junior Senator from Georgia [Mr. WEST], and allow my vote to stand.

Mr. STONE. I inquire whether the Senator from Wyoming [Mr. CLARK] has voted?

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

Mr. STONE. I have a pair with that Senator, and therefore withhold my vote.

Mr. REED. Under the circumstances I desire to vote. I vote "yea."

Mr. OWEN. If my vote is necessary to make a quorum, I have the right to vote, and I vote "yea."

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. GORE. I have a pair with the junior Senator from Wisconsin [Mr. STEPHENSON], and therefore withhold my vote.

Mr. REED. Before the vote is announced I desire to know whether a quorum has voted.

Mr. GORE. I understand that my vote will be necessary to make a quorum. Under such circumstances I have the right to vote, and I vote "yea."

The result was—yeas 23, nays 23, as follows:

YEAS—23.

Ashurst	Jones	Pittman	Thomas
Bristow	Kern	Pomerene	Thompson
Cummins	Lane	Reed	Vardaman
Gore	Lea, Tenn.	Shafroth	Walsh
Hitchcock	Lee, Md.	Sheppard	White
James	Owen	Shively	

NAYS—23.

Bankhead	Gallinger	Newlands	Smoot
Bryan	Hughes	Overman	Sterling
Burton	Lippitt	Poindexter	Swanson
Chilton	McCumber	Ransdell	Thornton
Clapp	Martine, N. J.	Simmons	Williams
Culberson	Nelson	Smith, Ga.	

NOT VOTING—50.

Borah	Fall	Norris	Smith, Mich.
Brady	Fletcher	O'Gorman	Smith, S. C.
Brandegee	Goff	Oliver	Stephenson
Burleigh	Gronna	Page	Stone
Camden	Hollis	Penrose	Sutherland
Catron	Johnson	Perkins	Tillman
Chamberlain	Kenyon	Robinson	Townsend
Clark, Wyo.	La Follette	Root	Warren
Clarke, Ark.	Lewis	Saulsbury	Weeks
Colt	Lodge	Sherman	West
Crawford	McLean	Shields	Works
Dillingham	Martin, Va.	Smith, Ariz.	
du Pont	Myers	Smith, Md.	

The VICE PRESIDENT. On the amendment proposed by the Senator from Colorado the yeas are 23, the nays are 23. Senators CHAMBERLAIN, GRONNA, and STONE are present and have announced their pairs. That makes a quorum as the Chair figures it. The Chair votes "yea," and the amendment is adopted.

Mr. CHAMBERLAIN. I desire to say in that connection that I have no understanding with my pair allowing me to vote in order to constitute a quorum, but I have no objection to being counted as present.

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.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (S. 110) to regulate trading in cotton futures, and provide for the standardization of "upland" and "gulf" cottons separately, which had heretofore been signed by the Speaker of the House.

RECESS.

Mr. KERN. I move that the Senate take a recess until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate, Monday, August 17, 1914, took a recess until to-morrow, Tuesday, August 18, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 17 (legislative day of August 11), 1914.

UNITED STATES ATTORNEY.

Earl M. Donaldson, of Bainbridge, Ga., to be United States attorney for the southern district of Georgia, vice Alexander Akerman, resigned.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

John W. Hyatt, of Virginia, late second lieutenant, Sixteenth Infantry, to be second lieutenant from August 14, 1914, to fill an existing vacancy.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from August 15, 1914.

Frank Ernest, of California.
Eveleth Wilson Bridgman, of Maryland.
William Daugherty Petit, of Missouri.
Frank Humbert Hustead, of Pennsylvania.
Francis Eugene Prestley, of Ohio.
Paul Frederic Martin, of Indiana.
John Randolph Hall, of Missouri.
George Matthew Kesl, of Missouri.
Clyde Dale Pence, of Illinois.
William Howard Michael, of Maryland.

PROMOTIONS IN THE NAVY.

The following-named commanders in the Navy to be captains in the Navy from the 1st day of July, 1914:

Ashley H. Robertson,
William M. Crose, and
Samuel S. Robison.

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

Luther Welsh,
Olaf M. Hustvedt,
Chester S. Roberts,
Harold C. Train,
Frank D. Manock,
Sherman S. Kennedy,
Harold A. Waddington,
Alger H. Dresel,
Clifford E. Van Hook, and
Francis L. Shea.

Asst. Surg. William E. Eaton to be a passed assistant surgeon in the Navy from the 1st day of October, 1913.

Asst. Surg. Harry E. Jenkins to be a passed assistant surgeon in the Navy from the 1st day of October, 1913.

Asst. Surg. Edward E. Woodland to be a passed assistant surgeon in the Navy from the 4th day of May, 1914.

Chalmer H. Weaver, a citizen of Indiana, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 4th day of August, 1914.

William H. Michael, a citizen of Maryland, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 8th day of August, 1914.

Pay Inspector Thomas H. Hicks to be a pay director in the Navy from the 19th day of July, 1914.

Passed Asst. Paymaster George R. Crapo to be a paymaster in the Navy from the 16th day of May, 1914.

Gunner James H. Bell to be a chief gunner in the Navy from the 5th day of February, 1914.

POSTMASTERS.

CALIFORNIA.

Manuel J. Andrade to be postmaster at San Leandro, Cal., in place of Charles Q. Rideout. Incumbent's commission expired July 30, 1913.

James F. Saunders to be postmaster at Antioch, Cal., in place of Josiah R. Baker, resigned.

FLORIDA.

Jesse E. Miller to be postmaster at Graceville, Fla., in place of Noah Barefoot, deceased.

ILLINOIS.

Cora L. Tisler to be postmaster at Marseilles, Ill., in place of Terry Simmons. Incumbent's commission expired June 21, 1914.

INDIANA.

George A. Dalton to be postmaster at West Baden, Ind., in place of W. F. Moore, removed.

IOWA.

Maurice Fay to be postmaster at Anamosa, Iowa, in place of J. H. Ramsey. Incumbent's commission expired June 24, 1914.

LOUISIANA.

Laura B. Beaubien to be postmaster at St. Joseph, La., in place of Lena E. Henderson, resigned.

Joseph Muth to be postmaster at Elizabeth, La. Office became presidential July 1, 1914.

MASSACHUSETTS.

E. H. Moore to be postmaster at Holden, Mass. Office became presidential July 1, 1914.

F. J. Sullivan to be postmaster at Monson, Mass., in place of George H. Seymour, resigned.

MICHIGAN.

Charles A. Allen to be postmaster at Royal Oak, Mich., in place of Jacob Erb, resigned.

Fred W. Hild to be postmaster at Baraga, Mich., in place of Frank M. Ennis, resigned.

Robert M. Smith to be postmaster at Kearsarge, Mich., in place of William G. Mehrens, resigned.

MINNESOTA.

Patrick B. Jude to be postmaster at Maple Lake, Minn., in place of C. E. Jude, resigned.

M. H. McDonald to be postmaster at Farmington, Minn., in place of Gerrit F. Akin, resigned.

Knute Nelson to be postmaster at Fertile, Minn., in place of John Albert Gregorson. Incumbent's commission expired June 13, 1914.

MISSOURI.

Frederick Blattner to be postmaster at Wellsville, Mo., in place of Joseph L. Sharp, resigned.

John H. Lyda to be postmaster at Atlanta, Mo., in place of John T. Farmer, resigned.

NEBRASKA.

J. R. McCann to be postmaster at Beatrice, Nebr., in place of Albert H. Hollingworth. Incumbent's commission expired March 5, 1914.

NEW JERSEY.

Arabelle C. Broander to be postmaster at Keansburg, N. J. Office became presidential July 1, 1914.

Carl L. Richter to be postmaster at Fort Lee, N. J., in place of Carl L. Richter. Incumbent's commission expired April 28, 1914.

NEW MEXICO.

E. R. Gesler to be postmaster at Columbus, N. Mex. Office became presidential April 1, 1914.

G. U. McCrary to be postmaster at Artesia, N. Mex., in place of J. Frank Newkirk, removed.

William D. Wasson to be postmaster at Estancia, N. Mex., in place of J. P. Porter, removed.

NEW YORK.

Eugene M. Andrews to be postmaster at Endicott, N. Y., in place of Allen C. Stewart, deceased.

Kent Barney to be postmaster at Milford, N. Y., in place of Charles S. Barney, deceased.

Andrew B. Byrne to be postmaster at Hannibal, N. Y., in place of David Bothwell, deceased.

Margaret D. Cochrane to be postmaster at Bedford, N. Y., in place of Margaret D. Cochrane. Incumbent's commission expired April 19, 1914.

Bernard H. Cullen to be postmaster at Chester, N. Y., in place of George R. Vail. Incumbent's commission expired February 2, 1914.

William H. Davis to be postmaster at Altmar, N. Y. Office became presidential October 1, 1913.

Charles Fitzpatrick to be postmaster at Goshen, N. Y., in place of George L. Jackson. Incumbent's commission expired February 5, 1914.

Charles L. Goodell to be postmaster at Worcester, N. Y., in place of Alvin T. Smith. Incumbent's commission expired May 23, 1914.

Edward A. Gross to be postmaster at New City, N. Y., in place of Edward A. Gross. Incumbent's commission expired June 21, 1914.

Gilbert C. Higgins to be postmaster at Waverly, N. Y., in place of George D. Genung, removed.

Cort Kramer to be postmaster at Holland, N. Y., in place of Horace Selleck. Incumbent's commission expired December 21, 1913.

William McNeal to be postmaster at Montgomery, N. Y., in place of Frank T. Hadaway. Incumbent's commission expired February 21, 1914.

C. E. Miller to be postmaster at Moravia, N. Y., in place of W. J. H. Parker, removed.

Nathan D. Mills to be postmaster at Middletown, N. Y., in place of James F. Moore. Incumbent's commission expired January 20, 1914.

William H. Nearpass to be postmaster at Port Jervis, N. Y., in place of Thomas J. Quick. Incumbent's commission expired February 10, 1914.

Henry F. Pembleton to be postmaster at Central Valley, N. Y., in place of Henry D. Ford, removed.

Joseph T. Reidy to be postmaster at Morrisville, N. Y., in place of John H. Broad. Incumbent's commission expired June 6, 1904.

Alonzo G. Setter to be postmaster at Cattaraugus, N. Y., in place of Charles H. Rich. Incumbent's commission expired June 6, 1914.

Eugene J. Smith to be postmaster at Lyons, N. Y., in place of Edward Sautter. Incumbent's commission expired March 25, 1913.

Florence Williams to be postmaster at Bolivar, N. Y., in place of Bernard S. Dunn. Incumbent's commission expired May 23, 1914.

Henry J. Vollmar to be postmaster at Boonville, N. Y., in place of Fred M. Woolley. Incumbent's commission expired January 25, 1914.

NORTH DAKOTA.

Nellie Darcey to be postmaster at Fessenden, N. Dak., in place of Henry F. Speiser. Incumbent's commission expired May 31, 1914.

M. P. Morris to be postmaster at Jamestown, N. Dak., in place of J. J. Latta. Incumbent's commission expired April 29, 1914.

PENNSYLVANIA.

Josephine R. Callan to be postmaster at Cresson, Pa., in place of John F. Parrish. Incumbent's commission expired June 2, 1914.

George R. Hutchison to be postmaster at Alexandria, Pa. Office became presidential April 1, 1914.

SOUTH DAKOTA.

Martin M. Judge to be postmaster at Webster, S. Dak., in place of Charles W. Siglinger. Incumbent's commission expired June 25, 1914.

E. H. White to be postmaster at Castlewood, S. Dak., in place of William A. Carter, resigned.

TEXAS.

J. N. Worsham to be postmaster at Laredo, Tex., in place of Fred H. Ligarde. Incumbent's commission expired May 4, 1914.

VIRGINIA.

George C. Carter to be postmaster at Leesburg, Va., in place of L. Clark Hoge. Incumbent's commission expired April 20, 1914.

A. B. Dye to be postmaster at Honaker, Va., in place of J. W. Hubbard, resigned.

R. W. Ervin to be postmaster at Dante, Va., in place of Ora R. Evans, resigned.

Asa A. Ferguson to be postmaster at Lebanon, Va., in place of James A. Henritze. Incumbent's commission expired January 24, 1914.

C. P. Greever to be postmaster at Graham, Va., in place of H. C. Galloway. Incumbent's commission expired April 15, 1914.

C. F. Kitts to be postmaster at North Tazewell, Va., in place of Harvey F. Peery. Incumbent's commission expired April 21, 1914.

J. W. H. Lawford to be postmaster at Pocahontas, Va., in place of William L. Mustard, resigned.

WEST VIRGINIA.

W. N. Cole to be postmaster at Williamson, W. Va., in place of N. J. Keakle, removed.

William G. Williamson to be postmaster at Vivian, W. Va., in place of Samuel W. Patterson, resigned.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 17, 1914.*

The House met at 12 o'clock noon.

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

We come to Thee, O God, our refuge and our strength, knowing full well that each moment is a moment of probation, that each day is a day of judgment, and without Thine aid we shall fail in our duties. Help us therefore to resist evil, to cleave unto that which is good, that we may accomplish Thy commands in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, August 15, 1914, was read and approved.

OFFICE OF INFORMATION, DEPARTMENT OF AGRICULTURE.

Mr. LEVER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEVER. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. This is unanimous-consent day; and the rule provides that, after the approval of the Journal, bills on the Unanimous Consent Calendar shall be called. I have a privileged resolution from the Committee on Agriculture. I desire to inquire if it would be in order to call up that resolution at this time?

The SPEAKER. Is the gentleman certain it is privileged?

Mr. LEVER. I am.

The SPEAKER. The Chair thinks it would be in order to call it up.

Mr. LEVER. Mr. Speaker, I call up the following privileged resolution (H. Rept. 1092).

The SPEAKER. The Clerk will report the resolution.

The Clerk read House resolution 573, requesting and directing the Secretary of Agriculture to give to the House full detailed information in regard to certain matters under the administration of the Department of Agriculture, as follows:

Resolved, That the Secretary of Agriculture be, and he hereby is, requested and directed to give to the House full detailed information in regard to the following matter:

First. Is there under the administration of the Department of Agriculture a press agency, or bureau of any kind or character, that is run for the purpose of preparing and giving out information for publication?

Second. Is not this bureau or agency known as the "office of information"? If not, what is the title by which it is known? How many persons are employed in this "office of information"? Give the name of each employee in the "office of information," the salary that he receives, and the roll upon which he is carried.

Third. State whether or not one George W. Whorton is employed in the Department of Agriculture; and if so, what are his duties and what salary does he receive and upon what pay roll is he carried? When did he receive this position, and how? Was he not in charge of this publicity work before he took the civil-service examination?

Fourth. Is one E. B. Mitchell employed in the Department of Agriculture? If so, what are his duties, what salary does he receive, and how did he secure his present position? Was he not appointed to a position and placed upon the pay roll of the department without civil-service examination?

Mr. LEVER. Mr. Speaker, I understand the gentleman from Washington [Mr. HUMPHREY], who is the author of the resolution, desires 10 minutes. I yield to the gentleman 10 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I am glad that the committee have reported this resolution favorably. I trust there will be no opposition to its passage. In fact, it would be a public calamity, if not a tragedy, if it should fail to pass, because I understand that a report has already been prepared by Mr. Whorton, one of the gentlemen whose names are mentioned in the resolution. Of course, it will be entirely unprejudiced and complete, no doubt. I understand that in this

report that is to be made the gentleman passes somewhat lightly over the explanation as to how he got into his present position. The civil-service rules are not unduly magnified. He now receives a salary of some $3,000 a year. But, Mr. Speaker, what I particularly desire to call to the attention of the House in regard to the resolution, and why I think it ought to be passed, is what I conceive to be an abuse that has grown up in this department, as well as in others, in regard to publicity. The gentlemen on that side of the aisle are as much interested in this proposition as we are, and perhaps more.

These publicity bureaus are constantly seeking more power and more money, new employment and new places for men, and then bringing outside influence and outside pressure here upon Congress for us to make appropriations in order that the work they suggest may be carried out.

I will mention one or two recent publications furnished by this particular publicity bureau. Recently they published a circular widely over this country of what they called a bird census. Of course they might as well have had a grasshopper census or a fly census or a mosquito census. That field is unlimited. Here is an opportunity to give unnumbered experts a place on the Government pay roll. It is true they claim that most of that information about the bird census was furnished them voluntarily; it certainly is worthless enough to be free. But the work of sending out 50,000 letters per day, distributing these bird-census publicity stories, was paid for by the Government, and the men employed in sending them out were paid by the Government. Then here a short time ago they had another article about the life of a milk bottle. Now, think what great public interest that has. Think of the ignorance that prevails in this country to-day about the life of a milk bottle. There are people to-day in this country that belong to good families, honest and God-fearing, that do not know how long the average milk bottle lives. Think of that. Who for $100,000 per year would be denied this information, vital to the Nation's welfare? Of course the men that buy these bottles and use them do not know, so the salvation rests entirely with the Government expert. The Nation must have information on birds and bottles, even if it does have to employ 20 experts and pay $100,000 annually. This is the character of some of the work that they are doing.

But that is only a minor matter compared to the one concerning which I spoke a moment ago. I want to give you an illustration along that line, of the real reason why I think the House ought to investigate and find out the facts; and I know that my distinguished friend [Mr. LEVER], the chairman of this Committee on Agriculture, is as much interested in this as I am, and more so, because he has to look after those appropriations. I hold in my hand one of their publicity documents that was sent out on July 21 last. It refers to the appointment of Mr. Franklin H. Smith, now statistician in the Forest Product Division in the Department of Agriculture, as commercial agent at $3,000 a year in the Bureau of Foreign and Domestic Commerce, which appointment has been approved by the Secretary of Commerce, Mr. Redfield. It says:

DEPARTMENT OF COMMERCE,
Washington, July 21, 1914.

The appointment of Mr. Franklin H. Smith, now statistician in forest products in the Department of Agriculture, as commercial agent at $3,000 in the Bureau of Foreign and Domestic Commerce has been approved by Secretary of Commerce Redfield. Mr. Smith is recommended by the Forest Service as admirably equipped with knowledge of market conditions and conditions in the lumber industry to make useful investigations for the Department of Commerce. It is proposed to send him to China, Japan, India, Australia, New Zealand, the Pacific islands, and the East Indies to conduct lumber-market investigations, as it seems that those portions of the world offer the most attractive possible markets for lumber products.

Now, they say this man is a great expert. Who else ever said he was a great expert? He was an agent in the Forestry Service receiving $900 a year. Now he suddenly becomes a great expert and his salary increased. He may be an expert. But suppose he is, why should the Government pay to advertise that fact to the world? We could all get a reputation if the Government would advertise us and permit nothing but what we prepared ourselves to be published about us. That bulletin is followed up by another, dated July 27, in which they set out in detail great necessity for investigation of the various lumber industries of the country. I did not select this one because it happened to be the lumber industry, but because it happened to be the one that came under my hand. It says:

WASHINGTON, *July 27.*

The plans now being perfected for the Forest Service part of the inquiry to be made jointly by the Departments of Commerce and Agriculture into timber and lumber trade conditions in the United States provide for covering entirely new ground.

Lumbermen are now admittedly conducting their operations with a large percentage of waste, said to be largely due to market conditions which make close utilization unprofitable. There is no general agreement as to the actual causes of existing conditions and the responsibility for present undoubted evils. With rapidly diminishing supplies of timber to draw upon, wasteful lumbering has come to be recognized as a matter of serious public concern, and an inquiry to discover the causes and seek for possible remedies is regarded by Forest Service officials as an urgent need. It is believed that the lumber industry itself recognizes the need and will welcome an inquiry conducted along constructive lines.

This publication says that there is great necessity to employ a number of experts to investigate the lumber industry. Publicity, more experts, more money, more publicity, an endless chain that runs always through the Public Treasury. The result of it will be that they will be in here next year asking that Congress appropriate larger sums of money than ever before. The trouble about this publicity proposition is that they only publish one side, the side furnished by these great experts, and then the people believe that the Members of this House are not performing their public duty when they refuse to make appropriations to pay these experts. The experts get publicity only on one side, and that is the favorable side. The Members of this House have publicity, but it comes from both directions. They are both criticized and praised. As a result the impression is gradually gaining ground throughout this country today that the ability and the honesty of this country rest in its bureaus, and that whenever we refuse to make appropriations here we are failing in our duty; and, as I said a while ago, that side of the House is more interested in a thorough investigation of these agents at present than are we. This impression in regard to the bureau expert and of Congress is largely brought about by this constant publicity sent out by the departments. It is not fair to the people of the country. Through this advertisement the people have come largely to believe that the bureau chief is always a wise man, a great man, and a patriot, and that the Congressman that refuses to vote for any appropriation he asks is a petty politician.

Mr. MURDOCK. Will the gentleman yield for a minute?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from Kansas [Mr. MURDOCK]?

Mr. HUMPHREY of Washington. If the gentleman will yield me a minute or two more if I need it.

Mr. LEVER. Mr. Speaker, I will say to the gentleman from Washington that this is unanimous-consent day, and I do not want to interfere with it.

Mr. HUMPHREY of Washington. I want only three or four minutes.

Mr. LEVER. I will take care of that.

Mr. MURDOCK. Mr. Speaker, I am confused in regard to this. The gentleman's resolution is an inquiry going to the existence of a publicity bureau in the Agricultural Department?

Mr. HUMPHREY of Washington. Yes.

Mr. MURDOCK. And this man Smith, of whom he speaks, is not in the department? Does the resolution go to the correction of the evil, so far as Smith is concerned, if it is an evil?

Mr. HUMPHREY of Washington. The gentleman is mistaken. He is in the Agricultural Department.

Mr. MURDOCK. I thought he had been transferred to the Department of Commerce.

Mr. HUMPHREY of Washington. Yes, now; but he was appointed from the Department of Agriculture. I am simply calling attention to the fact that they used this publicity department to advertise some man as a great expert, and then they come here, and we pay him an increased salary.

Mr. MURDOCK. Is it not true that if it had not been for this publicity bureau the gentleman would not have known of the instance of Smith?

Mr. HUMPHREY of Washington. That is true; I would not have known of it. But when I looked for Smith's record I find that the only place that he is considered an expert is by the particular people who want an increase in his salary; and that is followed up four or five days later by showing the great necessity for an investigation in other departments, and so they want more experts, and that will take more salary, and they will be here asking Congress to give it to them.

I want to call attention to another phase of this. I hold in my hand an editorial printed in the Washington Times of July 23, a column long, in which these press agents are upheld, intimating that I am lacking in patriotism because I have called for an investigation. Why should not this paper and the gentleman who wrote the editorial make such statements as that? If I am reliably informed one of the men who is connected with this paper, probably the very gentleman who wrote this editorial, in a single year has received over $12,000 for publicity stuff that he has sent out, which was furnished to him by the publicity bureaus of the Government. Why should he not want this to go ahead? He is to be praised that he praises his friend, no man should smite the hand that feeds him. It is

profitable, and the whole thing just makes the circuit I mentioned a while ago. I quote from the editorial:

The department authorities will make no mistake if they go boldly to the defense of their publicity organization and methods. In fact, if they would frankly proclaim that they need more press agents, more money to pay them, the privilege of paying bigger salaries, they would make a fetching case.

* * * * * * *

A high official of that department, not now connected with it, once said that if he had any chance of getting Congress to allow it, he would pay the chief of his publicity service the same salary that the Secretary of Agriculture gets. He would do it, of course, only on condition of getting a man worth that salary; but he said he could find such a man, and that, having found him, he would make the investment return profits manyfold in the usefulness of the department's work.

So that it all leads right in a circuit back to the National Treasury—the creation of public sentiment throughout the country, making the people believe that Congress is not performing its duty when it does not vote unlimited amounts of money to continue these investigations and to pay these so-called experts, that they may furnish profitable publicity stories to their newspaper friends, who will, of course, then defend them in any demands on Congress. It is beautiful and it is profitable and it works.

Mr. MURDOCK. Before the gentleman sits down I would like to ask him a question.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. MURDOCK. I will ask the gentleman from South Carolina to yield him one minute.

Mr. LEVER. Mr. Speaker, I yield the gentleman one minute more.

Mr. MURDOCK. Mr. Speaker, I think the gentleman is leaving an impression that he did not intend to leave in the latter part of his remarks. He says some writer on the Times has made $12,000 in one year.

Mr. HUMPHREY of Washington. I mean Mr. Judson Welliver.

Mr. MURDOCK. The gentleman does not mean to say that Mr. Judson Welliver or anyone else on the Times has drawn from the Treasury of the United States $12,000 a year?

Mr. HUMPHREY of Washington. No; and I did not say anything of the kind. I said if I was correctly informed, and I believe that I am, Mr. Judson Welliver in a single year received over $12.000 from articles that he furnished to the press, and he received the information from the publicity bureaus of the various departments.

Mr. MURDOCK. If he did any such thing, the gentleman ought to say also that it was a perfectly legitimate earning on the part of Mr. Judson Welliver.

Mr. HUMPHREY of Washington. It is perfectly legitimate earning on his part, perhaps, but here is the result of it coming back, defending these publicity agents and saying that we ought to have more, so that they can furnish more news to newspaper correspondents in order that they may sell it to the press. Mr. Welliver's action in defending his friends is not only legitimate but shows his gratitude.

Mr. MURDOCK. The gentleman does not undertake to say that a newspaper man has not the right to get information from a bureau, put it into readable form, and sell it as syndicate matter?

Mr. HUMPHREY of Washington. No; but I undertake to say that this Government ought not to pay men in the departments to create publicity articles to furnish to newspaper men to sell to the press.

Mr. MURDOCK. That is the gentleman's opinion. The Government is not hurt by more publicity. The gentleman's chief item of complaint this morning was made possible because the Government had a bureau of publicity.

Mr. HUMPHREY of Washington. If the gentleman wants to defend a bird and grasshopper census, he is the proper man to do so. They will probably be making one in his State before long.

Mr. LEVER. Mr. Speaker, the adoption of this resolution has been unanimously recommended by the Committee on Agriculture. The committee does not believe that the Department of Agriculture has any facts which it desires to conceal. I therefore move the adoption of the resolution.

Mr. FOWLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Has the time arrived to offer an amendment to the resolution?

The SPEAKER. It has.

Mr. FOWLER. Then I offer the following amendment, which I send to the Clerk's desk.

Mr. MANN. The gentleman can not do it unless the gentleman from South Carolina yields the floor.

Mr. LEVER. I yield to the gentleman.

The Clerk read as follows:

Add at the end of line 8, on page 2, the following:
"Is this press bureau being now used or has it been heretofore used for private interests, either directly or indirectly?"

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

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The 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 bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3023. An act relating to the duties of registers of United States land offices and the publication in newspapers of official land office notices;

S. 2334. An act for the relief of S. W. Langhorne and the legal representatives of H. S. Howell;

S. 4891. An act to provide for the purchase and equipment of a mine rescue car, and for other purposes;

S. 587. An act relating to the disposal of coal and mineral deposits in Indian lands;

S. 3002. An act making appropriations for expenses incurred under the treaty of Washington;

S. 4857. An act for the relief of the St. Croix Chippewa Indians of Wisconsin;

S. 5036. An act authorizing the Shoshone Tribe of Indians, residing on the Wind River Reservation in Wyoming, to submit claims to the Court of Claims;

S. 5392. An act to provide for carrying into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians;

S. 146. An act for the relief of Aaron Kibler;

S. 5526. An act to amend an act entitled, "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes;

S. 740. An act to promote and encourage the construction of wagon roads over the public lands of the United States;

S. 4288. An act for the relief of James B. Smock;

S. 3899. An act to provide for the acquiring of additional lands by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes;

S. 5629. An act for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908;

S. 2518. An act granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply;

S. J. Res. 92. Joint resolution authorizing the governor of any State to loan to military colleges and schools within his State such tents and camp equipage as have been issued or shall be issued to the State by the United States under the provisions of existing laws;

S. 5525. An act to authorize the President to appoint Maj. William O. Owen, United States Army, retired, a colonel on the active list of the Army;

S. 784. An act to place Lieut. Col. Junius L. Powell on the retired list of the Army with the rank of brigadier general;

S. 1174. An act for the relief of William Walters, alias Joshua Brown;

S. 5684. An act for the relief of Oliver C. Rice;

S. 1231. An act for the relief of Lemuel H. Redd;

S. 5977. An act to authorize Bryan Henry and Albert Henry to construct a bridge across a slough which is a part of the Tennessee River, near Guntersville, Ala.;

S. 4012. An act to increase the limit of cost of the United States public building at Grand Junction, Colo.;

S. J. Res. 136. Joint resolution to authorize the appointment of Charles August Meyer as a cadet at the United States Military Academy;

S. J. Res. 137. Joint resolution to reinstate Clifford Hildebrandt Tate as a cadet at the United States Military Academy;

S. 5990. An act to authorize the sale and issuance of patent for certain land to William G. Kerckhoff;

S. 5630. An act for the erection of a public building at Dallas, Tex.;

S. 2692. An act authorizing the Secretary of the Interior to sell all unsold lots in the town site of Plummer, Kootenai County, Idaho, and for other purposes;

S. 2616. An act to promote the efficiency of the Public Health Service;

S. 2353. An act to authorize the President to appoint Col. James W. Pope, Assistant Quartermaster General, to the grade of brigadier general in the United States Army and place him on the retired list;

S. 6227. An act granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia;

S. 5705. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, D. C., to Philadelphia, Pa.;

S. 5028. An act for the relief of Harry T. Herring;

S. 2824. An act to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891;

S. 6162. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths;

S. 2668. An act for the relief of Martha Hazelwood;

S. 5695. An act for the relief of the Southern Transportation Co.;

S. 3107. An act for the relief of John E. Johnson;

S. 5970. An act for the relief of Isaac Bethurum;

S. 4256. An act to provide for the acquisition of a site and the erection of a public building thereon at Tonopah, Nev.;

S. 3561. An act to appoint Frederick H. Lemly a passed assistant paymaster on the active list of the United States Navy;

S. 5113. An act for increase of cost of a site for a post-office building in the city of Rockingham, N. C.; and

S. 3663. An act for the relief of Rezin Hammond.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 14404. An act for the relief of E. F. Anderson;

H. R. 14405. An act for the relief of C. F. Jackson;

H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State;

H. R. 10460. An act for the relief of Mary Cornick;

H. R. 14679. An act for the relief of Clarence L. George;

H. R. 9829. An act authorizing the Secretary of the Interior to sell certain unused remnant lands to the Board of County Commissioners of Caddo County, Okla., for fair-ground and park purposes;

H. R. 13965. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States;

H. R. 16205. An act for the relief of David Smith;

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 17045. An act for the relief of William L. Wallis;

H. R. 16431. An act to validate the homestead entry of William H. Miller;

H. R. 12463. An act to authorize the withdrawal of lands on the Quinaielt Reservation, in the State of Washington, for lighthouse purposes;

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes;

H. J. Res. 249. Joint resolution for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission;

H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods;

H. R. 6609. An act for the relief of Arthur E. Rump;

H. R. 11765. An act to perfect the title to land belonging to the M. Forster Real Estate Co., of St. Louis, Mo.;

H. R. 6420. An act for the relief of Ella M. Ewart;

H. R. 3920. An act for the relief of William E. Murray;

H. R. 2728. An act for the relief of George P. Heard;

H. R. 13415. An act to increase the limit of cost of public building at Shelbyville, Tenn.;

H. R. 816. An act for the relief of Abraham Hoover; and

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6282. An act to provide for the registration of with collectors of internal revenue and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

SENATE BILLS REFERRED.

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

S. 6227. An act granting the consent of Congress to the Norfolk-Berkley Bridge Corporation, of Virginia, to construct a bridge across the Eastern Branch of the Elizabeth River in Virginia; to the Committee on Interstate and Foreign Commerce.

S. 4256. An act to provide for the acquisition of a site and the erection of a public building thereon at Tonopah, Nev.; to the Committee on Public Buildings and Grounds.

S. 2334. An act for the relief of S. W. Langhorne and the legal representatives of H. S. Howell; to the Committee on Claims.

S. 4891. An act to provide for the purchase and equipment of a mine rescue car, and for other purposes; to the Committee on Mines and Mining.

S. 587. An act relating to the disposal of coal and mineral deposits in Indian lands; to the Committee on Indian Affairs.

S. 3002. An act making appropriations for expenses incurred under the treaty of Washington; to the Committee on Foreign Affairs.

S. 4857. An act for the relief of the St. Croix Chippewa Indians of Wisconsin; to the Committee on Indain Affairs.

S. 5036. An act authorizing the Shoshone tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims; to the Committee on Indian Affairs.

S. 5392. An act to provide for carrying into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians; to the Committee on Indian Affairs.

S. 146. An act for the relief of Aaron Kibler; to the Committee on Military Affairs.

S. 740. An act to promote and encourage the construction of wagon roads over the public lands of the United States; to the Committee on the Public Lands.

S. 5526. An act to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes"; to the Committee on the Public Lands.

S. 3899. An act to provide for the acquiring of additional lands by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes; to the Committee on Indian Affairs.

S. 2518. An act granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; to the Committee on the Public Lands.

S. J. Res. 92. Joint resolution authorizing the governor of any State to loan to military colleges and schools within his State such tents and camp equipage as have been issued or shall be issued to the State by the United States under the provisions of existing laws; to the Committee on Military Affairs.

S. 5525. An act to authorize the President to appoint Maj. William O. Owen, United States Army retired, a colonel on the active list of the Army; to the Committee on Military Affairs.

S. 2353. An act to authorize the President to appoint Col. James W. Pope, Assistant Quartermaster General, to the grade of brigadier general in the United States Army, and place him on the retired list; to the Committee on Military Affairs.

S. 784. An act to place Lieut. Col. Junius L. Powell on the retired list of the Army with the rank of brigadier general; to the Committee on Military Affairs.

S. 1174. An act for the relief of William Walters, alias Joshua Brown; to the Committee on Military Affairs.

S. 5684. An act for the relief of Oliver C. Rice; to the Committee on Military Affairs.

S. 1231. An act for the relief of Lemuel H. Redd; to the Committee on Military Affairs.

S. J. Res. 136. Joint resolution to authorize the appointment of Charles August Meyer as a cadet at the United States Military Academy; to the Committee on Military Affairs.

S. J. Res. 137. Joint resolution to reinstate Clifford Hildebrandt Tate as a cadet at the United States Military Academy; to the Committee on Military Affairs.

S. 4012. An act to increase the limit of cost of the United States public building at Grand Junction, Colo.; to the Committee on Public Buildings and Grounds.

S. 5990. An act to authorize the sale and issuance of patent for certain land to William G. Kerckhoff; to the Committee on the Public Lands.

S. 5630. An act for the erection of a public building at Dallas, Tex.; to the Committee on Public Buildings and Grounds.

S. 2692. An act authorizing the Secretary of the Interior to sell all unsold lots in the town site of Plummer, Kootenai County, Idaho, and for other purposes; to the Committee on the Public Lands.

S. 5705. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, D. C., to Philadelphia, Pa.; to the Committee on the District of Columbia.

S. 5028. An act for the relief of Harry T. Herring; to the Committee on Military Affairs.

S. 2824. An act to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

S. 6162. An act authorizing issuance of patent for certain lands to Thomas L. Griffiths; to the Committee on the Public Lands.

S. 2668. An act for the relief of Martha Hazelwood; to the Committee on Indian Affairs.

S. 5695. An act for the relief of the Southern Transportation Co.; to the Committee on Claims.

S. 5113. An act for increase of cost of a site for a post-office building in the city of Rockingham, N. C.; to the Committee on Public Buildings and Grounds.

S. 3663. An act for the relief of Rezin Hammond; to the Committee on Military Affairs.

S. 3107. An act for the relief of John E. Johnson; to the Committee on Military Affairs.

S. 5970. An act for the relief of Isaac Bethurum; to the Committee on Military Affairs.

S. 3023. An act relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices; to the Committee on the Public Lands.

S. 4288. An act for the relief of James B. Smock; to the Committee on Military Affairs.

S. J. Res. 65. Joint resolution to amend S. J. Res. 34, approved May 12, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States;" to the Committee on War Claims.

RIVER AND HARBOR APPROPRIATIONS.

Mr. LIEB. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. LIEB. Mr. Speaker, I may not be able to finish in 10 minutes, and I would like to have permission to extend my remarks.

The SPEAKER. Is there objection?

Mr. WEBB. Mr. Speaker, reserving the right to object, can not the gentleman use only 5 minutes and then extend his remarks?

Mr. LIEB. Oh, I would like to have 10 minutes.

The SPEAKER. Is there objection to the gentleman from Indiana addressing the House for 10 minutes? [After a pause.] The Chair hears none.

Mr. LIEB. Mr. Speaker, for a long and uninterrupted period Congress has been authorizing improvements of rivers and harbors. Some of the projects included in the river and harbor appropriation bill now pending are the result of years and years of discussion, debate, and careful deliberation. These navigation projects are so well known, have been so carefully planned, and the benefits to be eventually derived are so self-evident that no one can deny that the essential provisions of the bill are so important that the very prosperity of a large portion of our country is at stake the minute we hesitate in our program.

And yet hesitation has come. There are many wavering. Opposition has been raised in the Senate after the House, knowing no party lines in the consideration of this legislation, has passed the measure practically without opposition.

I would like to call attention to the fact that the Democratic platform of 1912 came out in unequivocal language in favor of the continuation of the improvement of our waterways. I quote from the platform of the Baltimore convention:

> Water furnishes the cheaper means of transportation, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every watercourse in the Union which is justified by the needs of commerce.

So there is no Democrat who is within my hearing who can deny that we are pledged to lend our support to the program of river and harbor improvement. While it is true that the Democratic House has passed the appropriation bill, there is danger that the Democratic Senate will allow the legislation to drift on to another session. While the blame is primarily with the opposition party on the other side of the Capitol, yet the responsibility must be assumed from a moral and party standpoint by the Democratic Senators whose party platform points in but one direction, namely, the continuation of a well-defined program for the improvement of waterways. I might also add that the platforms of other political parties came out in strong terms in favor of river and harbor improvement.

I say, it will be a monumental outrage if certain opponents of the bill are allowed to carry out their ambitions of wrecking what to my mind is the most important measure before the present Congress, with the possible exception of one or two other bills which our platform stands for.

EYES OF 15,000,000 ON CONGRESS.

While I speak to you as a member of the Rivers and Harbors Committee, and am ready to defend my attitude on any item of the appropriation bill, I will in the course of my remarks to-day touch more particularly upon the situation in the Ohio Valley, as the people of my district, along with about 15,000,000 other people, are the direct beneficiaries of Ohio River improvement. For the past several months I have made it a part of my business to ascertain the true sentiments of the people of my district with reference to what has been done in Washington by the Democratic administration. I have been struck and impressed by the general commendation of the people of the essential acts of the Sixty-third Congress. The people as a whole seem to be satisfied and as content with conditions as at any time since the masses began to demand economic reform as a result of oppression. In the Middle West we feel business depression or prosperity as quick as in any section of the country, and our status in this respect can nearly always be taken as a barometer of future business aspects over our now prosperous land. With our factories now running full time and with business at a high ebb in general, my people at home now have all eyes turned to Congress on account of the danger of failure of the rivers and harbors appropriation bill.

Business men and the people in general feel that the entire Ohio Valley will feel the injurious effect of suspension of improvement for a 9-foot stage from Pittsburgh to Cairo. What I mean by a suspension can be more vividly expressed by stating that there are 17 locks and dams under course of construction on the Ohio River, a majority of which are not yet half completed. If the pending appropriation bill does not pass this Congress, work on these improvements will be most seriously hampered, and if the suspension is only a few months there is a precedent set which some may take advantage of for future suspension of the plan for the canalization of the entire river. It would be a blotch upon the pages of our transportation history to change our program, not only in regard to the Ohio River but other streams of water which we are proud to call our free highways of commerce.

When we speak of encouraging commerce we should not lose sight of the fact that we have spent millions for the construction of the Panama Canal in order that our commerce and trade channels might be stimulated. When we go without the boundary lines of the States to provide for an outlet to the Pacific Ocean, and then fail to continue our policy of building up our avenues of water commerce within our boundaries, we commit an offense to our industries and business institutions.

OHIO RIVER AS GREAT AN ASSET AS PANAMA CANAL.

Some people might have an idea that a comparison of the Ohio River with the Panama Canal is incongruous. But I want to state that there is practically as much commerce on the Ohio River at the present time as there will be on the Panama Canal when it is in full operation. There were 9,814,123 tons of freight floated on the Ohio River last year, while it is estimated that the Panama Canal will carry from ten to twelve millions annually—American tonnage, coastwise, foreign, all combined. When it comes to comparison with all the navigable rivers appropriated for in the pending rivers and harbors bill, the Panama Canal is insignificant in consideration of the freight tonnage figures. The rivers appropriated for in this bill last year floated 369,000,000 tons. In other words, the rivers for which we wish to provide in this bill carry more than thirty times as much freight as will the Panama Canal. In one year these rivers float more tonnage than the Panama Canal will in the

next 30 years, based on the present estimate of commerce on the canal.

Now, in speaking of the commerce on the Ohio River, I think I can say without contradiction that when the Federal Government has completed its system of canalization so that navigation can be had the year round there will be a marked increase in freight shipments. The Panama Canal itself will be the goal and is the goal for shipping from the Ohio River and Valley. Industry will be greatly stimulated in the Middle West, and already the people are getting ready to reap rich benefits from the use of the canal. The benefits that have come with the completion of each movable dam on the Ohio accrue to every mine and factory in the valley.

INDUSTRIAL GROWTH FOLLOWS RIVER IMPROVEMENT.

I believe that one of the strongest arguments in favor of the early completion of a 9-foot stage of the Ohio River is the immense industrial benefits that will be enjoyed by the great Ohio Valley as a direct result thereof; and, of course, an era of unprecedented commercial prosperity will not only be of a permanent nature, but it will be felt with good effect by the entire country.

For the past several years the section known as the lower Ohio Valley has been enjoying a new era of prosperity, and this can be attributed to nothing else than the expectation of future benefits of the canalization of the river, which will afford a dependable outlet to the Gulf of Mexico and the Pacific Ocean as well, through the Panama Canal.

If anyone thinks I may be misrepresenting the conditions as to the great industrial impetus that has taken hold of the Ohio Valley since the people began to believe that the Federal Government was in earnest in the plan to afford a 9-foot stage from Pittsburgh to Cairo I will show that person some interesting figures regarding the three largest cities on the Ohio River below Pittsburgh. These cities—Cincinnati, Louisville, and Evansville—have grown faster in the last 5 years than they did in the whole preceding 10 years. The best barometer in judging these conditions of growth is by the building operations. Therefore I give the records, which speak for themselves:

Evansville building operations for two 5-year periods, showing gain of 87 per cent.

1904	$402,000
1905	598,000
1906	1,048,000
1907	1,077,000
1908	833,000
Total, 5 years	3,958,000
1909	753,000
1910	1,317,010
1911	2,007,040
1912	1,530,872
1913	1,786,216
Total, 5 years	7,394,138

Gain, 1909 to 1913, inclusive, over 1904 to 1908, inclusive, 87 per cent.

Cincinnati building operations for two five-year periods, showing gain of 29 per cent.

1904	$6,335,280
1905	9,709,300
1906	6,097,676
1907	7,695,200
1908	6,420,373
Total, five years	36,257,829
1909	7,941,159
1910	8,053,010
1911	13,481,320
1912	8,986,315
1913	8,338,327
Total, five years	46,800,130

Gain, 1909 to 1913, inclusive, over 1904 to 1908, inclusive, 29 per cent.

Louisville building operations for two five-year periods, showing gain of 47 per cent.

1904	$2,335,980
1905	4,506,390
1906	5,105,881
1907	3,032,574
1908	2,914,141
Total, five years	17,894,976
1909	3,172,311
1910	3,780,002
1911	6,207,972
1912	6,556,004
1913	6,610,670
Total, five years	26,326,959

Gain, 1909 to 1913, inclusive, over 1904 to 1908, inclusive, 47 per cent.

Building operations at Cincinnati, Louisville, and Evansville, collectively.

Three cities, 1909 to 1913, inclusive	$80,521,227
Three cities, 1904 to 1908, inclusive	58,110,805
Gain in last 5-year period	22,410,422

Or 38.5 per cent.

The growth of these cities is but a criterion of how the entire Ohio Valley is awakened to the possibilities of a 9-foot stage. Everywhere are signs of unprecedented activity.

COMMISSION WOULD SIDETRACK PENDING WORK.

An amusing aspect of the efforts of the opposition to sidetrack the rivers and harbors bill is the amendment introduced which would provide for the appointment of a commission to be known as the river regulation commission, with the alleged object of investigating questions relating to the development, improvement, regulation, and control of navigation. Gentlemen, we do not wish to surrender the rights of our Constitution or to delay legislation by the creation of a commission as a cowardly subterfuge to evade responsibility. The people selected this Congress to legislate, not to procrastinate. This amendment providing for a river regulation commission should be renamed a bill to allow Congress to abrogate its constitutional functions. Members of Congress are elected to represent their particular districts. They keep in touch with the conditions at home. So it is that every Representative and Senator is given the privilege—and the privilege is usually asserted—to state the needs of the respective localities to the committee which has the particular business at hand. In this way the committee is enabled to separate the good from the bad.

Now, the bill which was reported out to the House by the Committee on Rivers and Harbors, was as fair as could be demanded. Absolutely no partiality was shown. Each item was thoroughly considered, after receiving exhaustive reports from the Board of Engineers of the War Department, and there is no item that is indefensible. There is not a man on the committee who is not willing to cooperate in this statement. I do not speak without personal knowledge of conditions when I say the deliberations or findings of the committee have never been interspersed with political influence nor could they be regarded in the light of a so-called "pork barrel." The procedure has been simple and open and above board. The Army engineers who reported on each item are as competent, or more competent, than any similar set of men that could be mustered together. No matter what project they reported on after making exhaustive surveys and investigations that project would not receive the O. K. of the committee without first being recommended by the engineers. Does anyone question the competence of the engineers? Does anyone question the integrity or knowledge of conditions as to river improvements of any member of the committee?

RIVER-REGULATION COMMISSION A PORK BARREL.

Now, speaking of "pork barrel" and economy, what is the proposed amendment for the creation of a river-regulation commission but a "pork barrel"? It proposes to take a cold half million dollars out of the United States Treasury in order to give the commission several years in which to study the question. In the meantime a lot of the contractors on the thirty-odd locks and dams on the Ohio River, and the scores of contractors on other rivers and harbors, would be financially ruined, the people along the rivers would become disheartened, industries would be idle, and millions of people would suffer, either directly or indirectly, while the commission was endeavoring to study a new question to most of them, which is an old question to Congress.

No Member can dodge this issue of a commission. It is an old war cry of a certain political party.

It is to the interest of everyone to know that the Federal Government has in the last 45 years spent over $7,000,000 of the people's money in unjust taxation on commissions.

I herewith submit the cost of the various commissions:

From 1870 to 1875, inclusive	$715,375
From 1876 to 1881	812,231
From 1882 to 1887	1,249,159
From 1888 to 1898	1,203,156
From 1899 to 1910	2,770,390

In order to give you a fair idea of the great waste of money on commissions appointed by authorization of Congress, I herewith give a statement of disbursements on account of the various commissions of the Government from 1899 to 1910:

Industrial Commission (tariff and trusts)	$323,233
Postal Service Commission	22,000
Canadian Commission	49,000
International Prison Commission	23,439
Bering Sea Commission	700
Commission on Grants of Land in New Mexico	9,994
California Débris Commission	150,284
Merchant Marine Commission	16,838

Coal Strike Commission	$51,000
Extension of Capitol Commission	12,400
International Commission on Navigation	17,822
Printing Investigation Commission	16,436
National Monetary Commission	145,115
Immigration Commission (partly estimated)	851,175
Second Class Mail Commission	10,534
Commission on Business Methods in Post Office Department	78,206
Bonding Companies Commission	10,000
St. Johns River Commission	5,000
Jamestown Tercentennial Commission	32,766
National Waterways Commission	30,000
International Waterways Commission	73,528
Appropriation for Tariff Board:	
To June 30, 1911	250,000
To June 30, 1912	400,000
Appropriation for Commission on Change of Methods of Transacting Public Business:	
To 1911	100,000
To 1912	100,000
Fine Arts Commission	10,000

MOST COMMISSIONS ARE WORTHLESS.

I say a great majority of these commissions were without pecuniary benefit to the Nation. The reports of a great many of them could have been taken out of some encyclopedia without the useless expense to the taxpayers of the Nation of thousands of dollars for all the actual investigating some of the commissions did. Many of these commissions which finally did report to Congress, after everybody had forgotten that they were in existence, had their recommendations turned down. Out of 28 commissions that have been authorized since 1899, only three or four of the schemes recommended by these commissions have been adopted or enacted into a law.

I think it is time to call a halt in the procedure of appointing commissions for the mere purpose of satisfying the personal whims of a few who see this opportunity to prolong their official lives by becoming members of the river regulation commission. I do not wish to be construed as saying that any particular person has kindled his ambitions for the sake of winding up his official career in a blaze of glory. But if there is any person cherishing such an outcome of the pending appropriation bill, I think it is time for Congress to ponder seriously before changing a definite program in order to encourage a mania for commissions. The mania should be crushed, the sick men thus afflicted should be nursed to a complete recovery, and Congress would begin to get rid of the shackles of the alleged faith-healing commissions.

SOME HAVE HOBBY OF SERVING ON COMMISSIONS.

It has been said that if you desire many things, many things seem but a few, and so we might apply this saying to those who persistently relish the savors of commission membership. I have taken the trouble to make some inquiries on the subject, and I find some interesting facts which appear in the CONGRESSIONAL RECORD. I find that one Member of Congress has already served on at least three commissions. I cite this to you as an example of the extent to which the commission idea can become a fad. The records which I refer to show that this one distinguished gentleman had the distinction of serving on the following commissions:

National Monetary Commission, Inland Waterways Commission, and National Waterways Commission.

Commissions can become so popular in the minds of some that one commission can offer an excuse for the formation of a succeeding commission. Now, following this line of thought, is it beyond the possibility of reason that this proposed river regulation commission would wind up its report with a recommendation that another commission be formed appropriating some more of the Government's millions of currency? As a matter of fact, this very thing was done by the Inland Waterways Commission, one of the commissions above referred to. When the Inland Waterways Commission made its report on May 26, 1908, it recommended the appointment of another commission, which was later authorized in accordance with the recommendation, and was known as the National Waterways Commission. It will be noted upon perusal of the CONGRESSIONAL RECORD that another distinguished Member of Congress, who, by the way, is the author of the amendment recently introduced in the Senate to authorize the river regulation commission, was also a member of the Inland Waterways Commission.

So we can not deny that commission can suggest commission and that mania for creation of commissions can develop into more mania for creation of commissions. Gentlemen, I say if passion drives let reason hold the reins.

I want to read to you an extract from the report of the Inland Waterways Commission:

We recommend a commission to continue the investigation of all questions relating to the development and improvement and utilization of the inland waterways of the country and the conservation of its natural resources related thereto, and to consider and coordinate therewith all matters of irrigation, swamp and overflow land reclamation, clarification and purification of streams, prevention of soil waste, utilization of water power, preservation and extension of forests, regulation and control of flows of floods, transfer facilities and sites and the regulation and control thereof, and the relations between waterways and railways, and that the commission be empowered to frame and recommend plans for developing the waterways and utilizing the waters, and, as authorized by Congress, to carry out the same, through established agencies when such are available, in cooperation with States, municipalities, communities, corporations, and individuals, in such a manner as to secure an equitable distribution of costs and benefits.

Now, this commission was appointed as recommended. They made their report; and I do not dispute the fact that they went into the matter thoroughly.

THE PROPOSED AMENDMENT.

Yet this proposed Senate amendment, devised for the purpose of postponing an appropriation for the rivers and harbors solely, as introduced the other day, contains practically the same wording as the report I have taken from the CONGRESSIONAL RECORD. To show you the marked similarity I will read you the amendment introduced by Senator NEWLANDS:

That a commission, to be known as the river regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to investigate questions relating to the development, improvement, regulation, and control of navigation as part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, fisheries, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and to formulate, if practicable, and to report to the Congress, comprehensive plans for the development of the waterways and water resources of the country for every useful purpose through cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, assigning to the United States such portion of such development, promotion, regulation, and control, if any, as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce by reason of its proprietary interest in the public domain; and to States, municipalities, communities, corporations, and individuals such portion, if any, as properly belongs to their jurisdiction, rights, and interests, with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States. Such river regulation commission is authorized, for the purpose of said investigation and report, to bring into coordination and cooperation with the Corps of Engineers of the Army, as a board or boards, the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, and to consider as a part of its study of a comprehensive plan the continuance of such a board or of such boards, with a view to keeping such services in coordination and cooperation; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, constructors, and other employees as it may beem advisable to appoint and employ in connection with the investigation and the formation of plans herein authorized, and to lease offices. And for the expenses of such investigation, organization, and formulation of plans the sum of $500,000 is hereby appropriated.

Is it economy to suggest the expenditure of more than half a million dollars for this commission, when the provisions are the same in many identical respects as those by which a former commission was guided? Is this commission business going on forever? If we should be so weak as to authorize such a commission, does anyone think that the commission would be able to complete its work with an appropriation of $500,000?

WOULD THROW $500,000 TO THE WINDS.

There is another phase of this question of economy I would like to mention. Suppose, for instance, that I owned a big string of factories for which I was building large additions. Suppose I was cramped for space and general facilities, and my business was suffering every day because of a lack of operating space. Suppose in the midst of my building operations, with the work about half completed, I would suddenly call a halt to building construction, and, to the amazement of my engineers and advisers, say to a half dozen men picked at random, "Here, go and spend $500,000; do what you please with the money, and then bring back a report in writing of what you find out." In the meantime I would be realizing nothing on the investment I had already made on building construction; I would be unable to fill orders for want of facilities to meet the demand of increased business. How long would I last in the business world through such a folly? Is the great work of river and harbor improvement a plaything or a business? Do we want to do in Congress what we would not do if it were our own private business, instead of being the public's business?

Now, the provisions of this amendment for the formation of a commission call for the employment of all kinds of experts. I say most emphatically that the Government has had all the

experts that were necessary to carry on river and harbor improvement. Our Corps of Engineers in the War Department are fully equipped, and all men of very extensive talents. You might search the whole world and not do any better.

PARTICIPATION OF COMPETENT CORPS OF ENGINEERS.

The part taken by the engineers of the Army should be too well known to render the enumeration of same necessary; but for the benefit of those who persist in alluding to the appropriation bill as a "pork barrel," when they seemingly do not appreciate that everything is now done absolutely open and aboveboard, I quote you the act of June 13, 1902:

That there shall be organized in the office of the Chief of Engineers of the United States Army, by detail from time to time, from the Corps of Engineers, a board of five engineer officers, whose duties shall be fixed by the Chief of Engineers, and to whom shall be referred for consideration and recommendation, in addition to any other duties assigned, so far as in the opinion of the Chief of Engineers may be necessary, all reports upon examinations and surveys provided for by Congress, and all projects or changes in projects for works of river and harbor improvement heretofore or hereafter provided for; and the board shall submit to the Chief of Engineers as to the desirability of commencing or continuing any and all improvements upon which reports are required. And in the consideration of such works and projects the board shall have in view the amount and character of commerce existing or reasonably prospective which will be benefited by the improvement, and the relation of the ultimate cost of such work, both as to the cost of construction and maintenance, to the public commercial interests involved, and the public necessity for work and propriety of its construction, continuance, or maintenance at the expense of the United States; and such consideration shall be given as time permits to such works as have heretofore been provided for by Congress, the same as in the case of new works proposed. The board shall, when it considers the same necessary and with the sanction and under orders from the Chief of Engineers, make, as a board or through its members, personal examinations of localities; and all facts, information, and arguments which are presented to the board for its consideration in connection with any matter referred to it by the Chief of Engineers shall be reduced to and submitted in writing and made a part of the records of the office of the Chief of Engineers. It shall further be the duty of said board, upon a request transmitted to the Chief of Engineers by the Committee on Rivers and Harbors of the House of Representatives or the committee on Commerce of the Senate, in the same manner to examine and report, through the Chief of Engineers, upon any projects heretofore adopted by the Government or upon which appropriations have been made, and report upon the desirability of continuing the same, or upon any modifications thereof which may be deemed desirable.

The engineers are really the fountainhead of the entire system of river and harbor improvements, and the provisions of the above act which I have just referred to make them so. Furthermore, these engineers are not appointed through political influence. They are the honor men of West Point. In other words, the very cream of the Army Academy graduates make up the corps which have so much to do with the system.

Mr. SPARKMAN, chairman of the Rivers and Harbors Committee, is authority for the statement that three-fourths of the proposed improvements of navigable streams have been completed. Since we have gone so far, it should be our pride and ambition to complete the other fourth as rapidly as possible.

OHIO RIVER RIVER OF ALL RIVERS.

The Ohio River improvements are slightly less than half completed, and this stream should be given especial attention in view of its great importance. While on this subject I wish to quote to you portions of a report made by the Board of Engineers for Rivers and Harbors, which emphasizes the importance of the Ohio. After referring to the recommendations for the improvement of the Ohio River by locks and movable dams so as to secure a depth of 9 feet as a project worthy of being undertaken by the United States, the engineers say:

In making this recommendation the board realizes that it is suggesting a plan for river improvement on a scale not hitherto attempted in this country, but it believes that there will probably be in the near future a popular demand for the improvement of several streams on such a scale. On account of the large commercial development of its shores and its connection with the lower Mississippi, now maintained in a navigable condition, the Ohio River is, in the opinion of the board, the one river of all others most likely to justify such work. Furthermore, it should be noted that by authorizing the construction for 9-foot navigation of 14 locks at various parts of the river Congress has already practically entered upon such a system of improvement.

This report was made October 18, 1907. Since that time 17 olcks and dams on the river have been started, and if no hindrance is placed in the passage of the appropriation bills every lock and dam needed to assure a navigable stage on the river the year round, from Pittsburgh to the mouth, will have been started by the year 1920.

LETTERS FROM EVANSVILLE BUSINESS FIRMS.

I wish to read three letters to the River and Harbor Committee received from representative business firms of Evansville, the second city in population in Indiana, and the fourth along the Ohio River:

[Letter of the Southern Stove Works, of Evansville, Ind.]

We are large shippers by water from Evansville, and it is a serious question with us very frequently to use that highway, because in low stage of water we are unable to ship goods by river, lose business thereby, as we are obliged to ship them all by rail at an increased freight rate, and our business has been seriously injured by the fact that during so many months of the year we are unable to avail ourselves of river shipments by reason of the low stage of water, and we earnestly beg you to do all you can to increase that stage of water by action of Congress.

[Letter of the Standard Brick Manufacturing Co., of Evansville, Ind.]

We are very glad to see that prospects are becoming brighter for an improved river, and that we may be hopeful that the day is not far distant when the Government will recognize its importance to this district and will come to our rescue.

As to significance of this proposition as it relates to our industry, permit us to call your attention to the fact that the high freight rates on the railroads limit our selling territory to less than 100 miles, and wherever a point can be reached by river we can get a much lower transportation charge by water. Now, it so happens that always when the building season is at its highest point the water in the river is at the lowest, and, in fact, during the summer months, the time when we have to depend upon placing our output, the river has been so low that it was unsafe to start off a barge load of brick, and no boatman could be induced to undertake it.

Until such time as that a 9-foot stage is given us we will be deprived of a lot of business, and many people in the surrounding territory who have no railroad connections will be seriously handicapped in building operations during the best time of the year, or if they succeed in getting their material over the railroad are obliged to pay much higher transportation charges.

[Letter of the I. Gans Co., wholesale dry goods, of Evansville, Ind.]

We write this letter to emphasize the great needs for navigable stage of the Ohio River, such as the Ohio Valley Improvement Association is laboring so incessantly to accomplish. We, of course, write from our standpoint here in Evansville

Every year navigation closes for several months, and many towns far away from railroads that run out of Evansville turn their trade away to other cities; in many instances some of our customers order by rail, the nearest station to them, but in every instance we have to divide the cost of freight; thus, it is expensive to us, yet we are forced to do so to hold the trade.

Two years ago we made a shipment amounting to over $100; goods were put off at a certain landing, but on account of the low water the boat was naturally irregular in reaching said landing. In consequence, our customer was not at the landing when boat reached there; however, the goods were put off at our risk and were stolen.

If we had a good stage, boats could run regularly and there would be no risks to assume, because parties could be on hand at such landings to take charge of goods. We also find that our trade order all their goods by river, even where railroads touch those places, on account of the cheaper rates.

When the river gets real low, permitting only small craft like gasoline boats to navigate, we frequently haul goods to the wharf, but have to haul it back again, as the small boats can only carry so much. This improvement of our river does not mean a benefit to Evansville only, but the whole country is interested. Shipments from northern cities for points on Green River come to Evansville, but are delayed until sufficient water will permit larger boats to carry goods.

Locks and dams on Green River make that stream navigable at all times, yet two years ago we could not even ship to points on Green River owing to the extreme low stage in front of Evansville. We consider that the improvement of our rivers is as important as the Panama Canal.

DEVELOPMENT OF WATERWAYS AND NAVIGATION.

A better idea of the importance of the Ohio River is gained from the following extract from the report of the examination of the Ohio River, as made by the Board of Engineers of the War Department:

The waterways connecting the Great Lakes have enormously developed in the past 10 years, but the railways have reaped the benefits. Neither the Canadian canals down the St. Lawrence River nor the Erie Canal across New York State have responded to the growth of the Lake commerce. The success of the Great Lakes as a means of transportation has not resulted from competition between the great systems of transportation and outside parties, but from the utilization of the waterway by the railroads themselves, which have expended millions of dollars to improve their terminal facilities and have established the large fleets which navigate the Lakes.

But the great cause of the failure of waterways as a means of transportation in the United States is that they heretofore have not generally followed a commercial route, but have led from nowhere to no place. The river systems of the country flow generally in a southerly direction, while the trend of commerce has been east and west. Until within the last 10 years a railroad running north and south was generally a financial failure. River systems have followed the same laws; their commerce has been confined to the products on their immediate banks, and that of not sufficient amount to justify their permanent improvement.

The board is of the opinion that conditions are exceptionally favorable for the future development of commerce on the Ohio River. The river now maintains a traffic of over 9,000,000 tons in competition with railways. This commerce appears to be slowly increasing, and its growth appears principally in other products than coal.

Pittsburgh is the center of vast manufacturing industries, and is rapidly developing. Within the Pittsburgh district are located 324 factories having water communication either by the Allegheny, Monongahela, or Ohio Rivers, and which can as readily ship by water as by rail. The freight entering and departing from this district by river and rail in 1896 was estimated at 60,000,000 tons, and in 1906 at from 115,000,000 to 122,000,000 tons. At Pittsburgh, among the principal manufactured articles are iron and steel ingots, billets, blooms, boilers, structural steel and iron, steel rails, and other material which at other localities become the raw material of their factories. Such items require cheap transportation, and will seek a water route if assured of certainty of delivery. Large manufacturing centers also exist at Wheeling, Ironton and other points on the river. Cincinnati, Louisville, and Evansville are business centers of great activity, and a rapid commercial growth is occurring at St. Louis, Memphis, New Orleans, and other localities on the Mississippi River. The distances between these localities are sufficiently great to justify a transfer in transit even at considerable expense.

The board believes that a large commerce is reasonably prospective if these commercial centers are connected by a waterway which will permit the certainty of transportation which is found on existing railroads and that this certainty will be attained by the works proposed in the report.

The General Government has expended large sums in improving the various tributaries of the Ohio. The utility of these improvements is dependent on the navigability of the main stream. The proposed improvement of the Ohio River will create a vast system of water communication penetrating one of the most populous and prosperous sections of the United States. Even in its unimproved condition the river has a marked effect on rail freight rates, the cheap rates quoted in the report as prevailing between New Orleans and Louisville, Cincinnati, and Pittsburgh being directly traceable to its influence. Its effect on rail freight rates will be greatly increased if the proposed improvements are carried out.

For these reasons the board is of the opinion that the improvement of the Ohio River by locks and movable dams so as to secure a depth of 9 feet, as recommended in the report of the special board, is worthy of being undertaken by the United States.

In making this recommendation the board realizes that it is suggesting a plan for river improvement on a scale not hitherto attempted in this country, but it believes that there will probably be in the near future a popular demand for the improvement of several streams on such a scale. On account of the large commercial development of its connection with the lower Mississippi now maintained in a navigable condition the Ohio River is, in the opinion of the board, the one river of all others most likely to justify such work. Furthermore, it should be noted that by authorizing the construction for 9-foot navigation of 14 locks at various parts of the river Congress has already practically entered upon such a system of improvement.

ADVANTAGE OF WATER OVER RAIL TRANSPORTATION.

One important difference between transportation by rail and by water lies in the control of the highway. The railroad itself is an essential part of the outfit of the railroad company. Conditions peculiar to river traffic seem to make it necessary for the same authority which directs the movement of trains to control the roadway. Often one railroad company uses a part of the tracks of another, but such use is regularly the result of mutual agreement. Waterways, on the other hand, are maintained and controlled by an authority entirely distinct from that which directs the movement of the boats. The Federal Government has control of the navigable waters of the United States and prescribes regulations for their use. A navigable water is a public thoroughfare—as free to all persons as is a country road or a city street—and subject only to the regulations prescribed by the National Government.

With these natural resources we should never show the least disposition to discourage improvements that will benefit commerce. The Department of Agriculture is authority for the statement that one of the greatest hindrances to the growth of river traffic in the Mississippi Valley has been and is low water. I quote from the Agricultural Yearbook:

The low-water seasons do not come at regular intervals and are not uniform in length. The uncertainty of river service has been one of the influences diverting to railroads all but a very small fraction of the carrying trade of the valley.

Some of the rivers of this region are more favored than others in regard to navigable water, but even the Mississippi itself sometimes fails to give free passage to traffic. One barge fleet in the grain service about 1900 or 1901 is said to have consumed nearly two months in making the round trip between St. Louis and New Orleans. The regular time was about one week. Regularity of navigation on the Mississippi and its large tributaries for towboats and barges such as were used a few years ago between St. Louis and New Orleans would add greatly to the transportation facilities of the Central States. Even a larger load could be carried on a tow on these streams than is now carried by one of the largest freight steamers on the Great Lakes. Many smaller streams of the valley could be made highways for the regular movement of farm produce and other freight if the channels were kept navigable throughout most of the year. The interruption in winter on account of ice, occurring each year at about the same season, would not be a serious drawback. Irregularity of seasons of navigation is and has been one of the most serious obstacles to water transportation on these rivers.

Where navigation is regular, as on the Great Lakes and a number of tidal waterways along the seacoasts of the United States, boat traffic has continued to grow in spite of increased railroad facilities. But on our greatest river system, with its thousands of miles of steamboat routes, conditions are in striking contrast with the marvelous development in other phases of commercial life.

It is to be understood that in some instances improvements of river channels are costly, and some work is done only to be destroyed by the next flood. This is not true of all such work by any means. The great amount of service already rendered to freight traffic on inland waterways by wise improvements has much of promise for the future.

A SECTION RICH IN MANUFACTURING, MINING, AND FARMING.

I hardly think there is a congressional district in the United States with a city of 100,000 population within its borders that is richer in manufacturing, mining, and farming than the district I have the honor to represent, considering the three important items as a whole.

In manufacturing Indiana is excelled by but few States, and the city of Evansville is second in industrial importance in the State, ranking next to Indianapolis.

In agriculture our district abounds and it is my purpose to point out to you just why we take great pride in our importance in that respect.

In mining we occupy a position as the hub of a section of the United States, which, including 24 counties within a radius of 100 miles of Evansville produce the enormous amount of almost 25,000,000 tons of coal per annum.

So, with these three important essentials of production; with 15 railroads and traction lines traversing every section of our district and plying in every direction of the compass, and with the mighty Ohio River to carry the products of the manufacturing establishment and the farm; and last but not least, situated as we are within a few miles of the center of population of the United States, I defy any person to dispute that our future can be painted with a rosy tint.

One could hardly be too emphatic in setting out the agricultural importance of the first district of Indiana. Corn is grown on nine-tenths of the farms; winter wheat is raised on about half the farms, and the city of Evansville is known as the greatest winter-wheat market in the United States. Fruit growing finds a most important place. Ninety per cent of our farms report domestic animals. Eighty-nine per cent have dairy cows. Meat production goes hand in hand with the corn production. A large share of our corn crop is marketed through cattle and hogs.

There are no cheap lands. Markets, transportation, population, and prices for farm products have placed a high price on every acre.

GIBSON COUNTY.

Gibson County is one of the leading agricultural counties of the State. Fruit is grown on a large scale, and I am told there is no county in Indiana which produces more apples. It has extensive coal beds with three veins of good coal. Oil and gas have been found in paying quantities.

POSEY COUNTY.

Posey County has no superior in the production of melons, and hundreds upon hundreds of carloads of these are shipped out every summer; it annually produces the largest yield of wheat of any county in Indiana, is fourth in the State in the production of berries, and the State statistician gives us figures which show that this county leads the State in having the largest number of mules on hand.

PIKE COUNTY.

Pike County is rich in bituminous ore deposits, most of the land being underlaid with fine workable veins of from 4 to 9 feet in thickness, producing almost one-third of all the coal mined in the first district. It is rich in fertile lands and one of the most important counties of southwestern Indiana.

SPENCER COUNTY.

Spencer County takes a front rank in the raising of wheat and corn. Tobacco is grown in great abundance. Coal is also mined in this county, and it has the combined essentials of production to make it rank as one of the very highest counties in Indiana in a varied way.

WARRICK COUNTY.

Warrick County ranks as the second county in the State in the production of tobacco, and with Spencer County the first district has two counties producing more tobacco annually than any other congressional district in Indiana. Warrick has four railroad lines bisecting it. The farmers are rich and prosperous. There are only four counties in Indiana which produce more coal than Warrick County.

VANDERBURG COUNTY.

While Vanderburg County has a city of 100,000 population within its boundaries it does not take an insignificant rank in respect to its agricultural products. It produces a large amount of wheat and corn, ranks tenth in Indiana in the production of berries, and fourth in the State in yield of apples.

HUB OF MOST PRODUCTIVE COAL SECTION IN WORLD.

Taking Evansville as the pivotal point, because it is the largest city in the first district and occupies a splendid location on the Ohio River along with other excellent transportation facilities, I herewith present a table computed from figures furnished by the United States Geological Survey, showing the amount of coal produced annually within a radius of 100 miles of Evansville:

	Tons.
South of Evansville, 11 counties	7,160,541
East of Evansville, 4 counties	1,563,192
North of Evansville, 5 counties	8,796,890
West of Evansville, 4 counties	4,598,951
Total, 24 counties	22,119,574

I want to say in further emphasis, and to indicate conclusively that our importance as a coal center is not in the least exaggerated, that in that comparatively small stretch of land above referred to—approximately 200 miles square—is mined

as much coal annually as in any State of the Union barring only the output of three States. Judging this coal section, with Evansville as the undisputed center, by the number of square miles, we are not surpassed by any other section of the country.

THE CITY OF EVANSVILLE.

Evansville is the leading city of our district, is the second city in Indiana in population, and is the fourth largest city on the Ohio River, ranking next in importance to Pittsburgh, Cincinnati, and Louisville. There is no other city on the river that is even one-fourth as large as Evansville. This city has often been referred to as the "second Pittsburgh," and some are inclined to believe that the time is not far away when Evansville will equal Pittsburgh in manufacturing importance. No city of its size, or larger, in the United States has a better natural location. It is on the most direct line from the North to the South; is the natural gateway to the South; the greatest volume of traffic, both freight and passenger, from the Lakes to the Gulf and the southeastern coast and in the reverse direction passes through its portals.

RIVER LINES.

Evansville's location on the Ohio River has been the principal medium by which it has attained prominence as one of the best manufacturing cities in the Central West. Six steamboat lines make Evansville their home port, and by these lines all the towns and cities located on the Ohio, Green, Cumberland, and Tennessee Rivers and the greater part of the Mississippi River can be reached. It is the consensus of opinion of rivermen that, with the general improvement of the Ohio River to the 9-foot stage, already begun, and the completion of the Panama Canal, river traffic, which has deteriorated in the last 15 or 20 years because of the inroads of railway lines, will be revivified and the activity that characterized the Ohio River in former years will return. As a distributing point, because of our excellent transportation facilities by rail and water, Evansville is unexcelled.

EVANSVILLE CHEAP SOFT-COAL MARKET.

That Evansville is one of the cheapest soft-coal markets on earth is undeniable. Within the corporate limits of the city alone there are 5 mines and within a radius of 54 miles there are approximately 60 mines. The freight rate from the most distant mine to Evansville is but 50 cents per ton for delivery at industries located on railroad tracks. This condition makes it possible for manufacturers to obtain steam coal at as low a cost as at any other city on earth.

BANKING FACILITIES.

Evansville has 13 banks and trust companies, with total resources of approximately $27,000,000, so ably managed that there has never been a failure. At the close of 1913 Evansville ranked sixty-second among 134 of the largest cities of the country in bank clearings, and in population it was eightieth, in accordance with the United States census of 1910, which was 69,647. Based on the city directory for 1913, the population is 89,105.

The bank clearings of 1913, as compared with those of 1903, showed a gain of 122 per cent.

The clearings for 1913 were $129,075,478.

The clearings for 1903 were $57,091,041.

The following comparative statement of the bank clearings of cities of about the same rank as Evansville clearly attests the claim that this city, in proportion to population, is among the best commercial and manufacturing centers in the United States.

City.	Population, United States, census 1910.	Clearings, 1913.	Rank.	
			Population.	Clearings.
Akron, Ohio	69,067	$96,120,000	81	75
Canton, Ohio	50,217	77,722,808	109	89
Dayton, Ohio	116,577	122,982,479	65	65
Erie, Pa	66,526	55,564,121	85	99
Fort Wayne, Ind	63,933	65,002,707	89	91
South Bend, Ind	53,684	27,388,009	100	116
Terre Haute, Ind	58,157	50,000,000	93	103
Youngstown, Ohio	79,066	82,978,542	67	84
Oklahoma City, Okla	64,205	91,900,000	87	77
Evansville, Ind	69,647	129,075,478	80	62

EVANSVILLE AS A MANUFACTURING CITY.

As a manufacturing city Evansville holds high rank, especially in the Central West. The 400 factories manufacture greatly diversified products, and in some of them Evansville is in the front rank, notably in the production of furniture, flour, stoves, plows, brooms, lumber, buggies, beer, steam shovels, pottery, and locomotive headlights.

The average number of wage earners employed in the factories of Evansville is 12,000; the average value of products is $27,000,000 annually; the amount of capital invested is $24,500,000.

An inexhaustible supply of coal, practical freedom from industrial strife, and an excellent supply of labor, together with reasonable freight rates and splendid transportation facilities by rail and river, make Evansville an unsurpassed location for manufactories of all kinds.

So it is that with bright prospects in the lower Ohio Valley, with a river which is a greater asset than the Panama Canal, with our natural advantages second to none in the entire world, with producing powers unsurpassed, the people of our district and adjoining districts are entitled to the benefits of every dollar that the Government can appropriate to make the Ohio River a perpetual avenue of navigation.

In closing I want to state that Congress will never regret its support of the just measure which is now pending. Nor can any kind of criticism detract from the merits of the program for river and harbor improvement. We have gone three-fourths of the way, the experimental stage has been passed, and it is not for us to falter or turn back when the great goal is so near after a century of propagation. [Applause.]

APPENDIX A.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 29, 1914.

Hon. CHARLES LIEB,
United States House of Representatives.

SIR: The list of locks and dams in the Ohio River improvement which you left at this office has been checked as requested. It will be noted that under a slight modification of the project Dam No. 42 has been eliminated, and it is possible that Dam No. 40 will also be eliminated some time in the future. The information available in this office is not sufficient to check the name of the town or place near which each dam is to be located. Corrections to the list are indicated by pencil notes, green ink notations, and pasted slip.

Very respectfully,

DAN C. KINGMAN,
Chief of Engineers, United States Army.

(One inclosure.)

Memorandum in re Ohio River locks and dams.

1. Statement of funds on hand June 30, 1914.	Balance unexpended.	Outstanding liabilities	Uncompleted contracts	Balance available.
Lock and Dam No. 7	$109,192	$3,208	$39,476	$66,508
Lock and Dam No. 9	87,981	2,998	36,413	48,570
Lock and Dam No. 10	67,727	60,341	323,038	(1)
Lock and Dam No. 11	44,178			44,178
Lock and Dam No. 12	191,516	908	94,800	95,807
Lock and Dam No. 14	284,836	1,174	242,686	40,976
Lock and Dam No. 15	153,229	2,490	100,619	50,418
Lock and Dam No. 16	270,415	1,207	257,795	11,412
Lock and Dam No. 17	250,555	559	238,252	11,744
Lock and Dam No. 19	194,400	1,077	113,218	80,105
Lock and Dam No. 20	294,726	861	225,469	68,395
Lock and Dam No. 24	221,113	1,282	214,977	4,853
Lock and Dam No. 26 [2]	40,083	11,208	13,692	15,182
Lock and Dam No. 28 [2]	130,339	40,860	85,888	3,591
Lock and Dam No. 29	212,445	562	[1]315,970	(1)
Lock and Dam No. 31	226,367	593	[1]565,975	(1)
Lock and Dam No. 35	208,828	611	[1]1,078,895	(1)
Lock and Dam No. 39 [2]	88,347	42,709	37,044	11,594
Lock and Dam No. 41	721,355	15,859	[1]1,138,667	(1)
Lock and Dam No. 43 [2]	253,058	54,102	87,349	251,607
Lock and Dam No. 48	121,461	33,838	[1]1,418,171	(1)

[1] Locks and Dams Nos. 10, 29, 31, 35, 41, and 48 have contracts covered by authorizations already made and the funds will be provided by future sundry civil acts as needed.

[2] Dams being built by hired labor, all others under contract.

2. What will be done with funds carried by sundry civil bill?

The sundry civil act carries $4,176,000. No allotment of these funds has been made as yet, so it is not possible to tell just how long they would enable the work to go on. All payments under existing contract obligations will have to be arranged for first, then the balance will be distributed among the dams being built by hired labor, so as to keep them going as long as practicable.

3. What work will be suspended if river and harbor bill fails to pass, and when?

Pittsburgh district.—No work affected by river and harbor bill.

Wheeling district.—All work on Dams Nos. 12, 14, 19, and 20 can continue if sundry civil act passes soon, but second contracts for movable parts, gates, etc., will be deferred. Dam No. 15 will be suspended in incomplete state January 1, 1915. Dam No. 28, hired-labor work will be suspended August 1, 1914, and Dam No. 26, September 1, 1914. Dams Nos. 21 and 22 can not be started as proposed. Dams Nos. 16, 17, and 24, work will not be interfered with.

Cincinnati district.—Dam No. 39 hired-labor work must suspend July 31, 1914; hired dredges on open-river work will have to be released September 1; contracts on Locks and Dams Nos. 29, 31, and 35 can continue if sundry civil act provides cash to cover contract authorizations.

Louisville district.—All continuing contract work provided for in sundry civil act; Dam No. 43, hired-labor work will suspend September 30, 1914.

OHIO RIVER—LOCKS AND DAMS.

Suspension of work by hired labor on this project will be necessary at an early day, as well as postponement of beginning construction of additional locks and dams, unless further appropriations are made available for the prosecution of this project, which is to be completed within a period of 12 years

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From memorandum showing present status of certain river and harbor works and condition at other localities in the event of the failure of the pending river and harbor bill.

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OHIO RIVER—LOCKS AND DAMS.

Dams Nos. 12, 14, 19, and 20: Contracts for movable parts must be deferred.
Dam No. 15: Work suspended in incomplete state January 1.
Dam No. 26: Work suspended September 1.
Dam No. 28: Work suspended August 1.
Dams Nos. 21 and 22: Work can not be started.
Dam No. 43: Work will be suspended September 30.

APPENDIX B.

Ohio River tonnage—Calendar year 1913.

(Through lock and open river.)

	Tonnage.	Valuation.	Passengers.
Lock No. 1	1,982,257.5	$3,720,794.36	86,518
Lock No. 8	224,080.5	1,095,666.92	5,005
Lock No. 18	374,945	2,836,645.31	9,421
Lock No. 26	796,629	2,926,918.65	17,266
Lock No. 37	1,988,434	9,953,466.24	104,078
Lock No. 41	1,537,146.5	6,318,567.53	11,767
Open river	1,509,111.5	14,088,452.70	1,086,897
Ferries	1,401,519.5	36,086,390.07	2,949,834
Total	9,814,123.5	77,026,901.78	4,270,786

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 28, 1914.

Hon. CHARLES LIEB,
United States House of Representatives.

SIR: 1. Referring to your recent inquiry in regard to commercial statistics of the Ohio River, I have the honor to inclose herewith a tabular statement of the commerce of the river for the calendar year 1913.

2. With reference to the method employed in the collection of commercial statistics of the Ohio River, the district officer at Cincinnati in a recent report stated as follows:

"Prior to 1912 the commercial statistics of the Ohio River were collected at the close of each calendar year from all boats plying on the Ohio River.

"In March, 1912, the Ohio River board took up the matter of collecting these statistics and decided that they should be collected at Dams Nos. 1, 8, 18, 26, 37, and 41. The reports are secured by the various lockmasters and sent to this office each month, where they are tabulated. In addition to these, an effort is made to secure reports from boats operating in pools between movable dams and not passing a lock and dam.

"Pursuant to this action of the Ohio River Board, authority was obtained for the printing of the form (E. D., 79009/45), a copy of which is inclosed herewith, and instructions issued for the collection of the statistics (copy herewith). The necessary stationery, supplies, etc., were furnished the different lockmasters in March, 1912, and the collection of the statistics was not commenced until April, 1912, it not being practicable to collect them for the months of January, February, and March, 1912.

"The aggregate tonnage of 8,618,369, short tons may possibly contain a duplication, but this is considered to be offset by the amount of freight not reported by a number of boats not reporting which do not pass a lock. It may be possible that there may be some duplication in the case of packet boats which are required to report at each lock, but as their traffic is local and they are constantly taking on and putting off freight, it is considered proper to give each lock credit for freight on board when passing through.

"It will be noted, however, that boats with through tows are required to report only at the first lock through which they pass. In some instances, however, this is not done until the next lock is passed, but, so far as known, there is no duplication in this respect.

"The tonnage reported as passing a given lock and dam includes that both through the lock and the navigable pass.

"In general it may be stated that the statistics collected of Ohio River traffic have been so unsatisfactory in the past that the Ohio River Board considered it advisable to take up the matter, and the above-described method is the result of their study. The statistics are tabulated and reported only by this office instead of by the various offices in charge of Ohio River works, as heretofore done. An exception is the case of Dam No. 41, Louisville, Ky., where statistics for fiscal year are collected. It was considered that it would be asking too much to require boats to report at each lock, and those selected are aimed to secure the traffic on the river, and particularly that coming from the various navigable tributaries."

3. There is also inclosed herewith a statement showing the status of the slack-water improvement of the Ohio River, April, 1914.

Very respectfully,

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Mr. GOULDEN. Mr. Speaker, before my friend from Indiana takes his seat I desire to ask him a question.

Mr. LIEB. Certainly.

Mr. GOULDEN. As a member of the Committee on Rivers and Harbors of the House, can the gentleman give the House any information as to what progress the river and harbor bill is making at the other end of the Capitol?

Mr. LIEB. The bill is over there, and it seems like it is asleep. There is an amendment pending trying to put it to sleep, which proposes to create a commission to do away with the great work that is going on in various rivers and harbors, and should the amendment be passed in that shape many contractors who now have projects in course of construction throughout the country will be financially ruined.

Mr. GOULDEN. I thank the gentleman, and feel that it is a very serious matter. I think the bill ought to pass, and I trust the Senate will speedily pass it. Some of the unfounded charges occasionally heard as to this bill being a pork-barrel measure should not influence anyone. It is a just and honest bill, and I appreciate the efforts of the gentleman from Indiana [Mr. LIEB] in calling attention to this important matter.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question on which I was speaking a moment ago.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks on the resolution passed a while ago. Is there objection? [After a pause.] The Chair hears none.

INCREASE IN PRICE OF ARTICLES OF FOOD, ETC.

Mr. DONOHOE. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution relating to alleged boosting of prices of foodstuffs.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Secretary of Commerce be, and he is hereby, requested to furnish to the House of Representatives information as to whether the prices of articles of food necessary to the health and well-being of the American people have been arbitrarily advanced in the home markets on the pretext that the high prices of such articles are the result of the European war.

Second. Whether the manipulation of values by speculators is resulting in unjust and unwarranted advances in the prices of foodstuffs in the United States.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I did not hear the first part of the resolution. Does it provide for an investigation by the Department of Agriculture?

Mr. DONOHOE. That would be satisfactory to me, but it would not be to the other gentlemen who present the resolution.

Mr. MANN. Mr. Speaker, I object.

Mr. DONOHOE. Will the gentleman withhold his objection for a moment?

Mr. MANN. No; I will not.

UNANIMOUS-CONSENT CALENDAR.

Mr. TAYLOR of Colorado. Mr. Speaker, regular order.

The SPEAKER. The regular order is demanded and the Clerk will report the first bill on the Unanimous Consent Calendar.

EXCHANGE OF CERTAIN LANDS IN THE STATE OF OREGON.

The first business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed by without prejudice.

The SPEAKER. The gentleman asks unanimous consent to pass the bill by without prejudice. Is there objection? [After a pause.] The Chair hears none.

KLAMATH INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10848) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath Indian Reservation," approved June 17, 1892.

The Clerk read the title of the bill.

Mr. BURKE of South Dakota. Mr. Speaker, the chairman of the Committee on Indian Affairs is not present and I do not see anybody from that committee, so therefore I ask unanimous consent that this bill be passed without prejudice.

Mr. RAKER. Before doing that, the gentleman has not any objection to the bill, has he?

Mr. BURKE of South Dakota. Not at all, but the Committee on Indian Affairs, or the chairman, was to report a substitute bill, and there has been no action by the committee, and therefore I ask unanimous consent that it may go over.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that this bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MISSISSIPPI RIVER AT NEW ORLEANS, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16172) to give the consent of the Congress for the construction of a bridge across the Mississippi River at or near New Orleans, La.

The title of the bill was read.

The committee amendments were read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The bill will be stricken from the calendar.

RESTORATION OF HOMESTEAD RIGHTS IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15983) to restore homestead rights in certain cases.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. FERRIS. Mr. Speaker, does the gentleman from Illinois have an amendment he would suggest which would be satisfactory to him? I had intended to consult with the gentleman for a week or two in reference to this matter.

Mr. MANN. I have not an amendment.

Mr. FERRIS. Will the gentleman have any objection to letting it be passed over?

Mr. MANN. I have no objection.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that this bill retain its place on the calendar and be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chairs hears none.

NINTH INTERNATIONAL CONGRESS OF THE WORLD'S PURITY FEDERATION.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 271) authorizing the President to appoint delegates to attend the Ninth International Congress of the World's Purity Federation, to be held in the city of San Francisco, State of California, July 18 to 24, 1915.

The Clerk read as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and respectfully requested to appoint delegates to attend and represent the United States at the Ninth International Congress of the World's Purity Federation, to be held in the city of San Francisco, State of California, July 18 to 24, 1915.

The committee amendment was read, as follows:

After the word "fifteen," at the end of line 8, add the following:

"*Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARRISON, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

The SPEAKER. The Chair requests Members who have already made up their minds to object to any one of these bills to object when the title is read. In that way business will be expedited very much.

FEDERAL BUILDING SITE, OLD TOWN, ME.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4651) to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge, of Old Town, Me.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to grant, relinquish, and convey, by quitclaim deed, for and in consideration of $300 cash, to the trustees of the charity fund of Star in the East Lodge, a corporation duly existing under the laws of the State of Maine and having its principal place of business in Old Town, Penobscot County, Me., a certain portion of a lot of land situated in Old Town, county of Penobscot, State of Maine, acquired from Nellie E. St. Lawrence under decree of condemnation given by the circuit court of the United States for the first circuit, begun and held at Portland, within and for the district of Maine, on the third Thursday of September, to wit, the 21st day of September, 1909, as recorded in Penobscot registry of deeds, volume 810, page 196, described and bounded as follows: Begin at a bolt marking the northeast corner of the said Nellie E. St. Lawrence lot, thence along the west line of the Bangor & Aroostook Railroad location 82.89 feet to a bolt; thence in a westerly direction 30 feet to a bolt; thence in a southerly direction 10 feet to a bolt; thence in a westerly direction 7.09 feet to a bolt; thence in a northerly direction in a line which shall be a continuation of the east line of the lot of land also acquired from Fred E. Allen and Thomas Murphy by the said decree of condemnation first referred to, to the north line of the said Nellie E. St. Lawrence lot; thence along the said north line to the point of beginning, meaning to convey all of that portion of the Nellie E. St. Lawrence lot as lies east of a line drawn in continuation of the east line of the Fred E. Allen and Thomas Murphy lot from a bolt marking the northeast corner of the said Fred E. Allen and Thomas Murphy lot to the north line of the said Nellie E. St. Lawrence lot, and to deposit the proceeds of such sale in the Treasury as a miscellaneous receipt.

The following committee amendments were read:

Page 1, line 5, strike out the figures "$300" and insert in lieu thereof the words "46 cents per square foot."

Page 2, line 9, strike out all after the word "bolt," down to and including line 25, and insert in lieu thereof the words, "in the west line of the Bangor & Aroostook Railroad location, which bolt is located 61 39 feet from the bolt marking the northeast corner of the said Nellie E. St. Lawrence lot, thence along the said west line of the said Bangor & Aroostook Railroad location in a southerly direction about 21½ feet to a bolt marking the northeast corner of a lot of land owned by the trustees of the charity fund of Star in the East Lodge, Old Town, Me.; thence in a westerly direction, along the north line of said lot owned by the charity fund of Star in the East Lodge, 30 feet to a bolt; thence in a southerly direction 10 feet to a bolt; thence in a westerly direction 7.09 feet to a bolt; thence in a northerly direction in a line which shall be a continuation of the east line of the lot of land also acquired from Fred E. Allen and Thomas Murphy by the said decree of condemnation first referred to, about 30 feet to a bolt; thence in an easterly direction in a line parallel to the north line of the lot owned by the trustees of the charity fund of Star in the East Lodge, Old Town, to the point of beginning, containing 720.9 square feet, approximately, and to deposit the proceeds of such sale in the Treasury as a miscellaneous receipt."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

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

On motion of Mr. GUERNSEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

INCORPORATION OF LANDS IN PIKE NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15534) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest.

The Clerk proceeded with the reading of the bill.

During the reading,

Mr. TAYLOR of Colorado. Mr. Speaker, the Senate passed a duplicate of this bill, and it is on the calendar as No. 269. It is identical with this bill, and I would like to ask permission to have the Senate bill considered in place of the House bill. The House Committee on the Public Lands has reported the Senate bill to the House, and I have put it on the Unanimous Consent Calendar. It is identical with this bill, and incorporates some land and puts it into the Pike National Forest.

The SPEAKER. Which calendar number is it?

Mr. MANN. It is Union Calendar, No. 286.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent to consider the bill S. 5198 in lieu of the bill which the Clerk was reading, being of similar tenor. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what is intended to be accomplished by this bill? As I recollect, my friend from Colorado [Mr. TAYLOR] has frequently entertained the House with very severe observations on the subject of the great amount of territory in Colorado which was embraced in forest reservations.

Mr. TAYLOR of Colorado. The gentleman is quite correct.

Mr. MANN. And he denounced the Government, and especially the eastern portion of the country, for having had this done. Now, the gentleman turns up with two bills to increase the national forests. Now, tell us why.

Mr. TAYLOR of Colorado. Well, I am frank to say that I very much disapprove of adding to forest reservations on general principles. Colorado is one of the six States in which no reserve can be added to without an act of Congress. About two years ago I had a bill to create for Denver a park embracing about 17,000 acres of Government land out in the foothills, 10 or 25 miles west of the city. The land is utterly worthless. It has some little scrub piñon and cedar trees on it, and is cut up with canyons mostly. It has laid there unoccupied for 50 years, with nobody desiring to take any of it, and they probably never will. But the city desired to build some automobile roads out through that territory and beautify and spend some money upon it, and I introduced a bill to grant this land to the city. I met with opposition in the House. Some Members thought it was too large, and then the city came and

asked the Forest Service if it would not approve of putting about half of this land into the forest reserve, and the Forest Service people are willing to take it. They say it will not add any more cost to the Government to supervise it. And so the city asked Senator THOMAS, of Colorado, and me to introduce these bills, putting a portion of this land into the Pike National Forest and selling the rest of it to the city. This bill puts about 7,000 acres of that land into the forest reserve. It is vacant land, and has no possibility of coal or oil or anything else on it.

I introduced this bill at the request of the city of Denver, waiving any natural sentiment I have in opposition to the general principle of withdrawing and hermetically sealing up from entry the public domain. But this land is so worthless that if the city will spend some money on it and utilize it, I am anxious to assist it in doing so. I am asking for this legislation to help make more attractive our beautiful capital city. That is my answer to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, this is a peculiar situation. For a number of years the gentlemen from Colorado, and other gentlemen in States similarly situated, have denounced in unmeasured language and in every form of the use of the English language they could conceive of, the establishment of these national forests, and have frequently called to the attention of Congress the fact that most of the land incorporated in the national forests would not grow trees. Frequently I have heard my distinguished friend from Colorado say that they covered desert territory in the forest land; that they can not grow a tree there. Yet, as time goes on even our friends from Colorado become converted to the idea of increasing the national forests by adding land to a national forest where the gentleman says a tree will not grow.

Mr. TAYLOR of Colorado. I did not say a tree would not grow on it. I said there was no timber or at least no appreciable amount of merchantable timber on it. That is what I meant. There are a few trees on some of it.

Mr. MANN. That is what the gentleman said.

Mr. TAYLOR of Colorado. The land can not be reforested, but it does have some trees on it.

Mr. MANN. So far as I am concerned, I have no objection to the General Government spending a little money to aid the city of Denver in making a beautiful piece of scenery.

Mr. TAYLOR of Colorado. The Government will not have to spend any money.

Mr. MANN. The Government will not have to spend any money, but of course it will.

Mr. TAYLOR of Colorado. The city will have to spend the money.

Mr. MANN. We have heard that before. We know the cities do not spend money in national forests to any extent. I am willing to have the Treasury help build an automobile road there in the hope that some of our friends now in Europe, who wish they had stayed in America, will in the future, when they want to make a trip, go out to Colorado and see beautiful scenery there——

Mr. TAYLOR of Colorado. I hope they will come.

Mr. MANN (continuing). Rather than go to the other side and see less beautiful scenery.

Mr. TAYLOR of Colorado. I will say this to the gentleman from Illinois, that my objection has always been to putting into the forest reserves lands that are agricultural or grazing lands and that would make homes for people. This is not that character of land.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. STAFFORD. What is the request, Mr. Speaker? Simply to have the Senate bill read instead of the House bill?

Mr. TAYLOR of Colorado. To have the Senate bill considered in place of my House bill, H. R. 15534, which is a duplicate of it and they are both on this calendar.

Mr. STAFFORD. I will reserve the right to object to the passage of the Senate bill, but I do not object to its consideration.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That all lands in the State of Colorado, hereinafter described, to wit:

In township 5 south, range 71 west, sixth principal meridian: West half of southwest quarter, section 20; southeast quarter of northeast quarter, east half of southeast quarter, northwest quarter of southwest quarter, section 28; east half of southeast quarter, southwest quarter of southeast quarter, section 29; west half of northeast quarter, southeast quarter, south half of southwest quarter, section 31; northeast quarter, west half of southeast quarter, southeast quarter of southeast quarter, south half of northwest quarter, northeast quarter of northwest quarter, southwest quarter, section 32.

In township 6 south, range 71 west, sixth principal meridian: North half of northwest quarter, section 5; west half of northeast quarter, west half of southeast quarter, east half of northwest quarter, northwest quarter of northwest quarter, east half of southwest quarter, section 6; northwest quarter of northeast quarter, northeast quarter of northwest quarter, section 7.

In township 4 south, range 72 west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, south half of lots 2 and 3, southwest quarter, including lots 4, 5, and 6, section 19; south half of southwest quarter, section 20; west half of southwest quarter, section 29; south half of southeast quarter, north half of lot 1, all of lots 2, 3, and 4, north half of lot 5, south half of lot 6, section 30; south half of lot 2, all of lot 3, section 31.

In township 5 south, range 72 west, sixth principal meridian: Northeast quarter of northeast quarter, south half of northeast quarter, southeast quarter, southeast quarter of northwest quarter, east half of southwest quarter, section 21; south half of northeast quarter, south half of northwest quarter, west half of southwest quarter, northeast quarter of southwest quarter, section 22; west half of southeast quarter, east half of southwest quarter, northwest quarter of southwest quarter, section 23; south half of northeast quarter, northwest quarter of northeast quarter, southeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, southwest quarter, section 26; southeast quarter of northeast quarter, southeast quarter of southeast quarter, northwest quarter of northwest quarter, northeast quarter of southwest quarter, section 27; south half of northeast quarter, northwest quarter of northeast quarter, northwest quarter, section 28; northeast quarter, section 29; north half of northeast quarter, section 34; west half of northwest quarter, north half of southwest quarter, section 35.

In township 6 south, range 72 west, sixth principal meridian: Lot 1, lot 2, lot 6, northeast quarter of southeast quarter, southwest quarter of southeast quarter, lot 3, lot 4, lot 5, lot 8, west half of southwest quarter, southeast quarter of southwest quarter, section 1; east half of lot 6, all of lot 7, lot 8, southwest quarter, section 2; lot 10, southeast quarter, east half of lot 9, southwest quarter, section 3; northeast quarter, southeast quarter, northwest quarter, north half of southwest quarter, southeast quarter of southwest quarter, section 10; all of section 11; west half of northeast quarter, southeast quarter, northwest quarter, southwest quarter, section 12; north half of northeast quarter, southwest quarter of northeast quarter, northwest quarter, southwest quarter, section 13; southeast quarter, northwest quarter, northwest quarter of southwest quarter, section 14; north half of northeast quarter, northeast quarter of northwest quarter, section 15.

In township 4 south, range 73 west, sixth principal meridian: South half of northeast quarter, northeast quarter of northeast quarter, southeast quarter, east half of northwest quarter, east half of southwest quarter, section 24; total, 9,680 acres, more or less; be, and the same are hereby, reserved subject to all prior valid rights and made a part of any included in the Pike National Forest.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I notice that as the bill was originally introduced, these lands were to be withdrawn from entry, but the committee struck out that provision and placed them in the same category as other lands in the forest reserves which are subject to entry. As I understand, any person can enter upon the land in forest reserves, so far as mining rights are concerned?

Mr. TAYLOR of Colorado. Yes.

Mr. STAFFORD. And under certain restrictions, so far as homestead entries are concerned?

Mr. TAYLOR of Colorado. Yes. I will say to the gentleman that it was the opinion of the committee that this land in the forest reserves would be no more sacred than any other forest-reserve land, and it should exclude any possibility of mineral entry or application for homestead right if anybody ever wanted to take a homestead on it.

Mr. STAFFORD. Is it not the intention to have this land virtually a part of the park system of Denver?

Mr. TAYLOR of Colorado. Yes.

Mr. STAFFORD. And do you wish it to be subject to entry when it has become a part of the park system of Denver?

Mr. TAYLOR of Colorado. The committee did not think it would be a good precedent for us to make to place 7,000 acres of land in a forest reserve so that that should be more sacred or give additional rights that other forest reserves did not have. So far as the committee was concerned, we thought the city of Denver would be willing to accept that condition as prescribed in the bill.

Mr. STAFFORD. It is still subject to filing under the mining laws and as homesteads if there are any agricultural lands there?

Mr. TAYLOR of Colorado. Yes, sir. The city is willing to take its chances, and they have already expended several thousand dollars in building automobile roads up to this ground.

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

The SPEAKER. Does the gentleman from Colorado yield to the gentleman from Washington?

Mr. TAYLOR of Colorado. Certainly.

Mr. BRYAN. Is all of this land the property of the United States Government? Are there any private lands included in this?

Mr. TAYLOR of Colorado. No private lands are included in this bill.

Mr. BRYAN. On line 16 of page 4 the property is put into the forest reserve, subject to all prior valid rights?

Mr. TAYLOR of Colorado. Yes.

Mr. BRYAN. The gentleman knows that some of the most glaring frauds that have been perpetrated with reference to the forest reserves and to private lands have been by incorporating private lands into forest reserves and then through lieu-land certificates private owners have been enabled to go on other Government land and get good land for their worthless land which was out in forest reserves. Now, I am a little bit suspicious, until I hear from the gentleman from Colorado on the subject, of putting this land into a forest reserve, subject to all prior valid rights, unless I can be assured that it is Government land.

Mr. TAYLOR of Colorado. This is a project that the city of Denver has had in mind for several years. The Interior Department and the Department of Agriculture have sent experts out there and mapped every quarter section of this land. They have gone over the ground exhaustively. It has been reported upon time and time again. And this bill is approved by the department. It is something that meets the approval of both the Department of Agriculture and the Department of the Interior, and is in the interest of building up the park system of the city of Denver. I may say that we have adopted all the amendments that they have suggested by the departments. We have complied with their requests in every particular.

Mr. BRYAN. I call the gentleman's attention to the second paragraph of the department's letter, in which it is stated—

> The land proposed to be reserved is shown by such records to be public, with the exception of the southeast quarter northeast quarter and east half southeast quarter section 28, township 5 south, range 71 west, which is embraced in an unperfected homestead entry.

Now, under the construction of the present law, does not the owner of this homestead entry have the right to ask for a lieu certificate? Is not that law still operative?

Mr. TAYLOR of Colorado. No; I will tell the gentleman about that. We have no right to legislate away from anybody any legal rights that they have, and the Secretary of the Interior has insisted that in these private bills private rights must be preserved. I have passed a number of them. I have heretofore passed bills granting parks for about 20 cities and towns in Colorado, and in all of them the department has insisted that if there are any vested legal rights we must exclude them from the bill and preserve them, and I have always gladly done so. This does not give them any additional rights. They have to go ahead, and if they have any rights they must show them and perfect their titles under the existing law; but they can not get any lieu land.

Mr. BRYAN. Would the gentleman object to an amendment to line 3 of page 1 of the bill, so as to make it read "That all lands of the United States in the State of Colorado hereafter described"? Just reserve all lands belonging to the United States Government, but not any lands that do not belong to Uncle Sam.

Mr. TAYLOR of Colorado. I have no particular objection to that.

Mr. MONDELL. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. TAYLOR of Colorado. Yes.

Mr. MONDELL. If it is wise to put this land in the forest reserve—and I assume it is—all of the land in this compact area should be within the forest reserve, including any tract which may be temporarily claimed. The language of the bill, I will suggest to the gentleman from Washington [Mr. BRYAN] will not affect the right of the homestead claimant one way or the other, but will affect his land in this way, that if he should not perfect his right, when his right lapses then the tract covered by his right becomes a part of the forest reserve. No one else can secure any right.

Now, if it is proper to have the land within the forest reserve, including the land that this location is on, it all ought to be included in the reserve, reserving, of course, to the homestead settler whatever rights he has.

Mr. BRYAN. If the settler goes on it and perfects his homestead, and there may be other tracts besides that——

Mr. MONDELL. There are no others——

Mr. BRYAN. He gets title to the land inside the forest reserve. Then come negotiations to get him out of the forest reserve.

Mr. MONDELL. Oh, the gentleman knows that we are putting settlers in the forest reserves—scores of them.

Mr. BRYAN. But we are not giving them title to the land.

Mr. MONDELL. Of course we are giving them title to the land, under the homestead law, every day in the year.

Mr. BRYAN. The gentleman is mistaken. We are eliminating agricultural land and letting it be homesteaded, but——

Mr. MONDELL. If this did not contain some agricultural land the fellow would not take out an entry.

Mr. DONOVAN. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. In that connection, Mr. Speaker, if the gentleman from Colorado will yield, I notice that as the bill was originally introduced the phraseology was "all lands belonging to the United States of America," and the committee struck that out and substituted "all lands in the State of Colorado." There must be some reason for taking that action, and the gentleman's amendment is reintroducing the phraseology of the original bill. I think there must be some reason, based upon the hypothesis of the gentleman from Wyoming [Mr. MONDELL], that there may be instances of entries here which may lapse.

Mr. TAYLOR of Colorado. If the gentleman will notice this, he will notice that in the way the Senate bill is drawn the bill includes and embraces the amendment suggested by the House committee.

Mr. STAFFORD. The gentleman did not catch the drift of my suggestion. As the bill was originally drafted it was along the line suggested by the gentleman from Washington [Mr. BRYAN], whereas the committee struck that out and substituted "all lands in the State of Colorado." There must have been some reason for it, and I suppose it was the reason advanced by the gentleman from Wyoming, and I suppose it is a good reason.

Mr. TAYLOR of Colorado. Has the gentleman the bills?

Mr. STAFFORD. Yes; I have them both.

Mr. TAYLOR of Colorado. The gentleman will see that the language of the Senate bill is the language that the House committee suggests by way of amendment. That was done, as I understand, at the suggestion of the Interior Department, and we just made an amendment to it. I do not care anything about it.

Mr. STAFFORD. I think there must have been some reason for it. The gentleman still does not grasp my meaning. The gentleman's committee struck out the words "now belonging to the United States of America" and substituted the words "the State of Colorado."

Mr. TAYLOR of Colorado. I think the land ought to be in the forest reserves, and the bill gives a specific description of the land and then designates it as part of the reserve.

I think it ought to remain the way it is; but, then, I have no special objection. I think the gentleman ought to withdraw his objection.

Mr. BRYAN. I will say to the gentleman that I am not going to object to the consideration of the bill.

Mr. TAYLOR of Colorado. I thank the gentleman. It will save having to go back to be concurred in by the Senate. I demand the regular order, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER. Now, does the gentleman from Washington want to offer his amendment?

Mr. BRYAN. I move to amend by inserting, after the word "lands," in line 3, page 1, the words "belonging to the United States Government." I understand that language was in the bill and was stricken out in the Senate.

Mr. TAYLOR of Colorado. It was stricken out by both committees.

Mr. MONDELL. Both committees struck it out.

Mr. TAYLOR of Colorado. I do not think it is very important, but both committees thought it was not appropriate, and I ask that the amendment be not agreed to.

I had all of this land together with the land included in my companion bill to this withdrawn from all forms of entry for the purpose of protecting this territory for the city of Denver until this legislation could be enacted. My report upon this bill

gives a description of the object and purpose of this measure more in detail, and is in part as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 14, 1914.

Hon. EDWARD T. TAYLOR,
House of Representatives.

MY DEAR MR. TAYLOR: In response to your letter of April 13, 1914, I have this day transmitted to the President two forms of Executive orders for issuance, one reserving, in aid of House bill 15533, the land therein described and proposed to be granted to the city and county of Denver, Colo., for a public park, and the other reserving, in aid of House bill 15534, the land therein described and proposed to be incorporated into the Pike National Forest.

Cordially, yours,

FRANKLIN K. LANE.

The amendments recommended by the committee are in accordance with the suggestions offered by the Secretary of the Interior. It will appear from the report of the Interior Department that these lands are in a high and rough country; that they contain no merchantable timber and have no value for agriculture or any other purpose that would make them likely to be entered under any of the public-land laws. Being from 8 to 24 miles from the city of Denver, it is self-evident that if these lands had any appreciable value they would have been entered by some one years ago.

The city has already spent a large amount of money in building good automobile roads up to and through these lands, and it is the intention of the city authorities to place improvements upon the lands for the purpose of protecting the scenery and making them a kind of summer outing place for the people of the city and surrounding country, as well as a part of the general park system and drives of the city.

The city has by its charter and by-laws of the State the authority to purchase these lands and to spend large amounts of money toward making them attractive and preserving their scenic beauty from being destroyed. Practically all of the officials and public-spirited citizens of the State generally—and more especially of the city of Denver—are desirous that the city should own these lands, so they may control them and be justified in spending the public money in improving them.

The President has withdrawn from all forms of entry these lands, in aid of this legislation, as well as the land that is included in the accompanying bill (H. R. 15534), placing certain lands in the adjacent Pike National Forest, both of which bills have the hearty approval of the Interior Department and Agricultural Department and the President of the United States.

It is believed by the committee that no higher or better use could possibly be made of these lands than by allowing the city of Denver to take them at a nominal figure and use them for the health and pleasure of the citizens of that city and the public generally who may visit the city.

By chapter 115 of the laws of 1913 the State of Colorado authorized the city and county of Denver to acquire land outside of the limits of said city and county for parks and roads either by purchase or the exercise of the right of eminent domain.

By amendment to the city charter, known as the "mountain parks amendment," the voters of the city and county of Denver, by an overwhelming majority, provided for the accomplishment of the purpose by authorizing a levy of one-half mill per dollar each year for five years on the assessed valuation.

Under the supervision of the commissioner of property and the park commission, eminent landscape architects were employed to work out plans and report same. Their plans and reports were made and adopted.

Several thousand acres of land have been purchased by the city from private individuals and private corporations, and many thousands of dollars have been spent and are now being spent for the improvement of old roads and building new roads connecting the city and its chain of mountain parks. And many more thousand acres are to be acquired from private owners and from the State of Colorado, all to be used for public park purposes. About 200 miles of roads, old and new, are included in the project.

The city of Denver is building shelter houses, interior park roads, and improving natural springs in the areas heretofore acquired, and contemplates further work of like nature as rapidly as possible. The scenic attractions of the region are many and varied. The preservation of the natural scenery and making it easy to reach are commendable. The benefits to health and otherwise to people who may enjoy the scenery and excellent summer climate are inestimable.

The commercial value of the land is slight either for agriculture, mining, grazing, or timber. The fact that it is so near a large city and has never been appropriated for entry under the land laws is strong evidence of this fact. The President has withdrawn the land from entry in aid of this legislation.

It is believed by the committee that no higher or better use of these lands could possibly be made than by allowing the city of Denver to take them at a nominal figure and use them for the health and pleasure of the citizens of that city and the public generally who may visit the city.

Mr. MONDELL. Mr. Speaker, I think if the gentleman from Washington [Mr. BRYAN] will stop to consider a moment he will not want to urge his amendment. This is the only effect it will have: If this homesteader perfects his entry, then the status of the tract is in nowise affected by this amendment. He will have a tract of land within a forest reserve. If, however, he does not perfect his entry and the amendment offered by the gentleman from Washington is adopted, then this tract of land will still be public land within the limits of a forest reserve, and anyone can go upon it and enter it at any time. If it is wise to reserve the lands, they ought all to be reserved, unless this particular settler may want this particular tract. If he does, he gets it in any event, and under the same conditions with or without the amendment. If he sees fit to abandon his right, then if the bill is not amended the land automatically becomes a part of the forest reserve.

Mr. Speaker, just one thing more. There was some discussion here as to the effect of the language in the bill on all of these lands. The gentleman from Wisconsin [Mr. STAFFORD] asked some questions about an amendment which, as the gentleman from Colorado [Mr. TAYLOR] suggested, put these lands on the same basis and footing as all forest-reserve lands. I think that is not entirely true. I think the word "reserved," at the end of line 15, put these lands in a different category from other forest-reserve lands. Had that word been left out and the word "and," on the next line, left out, so that it read—

And the same are hereby made a part of the Platte National Forest—

Then these lands would have been in the same condition, legally, as other forest-reserve lands; but the use of the word "reserved," in my opinion, will prevent any of them being entered under any law, and, as a matter of fact, I presume that that is a more satisfactory situation from everybody's standpoint, although I think it was not intended by the gentleman from Colorado. But I do think that is what the effect would be. They are not only made a part of the forest reserve; they are also reserved. I think that would prevent their being entered under any law.

Mr. STAFFORD. If the gentleman will yield, I wish to say that the Secretary of the Interior, Mr. Lane, takes a different view in his recommendation, as found in his letter which is a part of this report.

Mr. MONDELL. I do not think the Secretary does take a different view. I think the Secretary, in taking his view, did not go far enough and did not consider the effect of this particular word.

Mr. STAFFORD. The Secretary merely recommended the striking out of the words "and withdrawn from entry," and did not suggest the striking out of the word "reserved," and stated that that would place the lands in the same category as the lands in the forest reserves generally.

Mr. MONDELL. The gentleman knows that I would not want to put my judgment against that of the Secretary of the Interior on land matters, but the gentleman knows that the Secretary of the Interior does not write all the letters that are signed by him.

Mr. STAFFORD. I would certainly want to put the judgment of the gentleman from Wyoming against that of the subordinate who may have written this letter.

Mr. MONDELL. Knowing that the Secretary did not write the letter but that somebody else did, I feel that I am not criticizing the Secretary. I have no disposition to do so; but I think whoever wrote the letter did not take into consideration the fact that the word "reserved" might be held to have the very effect that the other language proposed to be stricken out has.

Mr. STAFFORD. I appreciate the significance of the gentleman's criticism.

Mr. MONDELL. And I see no objection to it. As long as the gentleman from Colorado [Mr. TAYLOR] does not object, no one else will. I shall offer no amendment.

Mr. TAYLOR of Colorado. Regular order, Mr. Speaker.

The SPEAKER. The Clerk will report the amendment of the gentleman from Washington.

The Clerk read as follows:

Amendment by Mr. Bryan:
Page 1, line 3, after the word "lands," insert the words "of the United States Government."

The amendment was rejected.

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

Mr. MANN. I suggest to the gentleman that he ask that the similar House bill, H. R. 15543, be laid on the table.

Mr. TAYLOR of Colorado. I ask that the similar House bill, H. R. 15543, be laid on the table.

The SPEAKER. If there be no objection, the House bill of similar tenor will be laid on the table.

There was no objection.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill passed was laid on the table.

PUBLIC BUILDING SITE, VINELAND, N. J.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16642) authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Vineland, N. J.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to disregard that portion of section 33 of the public buildings act, approved March 4, 1913, which requires that the Federal building site selected at Vineland, N. J., shall be bounded on at least two sides by streets.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman from New Jersey [Mr. BAKER] who intro-

duced the bill, a question in reference to this Vineland Federal building site.

Mr. PARK. Mr. Speaker, during the temporary absence of the gentleman from New Jersey [Mr. BAKER], I have been requested to look after this bill.

Mr. MANN. All right.

The SPEAKER. Does the gentleman from Illinois want to ask any questions.

Mr. MANN. I should like to know why the gentleman proposes to have us disregard a section of the statute?

Mr. PARK. That provides for a street on each side of the building. This is to disregard that and to select a lot in a block with the building facing one street. The choice of the citizens almost unanimously—the patrons of the office—is for this particular lot. The Secretary of the Treasury has suggested that the provision be waived.

Mr. MANN. I see; but here we have a law which I do not think there is very much sense in, providing for 40-feet space on each side of a public building when it is erected. And now, when some gentleman wants to disregard that, I think he ought to give some very good reason for it, although I would prefer to repeal the law.

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

Mr. PARK. Yes.

Mr. STAFFORD. I suppose the gentleman is acquainted with the locality which this bill affects?

Mr. PARK. No; I have only the statement of the gentleman who is interested in it.

Mr. STAFFORD. It is a very small community, with but one main thoroughfare running through it. It has a very limited extent. When I read the report it struck me as being rather unusual that they could not find some lot in a little Jersey sand-lot community like that that did not have two sides to it. I thought at first it might be that the adjoining properties on either side of the selected site were to profit by the air space. I suppose everybody who has ever gone to Atlantic City knows where Vineland is. It is just across the meadows from Atlantic City. I suppose the population is not more than two or three thousand. It is just one of those little villages in the grape-juice district. The population may have increased rapidly since grape juice has become popular.

Mr. BURNETT. Mr. Speaker, I would like to state to the gentleman that the report of the agent of the Treasury Department who went and looked at the lot is that this is much the most available lot. It is a lot desired by the people, and the agent himself says that it is best, an inside lot. I have never been there and have never seen the place, that I know of. I never have been to Atlantic City.

Mr. STAFFORD. What! The gentleman has never been to Atlantic City?

Mr. BURNETT. No.

Mr. STAFFORD. The gentleman's education has been seriously neglected.

Mr. BURNETT. There is no doubt of that, but I have had other fish to fry and could not waste time in visiting Atlantic City, or any other summer resorts. My understanding is that Vineland is a small town, and the agent of the Government recommends this as the most available and best lot, and the Treasury Department thinks that this requisition ought to be waived, a requisition which requires that there should be two sides of the building on streets. I did not report this bill, and hence I have not kept it in my mind as well as I would if I had reported it, but my recollection is that the statement of the gentleman from New Jersey [Mr. BAKER] was that it was a small town; that this is right in the business part of the town; that it would, perhaps, be inconvenient to the business section of the town to secure a lot as available or as good as this, with two sides exposed to the street.

Mr. STAFFORD. The present law requiring an air space of 40 feet on either side of the proposed building would still be in effect?

Mr. BURNETT. It is only that part of the law which requires that it will be at least on two streets.

Mr. STAFFORD. But we have another law that requires that there shall not be any building within 40 feet of either of the building lines of the public building. That law would still be in effect. This bill will require a much larger lot, if not on the corner, so far as the street frontage is concerned, than it would for a corner lot.

Mr. BURNETT. That might be true.

Mr. STAFFORD. Here are 80 feet. That must be very valuable property right there in this city or village or community where they have merely one business street, the length of one ordinary city block, where the public building is recommended to be located.

Mr. BURNETT. Those were the reasons, as I remember, that were presented to the committee and that controlled the department in recommending this to be done.

Mr. STAFFORD. The gentleman is acquainted with similar communities where, naturally, the business people would like to have the post office located on the business thoroughfare; but if we are going to pursue that policy we should repeal the law in connection with these cases requiring that there should be 40 feet of air space on either side. Otherwise you are giving to the adjoining property owners a great advantage in air or light space.

Mr. BURNETT. I think the Government could not take the land adjoining for this space without paying for it.

Mr. STAFFORD. It gives them a benefit for which they pay nothing.

Mr. MANN. Oh, they do not pay for it.

Mr. STAFFORD. No; the Government is giving to these owners 40 feet of air and light space.

Mr. BURNETT. Oh, no; the Government is taking that for its own building.

Mr. STAFFORD. But if it were on the corner it would not need 40 feet on either side.

Mr. BURNETT. That is true; and that is the reason the law was passed, no doubt. I should not be in favor of repealing the law, and yet exceptions ought to be made.

Mr. STAFFORD. I regret very much that the gentleman from New Jersey [Mr. BAKER] is not here so that he can give us the real reason; because, as I know Vineland, it is a small community, and there should be some good reason advanced why an exception should be made in this case.

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

Mr. BURNETT. Yes.

Mr. MANN. As I understand the purpose of requiring the site to be located with streets on two sides of it, is in order to give added fire protection?

Mr. BURNETT. Yes.

Mr. MANN. As well as light and air?

Mr. BURNETT. No doubt.

Mr. MANN. What sort of fire protection do they have in Vineland?

Mr. BURNETT. I do not know. If the gentleman is making serious objection to it, I will ask that it be passed over without prejudice, because I did not report the bill, and therefore have not kept in mind the conditions as I would have done if I had reported it. I can not give any personal information about it.

Mr. MANN. I think I shall not object myself to the bill, but the question which naturally arises is whether the special agent of the department has been influenced by political considerations in urging that we waive the natural and ordinary requirements.

Mr. BURNETT. Well, of course I know nothing about that.

Mr. MANN. Of course the gentleman would not know about that.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Alabama asks unanimous consent to pass the bill over without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS A SLOUGH, GUNTERSVILLE, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16679) to authorize Bryan and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala.

The Clerk read as follows:

Be it enacted, etc., That Bryan and Albert Henry, of Guntersville, Ala., and their assigns be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across a slough, which is a part of the Tennessee River, at a point suitable to the interests of navigation at or near Guntersville, Ala., said bridge to connect the mainland with Henry Island, in said Tennessee River, in the county of Marshall, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Page 1, line 4, after the word "assigns," insert "when authorized by the State of Alabama."

Mr. ADAMSON. Mr. Speaker, I understand there is a Senate bill of similar import which has just come over. If so, I would like to ask unanimous consent to consider the Senate bill in lieu of this one.

The SPEAKER. Does the gentleman know anything about the number of it?

Mr. BURNETT. No; I do not. I did not know until a minute ago, when I was informed by the gentleman from Georgia.

The SPEAKER. The gentleman from Georgia asks unanimous consent that Senate bill 5977 be considered in lieu of the one just read. Is there objection?

Mr. ADAMSON. I will be glad to have the bill read so we can see it is identical with the House bill.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That Bryan and Albert Henry, of Guntersville, Ala., and their assigns, when authorized by the State of Alabama, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across a slough, which is a part of the Tennessee River, at a point suitable to the interests of navigation, at or near Guntersville, Ala., said bridge to connect the mainland with Henry Island, in said Tennessee River, in the county of Marshall, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to considering the Senate bill just read in lieu of the House bill read a few moments ago on the same subject——

Mr. MANN. Mr. Speaker, reserving the right to object, I see the Senate bill carries the language to which the committee had offered an amendment to the House bill.

Mr. ADAMSON. I will move to amend by eliminating those words.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, we intended if the House bill was considered to ask that the Senate amendment be disagreed to, and in conformity with that idea I move to strike out——

The SPEAKER. We have not reached that point yet. The question is, Is there objection to the present consideration of a Senate bill just read? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I move to amend by eliminating the words "when authorized by the State of Alabama."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the Senate bill, page 1, line 4, by striking out the words "when authorized by the State of Alabama."

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

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to insert after the word "Bryan," line 3, page 1, the word "Henry." It authorizes "Bryan and Albert Henry" and there is some question whether that might mean Bryan Henry and Albert Henry, although I think there is no question how the courts would construe it.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 3, after the word "Bryan," insert the word "Henry."

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

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

The title was amended so as to conform to the text.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. ADAMSON. Mr. Speaker, I move to lay the House bill of similar title on the table.

The motion was agreed to.

REVOCABLE LICENSE FOR USE OF LANDS NEAR NASHVILLE, TENN.

The next business on the Calendar for Unanimous Consent was H. J. Res. 246, to authorize the Secretary of War to grant a revocable license for the use of lands adjoining a national cemetery near Nashville, Tenn., for public-road purposes.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit all or any part of the land belonging to the United States and lying outside of and adjoining the north and west walls inclosing the national cemetery near Nashville, Tenn., to be used for a public road: *Provided*, That such license or permit shall be issued at the discretion of the Secretary of War and upon such terms and conditions as he may prescribe, and may be revoked at any time, with or without cause.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, in the first place this bill was never referred to the Secretary of War for a report in reference to the park officials. Does the gentleman know whether that was done or not?

Mr. BYRNS of Tennessee. I think the bill was referred to the Secretary of War.

Mr. MANN. Well, does not my friend from Tennessee think that the House ought to be in possession of the facts that a bill of this character has been referred to the officials in charge of the park to know what they have to say about it?

Mr. HOWARD. Mr. Speaker, in answer to the gentleman, I happened to report this bill. The report from the War Department was a very short report. The Secretary of War reported adversely to this particular grant of this land, or the use of it. As this bill carried with it no positive right or any positive instructions to the Secretary of War, but after all leaving it entirely within his discretion, in view of the nature of the resolution the Committee on Military Affairs thought that it could possibly do no harm to report and pass it, and let the Secretary of War then finally ascertain what the situation is at Nashville, Tenn., as to this strip of land and the effect of this grant upon the National Cemetery.

Mr. MANN. Well, it may not be so easy for the Secretary of War to fail to yield to pressure upon him as it is for Members of Congress. It seems to me that a bill of this sort, while we are not bound at all by the opinion of the local authorities or the War Department, the bill ought to be referred to them, and we ought to have a statement from them before the House passes it.

Mr. HOWARD. It was referred, and the statement is available.

Mr. MANN. I have not seen it.

Mr. HOWARD. The statement is not a vehement declaration against the passsage of this resolution, I will state to the gentleman; but here is the situation, and I can explain it to the gentleman in a minute: When the wall was originally built around this cemetery, it left a space of about 50 feet lying outside of the wall which has not been used.

Since that time all of this property around the cemetery has been cut up and magnificent residences will soon be in the course of construction.

Mr. MANN. What does the gentleman mean by magnificent residences?

Mr. HOWARD. Fine residences. That is to say, the very best residential section of the city has been going out that way, so I have been informed, and they are building fine houses, costing from $8,000 to $15,000 each. They have gotten up to this cemetery part of the subdivision. The committee thought this: That rather than to have the garages, the barns, and outbuildings incident to residences back up on the cemetery, it would be much more advantageous not only to the looks but to the property to have these residences fronting this 50 foot road, which is absolutely of no value to the Government. People do not use it; they do not care for it as they should; the strip itself is practically an eyesore, because the attention of the Government is given to the inside of the wall, to the graves of the veterans who are buried there. The committee thought, and I most heartily concur in their conclusion, that it would be much better for the cemetery proper—that is, for its future surroundings—to have these buildings fronting upon it than backing upon it.

Now, one or the other is going to happen. Inasmuch as the gentleman from Tennessee [Mr. BYRNS] knows more about it——

Mr. BYRNS of Tennessee. In addition to what the gentleman from Georgia has said, I wish to say to the gentleman from Illinois and to the House that this cemetery is located about 6 miles from the central part of the city of Nashville. As the gentleman from Georgia has stated, the town is growing in that direction; that is, the eastern portion of it. These lots adjoining the cemetery have been cut up into lots of an acre, and possibly larger, dimensions. Those who own lots which adjoin the cemetery desire to build their homes fronting the cemetery, for obvious reasons, and will do so if they are permitted to use this unused portion of the Government lands for road purposes, but if they are not permitted to use these unused portions of land for road purposes they will front their lots in the other direction and build their roads in conjunction with those who own the lots in the rear. The gentleman can see it would be much cheaper for them to do so, but they would much prefer to go to the additional expense of constructing the entire road and maintaining it in order to get the view they will get if they can front upon the cemetery.

Now, in addition to that, as the gentleman from Georgia [Mr. HOWARD] has stated, for some reason when the stone wall was placed around the cemetery the Government authorities left on the west side, I think, 25.5 feet of land on the outside of the wall and on the north side 50 feet of land. That portion of land outside of the wall is not kept in as good condition as the cemetery itself. The gentleman can readily appreciate the fact that from time to time brush is thrown over the wall, weeds grow up on it, and so forth. In other words, it is not a part of the cemetery proper.

Mr. STAFFORD. Can the gentleman explain the reason why that land was reserved and the wall was not extended out to the extreme boundaries of the Government property?

Mr. BYRNS of Tennessee. I can not. I have asked the question, and no one seems to know. If these houses front in the

other direction, as the gentleman from Georgia says, it will mean that stables or barns will be built there adjoining the Government property, and those who have automobiles will put their garages there and their outhouses there, because the gentleman will understand that this is outside of the corporate limits of the city of Nashville, and I do not know whether they will have water facilities there for a while or not. And I can see how it would be very objectionable to the cemetery and those who visit the cemetery to have fronting up on the north and west side of this cemetery a lot of stables, barns, garages, and other outhouses incident to a house or suburban home outside of the corporate limits of the city of Nashville.

Mr. MANN. How many houses have been already constructed there?

Mr. BYRNS of Tennessee. Unless some house has been constructed within the last month or six weeks, I do not think any has been constructed, because these gentlemen have been waiting to see what would be done.

Mr. MANN. My friend from Georgia [Mr. HOWARD] said they were building magnificent houses.

Mr. HOWARD. I said up to the cemetery property. I said that in the development of this suburban property up to the cemetery they had built splendid residences.

Mr. BYRNS of Tennessee. Unless some have been built in the last six weeks, they have not constructed any on the west side. I understand that on the north side of the cemetery houses are going up, but they are fronting in the opposite direction, with the rear next to the cemetery. But I am told that the gentlemen on the west side, who own this land and who desire to front on the cemetery, are delaying the construction of their buildings until they see what is to be done.

Mr. MANN. If this bill should not pass and this property should not be built into a public road, where would the houses front?

Mr. BYRNS of Tennessee. I am told by Mr. Sanford Duncan, of Nashville, that he intends to front his house to the lots in the rear.

Mr. MANN. What does he front on? That is what I want to know.

Mr. BYRNS of Tennessee. He, in conjunction with those who own the lots in the rear, will build a road between those lots.

Mr. MANN. The property is not subdivided?

Mr. BYRNS of Tennessee. The property has been subdivided, but there are no roads.

Mr. MANN. If it was subdivided, was it laid out without any streets at all?

Mr. BYRNS of Tennessee. The gentlemen will understand that these are lots of 3 or 4 acres, with no roads or anything of the sort, and the people who own the lots will get together and construct a proper road. It is not laid out as town lots.

Mr. STAFFORD. Though the width of the proposed dedicated tract is given, it is not stated how long the proposed tract is, so that we can get an idea of the amount of land that is really going to be dedicated.

Mr. BYRNS of Tennessee. Well, it would be a mere guess upon my part. It is the entire length of the cemetery.

Mr. MANN. How high is this cemetery wall?

Mr. BYRNS of Tennessee. It is probably waist high.

Mr. MANN. You say that on the north side there is about 50 feet on the outside?

Mr. BYRNS of Tennessee. Yes; but I understand that that will not be asked for, because the buildings are going up.

Mr. MANN. How long is that west side, where it is 26½ feet wide?

Mr. BYRNS of Tennessee. I should imagine it was two to four hundred yards; but that is a mere guess on my part.

Mr. MANN. Does my friend from Tennessee really think that anybody will front a house upon a cemetery with a road between him and the cemetery only 26 feet wide, including the sidewalk, I suppose?

Mr. BYRNS of Tennessee. Oh, I take it that those gentlemen, if they need more road, will provide for it out of their lands.

Mr. MANN. It is only a pretty good alley, not a road.

Mr. BYRNS of Tennessee. The gentleman will understand that there will be only one sidewalk, and that is in front of the lots.

Mr. MANN. I said "sidewalk," not "sidewalks." Is the gentleman going to insert in here, after the word "hereby," the words "in his discretion"?

Mr. BYRNS of Tennessee. I am perfectly willing to accept that amendment. This is only to give the authority; to grant it, if the Secretary of War thinks it wise to do so.

Mr. STAFFORD. Mr. Speaker, there is only one other question that I wanted to ask. I assume that this road will be maintained by the local authorities?

Mr. BYRNS of Tennessee. Undoubtedly.

Mr. STAFFORD. Would the gentleman have any objection, then, to inserting, after the word "road," the language "and maintained by the local authorities"?

Mr. BYRNS of Tennessee. None whatever.

Mr. STAFFORD. You know in many instances they have come to Congress, when we have dedicated a road, and asked us to maintain it. This being for the direct benefit of the property owners, they certainly should pay for the continued improvement of it.

Mr. BYRNS of Tennessee. The owners of the property do not desire to put the Government to any expense whatever.

Mr. DONOVAN. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is, Is there objection to the present consideration of this bill?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that line 3 be amended by adding, after the word "hereby," the words "in his discretion."

The SPEAKER pro tempore (Mr. WINGO). The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 3, by adding, after the word "hereby," the words "in his discretion."

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

The amendment was agreed to.

Mr. BYRNS of Tennessee. Now, Mr. Speaker, I move that after the word "road," on line 7, there be inserted the following: "and to be maintained by the local authorities."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 1, line 7, after the word "road," insert the words "and to be maintained by the local authorities."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the House joint resolution.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

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

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

PRESERVATION OF MINERAL SPRINGS IN NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12050) reserving from entry, location, or sale lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes.

The Clerk read the title of the bill.

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

Mr. MANN. Reserving the right to object, Mr. Speaker, it has not been read yet.

Mr. STAFFORD. Let the bill be reported, Mr. Speaker.

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

The Clerk read the bill, as follows:

Be it enacted, etc., That lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, situated in the county of Sierra, State of New Mexico, be hereby set apart from the public domain and reserved from entry, location, or sale for the purpose of preserving for the use of the public the valuable mineral springs located upon said lots.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to control the use of said lots and the waters thereon, and to make regulations for the government of the reservation, and to make such contracts, agreements, and leases as will best preserve them for the use of the public; and all moneys received from such contracts, agreements, and leases by way of remuneration, or from any other source in connection with this reservation, shall be covered into the Treasury of the United States as a special fund to be disbursed by the Secretary of the Interior for the protection, maintenance, and improvement of said reservation.

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

Mr. MONDELL. Mr. Speaker, reserving the right to object, I want to ask the gentleman from New Mexico [Mr. FERGUS-

SON] if he does not think it would be a good thing to give to the people of the State of New Mexico the right to preserve these springs for the benefit of the public, rather than to unload them on the Federal Government?

Mr. FERGUSSON. This land belongs to the Government of the United States.

Mr. MONDELL. I understand. This is the beginning; this is the nose of the camel poked into the tent for a national park. Hot springs are thick out in that western country. If we were to reserve all the hot springs there are we would have a great many more reservations than we have now. If those hot springs are valuable the State of New Mexico ought to take care of them for the benefit of the people. I think the Federal Government ought to grant them to the State of New Mexico if the State of New Mexico wants them. Would the gentleman agree to an amendment, if it were satisfactory all around, to grant this land to the State of New Mexico for the purpose of preserving these springs for the use of the public?

Mr. FERGUSSON. I prefer not to do that.

Mr. MONDELL. Oh, I realize that the gentleman would prefer to have the Federal Government build up an elaborate resort there.

Mr. FERGUSSON. But the gentleman will observe from the terms of the bill that this is to cost the Government actually nothing.

Mr. MONDELL. Now, nothing; next year something, and the year after more, and thereafter very much. [Laughter.]

Mr. FERGUSSON. Will the gentleman allow me to state what I want to state?

Mr. MONDELL. Certainly.

Mr. FERGUSSON. This belongs to the Government. It is now, like other valuable hot springs, reserved from entry of any kind by the public—by the people.

It has been so reserved for many years. Heretofore, until within the last year or two, it has been practically inaccessible. These springs are on the west bank of the Rio Grande, a few miles below the Elephant Butte Dam, which is being constructed at a very large expense by the Government, involving the improvement of the road to the nearest railway station, about 16 miles away, on the Atchison, Topeka & Santa Fe Railroad, and also involving the building of a splendid bridge. Since the springs have become thus accessible the absolutely insufficient accommodations there can not begin to serve the suffering people who come and want to avail themselves of the springs, for the reason that the shacks, tents, and improvements there now are put on by squatters at their own expense. There is no adequate hotel, and there are no adequate accommodations for people who are seeking these springs. The proposition is that the springs are to be cared for and leased under the auspices of the Secretary of the Interior. That is, there are to be leases of certain sites for the building of certain hotels, involving the right to distribute the water through the hotels so that the public can use them. It had better be done by the Government as all such springs are controlled and regulated by the Government. There will be no expense to the Government, as the bill simply provides that whatever surplus comes from the leases shall be turned back by the Secretary of the Interior for further improvements.

Mr. MONDELL. The gentleman from New Mexico says this should be "as all other springs are."

Mr. FERGUSSON. Perhaps I should have said "as many are."

Mr. MONDELL. The Government does not control any hot springs anywhere, so far as I know, except the Hot Springs of Arkansas, and some people think we should not control them. Down in Oklahoma we have also what is known as the Platte National Park where there are some hot springs, which we have been trying to get rid of for years. The gentleman said this would not cost anything.

Mr. FERGUSSON. It will not cost the Government anything.

Mr. MONDELL. But the gentleman proceeds to outline a very elaborate scheme of expenditure. In other words, what the gentleman wants us finally do is to establish down there at these particular hot springs a national park, and have the Government spend a great deal of money there. I will say to my friend from New Mexico that I have had some experience in this matter of hot springs. In the State of Wyoming we have what I understand is about the largest single hot spring in the United States, if not in the world. I think it has been estimated that every man, woman, and child under the American flag could be furnished with a gallon of water per day from the flow of that single spring, which is about 8 feet across and flows up with great force. Years ago I endeavored to have the Federal Government take over that spring and reserve it. Of course the argument was similar to the argument which the gentleman makes, that the reservation of the spring would not cost anything, but we expected the Federal Government to spend money for improving it. A bill passed the House providing for the reservation of the spring and its improvement. The bill failed in the Senate, but I substituted for it a bill under which the United States granted to the State of Wyoming the land on which the spring is located, and the State took over the spring and erected bathhouses and provided for the use of the spring by the people. The State assumed the responsibility and expense, and now we are glad of it. We did not want to do it at the time, but now we are very glad we did, and I am sure the people of New Mexico ultimately would be very much better pleased to own these springs themselves and utilize them for the benefit of the people, than to have the Federal Government take them over and have the people of the country spend their money for the upbuilding, protection, care, and improvement of these local springs in New Mexico, which are probably very excellent springs, but possibly no better than many others scattered over the western country.

I regret to object to a bill of this sort, and yet I feel that it is my duty to object to it, because I do not think we ought to load this expense on the Federal Government or take these springs out of the control of the people. The Secretary of the Interior has exercised the power, under laws now upon the statute books, to reserve the springs. He can do that. The gentleman says that he is doing it, but this official reservation is intended as the beginning of a national park. I should be very glad indeed to join the gentleman in an amendment which would turn these springs over to the good State of New Mexico, in order that that Commonwealth may preserve and improve these springs for the benefit of its people.

Mr. FERGUSSON. Will the gentleman allow me to explain a little further? I am satisfied he will not defeat this bill if he will listen to my explanation. This is absolutely needed. Sierra County is a little mining county and also a large cattle county. The miners and cowboys and inhabitants around that country can not go far away for their health.

Mr. MONDELL. Will the gentleman yield to me? I think I know the situation there just as well as though I had a picture of it. I know the kind of country it is. We had exactly the same situation in Wyoming.

Mr. FERGUSSON. The gentleman evidently does not know, because I see from what he says he does not know. I think I have the right to ask the courtesy of the gentleman to be allowed to explain.

Mr. MONDELL. Certainly; I have no objection to that.

Mr. FERGUSSON. These springs have been a blessing to the neighboring sufferers who could get to them. Because of their inaccessibility heretofore more has not been said about them. As I was explaining a moment ago, they are on the west side of the river. The Atchison, Topeka & Santa Fe Railroad runs through that country on the east side of the river, and 16 miles from the railroad the Government has lately built a splendid road to the Elephant Butte Dam and a fine bridge across the river. Five or six miles down the river these springs are located. In consequence of that bridge and the Federal road the springs are now more accessible, and they can not begin to supply the demand for accommodations. They are an absolute blessing to people who are afflicted with certain diseases, and they are also fine for people afflicted with rheumatism, to which the men who work in the damp mines are subject. The springs have great local celebrity. They are absolutely reserved from any use, reserved by the Government because they are mineral springs, and nobody but squatters can locate there, and the accommodations which they have put up are very small and wholly inadequate.

The acreage is only between 75 and 80, as I am told, and the object of this bill is not to get any money out of the Government. The celebrity of these springs, their absolute necessity in that country, make this bill necessary. The ordinary people are crowding in there and this makes it certain that the Secretary of the Interior will be able to make leases that will bring a revenue, which will enable him more and more to improve these springs and make them useful to the whole world. The gentleman is right in saying that there are many fine springs in the Rocky Mountain region, in New Mexico. There is no doubt about that, but they are inaccessible. There are springs that have hot and cold water, there are springs of white sulphur, red sulphur, five or six different minerals that have great celebrity, but they are many miles from any roads. Now, these springs are becoming accessible, so that men will be able to build hotels and distribute these waters and make them useful, and the Government will get sufficient revenue to make it cost the Government nothing. This bill entails no expense, but gives to the Secretary of the Treasury authority to make leases that

will tend to make useful the water. The State is a new State. It is heavily laden with expenses, and to turn this over to the State is wholly inadequate at the present time. Later, if it should be found that they are a useless expense to the Government, that will be time enough to insist on turning them over to the State.

Mr. MONDELL. Mr. Speaker, the gentleman is not entirely logical. He says that this is not going to cost the Government anything, but he does not want the State of New Mexico to take them over because the State is not able to pay the cost of their control and improvement.

Mr. FERGUSSON. I did not say that.

Mr. MONDELL. I so understood the gentleman. The State of New Mexico, he said, was a new State, and it was poor, and it was unable to bear any burdens, and now he says that there are no burdens.

Mr. FERGUSSON. We have not the machinery in the State government which will be necessary to take over and supervise these springs.

Mr. MONDELL. Mr. Speaker, we had that sort of experience in Wyoming, I will say to the gentleman. We thought we wanted a national park established at our famous Hot Springs. Congress in its wisdom saw fit not to do it. It gave us the land, and our State has proceeded to take care of those springs for the benefit of the people of the State. These springs will be utilized to a very great extent, I hope, and we all hope, and ought to be, and they ought to be cared for, and they ought to be under the jurisdiction of the people of the Commonwealth. I am proposing to object to the bill on behalf of the rights and interests of the people of New Mexico. If the gentleman will give me an opportunity, I will offer an amendment—that is, if he will agree to accept it—under which these lands shall be ceded to the people of New Mexico, with a pledge that they will care for them in the interest of the people. That is the best thing that could be done with them. They entail some expenditure, whether the State has them or the Federal Government. There is no use attempting to disguise that fact. In the long run the people of New Mexico will be very much happier if they control these springs than they will if the Federal Government controls them, and the Public Treasury will be much relieved.

Of course, there will be a few less Federal jobs down in New Mexico, but I believe in State rights, in local control, and I am surprised at a gentleman on the other side getting up here and advocating this kind of federalism. He wants to take these lands in the sovereign State of New Mexico and have them perpetually controlled by the bureaucratic agents of the Federal Government. He wants to take from the people of the sovereign State of New Mexico all of their sovereign right and jurisdiction over these glorious hot springs that are bubbling up in healing purity under the brilliant sunshine of that beautiful country. I am amazed. Let me make this further suggestion to the gentleman, that, as a matter of fact, his reservation by the United States would not have any effect on the use of the waters of the springs. I could go down there to-morrow after this reservation was made and under the laws of his State I could secure control of such waters of those springs as are not now being used. I would have to secure it for a beneficial purpose. I would have to put it to a beneficial use. I would not be able to reserve it from use, but could control its use. The ownership of the land by the Federal Government would not of itself give the Federal Government control over any of these waters. Of course, the Secretary of the Interior after such a bill passed could apply to appropriate those waters, just as anyone else, and he could secure the same rights that others could secure; but the passage of this bill would not of itself reserve those springs to the Federal Government at all.

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

Mr. MONDELL. Yes.

Mr. FERGUSSON. Will the gentleman be satisfied to offer his amendment after it is taken up for consideration, and let it be voted on? If the gentleman's reasons appeal to the House, I shall bow to it.

Mr. MONDELL. Oh, the gentleman knows that that is not a fair proposition.

Mr. FERGUSSON. I hope the gentleman will not by the power of one vote defeat this bill that is of such urgent necessity to the suffering people of my State.

Mr. MONDELL. Mr. Speaker, answering that suggestion I want to say to the gentleman that he knows just as well as I do that the passage of this bill will not necessarily relieve anybody. The Secretary of the Interior already has those lands under reservation.

Mr. FERGUSSON. But the Secretary is not authorized. I have it from his own lips that this authorization is necessary for him to make leases, to empower men, and give them time enough to justify them in improving the surroundings, to facilitate the use of the water so that they will be of a benefit to the people. He requires the additional authority. It is true that hot springs and mineral springs that are on public lands are reserved, but it takes additional legislation to enable proper contracts for improving them.

Mr. MONDELL. Mr. Speaker, the Secretary of the Interior has not a dollar that I know of with which he could send anybody down there to make these contracts unless we appropriate for it, and the Secretary now has the land reserved, and he can regulate the use of it. There is not anyone going to be denied the use of the waters because we do not legislate. They are being utilized now, and the Secretary of the Interior, no doubt, is in control. The only difference that there would be is that under this legislation the Secretary might make some contracts, wise or unwise, relative to the use of these waters for all time, or for such time as he saw fit. Even if the Secretary were to be authorized to do that, we ought to have some general regulations under which he is to do it. Under the bill he might lease it all to one man or to several men for a long time or in perpetuity.

Here are springs necessary to the happiness and comfort of the people down there. The gentleman would give the Secretary of the Interior the right to lease all of them in perpetuity to some one man. That is what the bill does. I want to give the springs into the keeping of the people of New Mexico.

Mr. FERGUSSON. The gentleman can help us perfect the bill as far as that is concerned, and if the gentleman will let the bill come up he can offer any amendment he pleases.

Mr. MONDELL. I will not object if the gentleman will agree to an amendment whereby these lands are to be obtained by the people of the State of New Mexico. I am a friend of the good people of the State of New Mexico, and I want to see them control these health-giving waters——

Mr. FERGUSSON. Plainly such a bill can not pass and become a law. The whole endeavor of this project is to help those people.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I object.

Mr. FERGUSSON. Will the gentleman, before he objects, suggest what language he wants to put in, so that I may have a chance to see it?

Mr. MONDELL. Oh, yes; I would strike out all after the word "hereby"—

Mr. FERGUSSON. Not desiring to delay the consideration of other bills on the Calendar for Unanimous Consent which Members are anxious to have come up for consideration, I would ask that this bill be passed without prejudice until I can confer with the gentleman.

Mr. MONDELL. I have no objection.

Mr. FERGUSSON. So that I can consider what amendment the gentleman desires.

The SPEAKER pro tempore. Is there objection to passing the bill over without prejudice? [After a pause.] The Chair hears none, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARTHOLDT, indefinitely, on account of a death in his family.

To Mr. KIRKPATRICK, for one week, on account of medical treatment.

To Mr. RUBEY, for two weeks, on account of death of his father.

To Mr. DICKINSON, for two weeks, on account of illness.

CONTRACTS UNDER RECLAMATION ACTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That hereafter whenever a contract made under the reclamation act of June 17, 1902, or acts amendatory thereof or supplementary thereto shall be suspended on account of default of the contractor and the work is taken over by the Government for completion, either by Government forces or by contract, the Reclamation Service is hereby authorized to pay from the reclamation fund, on account of the contractor and the sureties, for labor actually performed on the work and for all or any part of the materials, plant, and supplies ordered by the contractor delivered at the work and needed therefor, upon satisfactory evidence that the same has not been paid for by or on account of the contractor. Any payment so made by the Reclamation Service shall be charged against the contractor and the sureties, who shall be liable therefor. All claims under this act must be filed with the Reclamation Service within 90 days after the suspension of such contract. All contracts for construction or repair of a public

work under the reclamation act or acts amendatory thereof or supplementary thereto shall provide that all books and papers of the contractor regarding the hire and payment of labor and the ordering, purchase, and payment for materials, plant, and supplies shall become available in settlement of claims thereunder. Any claimant who under oath knowingly makes a false claim or a false statement in regard thereto, under the terms of this act, shall be deemed guilty of perjury and subject to the punishment provided therefor by law. A decision of the Secretary of the Interior against any claimant under this act shall not preclude such claimant from proceeding in accordance with the provisions of the act of February 24, 1905, or acts amendatory thereof or supplementary thereto, in order to recover from the contractor or the sureties any amounts claimed to be due him in connection with such contract. The Secretary of the Interior is hereby authorized to make necessary rules and regulations for the filing of sworn statements of claims and other procedure for determining the amounts due under the terms of this act.

The committee amendment was read, as follows:

Page 1, lines 3 and 4, strike out the following words: "That hereafter, whenever a contract made under the reclamation act of June 17, 1902," and insert in lieu thereof the following words: "That whenever a contract for the construction or repair of public works hereafter made under the reclamation act of June 17, 1902."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question or two, or some one in charge of the bill. What is meant, in the first place, by a contract being suspended?

Mr. RAKER. On account of the confusion, I did not hear the gentleman.

Mr. MANN. This bill covers what is ordinarily called a mechanics' lien—claims in certain places under the Reclamation Service—and only takes effect whenever the contract shall have been suspended on account of the fault of the contractor, and so forth?

Mr. RAKER. Yes.

Mr. MANN. What is meant by the term "contract be suspended"?

Mr. RAKER. Under the law as it now exists and as the projects are being developed, where a contract is entered into between the Reclamation Service and the third party to do the work, if he fails to do the work up to the standard, or if he neglects it on account of lack of funds and quits, why, then the Secretary of the Interior suspends the contract and takes over the work and proceeds with it.

Mr. MANN. Does the law say that the contract shall be suspended?

Mr. RAKER. Yes.

Mr. MANN. Is that in the law?

Mr. RAKER. That is in the contract entered into. In other words, if a man has a contract for digging——

Mr. MANN. I know what the facts are.

Mr. RAKER. When he fails to do the work which is provided in the contract, and when he does not proceed under the rules and regulations, the Government takes over the work and completes it itself and charges up to the contractor the amount of money expended.

Mr. MANN. That is provided in the contract?

Mr. RAKER. Yes, sir.

Mr. MANN. That is part of the contract that we had.

Mr. RAKER. Yes.

Mr. MANN. Then plainly the contract is not suspended; it is in operation.

Mr. RAKER. I mean so far as the work between the Government and the man who obtained the contract is concerned.

Mr. MANN. I do not find any such language here. This says when the contract shall be suspended. I do not think the contract is suspended until the work is completed.

Mr. RAKER. It is suspended as to that one feature.

Mr. MANN. That is not what this bill says.

Mr. RAKER. Well, what suggestion has the gentleman to make in reference to it?

Mr. MANN. My suggestion is that this language in here does not carry it out or mean anything.

Mr. RAKER. Well, the Secretary of Agriculture and the Attorney General believe it does.

Mr. MANN. I do not find any evidence of that.

Mr. RAKER. Well, they did not pick out any particular words, but the three departments——

Mr. MANN. Unfortunately that is very often the case, and I will say to the gentleman I am very heartily in favor of some good mechanic lien law that gives any man who furnishes supplies or labor a lien for the amount that is due him. I do not think this does that yet. Now, this statement, "Any payment so made by the Reclamation Service shall be charged against the contractor and securities, who shall be liable therefor." That is, you may after you require the Government to pay the bill.

Mr. RAKER. Yes.

Mr. MANN. Suppose there is not that much due to the contractor, or suppose the sureties do not give a bond to that amount. How are you going to make them liable?

Mr. RAKER. Well, I will answer by saying that that would be an unfortunate condition.

Mr. MANN. It would be, but that is what we are dealing with, an unfortunate condition.

Mr. RAKER. I want to say that the Government should not be so negligent, in taking a bond in preparing these contracts, that the laborers or material men who furnish these things for these works should be deprived of their money or their labor, or that which is due them for supplies which they have furnished.

Mr. MANN. That has not anything to do with the principle. How can you make the sureties liable for a greater amount than their bond?

Mr. RAKER. You can not. There is no question about it.

Mr. MANN. This says that you do.

Mr. RAKER. No. You provide in your bond—suppose it is $100,000 and there is a deficiency of $50,000——

Mr. MANN. That is easy; but supposing the bond is $50,000 and the deficiency is $100,000?

Mr. RAKER. They will only pay then 50 cents on the dollar.

Mr. MANN. This says the surety shall be liable for the amount that is paid, and directs that the full amount be paid.

Mr. RAKER. Surely they will have to be liable for the amount to be paid. But if the sum is only $100,000 and the amount is $150,000, they would only be responsible for $100,000.

Mr. MANN. But this says they are liable for the full amount.

Mr. RAKER. But if the penalty is only $50,000 and they have expended $60,000, they will only recover $50,000 under the bond.

Mr. MANN. I do not know how it will be with the bonds hereafter. If the law provides that the bondsmen shall be liable, I do not know. They did not know when they entered into the bond——

Mr. RAKER. This would apply to contracts hereafter entered into. That is a provision of the bill.

Mr. MANN. Then it might make bondsmen liable.

Mr. RAKER. That is the provision of the bill, and it is so arranged for that purpose. They could not interfere with contracts already entered into.

Mr. MANN. It makes the bondsmen liable for the full amount regardless of the amount of their bond. At least, it purports to do so.

Mr. RAKER. The gentleman will recognize this fact, that in all statutory provisions you must provide that the bondsmen will be responsible for all the damage occasioned. Now, that must be read in connection with the further statute, which provides the penal sum of the bond; and no difference what the damage or loss might be, you never can go over the penal sum of the bond. There is no question about it.

Mr. MANN. What do you put it in the law for?

Mr. RAKER. So as to leave no doubt that he is liable.

Mr. MANN. Now, let me ask another question. Suppose the Government makes a contract and the contractor goes ahead with the work and draws down the money from the Government under his contract, but does not pay his bills? The Government has no notice of that fact. Under the terms of this bill, when he gets the work nearly done, having not paid his bills for either labor or supplies, he defaults; then you provide that the Government, having no notice, shall pay all of those bills?

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. RAKER. In response to that, there is something in the neighborhood of 25 per cent always retained on each payment, so it leaves a fairly good sum to pay up such matters.

Mr. MANN. That would depend. Twenty-five per cent is not very much of a sum.

Mr. RAKER. That is the same condition under all contracts.

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

Mr. RAKER. Practically all building contracts. It varies in amount.

Mr. MANN. I do not think there is a mechanic's lien law where the man is not required to give notice, if he wants his rights preserved.

Mr. RAKER. If this was a mechanic's lien law, we would agree upon it. There is no such a thing——

Mr. MANN. I think there ought to be a mechanic's lien law against the Government.

Mr. RAKER. Well, until we can get the people to pass such a law, ought we not to give some protection to the poor fellow who works?

Mr. MANN. We ought to give him protection, and at the same time give the Government protection, and there is no

reason why a man who furnishes supplies to a doubtful contractor should not give a notice to the General Government at the same time, so that neither the Government nor he can be defrauded by the contractor who wants to defraud both. There is no such provision in here.

Mr. RAKER. Let me call the gentleman's attention to the fact that it is all up to the judgment of the Secretary of the Interior. The entire membership of this House has said so many times that they are satisfied with his judgment. Now, when he takes the bond he can fix the bond at the full amount of the contract price, or even double it, if he wants to, so as to leave an impossibility of a deficit on any kind of material, and the laborers will not lose, or the Government will not lose, if the Secretary of the Interior will fix the bond high enough. That is all there is to it.

Mr. MANN. But the Secretary of the Interior will not and ought not to require a larger bond than he thinks is necessary, because you know when you require an exorbitant bond it means that much more expense charged to the Government. Now, we are dealing with an exceptional case, where the contractor for some reason fails, possibly because the cost of the construction is more than he anticipated or more than the Government anticipated. I am perfectly willing to protect the man who furnishes the labor or supplies, but I do not see any reason why we should not at the same time protect the Government.

Mr. RAKER. How could the gentleman suggest we could protect the Government any more than we have here?

Mr. MANN. I think those people ought to give notice to the Government.

Mr. RAKER. I would see no objection to it. I think it would be a good thing. There is no objection to it.

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

Mr. RAKER. Yes; I yield.

Mr. SELDOMRIDGE. In the State of Wyoming there is an excellent mechanic's lien law, that applies to all corporations and ditch-construction companies and railroad companies——

Mr. RAKER. They have that in every State to-day——

Mr. SELDOMRIDGE. Under which persons furnishing supplies are required to give notice to the parties letting the contract of their indebtedness, and it seems to me there ought to be in this bill a provision such as the gentleman from Illinois [Mr. MANN] suggests, that would require dealers furnishing supplies to the contractors to notify the Government of the amount of supplies furnished, and the contractor should also be required to furnish to the Government a receipt from merchants and laborers to the effect that he has satisfied their claims before the Government makes the required payments to him.

Mr. RAKER. The bill provides for that.

Mr. MANN. I want to compliment the gentleman from California [Mr. RAKER] on introducing the bill and getting it reported. It is a step forward. I am in favor of a mechanic's lien on all contracts that the Government enters into. Of course I know that the War Department, in engineering and river and harbor construction, is opposed to it. There was formerly a law on that subject, and it was repealed. I believe there should be a law on the statute books whereby the man who furnishes labor and supplies to the contractor will be protected absolutely if he wishes to be.

Mr. RAKER. That is such a serious question that it might complicate the whole thing. But from observation it does seem to me that we make too many mistakes in taking little insignificant bonds, with bogus bondsmen on those bonds, to do the work. That is one great failing in these contract matters, and the same way with the Government. Some slick, oily chap comes up and presents Brown and Jones and submits what they have, and they take them.

Mr. MANN. Yet under the gentleman's bill one of these slick gentlemen gets a Government contract and can go ahead and buy supplies and hire labor until he gets the contract almost finished and draws his money from the Government. Then the Government, having paid him, will have to turn around and pay to people who supplied labor and supplies the entire amount in addition.

Mr. RAKER. I think the statute already provides that they must pay within certain limits under the contract. They must pay every week or perhaps every two weeks. But even in a week you can practically ruin the laboring man.

Mr. MANN. We have had the Corbett Tunnel statute, and there has been no statute on the subject enacted since then.

Mr. RAKER. I say, in entering the contract——

Mr. MANN. I say they were not paid in that case.

Mr. RAKER. What amendment would the gentleman suggest as to notice there?

Mr. MANN. I really do not know enough about this form of legislation to suggest the proper amendment, but I hope the gentleman will try to prepare the proper language.

Mr. TAYLOR of Colorado. If the gentleman will permit——

Mr. RAKER. Certainly.

Mr. TAYLOR of Colorado. I may say that in the Committee on the Irrigation of Arid Lands, of which the gentleman from California [Mr. RAKER] is not a member——

Mr. MANN. If I were on the gentleman's committee, I would ask that a bill of that sort go to the Committee on the Judiciary.

Mr. MONDELL. Will the gentleman from California yield to me for a question?

Mr. RAKER. Yes.

Mr. MONDELL. What would occur under this bill in this condition of affairs: A contractor fails; the Government takes over the work and proceeds to the completion of the contract; the cost to the Government for the completion of the contract over the contract price more than exceeds the bond which would be given under this bill; the lien of the Government or the lien of the laborers and those who furnished supplies——

Mr. RAKER. There is no lien here.

Mr. MONDELL. Well, no; you do not call it a lien.

Mr. RAKER. You can not call it a lien.

Mr. MONDELL. Then I will change my question.

Mr. RAKER. Let the gentleman put his question.

Mr. MONDELL. Who would be paid first—the Government or the laborer?

Mr. RAKER. Under this bill?

Mr. MONDELL. Yes.

Mr. RAKER. The laborer.

Mr. MONDELL. I doubt it.

Mr. RAKER. Sure.

Mr. MONDELL. I do not see where the gentleman can read anything of that kind into the bill as it should be.

Mr. RAKER. It is clearly provided in the bill that when the contractor fails to pay, or any other failure occurs, and the work is taken over by the Reclamation Service, or the Government, properly speaking, then the laborers or claimants present their claims to the Secretary of the Interior, and he verifies the claims and pays them out of the reclamation fund.

Mr. MONDELL. Yes; out of the reclamation fund, within the liability of the contractor. But the liability of the contractor must necessarily be considered after the cost to the Government, and there is nothing in the gentleman's bill that prefers the labor or prefers the person who furnishes material and supplies over the Government.

Let me remind my friend from California that in the Corbett Tunnel case, which has become rather notorious here, where there was a failing of the contractor, the difficulty was that when the Government came to take over the work and complete it the contractors owed the Government several thousand dollars, $25,000 or $30,000, without taking into consideration the labor or the material; and the result was that there were no funds from which the Government could pay the labor or the material. The Government would have paid the labor——

Mr. RAKER. There is no question but that the Government took out $200,000 or more from the reclamation fund and paid for that work itself. But it left the laborers unprovided for. It left the material men unprovided for. This provision of this bill says that when this condition happens what shall be done? It provides that the Reclamation Service is authorized to pay from the reclamation fund, on account of the contractor and the sureties, for labor and material furnished and ordered by the contractor.

Mr. DONOVAN. Mr. Speaker, the regular order.

The SPEAKER. The gentleman from Connecticut demands the regular order. The regular order is, Is there objection to the consideration of this bill?

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] objects.

Mr. MANN. I hope this bill can be passed over.

Mr. RAKER. Mr. Speaker, under the peculiar conditions I ask that the bill be passed over without prejudice.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

STANDARD BOX FOR APPLES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11178) to establish a standard box for apples, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the standard box for apples shall be of the following dimensions when measured without distention of its parts:

Depth of end, 10½ inches; width of end, 11½ inches; length of box, 18 inches; all inside measurements, and representing, as nearly as possible, 2,173⅜ cubic inches.

SEC. 2. That any box in which apples shall be packed and offered for sale which does contain less than the required number of cubical inches, as prescribed in section 1 of this act, shall be plainly marked on one side and one end with the words "Short box," or with words or figures showing the fractional relation which the actual capacity of the box bears to the capacity of the box prescribed in section 1 of this act. The marking required by this paragraph shall be in block letters of the size not less than 72-point block Gothic.

SEC. 3. That standard boxes when packed, shipped, or delivered for shipment in interstate or foreign commerce, or which shall be sold or offered for sale within the District of Columbia or the Territories of the United States of America, shall bear upon one or both ends in plain figures the number of apples contained in the box; also in plain letters the style of pack used, the name of the person, firm, company, or organization which first packed or caused the same to be packed; the name of the locality where said apples were grown; and the name of the variety of the apples contained in the box unless the variety is not known to the packer, in which event the box shall be marked "Unknown." A variation of three apples from the number designated as being in the box shall be allowed.

SEC. 4. That the apples contained within the said standard box when so packed and offered for sale, shipment, or delivery in interstate or foreign commerce shall be well-grown specimens, of one variety, reasonably uniform in size, properly matured, practically free from dirt, insect pests, diseases, bruises, and other defects, except such as are necessarily caused in the operation of packing.

SEC. 5. That standard boxes packed in accordance with the provisions of this act may be marked "Standard."

SEC. 6. That boxes containing apples marked "Standard" shall be deemed to be misbranded within the meaning of this act—

When the size of the box does not conform to the requirements of section 1 of this act, and when the markings on the box and the contents thereof do not conform to the requirements of sections 3 and 4 of this act.

SEC. 7. That any person, firm, company, or organization who shall mark or cause to be marked boxes packed with apples to sell, or offer for sale, shipment, or delivery, in interstate or foreign commerce, apples in boxes contrary to the provisions of this act or in violation hereof, or shall sell or offer for sale or delivery in interstate or foreign commerce in a standard box apples other than those originally packed therein without first completely obliterating the original markings and labels on such box and mark the box to conform to the provisions of this act shall be liable to a penalty of $1 for each box so marked, sold, or offered for sale or delivery, and costs, to be recovered at the suit of the United States in any court having jurisdiction: *Provided*, That the penalty to be recovered on any one shipment shall not exceed the sum of $100, exclusive of costs.

SEC. 8. That this act shall be in force and effect from and after the 1st day of July, 1914.

With the following committee amendments:

Page 2, line 11, after the word "boxes," insert "marked 'Standard,' as hereinafter provided."

Page 3, after line 17, insert: "*Provided, however*, That all shipments in boxes to foreign countries in which a standard box may have been established may be marked 'For export, quality of contents equal to American standard.'"

The SPEAKER. Is there objection?

Mr. DILLON. Mr. Speaker, in view of the minority report on this bill, I shall object to its consideration.

Mr. FALCONER. Will the gentleman withhold that for a moment?

Mr. RAKER. Will the gentleman withhold his objection just a moment?

Mr. DILLON. I will say to the gentlemen that in view of the number of members on the committee who oppose this bill I shall have to object.

Mr. RAKER. Will the gentleman withhold it just a moment? There is a minority report of only two members of the committee.

Mr. DILLON. That is true, but there are other members on the committee who are opposed to this bill.

Mr. RAKER. No; those who were not present filed with the committee their telegrams from their homes in favor of this bill with the two amendments.

Mr. DILLON. I want to say to the gentleman that this bill ought to be fairly considered by the committee. At the time it came up and was considered by the committee there were not a majority of the members present.

Mr. RAKER. Yes.

Mr. MANN. Will the gentleman permit a suggestion? The Senate on Saturday passed a bill, S. 4517, on this subject, with quite a number of amendments.

Mr. WEBB. Making it apply to Colorado alone, did they not?

Mr. MANN. No; except as to one thing.

Mr. RAKER. Colorado just asked to be exempted, that is all.

Mr. MANN. No; the gentleman is not correct about that. There is one provision that applies to Colorado only. The gentleman can not expect to call up the Senate bill, which has never yet been printed with the Senate amendments.

Mr. RAKER. It has been printed.

Mr. MANN. It has not been printed with the Senate amendments. It only came over a few moments ago.

Mr. RAKER. It is printed with the Senate amendments, and is now lying on the Speaker's table, because I saw it there.

Mr. MANN. I know the Senate amendments are printed in the usual way in which they come over from the Senate.

Mr. RAKER. No; the bill with the Senate amendments has been printed.

Mr. MANN. What the gentleman saw was the engrossed copy; but the bill is not printed, as we say, for the information of the House. The gentleman may have seen the engrossed copy of the bill, but it has not been printed for the use of the House yet. I am in favor of the bill, but what is the use of trying to consider it under the circumstances.

Mr. FALCONER. I think the fruit-growing States are greatly in favor of the bill, and I would ask the gentleman from South Dakota why he is opposed to it.

Mr. DILLON. I will say to the gentleman that this committee have taken some testimony on the bill. When it came up for final action a majority of the members were not present. Now, prior to that time the committee reported out a bill known as the Tuttle bill. That made an apple barrel mandatory.

Mr. FALCONER. To the exclusion of the box?

Mr. DILLON. It said nothing at all about the apple box. Now, that bill is upon the calendar. The same committee, counting those who were in favor of the bill but were not present, reported this bill out in optional form. If the apple barrel is mandatory, there is no reason why the apple box should not be mandatory

Mr. RAKER. Will the gentleman yield right there?

Mr. DILLON. Yes.

Mr. RAKER. The same committee, the same individuals on the committee, and the same absentees concurred in their report on the Tuttle bill as in their report on the Raker bill. The two were heard the same day, and the two reports were written out at the same time, and the same number of men were present in the committee when they reported out the Raker bill, and there were a majority of the members of the committee present, but two of them voted against the bill. Nevertheless, a majority being present, it was voted to report out the bill, and those who were absent sent their telegrams in favor of this bill—H. R. 11178—with the two amendments which were adopted.

Mr. DILLON. Let me say to the gentleman that he is not a member of that committee, and I do not think he knows as much about it as I do. The Tuttle bill has my approval. It was first reported out in optional form, and the growers over the country made complaint, and we gave them a rehearing in the matter, and then we changed our views and reported out the bill in mandatory form, and I joined in that report.

Mr. RAKER. Will the gentleman yield right there?

Mr. DILLON. Yes.

Mr. RAKER. The gentleman and I are in accord except on one little matter; that is, whether it shall be mandatory or optional.

Mr. DILLON. But when the gentleman says the two bills were reported out at the same time, he is laboring under a misapprehension.

Mr. RAKER. That was my recollection.

Mr. DILLON. The gentleman is entirely mistaken.

Mr. RAKER. I may have been mistaken as to the dates.

Mr. DILLON. You are mistaken in reference to that matter.

Mr. RAKER. The gentleman being present ought to know about that matter.

Mr. DILLON. I attend all the meetings of committees of which I am a member when I am in the city.

Mr. RAKER. The gentleman and I will not differ on this matter except as to the mandatory or discretionary part. I just want to call the attention of the gentleman to the fact that 95 per cent of the people interested in the apple-box shipments on the Pacific coast, in the intermountain States, and in the East and down in the South, the apple growers are urging this bill, and the only reason why the committee agreed upon the discretionary feature was that we did not want to compel the small raiser, who only ships a few boxes, to come in unless he wanted to. We said to him practically, "Take your dry goods box, or whatever you have in which you can ship your apples. We do not want to compel you to use a uniform box," but we wanted to establish a standard box. If it is used in interstate shipment, if it is used by the general apple grower, the large producer or shipper, he may have his name on the box, and brand it as to the number of apples, the kind of apples, the place where they were raised, that they are free from worms,

free from insects, so that the public may know what they are getting, so that the consumer will not be deceived. The idea was that the little fellow who raised a few boxes of apples need not come under the provisions of the law unless he wanted to. He could get a dry goods box and fill it with apples and sell them if he wanted to.

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

Mr. RAKER. Yes.

Mr. DILLON. Do you favor uniformity in matters of coinage, weights, and measures?

Mr. RAKER. Uniformity is always a fine thing; yes.

Mr. DILLON. Then why do you want a mandatory apple barrel in the East and an optional apple box in the West?

Mr. RAKER. There is a difference between a barrel and a box.

Mr. DILLON. How are you going to get uniformity in this way?

Mr. WEBB. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. DILLON. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, may I have unanimous consent that the bill remain on the calendar as it is?

Mr. DILLON. Mr. Speaker, I think it should be carefully considered by the committee. We have the Senate bill on the calendar, and this bill ought to be given careful consideration, because the question of uniformity is an important one. I therefore object.

The SPEAKER. The gentleman from California asks unanimous consent to pass the bill over without prejudice. Is there objection?

Mr. DILLON. I object.

Mr. FOWLER. Mr. Speaker, on the 5th day of August, 1914, I introduced a resolution to exempt farmers' mutual insurance companies of all kinds from the payment of the penalty provided for in the income provisions of the Underwood tariff bill. In that bill there is a provision requiring all corporations to make a report of their incomes on or before the 1st day of March, 1914. It further provides that a penalty, not to exceed $10,000, shall be imposed in all cases where such report is not made in accordance with the law. Mr. Speaker, it was not the intention of Congress to tax corporations not engaged in business for profit, neither was it our intention to require them to pay a penalty. This question was freely discussed in the lobbies, and no one ever dreamed of such a thing. The real object of this provision was to reach corporations engaged in business for profit. No corporation without an income is subject to an income tax under this law, and it would be manifestly unjust to require such corporations to pay a penalty for a failure to report what? Nothing; for such corporations have no income to report.

All over the country farmers' mutual fire insurance companies have been organized, not for profit but for protection. All the money they handle comes in by way of assessment in the nature of a tax for the purpose of paying losses sustained by members of such companies. They have no business in the sense of actual business. Theirs is all on paper, mostly in the way of a tax to pay real losses by accident, such as by fire or lightning, and it would be very unjust to make these innocent companies pay a fine for failing to make a report as required by law. I understand that no blank reports were sent to them and no request was made upon them for a report.

Mr. Speaker, I took this question up with the Secretary of the Treasury several days ago, and at first he was inclined to the opinion that the law compelled him to assess a penalty. As a lawyer I have some misgivings as to the power to collect the penalty, because the law partakes of the nature of an ex post facto law, yet I am delighted to know that it is not the intention of the Government to exact it. The Secretary of the Treasury generously and graciously decided—and I think justly so—that for this year no penalty would be exacted from corporations not organized for profit. Mr. Speaker, I received a letter from him a few days ago which I ask to be read for the information of the House, and which I will incorporate in the RECORD by permission of the House. The Secretary has kindly given permission to use it as I deem proper.

Mr. Speaker, the following is a copy of my resolution, after which will follow a copy of the Secretary's letter:

Joint resolution (H. J. Res. 317) to remit certain penalties against certain insurance companies for a failure to make returns on incomes on or before March 1, 1914, as provided by an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

Whereas through misrepresentation and misunderstanding of the income-tax law farmers' mutual insurance companies have failed to make the proper return prior to March 1, 1914: Therefore be it

Resolved, etc., That the penalty provided for an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, for a failure to make the proper return on incomes provided for in said act, be, and the same is hereby, remitted in so far as it affects farmers' mutual insurance companies of every kind and character for the present year, where said returns are completed June 1, 1914, and where the failure to make said returns was not due to a willful intent to violate the provisions of said act.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, August 13, 1914.

TO COLLECTORS OF INTERNAL REVENUE:

The fact has been developed that a great number of individuals and corporations failed to make returns of annual net income for the income tax, either through ignorance of the requirements of the law or through a misunderstanding of its requirements, and it has been determined by the Treasury Department to accept offers in compromise of the specific penalty for failure to file returns within the period prescribed by law in a minimum sum as follows:

Five dollars from individuals; $10 from corporations which are organized for profit.

In the cases of all corporations not organized for profit the specific penalty will not be asserted this year, provided the required return has been or shall be filed before December 31, 1914. The United States district attorney should be requested not to institute proceedings in such cases.

The foregoing applies only to those cases where there was no intent to evade the law or escape taxation.

In all cases, however, wherein a return is not made until the liability to make a return is discovered by investigation of collectors of internal revenue or revenue agents, the above schedule will not necessarily apply, but each individual case will be decided upon its own merits and the amount of the offer in compromise which may be favorably considered will be determined accordingly.

Respectfully,

ROBT. WILLIAMS, JR.,
Acting Commissioner.

Approved:

W. G. MCADOO,
Secretary.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Platt, one of its clerks, announced that the Senate had receded from its amendment to the bill (H. R. 18202) to provide for the admission of foreign-built ships to American registry for the foreign trade, and for other purposes.

OIL OR GAS LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15661) authorizing the Secretary of the Interior to lease to the occupants thereof certain unpatented lands on which oil or gas has been discovered.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

Mr. RAKER. Mr. Speaker, I will state to the gentleman from Illinois that the gentleman in charge of this bill, Mr. CHURCH, is not well to-day, and I therefore ask unanimous consent that it retain its place upon the calendar.

Mr. MANN. Under the circumstances I shall not object.

The SPEAKER. The gentleman from California asks unanimous consent to pass the bill over without prejudice. Is there objection?

There was no objection, and it was so ordered.

ALCATRAZ ISLAND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire whether there is any other instance in the Immigration Service where the immigration station is located on an island or otherwhere than on the mainland, except at Ellis Island, N. Y.?

Mr. RAKER. There is the one at Ellis Island, N. Y., the most noted one, and, I suppose, the greatest one in the world.

Mr. STAFFORD. I notice in reading the report that the Commissioner of Immigration, Mr. Caminetti, who certainly is acquainted with conditions in San Francisco, stated that he would much prefer to have the station located on the mainland. I assume that there are economic and administrative reasons which prompted him to make that suggestion.

Mr. RAKER. Oh, no. I have talked with him many times. He appeared before the committee at the time the bill was acted upon, and his statements are that economically the matter would be better handled on this island. To obtain a site on the mainland would cost, possibly, $500,000.

Mr. STAFFORD. What other site?

Mr. RAKER. A site on the mainland.

Mr. STAFFORD. I said a moment ago that it was Mr. Caminetti. I assumed that the Secretary of Labor, Mr. Wilson, when he wrote this letter to the chairman of the Committee on Military Affairs of the House, was expressing the views of Mr. Caminetti. In that letter he says:

I desire to say, however, that I would have preferred to have seen the new immigration station for the port of San Francisco located upon the mainland, provided that a convenient site was available.

There is available land there. The Government has two large military stations.

Mr. RAKER. It would be an impossibility to get any of the military territory.

Mr. STAFFORD. Oh, an impossibility. The Department of War, now recognizing that, after spending $500,000 in erecting a prison on Alcatraz Island, it is no longer suitable for that purpose, wishes now to throw the load of it upon the Immigration Service.

Mr. RAKER. Evidently, my friend does not quite understand the situation.

Mr. STAFFORD. I may not quite understand it, but I have some understanding of it.

Mr. RAKER. This is at the entrance of the Golden Gate. It is about a mile and a half from the mainland and a mile and a half from the exposition grounds. It is one of the beauty spots of the bay. The buildings on this island are a beauty spot from any point of view. No one would every know there was a prison there. These buildings are the best constructed of any buildings that have been constructed by this Government. Every room is separate, with a separate toilet, with separate water, with air circulation to it by a force plant.

Mr. BARTON. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. STAFFORD. If the gentleman demands the regular order, I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

Mr. RAKER. Mr. Speaker, as this is the Unanimous Consent Calendar, I ask unanimous consent that my friend from Wisconsin withdraw his objection. We would like to have this plant put into operation.

Mr. STAFFORD. I was proceeding in a regular way in good faith and the gentleman from Nebraska demanded the regular order. If I can not get the information that I desire, I am going to object. I have no objection to the matter going over without prejudice.

Mr. RAKER. No; I will not ask for that.

The SPEAKER. Does the gentleman ask to pass it over without prejudice.

Mr. RAKER. No.

The SPEAKER. Objection has been made.

Mr. RAKER. That is very true, but I ask unanimous consent that I may proceed for two minutes.

The SPEAKER. The gentleman from California asks unanimous consent to proceed for two minutes. Is there objection?

Mr. BARTON. Mr. Speaker, I object.

GLACIER NATIONAL PARK, MONT.

The next business on the Calendar for Unanimous Consent was the bill (S. 654) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Montana, approved February 17, 1911, ceding to the United States exclusive jurisdiction over the territory embraced within the Glacier National Park are hereby accepted, and sole and exclusive jurisdiction is hereby assumed by the United States over such territory, saving, however, to the said State the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecution for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park, and saving further to the said State the right to tax persons and corporations, their franchises and property, on the lands included in said park. All the laws applicable to places under the sole and exclusive jurisdiction of the United States shall have force and effect in said park. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Montana.

SEC. 2. That said park shall constitute a part of the United States judicial district of Montana, and the district court of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries.

SEC. 3. That if any offense shall be committed in the Glacier National Park, which offense is not prohibited or the punishment is not specifically provided for by any law of the United States, the offender shall be subject to the same punishment as the laws of the State of Montana in force at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Montana shall affect any prosecution for said offense committed within said park.

SEC. 4. That all hunting or the killing, wounding, or capturing at any time of any bird or wild animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stat., p. 354), natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the other provisions of this act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, other than those legally located prior to the passage of the act of May 11, 1910 (36 Stat., p. 354), natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits other than those legally located prior to the passage of the act of May 11, 1910 (36 Stat., p. 354), natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500, or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

SEC. 5. That all guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or wild animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this act, and upon conviction under this act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

SEC. 6. That the United States district court for the district of Montana shall appoint a commissioner, who shall reside in the park, and who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by this act.

Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with the commission of any misdemeanor, or charged with a violation of the rules and regulations, or with a violation of any of the provisions of this act prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the district of Montana, and the United States district court in said district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district court.

SEC. 7. That any such commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section 4 of this act, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States district court for the district of Montana, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of said State.

SEC. 8. That all process issued by the commissioner shall be directed to the marshal of the United States for the district of Montana, but nothing herein contained shall be so construed as to prevent the arrest by any officer or employee of the Government, or any person employed by the United States in the policing of said reservation, within said boundaries, without process, of any person taken in the act of violating the law or this act, or the regulations prescribed by said Secretary as aforesaid.

SEC. 9. That the commissioner provided for in this act shall be paid an annual salary of $1,500, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Glacier National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in sections 11 and 12 of this act.

SEC. 10. That all fees, costs, and expenses arising in cases under this act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States.

SEC. 11. That all fines and costs imposed and collected shall be deposited by said commissioner of the United States, or the marshal of the United States collecting the same, with the clerk of the United States district court for the district of Montana.

SEC. 12. That the Secretary of the Interior shall notify, in writing, the governor of the State of Montana of the passage and approval of this act.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, does this bill do anything except give to the General Government

exclusive jurisdiction over crimes and misdemeanors in the park, a jurisdiction which is now held by the State of Montana?

Mr. STOUT. That is the substance of it, as far as I know, and I have looked it over very carefully. The bill was drawn by the Department of the Interior——

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

Mr. STOUT. I mean it was not drawn by the Department of the Interior, but——

Mr. MANN. The Interior Department drew a bill a few years ago which floated around this Congress for several Congresses, which proposed to give a commissioner control and the right to send a man to the penitentiary for several years, and they always drew it that way. They drew the bill that way this time, but fortunately the gentleman's State has a Senator who knows something about the law, and Senator WALSH redrew the bill in the Senate and cut out many of the unconstitutional and contradictory provisions from the bill which the War Department drew.

Mr. STOUT. I accept the correction of the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. STOUT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

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

On motion of Mr. STOUT, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALCATRAZ ISLAND.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 9017. I have seen the gentleman who objected before, and he has no objection to returning to it.

The SPEAKER. The gentleman from California asks unanimous consent to return to Calendar No. 230, H. R. 9017. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

Mr. STAFFORD. Mr. Speaker, has consent been given for its consideration?

The SPEAKER. The gentleman asked unanimous consent to return to the bill, and if that does not mean consideration what does it mean?

Mr. STAFFORD. It simply means to take it up again.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire further. When I was interrupted by the demand for the regular order the gentleman was saying that this building was specially suited, or could be adapted, to an immigration station. I desire to ask the gentleman as to whether there is pressing need for this immigration station now at San Francisco?

Mr. RAKER. There is.

Mr. FITZGERALD. How far is Alcatraz from Angel Island, the other station?

Mr. RAKER. It is about 15 miles.

Mr. FITZGERALD. And it is proposed to maintain two stations?

Mr. RAKER. No, sir.

Mr. FITZGERALD. What is the proposition?

Mr. RAKER. The Angel Island station has a lot of wooden buildings, etc., that it is intended to be turned over to the War Department for health purposes, and we will only maintain Alcatraz Island as a station.

Mr. FITZGERALD. And you turn over Angel Island to the War Department?

Mr. RAKER. If the Health Service desires it. The Angel Island building is now being used for an immigration station. It could be used, but Alcatraz can accommodate them all.

Mr. FITZGERALD. What is the estimate as to the cost of fixing up Alcatraz Island?

Mr. RAKER. Practically an infinitesimal amount.

Mr. FITZGERALD. Where is the statement of any person who knows anything about it to that effect?

Mr. RAKER. Well, the report is in here from the Secretary of War and the Department of Labor that it is only a very small amount.

Mr. FITZGERALD. I will ask the gentleman to have it passed over without prejudice. We have an immigration station there, and I do not think we ought to incur an obligation of $50,000 when we are going to use——

Mr. RAKER. We are not asking for $50,000. When Commissioner Caminetti appeared before the committee he said he did not want the money; said he did not need that.

Mr. FITZGERALD. That is what they say when they want legislation, but I know what they say after they get it.

Mr. RAKER. Under the circumstances I ask that the bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

PRESENTING THE STEAM LAUNCH "LOUISE" TO THE FRENCH GOVERNMENT.

The next business on the Calendar for Unanimous Consent was the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government.

The Clerk read as follows:

Be it enacted, etc., That as a mark of appreciation of the sacrifices and services of the French people in the construction of the Panama Canal, the steam launch *Louise*, built in France in 1885, and employed in the construction of the canal successively by the French Panama Canal Co. and by the United States, be put in good condition and presented to the French Government; and that, in the first formal or ceremonial opening or passage of the canal, the place of honor be accorded to the said steam launch, bearing the flag of the French Republic.

SEC. 2. That the sum of $6,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of executing this act, to be disbursed by the governor of the Canal Zone.

The committee amendments were read, as follows:

Strike out, page 1, lines 9, 10, 11, and 12, the following: " ; and that, in the first formal or ceremonial opening or passage of the canal, the place of honor be accorded to the said steam launch, bearing the flag of the French Republic."

Strike out all of section 2, as follows:

"That the sum of $6,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of executing this act, to be disbursed by the governor of the Canal Zone."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I see that the Secretary of War says with reference to that part of the bill which reads "be put in good condition":

In this connection permit me to suggest that the bill or joint resolution, in addition to providing for the transfer, should contain an appropriation of a sufficient fund to cover putting the launch in good condition and delivering her to the French Government.

And, under date of April 16 last, he says:

Referring to previous correspondence in reference to presenting the steam launch *Louise* to the French Government, and particularly to my letter to you dated April 7 last, I now beg to advise you that a cablegram, dated April 15, has been received from Col. Goethals, governor of the Panama Canal, indicating that it is estimated $6,000 will cover the cost of putting the launch in good condition and delivering her to the French Government, including all expenses connected with the transfer.

Notwithstanding this, the committee proposes to strike out the $6,000 carried by the bill. How is it possible to put it in good condition without the money? Now, how is the launch to be put in good condition without any money?

Mr. ADAMSON. The gentleman from Illinois will understand that our committee never reports an appropriation if we can avoid it. But inasmuch as at this time all appropriation bills have gone through, I was thinking that the House might vote down that amendment and leave the appropriation in.

Mr. MANN. I am frank to say that I would not consent to the passage of the resolution unless I thought it would carry with it a sufficient appropriation to put the launch in reasonably good condition and pay the expenses of delivering it to the French Government; and we have passed all our general appropriation bills.

Mr. ADAMSON. I think it would be wise for the House to disagree to that amendment of the committee.

Mr. FITZGERALD. Is it the intention to have this launch used for anything? She is 30 years old now.

Mr. ADAMSON. It came over with the acquisition from the French company of the canal. It is a matter of sentiment more than anything else.

Mr. FITZGERALD. The canal authorities have authority under the law to put all these matters in good condition, have they not?

Mr. MANN. I do not think they would have authority to do this.

Mr. FITZGERALD. Why not?

Mr. MANN. Because that is not in connection with the construction, maintenance, or operation of the canal.

Mr. ADAMSON. I suggest, Mr. Speaker, that the House disagree to that amendment striking the appropriation out.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I wish to reserve the right to object. I was trying to listen to the gentleman from Georgia [Mr. ADAMSON] and the Speaker at the same time.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] reserves the right to object.

Mr. FITZGERALD. I was endeavoring to do so; yes. What I wish to inquire of the gentleman is whether it is the purpose to put this launch into shape to be used? Is it not to be kept more for the historical interest that would be shown in it?

Mr. ADAMSON. I suppose it is the intention to repair it as far as possible in order to put it in presentable shape to be given to the French Government, and not that it is to be used to construct other canals with; but more as a matter of sentiment, as a compliment, to the French people, from whom we acquired it with other property there.

Mr. FITZGERALD. Is the gentleman from Georgia aware of any particular reason why this launch was selected as the peculiar trophy to be presented to France?

Mr. ADAMSON. I think it was selected by the people in charge down there.

Mr. FITZGERALD. No. This originated with the distinguished Senator from my own State.

Mr. ADAMSON. Well, it seems to have received the approval of Col. Goethals.

Mr. FITZGERALD. He was consulted afterwards.

Mr. ADAMSON. All of these things have to have an origin somewhere.

Mr. FITZGERALD. What I desire to know is the peculiar historical significance of the launch *Louise*.

Mr. ADAMSON. The only significance I see about it is that perhaps it is the principal launch the French Government turned over to us that they used during their work on the canal.

Mr. FITZGERALD. The French Government did not turn it over to us at all. It was the property of the old French company. Now, if the gentleman has suggested that the House might disagree to the amendment appropriating the money, I assume if we are going to present this launch to France we ought to put it in decent condition. But how about the other amendment? That is, the gentleman's committee recommends the striking out of the provision that this boat shall be first in the ceremonial opening of the canal.

Mr. ADAMSON. We do not think, even with the high degree of courtesy we feel toward France ourselves, that we should abdicate our right to fix the order of proceeding through the canal.

Mr. FITZGERALD. Will the gentleman insist on the amendment?

Mr. ADAMSON. Yes.

Mr. MANN. Does not our friend from Georgia think that France is having a good deal of trouble just now without giving her this?

Mr. ADAMSON. I was wondering, if the gentleman from Illinois will permit, if we are going to complicate our attitude as to neutrality during the present condition abroad. I do not wish to give offense to any other nation that is in the war with France. I want to disavow any intention of that sort.

Mr. MANN. I was not referring to that. But what on earth will France do with the vessel? If France gave us a vessel of this sort, what would we do with it?

Mr. FITZGERALD. Possibly we would buy a navy yard to put it in.

Mr. ADAMSON. I understand the French Government, as a matter of historical sentiment, expressed not only a willingness to accept it but a desire for it.

Mr. MANN. Oh, no. The French Government was asked whether it would accept a gift of this vessel, and with great politeness which distinguishes that race they said they would be delighted to have the opportunity to accept it. They are a little bit different from us. At the time of the World's Fair at Chicago we had presented to us duplicates of the caravels in which Columbus first discovered America. I do not know just where they are now, but I know that they have been a white elephant on the hands of different societies, municipalities, and so forth, since that time, each one generally trying to unload the preservation and care of these vessels upon some one else. There was a recent controversy about it, but just what became of it I do not know. I do not know what we would do if the French Government gave us a boat that could not be used.

Mr. ADAMSON. We were diplomatic enough to use those vessels in a way so that they did not result in bringing on the Spanish War. I think France could handle it in some way so as not to give offense to us about it.

Mr. WILSON of Florida. Do I understand from the gentleman from Georgia that we are preparing a launch to go through the Panama Canal at the formal opening for a foreign Government, and that the launch is to have the place of honor?

Mr. ADAMSON. If the gentleman so understands, he misunderstands me, Mr. Speaker. We have stricken that provision from the Senate bill. We reserve the right to make our own choice as to the order of procession through that canal.

Mr. WILSON of Florida. Does not the bill state that this ship——

Mr. ADAMSON. If the gentleman will keep it in confidence, I will tell him that some of our own crowd will go through on the first ship. [Laughter.]

Mr. WILSON of Florida. I hope so.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

On page 1, strike out all of section 1 after the word "Government," in line 9, and all of section 2, on page 2.

Mr. MANN. Mr. Speaker, those are two distinct amendments.

The SPEAKER. Which is the first one?

Mr. MANN. It is specific, section by section.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

Strike out all of section 1 after the word "Government" in line 9 of page 1.

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

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amend, page 2, by striking out section 2.

Mr. ADAMSON. That contains the appropriation.

The SPEAKER. That is the one the gentleman wants beaten?

Mr. ADAMSON. Yes; I want to defeat that if I can.

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

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

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

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

The SPEAKER. The Clerk will report the next one.

ENLARGED SITE, PUBLIC BUILDING, PLYMOUTH, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16829) to provide for enlarging the site for the United States building at Plymouth, Mass.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise all the land in the old William Brewster plat still owned by private parties and contiguous to the public-building site now owned by the United States at Plymouth, Mass., and that the total cost of such extension and improvement shall not exceed the sum of $12,000: *Provided*, That if the land described shall be obtained for less than the amount authorized, the remainder may be used by the Secretary of the Treasury in grading and otherwise improving the same.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, what improvement is contemplated on this enlarged site?

Mr. THACHER. I shall be very glad to give information about this matter. This is in the town of Plymouth, Mass. In the original bill, introduced some years ago, the construction of the post office now going up on the corner of Main and Leyden Streets was authorized. At the time the bill was brought in they ought to have taken in a little more land.

Mr. MANN. Very well.

Mr. THACHER. The town of Plymouth contains from 13,000 to 14,000 inhabitants. It is growing very rapidly. Plymouth Rock, where the Pilgrims landed from the *Mayflower* in 1620,

is about a quarter of a mile away from the site of this post office, which is located at the corner of Leyden Street, which runs from the harbor in a westerly direction, and Main Street, which runs north and south. This is the original plat given to Elder Brewster in 1620, and here he taught religious and civic liberty. Here the post-office building is being erected. At this corner there formerly stood a church, and it was expected that the people who owned this church would move the church to the land now proposed to be acquired. After the Government had acquired the property which they now own the church society decided to move the church to another part of the town. One piece of property now owned by the Government contained a dwelling house, and public-spirited citizens of Plymouth joined together and bought the building at their own expense and moved it away in order that it might not be located on the land now desired to be acquired. The land contains about 7,700 feet in area. As the letter from the Treasury Department, which looks with favor on the proposed legislation, states, it has been necessary to encroach upon the 40-foot fire limit, there being but 24 feet between the post-office building and the boundary.

This property has changed hands recently, and it is very possible that there may be some unsuitable building built close to the post office which would greatly increase the fire risk.

The town of Plymouth has spent about $47,000 in widening Main Street and building a causeway over the town brook, which is the southern boundary of the land. The town proposes to spend about $30,000 in widening Main Street north from the post office. Plymouth has been liberal and generous in her expenditures and has shown that she is proud of the building, and I believe is ready to do more. To be perfectly frank, I think the property ought to have been acquired a year or two ago, when the bill was originally brought in.

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

Mr. THACHER. Certainly.

Mr. MANN. How wide is this strip of land?

Mr. THACHER. I can give you the exact area.

Mr. MANN. The report says the area is 40,000 feet, but that does not mean anything to me.

Mr. THACHER. I beg the gentleman's pardon. It does state in the report that the total area of land acquired and to be acquired will be 40,000 square feet, but that is incorrect. I have the exact figures here. Possibly I am to blame for that incorrectness.

Mr. MANN. Oh, nobody is to blame for errors.

Mr. THACHER. I think I made a mistake last winter. When they asked me, I did not have the figures. I corrected the mistake afterwards. The land proposed to be acquired is 7,700 square feet.

Mr. MANN. How wide is it at this point?

Mr. THACHER. It is 57 feet at this northern line here [indicating].

Mr. MANN. As I understand, the law contemplates 40 feet space for fire protection. The Treasury Department has either violated the law, or else perhaps the law did not apply to this case; but it has encroached upon this fire limit, so that there are now only 24 feet between the building and the outer line——

Mr. THACHER. Yes.

Mr. MANN. Now, you propose to add to that how many feet?

Mr. THACHER. The width of the lot is 57 feet.

Mr. MANN. That would leave a fire space of 81 feet.

Mr. THACHER. I do not think that that is correct.

Mr. MANN. It is if those figures are right.

Mr. THACHER. Fifty-seven is the width of the lot but not the length. Here is about the way it is: As you will see by the map, the Government owns this property in here [indicating], and it is proposed to acquire this property here which runs along Main Street to the town brook. The width of this is 57 feet, and the building comes right close up to this line here.

Mr. MANN. The gentleman will give us all better information if he will throw his map away and describe it to us as it appears to him in his mind's eye. The reason stated in the report is that the acquisition of this land will do away with the probable erection of unsightly buildings in close proximity to the Federal building. Does the gentleman from Massachusetts think we ought to buy all the land around the Federal building for fear somebody will put up an unsightly building?

Mr. THACHER. I will answer that question. It is a little difficult to make the whole thing plain in a few moments. There is a probability that there will be a moving-picture show, or some cheap building, erected there and greatly increase the fire risk. Along here on the opposite side of the town brook there is a moving-picture show going up. The man who has bought the land has threatened to put up something there. Of course you can disregard that, but if there is to be a moving-picture show there in a cheap wooden building you have the risk of fire.

Mr. FITZGERALD. What is the objection to a moving-picture show? Is it not the most highly educational institution there is in the country to-day?

Mr. THACHER. It will not be a fireproof building.

Mr. MANN. That is a matter to be regulated by the city of Plymouth, whether it is to be fireproof or not. Does the gentleman think, because the city of Plymouth will not make proper regulations about the construction of fireproof buildings, we ought to buy all the property there where they could put up buildings which might burn? Of course the gentleman does not think that. I do not seriously ask him that question.

Mr. THACHER. I do not think it is altogether the moving-picture situation, but I would like to make the matter clear.

Mr. DONOVAN. Mr. Speaker, regular order!

The SPEAKER. The gentleman from Connecticut demands the regular order. The regular order is, is there objection?

Mr. MANN. If I can not get the information I want, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. THACHER. I ask the gentleman if he will not be good enough to allow me time to explain this?

Mr. MANN. I will be glad to give the gentleman plenty of time. He will have to charge it up to the gentleman from Connecticut. He is the one who is interfering with the bill.

Mr. THACHER. I hope the gentleman will withhold that. I ask permission to explain this——

The SPEAKER. But the trouble is, the gentleman from Connecticut seems to stick to his demand.

Mr. THACHER. I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that his bill be passed without prejudice. Is these objection?

There was no objection.

TERMS OF COURT AT ELKINS AND WILLIAMSON, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5574) to amend and reenact section 113, of chapter 5, of the Judicial Code of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 113 of chapter 5 of the Judicial Code of the United States be amended and reenacted so that the same shall read as follows:

"SEC. 113. The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday of April and the third Tuesday of September; at Clarksburg on the second Tuesday of April and the first Tuesday of October; at Wheeling on the first Tuesday of May and the third Tuesday of October; at Philippi on the fourth Tuesday of May and the second Tuesday of November; at Elkins on the first Tuesday in July and the first Tuesday in December; and at Parkersburg on the second Tuesday of January and the second Tuesday of June: *Provided*, That a place for holding court at Philippi shall be furnished free of cost to the United States by Barbour County until other provision is made therefor by law: *And provided further*, That a place for holding court at Elkins shall be furnished free of cost to the United States by Randolph County until other provision is made therefor by law. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday of June and the third Tuesday of November; at Huntington on the first Tuesday of April and the first Tuesday after the third Monday of September; at Bluefield on the first Tuesday of May and the third Tuesday of October; at Williamson on the first Tuesday of October; at Webster Springs on the first Tuesday of September; and at Lewisburg on the second Tuesday of July: *Provided*, That a place for holding court at Webster Springs shall be furnished free of cost to the United States: *And provided further*, That no court shall be held at Williamson until a suitable building for the holding of said court shall have been provided.

With the following committee amendment:

Page 3, line 12, after the word "further," strike out the words "That no court shall be held at Williamson until a suitable building for the holding of said court shall have been provided" and insert in lieu thereof the following: "That a place for holding court at Williamson shall be furnished free of cost to the United States by Mingo County until other provision is made therefor by law."

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

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The committee amendment was agreed to.

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

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

PUBLIC LANDS TO DENVER, COLO., FOR PARK PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15533) granting public lands to the city and county of Denver, in the State of Colorado, for public park purposes.

The Clerk read the title of the bill.

Mr. TALYOR of Colorado. Mr. Speaker, there is a duplicate of this bill, passed by the Senate, which is on this same calendar, Calendar No. 270, S. 5197, with a report, No. 989. I would like to have that considered instead of the House bill. I ask unanimous consent——

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent to consider Senate bill 5197, Calendar No. 270, in lieu of House bill 15533, Calendar No. 235, being *identical* in text. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell and convey to the city and county of Denver, a municipal corporation in the State of Colorado, for public park purposes, and for the use and benefit of said city and county, the following-described land, or so much thereof as said city and county may desire, to wit:

All lands now belonging to the United States of America hereinafter described, to wit:

In township 4 south, range 70 west, sixth principal meridian: South half section 32.

In township 5 south, range 70 west, sixth principal meridian: Northwest quarter of northwest quarter section 4; southwest quarter of northeast quarter, south half of southwest quarter, section 10; west half of northwest quarter, west half of southwest quarter, section 14; east half of northeast quarter, southwest quarter of northeast quarter, northeast quarter of southeast quarter, section 20; northeast quarter of northeast quarter section 28; northeast quarter of southeast quarter section 34.

In township 6 south, range 70 west, sixth principal meridian: West half of southeast quarter, east half of southwest quarter, section 3; northeast quarter of northwest quarter section 7; northwest quarter of southwest quarter section 10; east half of northeast quarter, northeast quarter of northwest quarter, northwest quarter of southwest quarter, section 17.

In township 4 south, range 71 west, sixth principal meridian: Southeast quarter of northwest quarter, southwest quarter, section 2; east half of southeast quarter section 4; south half of northwest quarter, northwest quarter of northwest quarter, west half of southwest quarter, section 30; southwest quarter of northeast quarter, west half of northwest quarter, southeast quarter of northwest quarter, section 31.

In township 5 south, range 71 west, sixth principal meridian: Southeast quarter of southwest quarter section 5; south half of northeast quarter, southeast quarter, north half of southwest quarter, southwest quarter of southwest quarter, section 7; northwest quarter, northeast quarter of southwest quarter, section 8; east half of southwest quarter section 9; northeast quarter of southeast quarter section 12; north half of northeast quarter, southeast quarter of southeast quarter, section 14; northeast quarter, southeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, southwest quarter, section 15; northwest quarter of northeast quarter section 18; west half of northeast quarter section 24; southeast quarter of southeast quarter section 25; northwest quarter of northeast quarter section 26; south half of southeast quarter section 35.

In township 6 south, range 71 west, sixth principal meridian: North half of northeast quarter, north half of northwest quarter, southwest quarter of northwest quarter, south half of southwest quarter, northwest quarter of southwest quarter, section 1; southeast quarter of northeast quarter, east half of southeast quarter, section 2; northwest quarter of northwest quarter, northeast quarter of southwest quarter, section 10; northeast quarter of northeast quarter, south half of northwest quarter, section 11.

In township 4 south, range 72 west, sixth principal meridian: Southeast quarter of southeast quarter, northwest quarter of southeast quarter, section 21; south half of northeast quarter, southeast quarter, south half of northwest quarter, south half of southwest quarter, section 22; southeast quarter, southwest quarter, section 23; southeast quarter of southeast quarter, south half of southwest quarter, northwest quarter of southwest quarter, section 24; east half of northeast quarter, east half of southeast quarter, southwest quarter of southeast quarter, northeast quarter of northwest quarter, southeast quarter of southwest quarter, section 25; northwest quarter of northeast quarter, northwest quarter of northwest quarter, section 26; north half of northeast quarter, southwest quarter of northeast quarter, north half of northwest quarter, southeast quarter of northwest quarter, northeast quarter of southwest quarter, section 27; east half of northwest quarter, south half of southwest quarter, section 28; southwest quarter of southeast quarter, north half of northwest quarter, southeast quarter of northwest quarter, section 33; southwest quarter of southwest quarter section 34.

In township 5 south, range 72 west, sixth principal meridian: South half of northeast quarter, northwest quarter of northeast quarter, north half of southeast quarter, northwest quarter, north half of southwest quarter, section 3; northeast quarter, north half of southeast quarter, southeast quarter of northwest quarter, southeast quarter of southwest quarter, section 4; east half of southeast quarter, section 12. Total, 7,047 acres, more or less.

SEC. 2. That the conveyance shall be made of the said lands to said city and county of Denver by the Secretary of the Interior upon payment by the said city and county for the said land, or such portions thereof as it may select, at the rate of $1.25 per acre, and patent issued to said city and county for the said land selected, to have and to hold for public park purposes, and that there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted and all necessary use of the land for extracting same: *Provided further*, That said city and county shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as before described, and that if the said lands shall be used for any purpose other than public park purposes the same, or such parts thereof so used, shall revert to the United States.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. MANN. Reserving the right to object, I should like to ask one question. I see that the House bill was amended by the committee so as to make the city pay the Government price for this land, upon a part of which the Government price is $2.50 an acre. I suppose the same recommendation was made to the Senate committee; but that is not the way the Senate bill is.

Mr. TAYLOR of Colorado. Identically the same recommendation was sent to the Senate committee that was sent to the House committee, but the Senate felt, inasmuch as the land was of no value, or if there was any value it was reserved to the Government, that $1.25 an acre was as much as we have been making any other city pay anywhere for any Government land, so they made it at the flat rate of $1.25 an acre. At that rate it makes the city pay $10,000.

Mr. MANN. I suppose that was the gentleman's own proposition in the committee? The House committee reported the bill in that way.

Mr. TAYLOR of Colorado. Yes; the House committee reported it in that way; that is true.

Mr. MANN. Of course, it is not always possible to tell just what the land is worth. I notice in the report of the Secretary of the Interior upon this bill that he says the purpose of it is largely to protect the timber thereon, and then the committee says that there is no timber on it worth protecting. There is a difference of opinion. I do not know which is correct.

Mr. TAYLOR of Colorado. Mr. Speaker, the Forest Service in the Interior Department sent a man out there who went all over this, a Mr. Marshall. He made an elaborate report upon it, and while there is considerable scrub cedar there, and it does to a certain extent help to beautify the territory, at the same time it is not what you would call merchantable timber at all, and if it was not protected the people would go up there and cut it into firewood or into fence posts, and destroy it.

Mr. MANN. They have not yet.

Mr. TAYLOR of Colorado. No. They have been trying to keep them off there. The gentleman knows that this is all withdrawn from all forms of entry by President Taft.

Mr. MANN. At the gentleman's request?

Mr. TAYLOR of Colorado. Yes. I have been trying to assist the city of Denver in getting these foothills there which you can see from the city of Denver for quite a number of miles off as a city outing place, with drives and parks. I have been assisting them for a number of years in that. The Interior Department and the Forest Service and the public generally have been favorable to the measure. In view of Denver being our capital and a resort place, and in view of the fact that hundreds of thousands of people go there in the course of a year, they would like to have some place to drive up into the mountains, and this is to encourage them in preserving what timber and scenery there are there as a park for the public.

Mr. SELDOMRIDGE. Mr. Speaker, will the gentleman yield to me?

Mr. TAYLOR of Colorado. Yes.

Mr. SELDOMRIDGE. Mr. Speaker, I am familiar with the land in question. It lies to the west of the city of Denver, in the foothills, and the purpose of the park is to provide several miles, some fifty-odd or more, of automobile roads that would carry the spectator in a series of winding ascents gradually up the mountain, in order to afford a magnificent view of the plain. The land is absolutely of no account for cultivation, and I doubt very much if there is any considerable amount of timber upon it, but it will give to the city of Denver a magnificent mountain park and a large and splendid view of all of that region and the country around about.

Mr. TAYLOR of Colorado. I will say that there is no merchantable timber, because this being right there within the city of Denver, and it has been a city for 40 years, if there was merchantable timber up there of any value it would have been cut off long ago. It has been cut off and burned over. I am referring to merchantable timber, of course. There is small timber there.

Mr. MANN. I suppose there is a good deal of white birch growing up there.

Mr. TAYLOR of Colorado. No.

Mr. MANN. Oh, it grows all over that country.

Mr. SELDOMRIDGE. Oh, the gentleman is mistaken.

Mr. TAYLOR of Colorado. We felt that in paying $1.25 an acre for it we would we paying enough, but I said to the House committee that if the House insisted upon our paying $2.50 an acre, of course there is some of it there that we would have to pay that for, but I think the Senate has passed the bill in proper form.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend section 2 of the bill, page 5, line 17, by striking out the words "grants hereby made" and inserting in lieu thereof the words "sales hereby authorized."

Mr. TAYLOR of Colorado. Mr. Speaker, I accept that amendment.

The SPEAKER. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Page 5, line 17, strike out the word "grant" and insert the word "sale"; and strike out the word "made" and insert the word "authorized."

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

The amendment was agreed to.

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

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

The similar House bill, H. R. 15533, was ordered to lie on the table.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

SILETZ INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was 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.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to authorize the sale of certain lands belonging to the Indians of the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910, be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 3. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expenses incurred in carrying out the provisions of this act, shall be paid, share and share alike, to the enrolled members of the tribe."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I see that the committee did not agree with the department, and I think we ought at least to have a statement of the situation.

Mr. HAWLEY. Mr. Speaker, when this reservation was opened, the Government reserved five sections of land and certain lands around the present town site from the grant of lands by the Indians to the Government. These were reserved for the benefit of the Indians. The act of 1910, passed later, provided that the lands should be sold and that the money should be used for school purposes. These Indians have their lands in severalty, and they are taxpayers on the rolls of Lincoln County, in which this reservation is located. They aid in the support of the county schools and attend the county schools, and the county officials and the patrons of the schools are anxious for them to do so. There are 14 county schools within the bounds of the reservation. Therefore it is unjust to the Indians, on the one hand, to use this money derived from the sale of five sections for school purposes, when they already contribute a very large amount to the maintenance of the county schools and are acceptable students in the county schools and are taxpayers. Second, there is no necessity for it.

The department in its recommendation desired, as it generally does, to retain the money of the Indians in its own hands, but these Indians have their lands in severalty. I have seen a number of their houses and farms, and they are endeavoring to become useful citizens of the United States and to support and maintain themselves. They are well liked by the people of the county and they take part in the county fair, which is supported in part by the State. And it is the general opinion there that it will be good for the Indians that they no longer be held in tutelage by the Government and their moneys withheld from them, but that their moneys be paid directly to them. The money received from the Government when the reservation was opened was paid over to the Indians. A number of these Indians have used their money upon their lands and in buying stock; some of the older Indians still have part of their shares in money, and there is no reason I nor anyone knowing anything of the facts can see why the Indians should not be given this money and let it be used for their benefit and improvement. They are self-supporting people now.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAWLEY. With pleasure.

Mr. STAFFORD. How many Indians are there?

Mr. HAWLEY. Four hundred and thirty-four in all, as I remember.

Mr. STAFFORD. What is the value of these lands, or the amount likely to accrue from the sales of these lands?

Mr. HAWLEY. I can only estimate it. There are 3,200 acres, and they should be worth, I should think, as timberland, in part at least, probably $150,000.

Mr. STAFFORD. Is it timberland?

Mr. HAWLEY. Yes.

Mr. STAFFORD. Is there any water power?

Mr. HAWLEY. If there is any water power, this does not change the act referred to. Section 2 reserves all water power.

Mr. STAFFORD. This bill proposes, as I understand, to sell all the lands that have not heretofore been sold.

Mr. HAWLEY. The act of May 13, 1910, reserves all water power. This proposes, instead of appropriating the money or using the money to maintain schools, that the Indians be given their own money.

Mr. STAFFORD. In the report of the Secretary there is the statement from the Government superintendent that they are not in a very flourishing condition, and upon that report the Secretary recommends that this fund should not be mandatorily paid to members of the tribe, but be placed in the discretion of the Secretary of the Interior so they may expend it for the benefit of the Indians. It is stated here—and the gentleman is well aware—that they have not very much stock on their property, and that it would be to their interest to have the Government purchase breeding stock and purchase other stock so as to care for and advance the welfare of the Indians.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. BURKE of South Dakota. In the opinion of the committee these Indians, as stated by the gentleman from Oregon, are self-supporting, voters and taxpayers in the State of Oregon, and apparently abundantly able to take care of and manage their own affairs; but we believe that it would be much better for them to take the proceeds from the sale of these lands—it is the last matter, I understand, between them and the Government—and get away from the supervision of the Government. Now, the gentleman knows that it is the policy of every bureau of this Government to retain and withhold power and supervision, and especially if there is any money, this superintendent, who the gentleman says has reported against this matter, would deposit this money in banks and pay it out to the Indians, and the Indians would have to come to him, hat in hand, when they wanted anything, and that increases his importance, and so forth, and it seems to me that the action of the committee is thoroughly justified and would be better than to follow the suggestion of the superintendent.

Mr. STAFFORD. To my mind the question is not whether it increases the importance of the superintendent, but what is best for the Indians.

Mr. DONOVAN. Mr. Speaker, regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. STAFFORD. If the gentleman is going to——

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill. There is nothing else to do that I know of.

The SPEAKER. But the gentleman from Oregon was up asking unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

Mr. MANN. But there may be debate wanted on the bill. If we are to be shut off from our right to debate, there are other ways in which we can get it. That is all.

The SPEAKER. The gentleman from Oregon arose prior to the gentleman from Illinois and asked unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15803.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15803, with Mr. Moss of Indiana in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15803, the title of which the Clerk will report.

The Clerk read as follows:

A 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.

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

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. DONOVAN. I object.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] objects, and the Clerk will read the bill.

The Clerk read as follows:

A 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.

Be it enacted, etc., That section 3 of an act entitled "An act to authorize the sale of certain lands belonging to the Indians of the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910, be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 3. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expenses incurred in carrying out the provisions of this act, shall be paid, share and share alike, to the enrolled members of the tribe."

Mr. MANN. Mr. Chairman, I ask for recognition. For how long am I recognized?

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. MANN. I shall not take the time, although I could use the hour in discussing the bill, and take a great deal longer in that way for the consideration of the bill than by the reasonable method of reserving the right to object which Members have, and endeavoring to learn in regard to the bill under the reservation. The consideration of these bills by unanimous consent must necessarily be by unanimous consent, and anybody can throw a monkey wrench into the machinery. It does not require intelligence. It does not require discrimination——

Mr. DONOVAN. Mr. Chairman——

Mr. MANN. Considering what I was just saying, I yield to the gentleman from Connecticut.

Mr. DONOVAN. Mr. Chairman, I make the point that there is no quorum present.

Mr. MANN. That satisfies me.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] makes the point of no quorum. The Chair will count. [After counting.] Sixty-six gentlemen are present, not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken	Beall, Tex.	Calder	Crosser
Ainey	Bell, Ga.	Callaway	Dale
Anthony	Borland	Campbell	Danforth
Aswell	Brockson	Cantor	Decker
Austin	Browne, Wis.	Carlin	Dickinson
Baker	Browning	Carr	Dies
Baltz	Bruckner	Casey	Dixon
Barchfeld	Bulkley	Chandler, N. Y.	Dooling
Barkley	Burke, Pa.	Clark, Fla.	Driscoll
Bartholdt	Burnett	Cramton	Dunn
Bartlett	Byrnes, S. C.	Crisp	Eagle
Elder	Hughes, Ga.	Madden	Sabath
Esch	Hughes, W. Va.	Mahan	Saunders
Estopinal	Hulings	Maher	Seldomridge
Fairchild	Igoe	Manahan	Sherley
Faison	Johnson, Ky.	Martin	Sherwood
Farr	Johnson, S. C.	Merritt	Shreve
Fields	Jones	Metz	Sisson
Finley	Kahn	Montague	Slemp
Flood, Va.	Kennedy, Conn.	Moore	Smith, Md.
Fordney	Kennedy, R. I.	Morgan, La.	Smith, N. Y.
Foster	Kent	Morin	Stanley
Francis	Key, Ohio	Mott	Steenerson
Frear	Kiess, Pa.	Murray, Okla.	Stephens, Miss.
Gard	Kindel	Neeley, Kans.	Stephens, Nebr.
Gardner	Kinkead, N. J.	Neely, W. Va.	Stephens, Tex.
George	Kirkpatrick	Nelson	Stout
Gill	Knowland, J. R.	Oglesby	Stringer
Gillett	Konop	O'Hair	Switzer
Gittins	Kreider	O'Leary	Talbott, Md.
Godwin, N. C.	Lafferty	Padgett	Talcott, N. Y.
Goeke	Langham	Palmer	Taylor, Ala.
Goldfogle	Langley	Parker	Townsend
Gorman	Lazaro	Patten, N. Y.	Treadway
Graham, Ill.	Lee, Ga.	Patton, Pa.	Underhill
Graham, Pa.	L'Engle	Payne	Vare
Griest	Lenroot	Peters	Vollmer
Griffin	Lesher	Peterson	Walker
Gudger	Levy	Platt	Wallin
Hamill	Lewis, Pa.	Plumley	Walsh
Hamilton, Mich.	Lieb	Porter	Walters
Hamilton, N. Y.	Lindbergh	Post	Watkins
Hammond	Lindquist	Powers	Weaver
Hardwick	Linthicum	Rainey	Whaley
Harris	Logue	Rauch	Whitacre
Hayes	Lonergan	Reed	Willis
Helvering	McAndrews	Riordan	Winslow
Henry	McClellan	Roberts, Mass.	Woodruff
Hobson	McGillicuddy	Rothermel	Woods
Howard	McGuire, Okla.	Rubey	Young, N. Dak.
Hoxworth	McKenzie	Rupley	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. Moss of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration 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, and finding itself without a quorum, he had caused the roll to be called, whereupon 227 Members had responded to their names, and he presented therewith a list of absentees for publication in the RECORD and in the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having under consideration House bill 15803, found itself without a quorum, and under the rule he had caused the roll to be called, whereupon 227 Members—a quorum—had responded to their names, and he presents a list of absentees for publication in the RECORD and the Journal. The committee will resume its sitting.

The committee resumed its session.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, how much of my time had I used?

The CHAIRMAN. The gentleman from Illinois used five minutes.

Mr. MANN. Oh, Mr. Chairman, I am sure that I did not use more than a minute. However, I will not quarrel over the odd four minutes. I had not expected to have such a large audience upon this very important bill, relating to the Siletz Indian Reservation, but owing to the enthusiasm and courtesy of my friend from Connecticut [Mr. DONOVAN], he insisted upon the Members coming here to listen. [Laughter.]

I do not intend to consume the time allotted to me, Mr. Chairman, although here is a bill that ought to have consideration, and that was receiving reasonable and proper consideration in the House under the right reserved to object, and before anybody had any opportunity to learn anything about the bill the regular order was demanded. I observed that anyone can throw a monkey wrench into the machinery in regard to unanimous consent, but it does not follow therefore that every monkey ought to throw a wrench. [Laughter.]

Mr. Chairman, I reserve the balance of my time.

Mr. STAFFORD. Mr. Chairman, when I was proceeding in order during the consideration of this bill under the reservation of an objection, the question was asked of a member of the committee as to whether this bill would surrender the water-power privileges on this reservation and cause them to be sold. The gentleman of whom I made the inquiry informed me—and I know he informed me in the best of faith—that that provision was not included in this bill and was provided for in the foregoing provision. On referring to the original act—and I wish to direct his attention to it—I find that provision is made for the reservation of these water powers in the section to be amended. The bill under consideration repeals section 3 of the act that was passed on May 13, 1910, which act per-

mitted the sale of certain lands on the Siletz Indian Reservation. In section 3—and I wish to direct to the especial attention of the gentleman from South Dakota [Mr. BURKE] the phraseology as found in the original act—

That when such lands shall be surveyed and platted they shall be appraised and sold, except such lands as are reserved for water-power sites, as provided in section 2 of this act.

Under the proposed bill we are proposing to repeal that section and substitute new language entirely, without any reservation whatever as to water-power sites; and under my construction—and I believe it is a reasonable construction, and I crave the attention of others members of the Committee on Indian Affairs, and I see before me my friend from Oklahoma [Mr. CARTER] who is always watchful of the interests of the Indians—we will be subjecting these water-power sites to sale.

This is not a little proposition. This is a matter involving hundreds of thousands of dollars. The Secretary of the Interior recommends that this fund be reserved for the benefit of the Indians; but here we have the Indian Committee departing from the recommendation of the Secretary of the Interior and saying that the fund should be turned over absolutely to the Indians. The report, containing the letter of the Secretary of the Interior, shows that these Indians are in rather destitute circumstances.

I do not charge any bad faith to the gentleman from Connecticut [Mr. DONOVAN], who tried to foreclose reasonable consideration of this bill, and I do not say that he wittingly had any disposition to have this bill rushed through the House and thereby jeopardize the interests of the Indians.

Mr. Chairman, when bills are reported here in the House affecting the interests of the Indians it is too frequently the case that their interests are not properly safeguarded. Only three years ago Congress passed the bill which it is proposed to amend, and it was then the deliberate judgment of this House that the funds from certain lands should be reserved for the benefit of the Indians. Here we have the report of the Secretary of the Interior recommending that though these lands be sold the funds be reserved for their benefit. The report says these Indians are in destitute circumstances; that they have only 3 bulls, 138 cows, and a very few chickens and sheep. The Secretary of the Interior recommends that these funds be utilized for the benefit of the Indians themselves. The gentleman from South Dakota [Mr. BURKE] says that it is not advisable to reserve these funds any longer, but that we should go contrary to the judgment of the Secretary of the Interior and parcel out this money piecemeal to the respective Indians.

But there is more than that. These are valuable forest lands, with valuable water powers contained on them. The Indians are entitled to those water powers. That valuable franchise should not be sacrificed by selling them to some private interests. When it is sacrificed and the money deposited in the hands of the Indians, we who have some knowledge of the history of moneys furnished to the Indians know that their money goes rapidly, and the Indians are left a charge upon the people of the community.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STAFFORD. I will gladly yield.

Mr. BURKE of South Dakota. If the gentleman will read the statute on page 367, section 3, I will state to him that it was the intention of the committee to have section 3 read exactly as it reads in the statute down to the word "domain," and then after that comes the language that is in this bill as section 3. I do not know how the mistake occurred, but the report fails to show what the committee intended should be done. It was not intended to leave out the first four lines of section 3 as they appear in the statute.

Mr. STAFFORD. If the gentleman will permit me to ask him a further question: If it is the intention to reserve the water powers on these lands for the benefit of these Indians, why should not the lands themselves be reserved for their benefit? What reason for the haste? What is the need of it? These lands were sold only three years ago, and the Indians received the returns. Why should we proceed now to sell the remaining lands and divide up the money?

Mr. BURKE of South Dakota. The act of 1892 provided for the sale of all of the lands belonging to the Indians except about five sections, which were reserved. The 1910 act authorized the sale of the lands reserved and they might have been already sold. This bill simply provides that the proceeds directed by the 1910 act to be used for educational purposes shall be paid to the Indians. The bill does not change the law a particle in any other particular, and I call the attention of the gentleman to section 2, which is in no way changed, which expressly provides that the water-power sites shall be reserved.

The committee did not intend, and it is not the purpose of this bill, to change the act of May 13, 1910, at all, except to provide that certain moneys received from the sale of the lands shall be paid to the Indians instead of expended for educational purposes, when there are public schools provided by taxation and the Indians are contributing as taxpayers toward the maintenance and support of the schools.

Mr. STAFFORD. But if this bill is passed and these lands are sold, and there are no qualification as to the use of these funds, the Indians will have no other lands remaining except their own allotments that they received under the original law.

Mr. BURKE of South Dakota. They are self-supporting, and they are full citizens of the State of Oregon. They are taxpayers and voters, and it is not the function of the Government to supervise the affairs of its citizens. If the Indians should not use the money properly and should become paupers, it would be up to the State of Oregon to take care of them.

Mr. STAFFORD. In the State of Michigan and other States they have become public charges; but these Indians are still our wards. They still have property.

It is their property which we wish to safeguard, and you are proposing by this bill to go contrary to the recommendation of the Secretary of the Interior, which is to hold the funds for their benefit. You are proposing to have the money parceled out when we know it will not remain very long in their possession. Personally I would much rather follow the recommendation of the Secretary of the Interior and have these proceeds reserved for the benefit of the Indians. What objection can there be? We know they need attention. Why should we throw them upon the mercies of the public when in only a few years they will again become public charges and perhaps paupers?

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

Mr. STAFFORD. Yes.

Mr. MILLER. Mr. Chairman, I simply want to ask the gentleman if in his opinion it is not a wiser policy to give the Indian his property just as far as he is able intelligently to handle it rather than to keep it in our possession and dole it out to him bit by bit?

Mr. STAFFORD. When it is shown, as it is shown in this case, that these Indians are not capable of protecting themselves, not able to make their own livelihood, then I say such property as remains in the hands of the Government should be retained and paid out piecemeal for their benefit.

Mr. MILLER. If the gentleman has correctly stated the situation, I am sure that the conclusion he reaches is correct; but I do not think that he will find in the report the premise that these Indians are not capable of taking care of their own property for themselves.

Mr. STAFFORD. I think that is the fair inference from the report of the Assistant Secretary.

Mr. MILLER. The report is rather silent upon that. The gentleman from Oregon [Mr. HAWLEY] had personal information about these Indians, which he communicated to the committee, and that, in addition to other information, convinced us that these Indians were rather advanced, speaking of Indians generally, in their capacity to handle their own affairs, and that it would be extremely unwise to keep such a little bit as this is and not pay it out to them.

Mr. STAFFORD. But this would mean several hundred dollars per Indian.

Mr. MILLER. We thought it would be better to give it to them rather than keep the proceeds, so that they could purchase additional stock.

Mr. STAFFORD. The department wishes to purchase it for them, so that they can not waste these funds.

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

Mr. STAFFORD. Certainly.

Mr. HAWLEY. If the Indian is not capable of managing his affairs in the purchase of his stock, then if the department should purchase a fine bull or a horse, he would sell it the minute he got it, would he not?

Mr. STAFFORD. Then the whole policy of the Interior Department is at fault. We have been passing any number of bills here granting power to the department to purchase supplies for Indians upon the idea that it will be conserved after it has been transferred to the Indians themselves, but here we have a report which positively states that they have not any great quantity of stock, very little poultry, and it was a reasonable inference, reading that letter of the Assistant Secretary that they are in rather destitute circumstances and need protection.

I reserve the balance of my time.

Mr. HAWLEY. Mr. Chairman, in reference to the matter of the first part of section 3, it was not the intention of anyone to eliminate the first four lines, as given in the Revised Statutes,

and I am going to move, when the bill comes up for consideration under the five-minute rule, that the first four lines of that section be restored, that only the part of the section be changed which pays the money to the Indians directly instead of leaving it in the hands of the department to parcel it out to them as its agent may see fit. The lands of the former Siletz Indian Reservation were bought by the United States from the Indians about 20 years ago, in round numbers, and the lands then reserved from that transfer are the lands now under consideration. I see the act is dated 1892. The money was distributed to the Indians very shortly after the ratification of the treaty, which was within a few years later. The Indians used that money after they received their allotments for the building of barns and houses and fences and the purchase of stock. They have maintained themselves now for nearly 20 years in very comfortable circumstances. I have been on the reservation and have seen some of the houses and the farms. They are learning to farm. They are proud of the fact that they are making their way alongside of the white man, who bought the lands that were sold or disposed of in the reservation.

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

Mr. HAWLEY. Yes.

Mr. CARTER. Is it not a fact that these particular Indians are not as a class stock raisers, but are more agriculturists?

Mr. HAWLEY. The gentleman is right about that, and I was coming to that. I do not know at what time of the year the gentleman who made this report to the department made it. They sell at certain periods of the year, when the market is right, the surplus stock on the land. It may have been that that was done immediately before this man made this report. As a usual thing they "run" a few stock, but they are mostly agricultural, as I understand. The lands are very valuable for agricultural purposes, although they do raise some stock, and in contradistinction to what the gentleman from Wisconsin [Mr. STAFFORD] has said, I know that for nearly 20 years these Indians have made a good and sufficient living on the lands allotted to them, and, in fact, many of them have a part of the original amount paid to them by the Government for the land. Now, there is no reason why the money should not be paid to them. It was reserved in the original bill because it was thought it was necessary for school purposes. The Indians are taxpayers and voters. These children attend the public schools, which they help to maintain with their taxes. Everybody is satisfied with the arrangement, and the department itself requests that the money be no longer held for school purposes, but that it shall be devoted to the buying of stock for the Indians. Now, if the department is to hold this money and buy stock for the Indians, it must keep an account with each separate Indian, because each Indian under the original act is entitled to share and share alike.

If he is entitled to $300 or $400 the department must keep an account with each Indian. It must buy for each Indian so much stock, and when it runs up to that amount it must quit. Those who are capable of handling their stock and using it wisely will apply for the money to be used in buying of the stock, and they would use the money themselves if they had it for the buying of stock, and if there is any Indian so careless that he would not apply for the purchase of stock he would not get the money, and if the Government reserves the money for the purchase of stock and then an Indian is entitled to $300 and comes and says that he wants to buy some cows or some sheep or hogs, immediately after the Government has purchased them and put them on the land they belong to him and he can sell them. Why not give the money to them directly and save the expense of the Government in buying, and handling all this money, and save to the Indians the cost which would be taken out by the Government for the administration and handling of this money?

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

Mr. HAWLEY. With pleasure.

Mr. MILLER. Has the gentleman given consideration as to whether or not a large part of this might be used in the expense of administration by the department handling the money in the purchase in the way in which he indicates?

Mr. HAWLEY. Unless the money was appropriated otherwise—and there is no other money appropriated, I think—the expenditures would probably be paid out of this sum and a considerable portion of their fund used for administration. The moneys received formerly by these Indians from the sale of the Siletz Reservation have been as wisely used as any body of men and women would have used them, and the moneys to be received from the sale of these reserved lands likewise will be well used, and better, I think, as the Indians have had more experience. I never heard that the moneys formerly received were taken by white or other adventurers from the Indians at the Siletz Reservation. It is a community of agricultural people. It might have been said that the former moneys should have been left in the hands of the department to be expended by the department for the Indians. But the wiser course was at that time pursued, and in the light of the experience we have had of these Indians there is no reason why that course should at this time be changed. The moneys derived from the sale of these reserved lands should be given to the Indians enrolled as members of the tribe, share and share alike. It was formerly so done, and it proved the best thing that could have been done. I reserve the balance of my time.

Mr. CARTER. Mr. Chairman, I am sorry I was detained by a subcommittee meeting when this bill first came up, and therefore have not heard all of the discussion. I see, however, that my good friend from Wisconsin [Mr. STAFFORD] was on the job, and, as usual, was looking out for the protection of the Indian. In a general way, Mr. Chairman, I want to say in a treatment of the Indian question many of us fall into the error of viewing the Indian as a narrow or distinct type. There are as many different kinds of Indians as there are different kinds of white men. There are stock-raising Indians and nonstock-raising Indians. There are agricultural Indians and nonagricultural Indians. There are smart Indians and dull Indians. There are industrious Indians and lazy Indians. The difficulty with our system is that we have tried to narrow it down to a certain type and bring all Indians within its restricted scope. We are dealing here with a number of Indians who, from representations made before our committee, were shown to be self-supporting, self-sustaining Indians, ready to take upon themselves the full responsibilities of United States citizenship, ready to accept everything that may come to them, ready to merge into a general citizenship and make their own way. There is nothing so calculated to discourage initiative character in a man as too much paternalism. I believe that the noncompetent Indian should be protected, but I believe that a distinction should be made between the incompetent and the competent Indian, and that as soon as an Indian becomes competent, as soon as he reaches the point of intelligence at which he can care for himself, any further attempt to supervise his actions or supply his wants simply stimulates indolence and destroys such initiative character as we have been able to build up.

Mr. COOPER. Will the gentleman yield for an interruption?

Mr. CARTER. I will.

Mr. COOPER. I notice that the First Assistant Secretary of the Interior recommends that these words be inserted:

> In the discretion of the Secretary of the Interior may be paid to or expended for the benefit of the Indians entitled thereto, in such manner and for such purposes as he may prescribe.

Now, he would leave it to the Secretary of the Interior to ascertain whether some of these Indians were competent to take care of the money and expend it discreetly, and he would leave it to the Secretary of the Interior, if they were not so competent, to expend it for them.

Mr. CARTER. Mr. Chairman——

Mr. COOPER. But if you hand it all over to them, they are going to lose it.

Mr. CARTER. I have not any objection, Mr. Chairman, to that language going into this bill if this House thinks it is necessary after what has been said. But I repeat here that we have a class of Indians who, it was represented to our committee by everyone, including the gentleman from Oregon [Mr. HAWLEY], and I think by the department, were competent to accept the responsibilities of citizenship. It may be possible that there one or even a dozen are not competent, but where can you show me a community of white people in this country in which everyone is competent to take care of everything that comes into his hands. I would dislike to have that rule applied to myself at times.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. BURKE of South Dakota. The gentleman from Oklahoma may overlook the fact that these lands were authorized to be sold originally in 1892. The money was paid to the Indians—the proceeds received from those sales. The allotments, instead of being allotments as ordinarily, were restricted. They have fee title to their land.

Mr. CARTER. I was going to get to that.

Mr. BURKE of South Dakota. They are citizens in every sense. They are in no way restricted Indians.

Mr. CARTER. They have fee patents now to their lands and titles to those lands, and are paying taxes upon them. If the Indian is competent to take care of his land and make his living upon it, having a full fee title to it, and does not dispose of it, or takes care of the funds for which he might dispose of that land, it occurs to me there is very little in the conten-

tion that he might not be able to take care of the funds that might be handed to him by the Federal Government.

Now, Mr. Chairman, I want to get back to the point I was just discussing, which is this: There is nothing on the face of the earth that will make a man dependent any more than for him to think that away out in the future he may have some money coming to him whenever he may call on the Secretary of the Interior. My notion is that this money should be paid over to these people, because they are competent to handle it, and they should not be expecting that the Federal Government is going to do something for them in the future. If they are citizens, let us make them citizens in fact. Let us make them citizens to all intents and purposes. Let us put all the responsibilities upon them and give them all the privileges.

Mr. MILLER. Will my colleague on the committee yield for a question?

Mr. CARTER. I yield.

Mr. MILLER. Would it be the Secretary of the Interior himself or an agent of the Indian Office somewhere out in Oregon who would determine whether or not to pay the money to the Indians, or whether or not to divide things for them or what should be bought?

Mr. CARTER. It would necessarily be an agent, or more likely a clerk in the agency office. Neither the Secretary, the Indian Commissioner, nor any one in the Indian Office here would be likely to see this Indian. If these Indians are similar to some of the Indians with whom I have come in contact, some of them may have earning capacities of $2,000 or $3,000 per year. Under the proposed suggestion this man would probably have some clerk passing on his competency whose salary does not exceed $1,200 or $1,500 per annum.

Mr. MILLER. May I ask one more question?

Mr. CARTER. I will be glad to yield.

Mr. MILLER. Would it be to the personal interest of the agent or not to retain just as much a supervision and control over these Indians as he could?

Mr. CARTER. The gentleman from Minnesota and myself have had some experience along that line, and we know that just as you solve an Indian problem, just as you place an Indian on his responsibilities and remove departmental supervision from him, just that fast you cut off somebody's salary; just that moment must the pay roll be cut down, because there are less men to be supervised, and I want to say frankly and candidly that I have not always seen any very urgent tendency on the part of the employees of any bureau to cut down pay rolls and abolish jobs. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to authorize the sale of certain lands belonging to the Indians of the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910, be, and the same is hereby, amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 3. That the proceeds derived from the sale of any lands hereunder, after reimbursing the United States for the expenses incurred in carrying out the provisions of this act, shall be paid, share and share alike, to the enrolled members of the tribe."

Mr. HAWLEY. Mr. Chairman, I move to amend, in line 9, by inserting after the words "Sec. 3" the following.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

Mr. HAWLEY. The language offered to be inserted is the language of the original act.

The Clerk read as follows:

Page 1, line 9, after the words "Sec. 3," insert the following: "That when such lands are surveyed and platted they shall be appraised and sold, except lands reserved for water-power sites, as provided in section 2 of this act, under the provisions of the Revised Statutes covering the sale of the town sites located on the public domain."

Mr. HAWLEY. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The amendment was agreed to.

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Mr. Chairman, pending that, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 2, after the word "act," strike out the remainder of the paragraph and insert the following: "in the discretion of the Secretary of the Interior, may be paid to or expended for the benefit of the Indians entitled thereto in such manner and for such purposes as he may prescribe."

Mr. STAFFORD. Mr. Chairman, just a word. This amendment is the recommendation of the Secretary of the Interior, that these funds shall be placed in his hands and parceled out to the Indians as he may deem best for their welfare. I have already spoken in favor of the amendment in general debate, and I do not propose to consume the time of the committee longer.

Mr. BURKE of South Dakota. Mr. Chairman, I hope the amendment will not prevail. The department simply suggests that some of the funds might be very profitably utilized for industrial purposes, and therefore proposes that the bill be amended.

Now, there is no case, I may say, where the Indians are not restricted, where the Government attempts to withhold and supervise the payments of money due them.

Mr. FITZGERALD. How many of these Indians are there?

Mr. BURKE of South Dakota. About 400.

Mr. FITZGERALD. How much money is involved?

Mr. BURKE of South Dakota. It will not exceed $150,000.

Mr. HAWLEY. It may not run that much. That is an outside figure.

Mr. FITZGERALD. How much would that be apiece?

Mr. STAFFORD. About $400.

Mr. FITZGERALD. These Indians have about 116 or 120 head of cattle, all told—those 400 Indians?

Mr. BURKE of South Dakota. They have more than that.

Mr. FITZGERALD. The Secretary of the Interior states the number.

Mr. MANN. They have 3 bulls and 138 cows and heifers.

Mr. FITZGERALD. That is near enough. I said 120. They may have 150.

Mr. BURKE of South Dakota. I will say to the gentleman that these are not restricted Indians.

Mr. FITZGERALD. I do not care anything about that. We are responsible, and everybody knows that if we give this money to the Indians the white sharps out there will have it inside of six months.

Mr. BURKE of South Dakota. That was not the way with the money that was paid to these Indians 20 years ago under the act of 1892.

Mr. FITZGERALD. They have not very much to show for it.

Mr. CARTER. Let me suggest to the gentleman from New York that these Indians are competent Indians. If he will give them this $400 apiece he may not have to complain of their having so little stock in the future.

Mr. FITZGERALD. How much do we appropriate for the support of the Siletz Indians?

Mr. CARTER. Nothing at all.

Mr. FITZGERALD. I mean these Indians affected by this bill.

Mr. CARTER. Those are the Siletz Indians.

Mr. FITZGERALD. Do we not provide schools for them?

Mr. CARTER. No, sir. The intention was that these funds should be used for schools, but the Indians have advanced to such an extent that their children are all now in the public schools. They are taxpayers. They own their titles in fee to their land and they have not sold of it, which is a pretty good guaranty of their business qualifications.

Mr. FITZGERALD. This money is only the proceeds of the sale of the lands that were reserved for the purpose of establishing day schools, is it not?

Mr. CARTER. No, sir.

Mr. HAWLEY. The lands were not reserved for that purpose.

Mr. CARTER. The lands were sold, but the proceeds were to be reserved.

Mr. FITZGERALD. For the establishment of schools?

Mr. HAWLEY. Not originally.

Mr. FITZGERALD. And the department states that there are public schools in which these Indians are and can be educated. Now, what other moneys are derived from the sale of these lands besides this sum? Provision is made for the sale of the land and the proceeds are to be reserved for education, proceeds to which they are entitled and which they will receive.

Mr. HAWLEY. I think they are entitled to all of it.

Mr. FITZGERALD. No. One hundred and fifty thousand dollars is the amount of the proceeds from the sale of the land,

which money was utilized for school purposes. How much other money are they to get from the sale of these lands?

Mr. HAWLEY. When the reservation was first opened the Government paid them share and share alike, as provided in this bill.

Mr. FITZGERALD. How much did it amount to?

Mr. HAWLEY. I do not have the figures in mind. I think it ran from $150,000 to $200,000.

Mr. FITZGERALD. Are they an agricultural people?

Mr. HAWLEY. They are an agricultural people. They have their lands in fee simple. They live on their lands. They have farms, houses, and barns, and they have improved their lands. They get most of their living from the land.

Mr. FITZGERALD. Did they get that money in 1892?

Mr. HAWLEY. I think the transfer was made about 1894 or 1895.

Mr. FITZGERALD. An agricultural people having $150,000 or $200,000 distributed among them 22 years ago now have to show for it 150 head of cattle of all kinds, a decided illustration of their ability to care for themselves.

Mr. HAWLEY. I can show you farms in Oregon that are worth $100,000 on which there is not a head of stock.

Mr. CARTER. These Indians used most of their money in improving their farms, and I understand their farms are in a very good, improved state, when you consider that they are Indian farmers.

Mr. FITZGERALD. The gentleman from Oklahoma, the gentleman from Oregon, and the gentleman from South Dakota represent districts in which there are Indians——

Mr. CARTER. And therefore we ought not to be believed on any Indian question.

Mr. FITZGERALD. They represent, not the Indians, but the white men who have been despoiling them for years, and these gentlemen are always in favor of turning the money over to the Indians without any control or reservation.

Mr. CARTER. Mr. Chairman, the gentleman has not any warrant on earth for making any such statement as that.

Mr. FITZGERALD. Oh, yes, I have. I have served in this House some time.

Mr. CARTER. Yes; the gentleman has served in this House, but he can not point to anything which warrants such a statement as that. The trouble with the gentleman from New York is that his knowledge and experience with Indians is confined to one tribe, and that is the tribe of Tammany.

Mr. FITZGERALD. Mr. Chairman, for the benefit of the gentleman from Oklahoma I will say that I served six years on the Indian Committee, and I have visited Indian reservations in the gentleman's own State. I asked where I could find Indians in the most primitive condition, the most backward, the most unprogressive, and I was sent into the gentleman's State. I have seen how the Indians there were treated by the rapacious white men who have been robbing them every time and ever since they have had the opportunity. The Osage Indians at that time owed $400,000 to the thieving traders. The gentleman knows that.

Mr. CARTER. I do not know what the gentleman is talking about.

Mr. FITZGERALD. I know it. There were 1,800 Indians owing between $400,000 and $500,000 to traders.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] has the floor.

Mr. FITZGERALD. I was asking him a question.

Mr. HAWLEY. I want to say only a word in answer to what has been said. The Indians received this money, that received from the sale of the general reservation, share and share alike, in what they call the great distribution. They were allotted their lands in fee simple. They used the money to build houses, other buildings, and fences on their lands, and those improvements went immediately on the tax roll of the county. For a period of years they have been supporting themselves. They have raised stock and sold it. They have raised crops and sold them. They are not on the pay roll of the Government. The reserved lands now to be sold were lands reserved for certain purposes, not originally for school purposes, and were reserved in the original act ratifying the treaty. The moneys derived from their sale were set aside for school purposes in the act passed about four years ago, but there is no reason why it should be set aside for school purposes, because the Indians are taxpayers and voters, citizens of Lincoln County, and have paid their proportion of taxes, and more than their proportion in some instances, because they have more money than the whites who have just recently settled on the outside lands, and who have no money with which to begin to make their improvements, and whose entries are not yet perfected and so are not taxable. Their children are going to the public schools. Now, they need this money to add to their buildings, or for fencing, or other improvements, or for stock, and for other purposes, and the money belongs absolutely to them. They have demonstrated their capacity to care for themselves. I ask for a vote, and I hope the amendment of the gentleman from Wisconsin will be voted down.

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

Mr. HAWLEY. Certainly.

Mr. NORTON. How many Indians are there?

Mr. HAWLEY. Four hundred and thirty-four.

Mr. NORTON. Does that include the children?

Mr. HAWLEY. Of these, 67 are children of school age.

Mr. NORTON. The report or letter of the First Assistant Secretary speaks of the superintendent in charge. Is there a Government superintendent in charge?

Mr. HAWLEY. He is in charge of certain intestate estates over there, if I remember correctly, and some business connected with minors, but not in charge of the Indians.

Mr. NORTON. He is not in charge of the schools there?

Mr. HAWLEY. There are no Government schools there. These Indians go to the public schools of Lincoln County. There are 14 of these public schools in the reservation.

Mr. NORTON. Supported by the county?

Mr. HAWLEY. Yes.

Mr. NORTON. And the superintendent has no charge over the Indians?

Mr. HAWLEY. Excepting the minor matters that I have mentioned. And I wish to emphasize the fact that I never heard that adventurers of any kind obtained the moneys, or any part of them, that were distributed in the original distribution of moneys received from the sale of the reservation to the Government. If there had been flagrant actions of that sort, I am sure I would have heard of them.

Mr. DONOVAN. Mr. Chairman, I heard my name mentioned a few moments ago by the gentleman from Wisconsin [Mr. STAFFORD] and again by the gentleman from Illinois [Mr. MANN]. It is immaterial to me what the gentleman from Illinois may have stated, but I understood the gentleman from Wisconsin to state that I had tried to defeat or interfere with the passage of this bill. Of course that statement is not true, Mr. Chairman, in any sense.

Mr. STAFFORD. Oh, far from stating anything of that kind——

Mr. DONOVAN. I understood the gentleman to say that.

Mr. STAFFORD. Oh, no. If the gentleman will permit, I will disabuse his mind entirely of any idea that I made any such charge. What I did say was that the gentleman by reason of his obstructionist tactics was seeking to prevent the information being disclosed that would safeguard the Indians.

Mr. DONOVAN. Obstructionist tactics? I wish to deny that as well. Mr. Chairman, this afternoon and last Friday afternoon there seems to have been a concerted action to talk against time. A simple bill comes up, and the Speaker asks if there is objection to its consideration. They take up half an hour, and at the end of that time, as a rule, object, after hearing themselves talk for half an hour. This bill was a simple thing, and after they had talked for about 15 minutes I rose and addressed the Chair and called for the regular order. That is not obstruction. It calls for business, and business only, and now the gentleman says that that is obstruction. With his intelligence, and the number of years that he has been here, it does him harm: He understands the meaning of the word "obstruction." Calling for the regular order calls for action, instead of delay and filibustering. Last Friday two or three over there on the Republican side were filibustering all of the time for the purpose of defeating bills that were not in sight nor up for action.

As to the animus and the objectionable part of it, as it appears in the mind of the gentleman from Illinois [Mr. MANN], I have nothing whatever to say. He drivels and he loves to wallow in that kind of drivel. He loves to wallow, and his tongue is only at home when he is abusing somebody. They have all had a taste of it, and most of them run to cover after the style of a Shanghai rooster in the barnyard. But I welcome any of his attacks. I welcome any of his abuse at any time or under any circumstances. I can stand the drivel at all times, Mr. Chairman, but I have never taken any part in any legislative proceedings here except for the purpose of expediting business, or for the purpose of fair play, or for the purpose of honest performance of duty.

Mr. FITZGERALD. Mr. Speaker, I hope the amendment of the gentleman from Wisconsin [Mr. STAFFORD] will be agreed to.

This bill was referred to the Department of the Interior, which made a report upon it. In the report attention is called to the fact that the superintendent in charge among these Indians has heretofore suggested to the Indian Office the advisability of

purchasing breeding stock and material for improvement and advancement of the fruit industry. He states that it is very probable that some of the funds in question might be very profitably utilized for industrial improvements. Therefore the department suggested the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD], to insert a provision that in the discretion of the Secretary of the Interior the money may be paid to the Indians entitled thereto or expended for their benefit in such manner and for such purposes as the Secretary of the Interior may prescribe. This money comes from the sale of lands, the proceeds of which were reserved for the purchase of sites for schools and the erection of the necessary school buildings thereon.

At present it appears there are ample public schools in which these Indians are being educated, so that it is not necessary to reserve the proceeds of these lands for the purchase of school sites and the erection of school buildings. The department suggests, however, that hereafter a situation may arise where that may be necessary. From this report it appears evident that the superintendent among the Indians has heretofore suggested to the department, in effect, that an appeal be made to Congress for a gratuity appropriation in order to provide the necessary stock, implements, and improvements necessary to make the Indians self-sustaining and prosperous. Attention is called to the fact that there is a considerable amount of grazing land in the hills which belongs to them. Comment is made upon the fact that the amount of cattle is comparatively small for 300 Indians. The bill as reported provides for the payment of this $150,000 outright to these Indians, share and share alike. The amendment of the gentleman from Wisconsin proposes that this money shall either be paid to the Indians or be expended for their benefit, in the discretion of the department. Under the bill as now before the House, it makes no difference whether the Indians be incompetent or worthless or even not industrious, they will get their pro rata of payment and some of them will squander it.

If the amendment proposed by the gentleman from Wisconsin be adopted, the industrious, competent, capable Indain undoubtedly, as the practice of the department has been under such legislation, will have paid to him the money to be utilized in the manner best for himself or for his own interests, while the shares of the incompetent or thriftless, instead of being turned over to them to be squandered, will be expended by the department for their benefit and in their interest. What excuse can there be to turn this $150,000 over to these Indians indiscriminately, regardless of their capacity? Why not do what the department suggests, put it in the discretion of the department? It has the information which we have not, to determine whether to expend the money or to pay it out as the case of each individual Indian may demand. Why turn it over to be squandered by the thriftless and to be utilized by the industrious? Why not see that the entire amount is expended in a manner that will best advance and promote their interests? We maintain the great Department of the Interior, with a great Indian Office, for the purpose of protecting the Indians, keeping them from becoming a charge upon the taxpayers of the United States, conserving their property, and looking after the proper expenditure of their funds. Why not abolish the office and turn all of the enormous sum now in the Treasury over to them, regardless of their capacity? That is what is proposed in this case. The administration suggests that the money be placed under the care and scrutiny of the administration officials, so that the obligation of the Government as a trustee and a guardian of the Indians may properly be performed and the money expended for their benefit. I hope the amendment of the gentleman from Wisconsin will be adopted.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead and acts amendatory thereof and supplemental thereto"; and

H. R. 11745. An act to provide for the certificate of title to homestead entry by a female American citizen who has intermarried with an alien.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 65. Joint resolution to amend S. J. Res. 34, approved May 12, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States."

SILETZ INDIAN RESERVATION.

The committee resumed its session.

Mr. CARTER. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. The Chair will call the attention of the committee to the fact that all debate is exhausted on this amendment. The question is on the amendment——

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

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes.

Mr. CARTER. Mr. Chairman, I withdraw the request.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. STAFFORD), there were—ayes 21, noes 27.

So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Moss of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15803, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The SPEAKER. The gentleman from Oregon moves the previous question and amendment to final passage.

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

Mr. FITZGERALD. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 40, noes 7.

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

The SPEAKER. The gentleman from New York makes the point of order there is no quorum present.

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

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

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

On a division (demanded by Mr. FITZGERALD) there were—ayes 25, noes 27.

Mr. FITZGERALD. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands tellers.

The question was taken, and tellers were refused.

The SPEAKER. The vote is—ayes 25, noes 27; and the House declines to adjourn.

Mr. FITZGERALD. Mr. Speaker, were there not enough Members to order tellers?

Mr. MANN. It takes one-fifth of a quorum to order tellers.

The SPEAKER. It takes one-fifth of a quorum.

Mr. MANN. And here we are because of the brilliant leadership on your side of the House.

Mr. DONOHOE. Mr. Speaker——

Mr. MANN. I make the point of order that the gentleman from Pennsylvania can not be recognized.

The SPEAKER. The Chair was just going to tell him that.

Mr. UNDERWOOD. Mr. Speaker, I think it is apparent that we can not get a quorum here to-night. I renew the motion that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order the motion is not in order.

The SPEAKER. Why not?

Mr. MANN. The House has just voted down a motion to adjourn.

The SPEAKER. That is true; but there is only one of two things to do.

Mr. MANN. There has been no business transacted since.

The SPEAKER. We can not transact business without a quorum, and there are only two motions that can be entertained. One is a motion to adjourn and one is for a call of the House. The Chair recognizes the gentleman from Alabama to make a motion to adjourn.

Mr. MANN. I make the point of order, Mr. Chairman, that the motion to adjourn, just having been voted down, can not be renewed at once without something else having transpired.

Mr. UNDERWOOD. Mr. Speaker, I do not know of any ruling that does not authorize a motion to adjourn to be made immediately after the defeat of another one, except on a proposition as to whether the motion is dilatory. If the gentleman wants to make that point of order, it is for the Speaker to determine whether my motion is dilatory or not.

Mr. MANN. Mr. Speaker, I will withdraw the point of order, in view of the great leadership shown on that side of the House before the gentleman from Alabama [Mr. UNDERWOOD] came in. They do not know whether they are in or not; they do not know whether or not they are in the city.

ADJOURNMENT.

The SPEAKER. The question is on the motion to adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned until Tuesday, August 18, 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 Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Yalobusha River, Miss., up to Grenada (H. Doc. No. 1145); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Grand River, Mich. (H. Doc. No. 1146); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 18397) to provide for the erection of a public building at Columbia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. WEBB: A bill (H. R. 18398) for the purchase of a site and the erection of a public building at Morganton, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. FALCONER: A bill (H. R. 18399) providing for relief of settlers on unsurveyed railroad lands; to the Committee on the Public Lands.

By Mr. DEITRICK: A bill (H. R. 18400) prohibiting the acceptance of any unreasonable prices for any goods, wares, merchandise, or products of the soil or mines; to the Committee on the Judiciary.

Also, a bill (H. R. 18401) regulating the exportation of goods, wares, merchandise, or products of the soil or mines; to the Committee on the Judiciary.

By Mr. BELL of California: A bill (H. R. 18402) to provide for the erection of a public building at Long Beach, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. BRITTEN: Resolution (H. Res. 595) authorizing the Secretary of State to communicate with the Japanese Government that the United States views with concern the issuance of its ultimatum to Germany; to the Committee on Foreign Affairs.

By Mr. McKELLAR: Joint resolution (H. J. Res. 322) to amend Senate joint resolution 34, approved May 12, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States"; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18403) granting a pension to Charles E. Faux; to the Committee on Pensions.

By Mr. BAILEY: A bill (H. R. 18404) granting a pension to Sara Gates; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 18405) to correct the military record of Thomas J. Corriell; to the Committee on Military Affairs.

By Mr. GUDGER: A bill (H. R. 18406) granting a pension to Annie Fredericka Pope Bowles; to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 18407) granting an increase of pension to James Wiginton; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 18408) granting an increase of pension to George Ulmer; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 18409) granting a pension to Ella E. Swift; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 18410) granting a pension to Ellen T. Harris; to the Committee on Pensions.

Also, a bill (H. R. 18411) granting an increase of pension to Frank R. Porter; to the Committee on Pensions.

Also, a bill (H. R. 18412) granting an increase of pension to James Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18413) granting an increase of pension to James H. McPherson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18414) granting an increase of pension to Robert Farmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18415) granting an increase of pension to Isaac Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18416) granting an increase of pension to William Forgy; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Memorial of the Chamber of Commerce, Cincinnati, Ohio, approving amendment to the law limiting liability of vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON of New York: Petition of sundry citizens of Tunesassa, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HINDS: Petitions of sundry citizens and church organizations of the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the executive committee of the Chamber of Commerce of Washington, D. C., protesting against the passage of Senate bill 1624, regulating the construction of buildings along alleyways in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MAGUIRE of Nebraska: Petition of various business men of Murray, Nebr., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. O'LEARY: Petitions of sundry citizens of Queens County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. TREADWAY: Memorial of the Pittsfield (Mass.) Board of Trade, opposing legislation affecting American business; to the Committee on the Judiciary.

SENATE.

TUESDAY, *August 18, 1914.*

(Legislative day of Tuesday, August 11, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gronna	Norris	Smith, Ga.
Borah	Hitchcock	O'Gorman	Smoot
Brady	James	Overman	Sterling
Bryan	Johnson	Penrose	Stone
Burton	Jones	Perkins	Thomas
Camden	Kenyon	Pittman	Thornton
Chamberlain	Kern	Poindexter	West
Clark, Wyo.	Lane	Pomerene	White
Culberson	Lea, Tenn.	Reed	Williams
Cummins	McCumber	Shafroth	
Dillingham	Martine, N. J.	Sheppard	
Gallinger	Myers	Simmons	

Mr. BRYAN. My colleague [Mr. FLETCHER] is necessarily absent. He is paired with the Senator from Wyoming [Mr. WARREN]. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I beg to state that the junior Senator from Mississippi [Mr. VARDAMAN] is detained from the Senate on official business.