Also, resolutions by the San Francisco Labor Council, indorsing House bill 1933 and Senate bill 2321, regulating interstate commerce in convict-made goods; to the Committee on Labor.

By Mr. REED: Petitions of 75 members of the Sunday School of the Free Baptist Church of Alton, 300 members of the congregation of the Free Baptist Church of Alton, 200 members of the Baptist Church of North Woodstock, 150 members of the Free Baptist Church of Jackson, 125 members of the Union Church of Glen and Bartlett, and 110 members of the First Baptist Church of Laconia, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RUSSELL: Petition of 41 citizens of the fourteenth congressional district of Missouri, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions of citizens of Lakewood and Asbury Park, various members of the First Methodist Episcopal Church of Asbury Park, the Woman's Christian Temperance Union of Manahawkin, and sundry citizens of Cranburg, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of New York Stereotypers' Union, No. 1, favoring passage of Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, memorial of the San Diego (Cal.) Chapter of the Daughters of the American Revolution, favoring passage of House bill 2864, relative to old historic pioneer roads; to the Committee on Roads.

Also, petition of the National League of Government Employees, favoring passage of House bill 12056, relative to hours in continuous working plants of Government; to the Committee on Labor.

By Mr. SELDOMRIDGE: Petition of the Denver Chamber of Commerce, favoring passage of Senate bill 4373, relative to amendments to present mining laws; to the Committee on Mines and Mining.

Also, memorial of various commercial bodies of the State of Colorado, favoring the Lever bill relative to better practices of farming; to the Committee on Agriculture.

Also, petitions of sundry citizens of the State of Colorado, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Blanco, Grand Junction, Durango, Canon City, Mancos, Elizabeth, Salida, and Lamar, all in the State of Colorado, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of Rev. Thomas Ludwig and 45 others of York, 115 citizens of Aurora, and 200 citizens of Geneva, all in the State of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Samuel Unzecher, of Seward, Nebr., and John Kavan, of Wahoo, Nebr., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Petition of sundry citizens of Randolph County, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEN EYCK: Resolutions of the common council of the city of Albany, N. Y., by David E. Pugh, clerk of the common council, relative to the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

By Mr. THOMSON of Illinois: Petition of sundry citizens of Illinois, against national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of sundry citizens of Painted Post, Prattsburg, Savona, Ithaca, Richford, and Lowman, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., favoring granting of compensatory time to postal employees for Sunday work; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Schenectady, N. Y., favoring House bill 7286, relative to closing barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. WEAVER: Petition of 10 citizens of Oklahoma City, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany House bill 15651, granting a pension to Nettie Livingston; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: Petition of residents of Roscommon County, Mich., in support of Sheppard-Hobson prohibition resolutions; to the Committee on the Judiciary.

Also, petition from residents of Otsego County, Mich., in support of House bill 11315, to build a Federal building at Gaylord, Mich.; to the Committee on Public Buildings and Grounds.

SENATE.

WEDNESDAY, *April 15, 1914.*

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

Almighty God, we pray Thee to look upon us with great sympathy and pity. We find ourselves in the midst of a sphere of influence and responsibility calling upon all the forces of our nature to meet divinely imposed obligations. We pray Thee to draw near to us, because in the common ground of our contact with God do we find the one basis upon which we can deliver the forces of our lives and of our Nation upon the great issues that are confronting us. We pray that Thou wilt bless all in authority in this Nation. Give to them wisdom in counsel; give to them the spirit of brotherhood; give to them courage in their convictions. May this Nation, as it has in the past, stand for the great principles of freedom of thought and conscience and of submission to the divine will. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

HARBOR TONNAGE AND CONSTRUCTION OF LOCKS (S. DOC. NO. 465).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 9th instant, referred to the Department of Commerce by the Secretary of the Treasury, detailed statements for the fiscal year 1913 of the incoming and outgoing tonnage in the foreign trade for each customs district of the United States, showing also the country of departure and destination and the nationality of vessels, which, with the accompanying paper, was referred to the Committee on Interoceanic Canals and ordered to be printed.

GOVERNMENT OF PORTO RICO.

The VICE PRESIDENT. The Chair lays before the Senate a communication addressed to the President of the Senate, which will be read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 13, 1914.

The PRESIDENT OF THE SENATE.

DEAR SIR: I have just received from the Porto Rican House of Delegates a copy of a memorial addressed to you, with the request that I transmit this document to you.

I have the honor to comply with this request of the house of delegates, and I beg that you will permit me to hope that you will devote a brief portion of your valuable time to the perusal of this memorial, which refers to the problem of citizenship for the people of Porto Rico.

I feel sure that the house of delegates expresses the true sentiment and ideas of the majority of the people of Porto Rico.

Very respectfully, yours,

L. M. RIVERA.

The VICE PRESIDENT. The memorial will be printed in the RECORD and, together with the communication, will be referred to the Committee on Pacific Islands and Porto Rico.

The memorial is as follows:

HOUSE OF DELEGATES OF PORTO RICO,
OFFICE OF THE SECRETARY.

I hereby certify that the following memorial was introduced by the speaker, José de Diego, and unanimously approved by the House of Delegates of Porto Rico at its session of March 12 of the current year.

In witness whereof I issue, sign, and seal this certificate in San Juan, Porto Rico, on the 27th day of March, 1914.

[SEAL.] JOSÉ MUÑOZ RIVERA,
Secretary of the House of Delegates of Porto Rico.

MEMORIAL OF THE HOUSE OF DELEGATES OF PORTO RICO TO THE PRESIDENT AND TO THE CONGRESS OF THE UNITED STATES CONCERNING CITIZENSHIP.

A bill declaring Porto Ricans collectively citizens of the United States is now before Congress.

The House of Delegates of Porto Rico, in the face of a problem that so essentially affects the life, the personality, and the destiny of the people it represents, can not under any circumstances waive the duty of studying this great problem and, with the profoundest respect, begs to address to the President and to the Congress of the United States the present clearly reasoned statement, the fruit of a careful and impartial analysis of the question in its several aspects, as also of an exact knowledge of the sentiments and wishes of the vast majority of Porto Ricans.

But before entering upon a discussion of the merits of this question we desire to clearly state that nothing that may be said on the matter should be construed as disparaging or mortifying with regard to the noble title of American citizenship; but that, while rendering just and sincere homage to your citizenship, we firmly and loyally maintain our opposition to being declared, in defiance of our express wish or without our express consent, citizens of any country whatsoever other than our own beloved soil that God has given us as an inalienable gift and incoercible right.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

First of all, we claim that the granting of American citizenship to Porto Ricans answers no purpose whatever that may serve public necessity or afford general convenience.

The privileges of citizenship can only be referred to two orders of ideas—one internal, the other external to the country of its origin; or, in other terms, in municipal and in international law.

We already possess our own sufficient citizenship of Porto Rico, which is indisputable and ostensible to the world, inasmuch as our citizenship is derived by natural law from our birth and by written law from an act of the Congress of the United States.

Section 7 of the organic act of Porto Rico, approved by the President of the United States on April 12, 1900, provides "that all inhabitants continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States."

It has been stated and repeated on various occasions, without any basis whatever, that we Porto Ricans are a people without a fatherland and without citizenship, of a personality ignored by the law of nations. We have our fatherland, which is our island; we have our citizenship, which is that of Porto Rico; we have personality, which is that of our people; and none can ignore them without causing the island to disappear from the map or without denying that the Congress of the United States that established our citizenship and our personality may be, as it is, one of the most powerful and surpassingly great entities in the political concert of the universe.

We are citizens of Porto Rico, and as such entitled to the protection of the United States. It is thus written in our organic act, and in accordance with the precepts of that act the diplomatic and consular corps of the United States, ever since the administration of President McKinley, keep a register in foreign countries of citizens of Porto Rico and give Porto Ricans the protection to which they are entitled throughout the world.

American citizenship in foreign countries accords no other privilege than that of the enjoyment of the protection afforded by the Government of the United States in the extraterritoriality of consular and diplomatic law As citizens of Porto Rico we enjoy that protection and with it the only privilege derived from American citizenship in international relationship.

In the other order of ideas, which refer to the privileges of citizenship within the State itself, such privileges are summed up and condensed in the individual rights guaranteed by the Constitution of the United States, and the Bill of Rights of your Constitution is applicable to Porto Rico, as has been decided by your Supreme Court in various opinions it has handed down, and especially so in the case of Downs *v.* Bidwell (182 U. S., 244), in which Judge Brown thus expressed the opinion of the court:

"My position * * * is simply that the Constitution does not apply to territories acquired by treaty until Congress has so declared * * * except so far as concerns the natural rights of their inhabitants to life, liberty, and property * * *."

And prior to the expression of any opinion whatever by the Supreme Court of the United States the people of Porto Rico, providing for its own liberty, had already, on February 27, 1902, promulgated "An act to define the rights of the people," which absolutely guarantees the right of conscience and the exercise of religious worship, the privilege against arbitrary search and imprisonment, the freedom of speech, both spoken and written, and the right of peaceable assembly, with powers to apply to the Government for redress of grievances by petition or remonstrance.

We therefore possess through the extension of your constitutional law the rights of life, liberty, and property, which are all the essential rights of humanity; we also have guaranteed by our own law the primary rights of the people, and if you still deem your law and our law insufficient, you may add to or amplify them or determine for us all rights and liberties you please in a new organic act without affecting our citizenship, inasmuch as liberty and rights are gifts that may be granted and accepted to infinity, like the light of heaven that never ceases to shine and illuminate the world.

And we have demonstrated that there is not the remotest necessity of declaring the people of Porto Rico citizens of the United States in order that they may enjoy, as they do enjoy as citizens of Porto Rico, all the privileges of American citizenship within and without the limits of our inextinguishably adored soil.

It has also been repeated, through ignorance of the facts and a confusion of ideas, that although the granting of American citizenship to Porto Ricans solves no practical problem, it yet satisfies a spiritual longing that responds to a general sentiment.

When one speaks thus a distinction should be made as to whether that longing and that sentiment live in the hearts of Americans or in the hearts of Porto Ricans. It seems that in matters of heart, in dealing with something like citizenship that may alter the life and the destiny of our people, it is to us to whom the sentiment should be attributed and it should be we who manifest it. But if we are to speak with entire loyalty, we must say that the sentiment concerning American citizenship for Porto Rico is neither felt by Porto Ricans nor by Americans.

It is not in you who might have declared Porto Ricans citizens of the United States in the law that you promulgated for us in the year 1900, you, nevertheless, constituted us citizens of Porto Rico; it is not in you who besought in Congress by presidential messages to confer on us your citizenship, abstained from so doing during 13 years with firm perseverance

This does not imply a complaint, but is rather praise, for we consider your abstaining from so doing not an offense but a mark of respect for the wishes of the people of Porto Rico and to your own democratic Constitution, which does not permit the government of a people to be transformed in its fundamental basis of citizenship without the consent of the governed.

The sentiment of American citizenship for Porto Rico is neither in you nor in us. You have known for many years that the people of our island is profoundly displeased; that it is in constant protest against the absurd form of government that you imposed on us without our consent; and, through erroneous information or inexact appreciation, you have probably interpreted our displeasure and our protest as due to the fact that you have not granted us American citizenship, when in reality, of the few good things contained in our present organic act, the best is Porto Rican citizenship, which you consecrated before the world by means of a law of your Congress.

The general dissatisfaction in our country, the tide of bitterness that has swept over our souls, and its overflow in constant protest has had its birth and its growth in the régime you decreed for us in the year 1900—a government without representation in its highest spheres, where the legislative and executive powers are amalgamated, where the people do not freely and sovereignly impose their own taxes, where Porto Ricans are kept from directing the administrative departments, where we are subject to an oligarchy of six men who, through presidential nomination, form the majority in the upper house of our legislature and who are at the same time at the head of the executive departments; who legislate and execute the laws, grant franchise of a public nature, and do all those things that constitute the principal attributes of government, while they lack a knowledge of our local laws, of our customs, our temperament, our collective life, our mode of feeling, of thought, and of speech.

We know that the ideas and men who now sit triumphant in the Capitol and at the White House are not responsible for this form of autocratic government against which the great Democratic Party protested in its convention at Kansas City in the year 1900, with these energetic words:

"We declare again that all governments instituted among men derive their just powers from the consent of the governed; that any government not based upon the consent of the governed is a tyranny; and that to impose upon any people a government of force is to substitute the methods of imperialism for those of a republic. We hold that the Constitution follows the flag and denounce the doctrine that an Executive or Congress, deriving their existence and their power from the Constitution, can exercise lawful authority beyond it or in violation of it. We assert that no nation can long endure half republic and half empire, and we warn the American people that imperialism abroad will lead quickly and inevitably to despotism at home. Believing in these fundamental principles, we denounce the Porto Rican law, enacted by a Republican Congress against the protest and opposition of the Democratic minority, as a bold and open violation of the Nation's organic law and a flagrant breach of the national good faith. It imposes upon the people of Porto Rico a government without their consent and taxation without representation. It dishonors the American people by repudiating a solemn pledge made in their behalf by the Commanding General of our Army, which the Porto Ricans welcomed to a peaceful and unresisted occupation of their land."

The same facts, the same reasons, that provoked your protest against the absurd constitutional system in force in Porto Rico; the same facts, the same reasons, but embittered to us by the woe of their experience, have aroused and stimulated our protest, which has its origin in the depth of our régime, without being connected with citizenship, for the citizenship of Porto Rico is neither a source of disparagement, nor sorrow, nor injury to us, but it is a humble and filial pleasure to us to be citizens of our own little and beautiful fatherland.

Another aspect of the question of the declaration of citizenship for Porto Ricans, collectively, is offered from the standpoint of insular revenue.

In virtue of section 4 of the present organic act in force in Porto Rico and the proclamation of the President of the United States of December 25, 1901, all duties and taxes collected in Porto Rico, including excise taxes and customs duties, are paid into the insular treasury.

Apart from the excise taxes and customs dues, the most important taxes collected in Porto Rico are those imposed, at the rate of 1 per cent, on the value of real and personal property. The total revenue paid into our treasury during the fiscal year 1912–13 amounted to $6,650,-224.10, and in the same year all personal and real property was assessed at $179,272,023, so that the taxes on this amount of property, at the rate of 1 per cent, could only have produced the sum of approximately $1,800,000, and the balance paid into the treasury, amounting to upward of $4,800,000 was the proceeds principally accruing from excise taxes and customs dues

At the present date and under the economical crisis that the country is traversing, the value of property having considerably decreased, especially such property as is related with the sugar-cane industry, the income from taxes on property will during coming years inevitably diminish.

With these data we formulate a question of high and complicated transcendency.

If the citizens of Porto Rico are collectively declared citizens of the United States, and are provided by Congress with a constitution, the island being under the flag of your Republic, will not our island, in fact and in law, be converted into an incorporated organized Territory of the United States? With the status of Territory, could we retain in our treasury the income from excise taxes and customs dues? Would not such revenues, like those of all other Territories, have to be paid into the Federal Treasury? Could Congress, within the impassible limits established by the Constitution of the United States, prevent Federal revenues collected in Porto Rico from being turned in to the United States Treasury and permit them to remain in the treasury of Porto Rico?

These are all questions that it is very difficult to answer satisfactorily on the spur of the moment, but after a careful study of this complex problem we are of the opinion that we should very probably lose with our excise taxes and customs dues, the two most abundant sources of Government revenue.

Should this occur our Government would only be able to rely on taxes collected on property and other small imposts that would hardly amount to more than a million dollars to cover a budget that even, with the greatest economy, could never be less than about $4,000,000. This situation could only be solved in the rigorous terms of a terrible dilemma for our country; we should either have to impose taxes at the rate of 4 or 5 per cent on the value of property or we should have to destroy or enormously decrease the service of institutions, public health, and other important branches of our progress; either descend into the exploitation of property or sink our people into the abyss of want and ignorance.

The supposition, the doubt, the mere possibility that this gravest of situations might arise should suspend the action of Congress in deciding to transform the citizens of Porto Rico, now capable of modestly developing their resources and their civilization, into citizens of the United States without their consent and with this glorious title find themselves overwhelmed by economical or moral disaster.

When we say moral disaster we merely refer to the case in which the people of Porto Rico should have to detain or retard their progress, due to the scarcity of government resources to carry them on, but another higher and more delicate problem, likewise of a moral character, is offered to your contemplation as a body of select men born and bred in the superiority of a national environment so pure and clear as that of your democratic Republic.

There are things and ideas in the life of nations, inapprehensible and fugitive, that escape the artificial action of laws when those laws are not the outcome of the remote and tardy action of time, of history, and the fitness of all social elements.

You can surely, by a law of your Congress, decree that all Porto Rican citizens shall be citizens of the United States; you possess political power to do so, but have you peradventure the natural, real, gentilitious, creative power of instantly converting a Porto Rican into an American, not precisely an American born in your country, but a real American citizen, intimately and essentially amalgamated with you in your origin, in your historic evolution, in your language, in your struggles, in your destinies, in all that vast psychology determining your national spirit?

We, Porto Ricans, Spanish-Americans, of Latin soul, imaginative, high-strung, ardorous by reason of the sun of our climate and by the blood in our veins, separated from you by over 400 years and by more than 400 leagues, with a different historic process, diverse language, different customs—could we rapidly, under the sudden impulse of a law, even though ourselves desiring it with an intense and firm will, could we convert ourselves into American citizens, in that spiritual sense that the notion of citizenship requires, and feel, think, wish, and speak as you do, and have with you that solidary of life, of memory, of hope, of ideals, in your long, concurrent, and continuous efforts toward the national and international aims of your great and glorious Republic?

We possess all these qualities to make us good citizens of our country. *You yourselves* recognize it and proclaim it from the high places of your Congress.

In all sincerity we say to you that we revere your noble citizenship, a citizenship that involves the divine attribute, the grandeur of being the first fatherland to found liberty in America; but we likewise say to you with equal sincerity that we are satisfied with our own well-beloved Porto Rican citizenship and proud to have been born and to be brethren in our mother island.

And so great is our love for our own citizenship, our own fatherland, that, in conclusion, we must make use of a hyperbole to express the earnestness of our sentiment. We, like all Porto Ricans, are believers in the existence of God and of a perpetual superhuman life; but were there a citizenship of heaven, with a right to eternal happiness, and it were offered us in exchange for our own, we would vacillate to accept it and should under no circumstances accept it until after death.

JOSÉ DE DIEGO,
Speaker of the House of Delegates of Porto Rico.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of the congregations of the Free Baptist Church of Loudon, the Methodist Episcopal Church of Richmond, the Methodist Episcopal Church of Fitzwilliam, the Congregational and Free Baptist Churches of Candia, the Free Baptist Church of Ashland, the First Baptist Church of East Jaffrey, and of the Sunday school of the Sabbath Church of Nashua, all in the State of New Hampshire, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Elizabeth W. Amen, of Exeter, N. H., praying that an appropriation be made for the maintenance of the Children's Bureau, which was referred to the Committee on Appropriations.

Mr. VARDAMAN presented resolutions adopted by the executive board of Commercial Club of Yazoo City, Miss., favoring the ratification of the so-called "Nicaraguan Canal option treaty," which were referred to the Committee on Interoceanic Canals.

He also presented petitions of sundry citizens of Louisville, Vicksburg, Macon, and Booneville, all in the State of Mississippi, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented a memorial of the Board of Trade of Elizabeth, N. J., remonstrating against being placed in Federal reserve district No. 3, which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Sayreville and Perth Amboy, in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Local Branch, North Eastern Saengerbund of America, of Philadelphia, Pa., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

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

He also presented a petition of the Woman's Christian Temperance Union of Hyattsville, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of members of the Kansas Conference of the Evangelical Association and of sundry citizens of Lindsborg, Washington, and Topeka, and 48 Sunday schools of Labette County, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of Horatio G. Wright Camp, No. 33, Sons of Veterans, of Clinton, Conn., remonstrating against any change in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of the Epworth League of the Prospect Methodist Episcopal Church, of Bristol; of the Baptist Brotherhood, of Bristol; and of sundry citizens of Hartford, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Carroll, Dorchester, Washington, Frederick, and Montgomery Counties, all in the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

Mr. GRONNA presented petitions of sundry citizens of Portland, Mayville, Hamilton, Park River, Bowesmont, and Glasston, all in the State of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

He also presented petitions of sundry citizens of Huntington, Door Village, Angola, and Amboy, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of the Chamber of Commerce of Bellingham, Wash., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Aberdeen, Wash., remonstrating against the treatment of miners in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Seattle, Dolphin, and Frielay Harbor, all in the State of Washington, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

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

Mr. THOMPSON presented petitions of sundry citizens of Elmdale, Pawnee, Americus, Gridley, Columbus, Highland, Morland, McLouth, Monument, Notts, and Woodbine, all in the State of Kansas, and of ministers of the Southwest Kansas Conference of the Methodist Episcopal Church, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BORAH presented memorials of Local Union No. 679, Bartenders' Union, of Wardner, Idaho, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WALSH (for Mr. MYERS) presented a petition of sundry citizens of Havre, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of sundry citizens of Hot Springs, S. Dak., praying for the adoption of an amend-

ment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the Baptist Brotherhood of Bristol, and of sundry citizens of New Britain and Warehouse Point, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Wayne Tent, No. 54, Knights of the Maccabees, of Fort Wayne, Ind., praying for the enactment of legislation to provide pensions for superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the congregation of the St. Paul Evangelical Church, of Evansville, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 127, United Garment Workers of America, of Indianapolis, Ind., praying for the enactment of legislation to prevent interstate shipment of prison-made goods, which was referred to the Committee on Manufactures.

He also presented a memorial of Anderson Branch, Socialist Party, of Madison County, Ind., remonstrating against the treatment of "Mother" Jones in the mining district of Colorado and the existing conditions therein, which was referred to the Committee on Mines and Mining.

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

Mr. CHAMBERLAIN presented a petition of sundry citizens of Salem, Oreg., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

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

Mr. DU PONT presented petitions of sundry citizens of Magnolia, Wyoming, and Frederica, all in the State of Delaware, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JONES presented memorials of sundry citizens of Seattle and Bellingham, in the State of Washington, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Baptist Church of Charleston, Wash., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of New Portland, Lee, North Lebanon, Portland, Manchester, Machiasport, New Sweden, West Parish, Friendship, Eastport, Lewiston, and Lyman, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bangor, Me., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. COLT presented a memorial of the Rhode Island Branch of the American Continental League remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a memorial of sundry citizens of Providence, R. I., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Westerly, of the congregation of St. Paul's Methodist Episcopal Church, of Providence, of 345 citizens of Westerly, of 300 citizens of East Providence, of 25 citizens of Kingston, and of 150 citizens of Providence, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ASHURST. I have received and now present a number of telegrams from various citizens of Arizona, protesting against the elimination of the item of $50,000 in the Agricultural appropriation bill for the purpose of carrying into effect the McLean migratory bird law. The telegrams relate to one subject, and I ask that they be incorporated in the RECORD and then referred to the Committee on Agriculture and Forestry.

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

PHOENIX, ARIZ., *April 14, 1914.*

HON. HENRY F. ASHURST,
Washington, D. C.:

The McLean law, for enforcement of which no appropriation has been made by Congress, is, in my opinion, a measure essential to preservation of migratory birds, especially in Western States. Any influence you can exert to have the $50,000 enforcement appropriation restored will be sincerely appreciated.

GEORGE W. P. HUNT, *Governor.*

—

PHOENIX, ARIZ., *April 14, 1914.*

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

The action of the Senate committee in cutting out the appropriation to enforce the McLean law is a calamity. We look to you to save the situation for the agricultural interests of this State. One hundred thousand dollars must be appropriated to enforce the Federal migratory-bird law, in order that we may not lose the effects of the good work already accomplished. Is there anything to be done here to insure desired results? Please advise.

FRANK W. ROGERS,
State Game Warden.

—

PHOENIX, ARIZ., *April 14, 1914.*

HENRY F. ASHURST,
Senate, Washington, D. C.:

Am in full sympathy with the beneficent provisions of the McLean law. I believe $100,000 should be appropriated for its enforcement.

MULFORD WINSOR.

—

PHOENIX, ARIZ., *April 14, 1914.*

HENRY F. ASHURST,
Senate, Washington, D. C.:

I fully indorse the State game warden's message to you of this date. Appropriation to enforce the McLean law should not only be restored, but it should be made $100,000.

GEORGE PURDY BULLARD,
Attorney General.

—

PHOENIX, ARIZ., *April 14, 1914.*

HENRY F. ASHURST,
Senate, Washington, D. C.:

I am in full accord with the spirit of State Game Warden Rogers's night letter to you of this date. I think that $100,000 should be appropriated to enforce the McLean law, which I believe to be of great benefit.

REESE M. LING,
Democratic National Committeeman.

—

PHOENIX, ARIZ., *April 14, 1914.*

HENRY F. ASHURST,
Senate, Washington, D. C.:

I believe the appropriation should be restored for enforcing the McLean migratory-bird law.

H. A. DAVIS, *State Senator.*

Mr. SMITH of Michigan presented a petition of the State legislative board of the Order of Railway Conductors, of Bay City, Mich., and a petition of Local Order No. 286, Locomotive Firemen and Enginemen, of Saginaw, Mich., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

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

He also presented a petition of Printing Pressmen's Local Union No. 2, of Detroit, Mich., praying for the enactment of legislation to make lawful certain agreements between employees and laborers, and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

LOCATION OF RESERVE BANKS.

Mr. SMITH of Michigan. I present a memorial from the Menominee Commercial Club. It is very brief, and I ask that it be read for the information of the Senate.

The VICE PRESIDENT. The Chair hears no objection, and it will be read.

The Secretary read as follows:

MENOMINEE COMMERCIAL CLUB,
Menominee, Mich., April 10, 1914.

Whereas the reserve bank organization committee has seen fit to place the upper peninsula of Michigan in the Minneapolis district; and
Whereas the upper peninsula of Michigan has very little direct business relations with Minneapolis; and
Whereas the mail and express service is direct with Chicago and indirect with Minneapolis: Therefore be it

Resolved, That the Commercial Club of Menominee, Mich., strongly protests against the placing of the upper peninsula of Michigan in the Minneapolis district, as it is not in conformity with the law which states "the districts shall be apportioned with due regard to the convenience and customary course of business"; and be it further

Resolved, That the Commercial Club of Menominee, Mich., petitions the Federal Reserve Board to attach the upper peninsula of Michigan to the seventh district with Chicago as the center.

LOREN S. PRESCOTT, *President.*
GEORGE P. CHAMBERS, *Secretary.*

By order of the board of directors.

Mr. SMITH of Michigan. Mr. President, I merely desire to say that all the banks of the upper peninsula of Michigan, which constitutes that part of our State lying north of the Strait of Mackinaw, have protested against being assigned to the Minneapolis district. The argument made is substantially such as the Commercial Club of Menominee has made in this memorial. I do not presume it is necessary to present the individual protests of these banks at this time, but I desire to give emphasis to their very strong objection to the plan which has been evolved.

The VICE PRESIDENT. The memorial will be referred to the Committee on Banking and Currency.

Mr. HITCHCOCK. I desire to request the reading of the following protest from the Omaha and South Omaha Clearing House on the subject of the location of the reserve bank for the tenth district and the establishment of the bounds thereof.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

OMAHA CLEARING HOUSE ASSOCIATION,
Omaha, Nebr.

The national banks of Omaha and South Omaha have served the national banks of Nebraska and Wyoming as reserve agents in an acceptable manner for many years. Their preference for Omaha as a Federal reserve city is expressed by their votes filed with the organization committee, and in our own and their behalf as so recorded, we respectfully protest against the inclusion of those States in the Kansas City district, for the following reasons:

It is against the wishes of the people of the two States;

It is contrary to the long-established channels of trade and commerce;

It is a serious interference with the business interests of those States; and

It is in direct opposition to the language and intent of the Federal reserve act.

The language of the Federal reserve act is as follows:

"The districts shall be apportioned with due regard to the convenience and customary course of business."

In the States named the flow of exchange and the trend of trade and commerce are to the east, not to the south, and these facts were clearly shown at the hearing before the organization committee at Lincoln.

At that hearing the committee frequently stated it did not desire to have testimony offered other than that bearing on the flow of exchange, the trend of trade and commerce, and the common point at which the business of the territory centered. The chairman of the committee asserted repeatedly that the law was mandatory by which the committee was controlled, and the committee simply desired to obtain as accurate information as possible on the points referred to.

The arrangement as made will deprive the business interests of those States of the service and benefits the currency law was intended to give them.

We submit that in the apportionment of our territory neither the expressed views of the committee nor the plain provisions of the law were complied with.

We therefore most earnestly ask for a review of the decision of the organization committee by the Federal Reserve Board, and unless after that review Omaha be made a reserve city we respectfully request that in order to conform to the requirements of the Federal reserve act the States of Nebraska and Wyoming be transferred from the Kansas City district to that of Chicago, where our business naturally goes and where our interests will be effectively served.

OMAHA CLEARING HOUSE ASSOCIATION,
J. C. FRENCH, *President.*

Attest:

WILLIAM B. HUGHES, *Secretary.*

I hereby certify that at a meeting of the Omaha Clearing House Association, held on Wednesday, April 8, 1914, at which all members were present, the above protest was unanimously adopted.

WILLIAM B. HUGHES,
Secretary Omaha Clearing House Association.

The VICE PRESIDENT. The memorial will be referred to the Committee on Banking and Currency.

PANAMA CANAL TOLLS.

Mr. KERN. Mr. President, I received a letter some time ago from Hon. Timothy E. Howard, a very distinguished lawyer of Indiana, who served as judge of the supreme court for years and for a long time has been professor of law in the great Catholic University of Notre Dame. The letter was of such interest that I asked his permission to have it inserted in the RECORD, and I now have his consent. With the permission of the Senate I will read the letter myself, as it is written in longhand and I am more familiar with his handwriting than the reading clerk.

SOUTH BEND, IND., *March 17, 1914.*

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

DEAR SENATOR: I want you to know that all Indiana people are not in favor of the Panama tolls. I myself have no particular love for the English Government, though I acknowledge very much of great and good in the English people. But that Government has been our enemy from the beginning—trying to crush us in the Revolution, flouting our nationality in 1812, and covertly planning our disunion in 1861. The plea of "Anglo-Saxonism" has not an iota of sincerity. They know we are not Anglo-Saxons, but simply Caucasians—more Irish, indeed, than English, as our history and the character of the American people shows. Still I am heartily in favor of the repeal of the ill-advised toll provision of the Panama act. It is sufficient that our honor as a Nation requires it. We should respect our solemn treaties, as we should expect other nations to do with us. For my part I am ashamed that we should have attempted by an act of Congress to violate our sacred pledge. Treaties should be amended or abrogated only by mutual act of those who made them, not by the selfish, inconsiderate, or unfriendly act of one of the parties. But, more than this, even though our sacred word of honor were not in question, yet the toll exemption in favor of coast vessels is utterly indefensible. It is but a species of that ocean subsidy which Americans, particularly Democrats, detest as an inequitable favoritism—the building up of another monopoly. Of course I am grieved, and have at all times been, that an inconsiderate indorsement of the toll favoritism should have been made at Baltimore. I say inconsiderate, for the people have not considered that matter. The delegates had received no instructions for such action, and it was but foisted upon them by the interests while the minds of the delegates were intent upon the important measures for which the people had in fact commissioned them. Here it is a question of honor, of national welfare, and of the spirit of true democracy; let us act right now, whatever mistakes have been made. I am therefore most heartily in favor of your proposed action.

Sincerely, yours, T. E. HOWARD.

While I am on my feet, Mr. President, I wish to say that some of us, particularly from the Central West, have observed recently with some interest the columns of interviews from our section published in the Washington Post indicating a great outburst of popular sentiment against the administration's action on the tolls question. As to whether it was a spontaneous outburst of public sentiment or whether it was in a degree manufactured by some one, some light has been thrown on this mooted question by a letter which I received a few days ago from the editor of a Democratic paper in Indiana, which, with the permission of the Senate, I will read:

ELKHART PROGRESSIVE DEMOCRAT,
Elkhart, Ind., April 10, 1914.

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

MY DEAR SENATOR: I am inclosing a telegram received by me, or rather delivered to me to-day, from the Cincinnati Enquirer. You are a "reformed" newspaper man yourself and will appreciate the tricks of the newspaper game. I am with the administration on all his official acts up to date, and our newspaper, the Elkhart Morning Progressive Democrat, is giving him and his friends in Congress its hearty support. John R. McLean, with his newspapers, is trying to take an undue advantage in serving big business. You will note he does not call for interviews with leading manufacturers on the question of free tolls, but invites garbled and misleading statements. I hope this telegram will be of use to you when the fight comes up in the Senate. You may be sure the same query went out to hundreds of newspaper men all over the State, and all over several States, for that matter.

As a Wilson-Bryan adherent and as a friend of yours, I desire to enter a protest against the tactics being employed by the Shipping Trust to defeat the will of the people.

Assuring you, etc., I remain,
Yours, truly, W. C. B. HARRISON.

The telegram inclosed is as follows:

[Telegram.]

CINCINNATI, OHIO, *April 10, 1914.*

SOME RELIABLE NEWSPAPER MAN,
Elkhart, Ind.:

Please file early Friday evening 300 words showing unfavorable sentiment your section toward President Wilson's stand on Panama Canal tolls. Interview big business men and get them to say something hot.

ENQUIRER.

It is probably not necessary to say in this presence that the Cincinnati Enquirer is owned and controlled by Mr. John R. McLean, who also owns and controls the Washington Post, a gentleman whom I have known for many years and for whom I have a warm personal regard. I think, however, it is due the Senate and due the public that they should know something of the methods through which these interviews are procured and out of which this great so-called public sentiment is manufactured.

Mr. CLAPP. Mr. President, as supplementing the remarks of the Senator from Indiana, I want to suggest that when the Middle West reads the evidence given yesterday by Prof. Johnson, in which he so cordially accepts the suggestion as to the imposition of tolls upon canals connecting the Great Lakes, there will be a protest here, and there will be no question about its being spontaneous.

REPORTS OF COMMITTEES.

Mr. NORRIS, from the Committee on Claims, to which was referred the bill (S. 663) for the relief of Thomas G. Running, reported it with amendments and submitted a report (No. 419) thereon.

He also, from the same committee, to which was referred the bill (H. R. 4405) for the relief of Frederick J. Ernst, reported it with an amendment and submitted a report (No. 420) thereon.

Mr. SHIVELY, from the Committee on Foreign Relations, to which was referred the bill (S. 5203) to authorize the appointment of an ambassador to Chile, reported it without amendment and submitted a report (No. 424) thereon.

Mr. LANE, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1880) for the relief of Chester D. Swift (Rept. No. 421); and

A bill (H. R. 2314) for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal (Rept. No. 422).

He also, from the same committee, to which was referred the bill (S. 805) for the relief of Mary E. Lovell, submitted an adverse report (No. 423) thereon.

BILLS INTRODUCED.

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

By Mr. BRISTOW:

A bill (S. 5269) granting an increase of pension to John S. Bell (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5270) granting an increase of pension to Charles M. Gregory (with accompanying papers); and

A bill (S. 5271) granting an increase of pension to James W. Lansberry (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 5272) granting an increase of pension to Eunice C. Gordon (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 5273) granting a pension to John H. Smith; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 5274) granting a pension to Isaac H. Griffith; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5275) to appropriate a sum of money to pay Rhoda Menz, W. W. Christmas, and James M. Christmas, heirs of Myra Clarke Gaines, for certain lands in Louisiana; to the Committee on Claims.

A bill (S. 5276) granting an increase of pension to William Schallenberg; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5277) to remove the charge of desertion from the military record of James Alberts (with accompanying paper); to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $12,500 for investigation and promotion of efficient instruction in training in citizenship, including personal services in the District of Columbia and elsewhere, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. OWEN submitted an amendment proposing to appropriate $2,000 for an assistant superintendent, office of Superintendent State, War, and Navy Department Building, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Treasury to pay, under the direction of the Secretary of the Interior, to the Loyal Creek Indians and freedmen named in articles 3 and 4 of the treaty with the Loyal Creek Nation of Indians of June 14, 1866, the sum of $600,000 etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and to be printed.

DEPOSIT OF POSTAL FUNDS.

Mr. BRYAN submitted an amendment intended to be proposed by him to the bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system, which was ordered to lie on the table and to be printed.

THE ECONOMIC VALUE OF MAN.

Mr. SUTHERLAND. Mr. President, I send to the desk an article on "The economic value of man," prepared by Dr. Chauncey Rea Burr, of Portland, Me., who was formerly an assistant surgeon in the United States Navy. The Senate has from time to time authorized the printing of documents relating to the subject of workmen's compensation. The particular phase of the matter with which Dr. Burr deals has not been covered by any of those publications. Dr. Burr has gone into the matter in great detail, his article being, I think, of very great value upon the subject of fixing schedules of compensation in these various workmen's compensation laws, and it is of particular value to the Senate and to the House just now, in view of the fact that there are pending bills with reference to compensation of employees for injuries received upon railroads and also with reference to the compensation of Government employees. I desire to have the article printed as a public document, and I ask that it may be referred to the Committee on Printing.

The VICE PRESIDENT. That action will be taken, in the absence of objection.

THE TOLLS QUESTION.

Mr. JAMES. Mr. President, I present an editorial by Secretary of State Bryan printed in the Commoner upon the tolls question. I ask that it may be printed in the RECORD.

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

In the April number of the Commoner, which goes to press to-day, the leading editorial, signed by Secretary of State William J. Bryan, is on "The tolls question," and is as follows:

"THE TOLLS QUESTION.

"The House of Representatives responded to the President's appeal and passed the Sims bill repealing the free-tolls measure. As the details of the vote will be found on another page, it is sufficient for the present purpose to say that the vote on the repeal bill stood 247 for, 162 against, giving to the President's recommendations a majority of 85. An analysis of the vote reveals the fact that 220 Democrats voted for the repeal and only 52 against, showing that the President's position was sustained among the Democrats by a vote of more than 4 to 1. The Republican vote on the proposition stood 93 against and 23 for, or a little more than 4 to 1 against the President. The Progressive vote stood 17 against the repeal and 3 for, or a little over 5 to 1 against the President. As there are 432 votes in the House, the President secured a clear majority of the entire House in favor of the stand he has taken.

"The fight was a bitter one, and a number of the Democratic leaders spoke, worked, and voted against the repeal of the tolls measure. As the opponents of repeal have dragged into the discussion much that can not fairly be regarded as legitimate argument, the Commoner begs to call the attention of its readers to the facts in the case.

"GAG RULE.

"First, as to the charge of 'gag rule.' The Committee on Rules reported a rule allowing 20 hours for debate; none of the friends of free tolls asked for more time than that before the rule was reported, but during the discussion of the rule the charge was made that the President's supporters were attempting to cut off debate and force the measure through under a gag rule.

"What are the facts? When the subject first came up the opponents of the repeal measure asked for 8 hours, and it was granted them. They then asked that the time be extended to 15 hours, and this was granted. Later they asked that the time be made 20 hours, and this was granted. The charge that the time was unduly limited can not fairly come from the friends of free tolls, for when the free-tolls measure was under consideration in 1912 the debate on it occupied less than 3 hours. It will be seen, therefore, that seven times as much time was given for the discussion of the repeal measure as was given for the discussion of the original measure giving free tolls to coastwise vessels. When it is remembered that four-fifths of the Democrats favored the repeal, while a majority of the Democrats opposed the free-tolls measure, it will be seen that the friends of the repeal measure were exceedingly liberal in the allowance of time, as compared with the friends of the original free-tolls measure. In the face of these facts one must be very biased in his opinion to accuse the President's friends of an attempt to adopt a gag rule or to unduly limit debate.

"THE PLATFORM PLEDGE.

"In the discussion of the repeal measure it was impossible to confine its opponents to a discussion of the merits of the question. They stoutly contended that they were standing upon the platform adopted at Baltimore and assumed to themselves a superior sort of virtue, because of the sanctity with which they invested this particular plank of the platform. The readers of the Commoner have long since learned to regard a platform pledge as binding and they are entitled to know the grounds upon which the Democrats of Congress acted in repealing a measure indorsed by the platform.

"There are three facts to be considered, facts which the friends of free tolls have refused to discuss. First, that there was another plank in the platform, or rather another clause, which was practically a part of the same plank which contained the free-tolls declaration. This

clause had to do with the encouragement of the merchant marine, and reads:

"'We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.'

"The merchant marine includes all the ships belonging to American citizens, and it will be seen that the Democratic Party expressed a deep interest in the upbuilding of the merchant marine, and yet, notwithstanding the importance of the subject and the anxious concern felt by the party for the rehabilitation of the merchant marine, it specifically declared against bounties and subsidies as a means of aiding the merchant marine. The action of the free-tolls Democrats in ignoring this plank is incomprehensible, because its language is clear and specific and it reiterates a doctrine for which the Democratic Party has stood from time immemorial. This opposition to bounties and subsidies, whether granted openly and directly or whether granted secretly and indirectly as they are through a protective tariff, is a fundamental article of Democratic faith.

"But while the friends of free tolls are able to overlook the plank above quoted, with its clear and ringing declaration against subsidies and bounties, they regard as sacred the following lines in which the party indorsed free tolls:

"'We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.'

"Why do these few words stand out so brightly before the advocates of free tolls? And why are they unable to see or remember the words condemning bounties and subsidies? What opiate does the little plank contain that it can make those who accept it oblivious of the larger plank? By what rule of construction can the small plank be made binding and the large one be ignored?

"The secret of the strange power exerted by the little plank is to be found in the fact that it carefully conceals the means by which it is to be carried out. Had the word 'subsidy' or 'bounty' been inserted in this plank it could not have secured the indorsement of the convention, because the contradiction between this plank and the larger plank would have been immediately apparent. If the same care had been used in the drawing of this plank that was used in the drawing of the plank on the merchant marine it would have read as follows:

"'We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.'

"Second. But even if the platform had not contained within itself a *complete refutation* of the position taken by the advocates of free tolls, the President would have been justified in the position that he took by the changed conditions which confronted him. A platform is a pledge and is as binding upon an official as the command of a military officer is upon a subordinate—the statement can not be made stronger. But the subordinate officer is sometimes compelled to act upon his judgment where a change of which the commanding officer is not aware has taken place in conditions. It is not only the right of the subordinate to judge the situation for himself where conditions have changed since the order was given, but it is his duty to do so. It is true that he risks his position if he miscalculates the condition and disobeys when he should obey, but he takes a similar risk if he is not willing to assume responsibility for a change of plan where conditions compel the change. If the disobedience of the subordinate officer is due to cowardice or to the substitution of a selfish for a patriotic interest he is condemned; but he is likewise to be condemned if, either from cowardice or because of a selfish interest, he permits the interest of his country to be jeopardized rather than live up to the responsibilities which his position imposes upon him. In the case under consideration, the President takes the responsibility for an official act which he regards as necessary to his country's welfare, and the people must decide whether or not he is justified; and those who refuse to act with him also assume responsibility, and they, too, must abide the judgment of the public.

"Such a change has taken place since the Baltimore platform was adopted. Had the Democrats in convention assembled been confronted by the condition which now exists, and had they known what those now know who voted for repeal, no such plank would ever have been placed in the platform. The convention's attention was not even brought to the fact that a majority of the Democrats in the House had voted against the free-tolls measure, and that it had, in fact, been passed by a combination of a minority of the Democrats and a majority of the Republicans. The platform plank which is now being worshiped as if it were the only plank in the platform was in reality a rebuke to the Democrats in Congress, when the convention had reason to suppose that it was indorsing the action of a majority of the Democrats when it indorsed the action of Congress. It was more than that; it was, in fact, though not upon its face, an indorsement of the doctrine of subsidy which the party had taken pains to denounce in the same platform.

"Third. Moreover, this plank of the platform deals with an international question and must be accepted with the understanding that we act jointly with other nations in international affairs. Even if the plank had not been contradicted by another plank in the platform; even if it had not concealed a subsidy policy repugnant to Democratic principle and history; even if it had not rebuked the Democrats in Congress; even if conditions had not changed, still dealing with an international question it should be taken as the expression of a wish rather than as the expression of a determination, for no nation can afford to purchase a small advantage in the face of a universal protest. If a nation desires to array itself against the world, it should be sure that the thing which it is to gain is worth what it costs.

"The President, knowing that every commercial nation except our own construes the treaty as a pledge of equal treatment, would have been recreant to his trust had he failed to point out to the American people that our diplomatic relations would be seriously disturbed by the carrying out of the free-tolls policy.

"THE 'SURRENDER TO ENGLAND.'

"The friends of free tolls gave conclusive proof that they were conscious of the weakness of their position when, in opposing the repeal of free tolls, they attempted to appeal to prejudice rather than to reason. They charged with a vehemence that increased as the case grew more desperate that the President was 'surrendering to England.'

"What has Great Britain done to justify the accusation that she is trying to dictate to this country? She has simply called attention to the terms of the treaty and asked for arbitration of the question of construction, in case this Government differs from the British Government in the construction to be placed upon the language. The very men who are so insistent upon construing the treaty to permit free tolls delayed for months the ratification of the treaty with Great Britain because of their opposition to any arbitration of the subject. In other words, they construed the treaty to permit discrimination and then objected to allowing any international court to express an opinion upon the subject. If, as a matter of fact, the treaty grants the rights which Great Britain claimed, is it a 'surrender to Great Britain' for our Nation to repeal a law that raised that question? The repeal of the law can not be construed to be a construction of the treaty. It is simply a refusal on the part of the United States to raise that question in that way. In the controversy over the Welland Canal Canada withdrew a discrimination which she had made in favor of Canadian ships 'in order that no cause for friction with the United States authorities in regard to the matter should exist.'

"Why can not the United States withdraw a discrimination for the same reason? When the treaty involved was before the Senate for ratification an attempt was made to so amend it as to permit a discrimination in favor of coastwise vessels, but it was voted down by a decided majority. With this record to support them, is it strange that foreign nations question our right to make an exception in favor of American vessels?

"Before passing from this branch of the subject it is worth while to remember that this is not the first time Democratic legislation in behalf of the people has been denounced as a 'surrender to England.' Every time our party has attempted to reduce the tariff we have been confronted with the charge that the lowering of the tariff would benefit England and that we were surrendering our markets to foreign manufacturers. This sham issue was raised by the beneficiaries of protection; they claimed to possess a superior patriotism, but every well-informed citizen knew that their real reason was not patriotic but selfish. They were growing fat through the taxation of the American people, and they attempted to appeal to prejudice merely to divert attention from the real issue. It is a fact, the significance of which will not be overlooked, that those who are using this 'surrender to England' slogan now are using it to secure the same sort of advantage that the protectionists secured. This time the benefit is to go into the pockets of the owners of vessels engaged in the coastwise trade, and knowing that they can not defend their position with Democratic arguments, the advocates of free tolls attempt to create a prejudice against the nation which entered into a treaty with us, and which happens, also, because of its large shipping interests, to be the country most interested in preventing discrimination. The 'surrender to England' argument is being used now just as it has been used in the past and for the benefit of the same selfish interests, but now that the people have secured tariff reduction they can no longer be frightened by this subterfuge.

"SUBSIDY OR NO SUBSIDY.

"When we come to consider the repeal measure upon its merits there are just two questions to be decided:

"First, is it desirable for the Democratic Party to abandon its historic position and become the advocate of subsidies and bounties; and, second, if it is desirable, what is the Democratic Party willing to sacrifice in international prestige and in world influence in order to secure the advantage which these subsidies promise to a few people?

"No party can afford to adopt a principle without considering how far the principle extends or what its adoption involves. In the past the Democratic Party has been able to consistently oppose every form of governmental favor, because it has stood for equal rights to all and special privilege to none. It has not only opposed the bounty when given directly, but it has with equal earnestness opposed the bounty given indirectly through a protective tariff. It has denounced as unconstitutional the voting of the people's money into the pockets of the few who can secure the ear of the legislator. Having grounded itself upon a principle, it could follow that principle wherever it applied, and by its steadfastness to that principle it has converted a nation. Suppose it now turns its back upon that principle and embarks upon the subsidizing of a few vessels, where can it draw the line? Will not the precedent once established make it difficult for the party to oppose each new application of the principle which will be demanded? If we are to give bounties to coastwise vessels for one reason, we will be asked to give bounties to some other corporations for reasons equally as good, and the party's power to protect the Public Treasury will be paralyzed.

"It must be remembered, too, that our coastwise vessels are largely controlled by a monopoly. The Alexander report on this subject, published this year, says:

"'With the exception of the Pacific coast trade proper, it was shown that the line traffic is handled by comparatively few companies, and that these are largely controlled by railroads and shipping consolidations. Thus, in the entire Atlantic and Gulf coastwise trade (exclusive of all inland waterway and purely local carriers), 28 lines, representing 235 steamers of 549,821 gross tons, furnish the line service. Of this number of lines 10 are railroad owned and represent 128 steamers of 340,084 gross tons, or 54.5 per cent of the total number of steamers in the trade and 61.9 per cent of the tonnage. Seven lines, operating 71 steamers of 175,971 gross tons in the coastwise trade, belong to the Eastern Steamship Corporation and the Atlantic, Gulf & West Indies Steamship Lines, and represent in the aggregate nearly 30 per cent of the total number of steamers and 32 per cent of the tonnage. Combining the two interests, it appears that the railroads and two Atlantic coast shipping consolidations control nearly 85 per cent of the steamers and nearly 94 per cent of the gross tonnage engaged in the entire Atlantic and Gulf coastwise trade. Attention may be called again to the fact that very few of the routes between any two ports on the entire Atlantic and Gulf coasts are served by more than one line (pp. 369–370, 382, 383).'

"The law prohibits the use of the canal by vessels when owned by railroads with which the vessels would compete, but the report shows how these vessel owners have dealt with the public in the past.

"The advocates of free tolls argue that the subsidies voted to ships in the coastwise trade will come back to the public through decreased freight rates on the transcontinental lines. This is the same old protectionist argument. This reduction is improbable, because the water rate is so much below the freight rate that the reduction of $1.25 a ton subtracted from the water rate will not compel a reduction as a matter of fact in the transcontinental rates. But even if it could be shown that free tolls would reduce transcontinental rates, it should be remembered that these rates, if excessive, can be reduced by the Interstate Commerce Commission. Why should we disturb our foreign relations in order to do at the Isthmus what we can do directly by regulation?

"When the student of this subject understands that the Republican Party is the friend of bounties and that the Democratic Party is the

inveterate foe of bounties, he will understand why four-fifths of the Republicans in Congress voted against the repeal of the bounties, while four-fifths of the Democrats in Congress joined the President in favoring the repeal of the law granting bounties.

"THE PRESIDENT'S APPEAL.

"The President's right to expect the support of Congress when he deals with foreign nations is so strongly presented in Congressman PALMER'S speech—which appears on another page—that the subject need not be elaborated here. The Chief Executive speaks for the Nation in international affairs, and it is only fair to assume that he speaks advisedly when he declares that intercourse with other nations is seriously embarrassed by the free-tolls law, which he seeks to repeal. The Democrats and Republicans who responded to his appeal will find it easy to defend their course—the burden of proof will be on those of either party who rejected his advice.

"THE UNITED STATES AS A WORLD POWER.

"Even if the Democratic Party were willing to be guilty of apostacy to its principles; even if it were convinced that the Republicans had been right in favoring subsidies and the Democratic Party wrong in opposing them, how much would it be willing to pay in national prestige and in world influence for the privilege of following at the tail end of the Republican procession on this subject? We occupy to-day a proud position among the nations; we are the foremost advocate of peace and arbitration; we are becoming more and more a moral factor throughout the world. Can we afford to surrender this position? Can we afford to belittle the great enterprise which has reached its consummation at the Isthmus?

"If our Nation desires to be measured by intellectual and ethical standards, how unworthy to brag of our strength and to threaten to use that strength! 'We are ready to fight' does not arouse the enthusiasm now that it did a few centuries ago. Brute force is not the level upon which this Nation settles its controversies to-day; the question is not what we can do, but what we ought to do.

"The path of history is strewn with the wreck of nations that boasted that they were all-powerful; they went down under Jehovah's inexorable law, and the 'God who ruled over Babylon is the God who is ruling yet.' This question must be decided on moral principles and not by the counting of our regiments and battleships. What shall it profit a nation if it conquers the whole world and loses its faith in the doctrine that 'righteousness exalteth a nation!'"

PRESIDENTIAL APPROVALS.

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

On April 14, 1914:

S. 474 An act to authorize the issuance of unqualified patents to public lands in certain cases.

On April 15, 1914:

S. 3843. An act for the relief of Bellevadorah Steele.

CARIBOU NATIONAL FOREST RESERVE.

The VICE PRESIDENT laid before the Senate the bill (S. 1739) to reserve certain lands and incorporate the same and make them a part of the Caribou National Forest Reserve returned from the House of Representatives in compliance with the request of the Senate.

Mr. BORAH. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. BORAH. I move that the bill be postponed indefinitely.

The motion was agreed to.

THE CALENDAR.

Mr. BRYAN. I ask unanimous consent that the consideration of the calendar be taken up where we left off on yesterday and that we consider the bills from that point on to the end, so far as the time will permit.

The VICE PRESIDENT Is there objection? The Chair hears none.

DEPOSIT OF POSTAL FUNDS.

The bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system was announced as first in order, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE PRESIDENT. The pending question is on the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment reported by the committee, which will be stated.

The SECRETARY. The amendment proposed by Mr. GALLINGER to the amendment reported by the Committee on Post Offices and Post Roads is, on page 1, line 9, after the word "exceed," to strike out the sum "$2,000" and to insert in lieu thereof "$1,000."

Mr. BRYAN. Mr. President, I hope the amendment to the committee amendment will not prevail. Since the bill was under consideration on yesterday I have taken occasion to examine the hearings before the House Committee on the Post Office and Post Roads, and I have also refreshed my mind as to the hearings before the Senate committee. The House of Representatives were of the opinion that there ought to be no limit to postal savings deposits. That seemed an unsafe proposition to the Senate committee; but there does not seem to be any opposition from the banks, so far as I have been able to ascertain, to allowing the limit to be as high as $2,000.

Mr. TOWNSEND. May I ask the Senator from Florida a question?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Michigan?

Mr. BRYAN. Certainly.

Mr. TOWNSEND. Can the Senator inform us what the condition of the postal savings account in the department is in comparison with what it was six months ago?

Mr. BRYAN. I can not do so, Mr. President. I have only the report, which is brought down to June 30, 1913. I can, however, give the Senator from Michigan an idea of the growth of the system.

On June 30, 1911, at the end of the first six months of operation under the law, there were 11,918 depositors, with $677,000 to their credit; on December 30, 1911, there were 162,000 depositors, with $10,000,000 to their credit—I am speaking only in round numbers—on June 30, 1912, there were 243,000 depositors, with $20,000,000 to their credit; on December 31, 1912, there were 302,000 depositors, with $28,000,000 to their credit; and on June 30, 1913, which is the latest date covered, there were 331,000 depositors, with $33,818,000 to their credit.

Mr. TOWNSEND. The reason I ask the question, Mr. President, is that I have learned that quite recently—during the last month, perhaps—there has been a great falling off, or, in other words, large withdrawals from the postal savings deposits.

Mr. BRYAN. Mr. President, I have an indistinct recollection that the Third Assistant Postmaster General said at the time he was before the committee that there were $40,000,000 of deposits to the credit of depositors at that time.

Mr. TOWNSEND. That is my understanding; but I am informed that that $40,000,000 now has been greatly reduced; that for some reason or other there have been withdrawals from the postal savings banks of a large amount of this money. I am wondering if the Senator from Florida can tell us whether or not that is the fact.

Mr. BRYAN. No; I have not been informed as to that. How recently has the Senator heard that that was the fact?

Mr. TOWNSEND. That came to my knowledge this morning. I have not had time to submit a resolution, but I thought I should like to have one submitted to the Senate asking for information in reference to the amount of postal savings deposits.

Mr. GALLINGER. Mr. President, as I suggested on yesterday, I am not going to make any factious opposition to the bill as reported by the committee of the Senate. The Senator from Florida [Mr. BRYAN] suggests that no protest has come from any of the banks against the Senate provision that the amount shall be enlarged from $500 to $2,000. That may be so. I find that the protests which came to me from some of the banks in my own State were aimed at the House bill, which provided that the amount deposited might be unlimited. I am still of the opinion, however, Mr. President, that the $2,000 limit is too high. This bill, I assume, will go to conference, and there it can be adjusted as between the unlimited amount and the amount fixed in the bill. For myself, I will be very glad to have the amount reduced from $2,000 to $1,000; but if the conferees, in their wisdom, should think that too low, under the rules of conference committees they can enlarge it.

I am apprehensive, Mr. President, in view of the bill coming from the House in the shape it did, that there is a purpose in the minds of some people to organize postal savings banks on a basis that will threaten the very existence, perhaps, of our savings banks in New England and in other parts of the country. We have nurtured those banks and done everything possible to make them a means of conserving the small earnings of people in our mills, in our workshops, and on our farms; so that today the $82,000,000, as I remember, in the savings banks of New Hampshire represent the thrift and the savings of almost one-half of her population, men, women, and children, the average deposit being a little over $400.

Senators will appreciate the fact that those of us who believe in that form of banking and in those methods of conserving the earnings of the poor people of our communities naturally look with some degree of alarm upon any movement that tends to put the Government in the banking business to an extent that may threaten the prosperity, if not the very existence, of our savings-bank system.

Mr. BRYAN. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. BRYAN. I will call to the attention of the Senator a statement made to me by the Third Assistant Postmaster General, who said that 62 per cent in number of the postal savings-bank deposits are by foreigners, and that 75 per cent of the amount deposited belongs to foreigners; in other words, the department takes the position that this system so far, instead of being a detriment to the banks, has been an advantage;

that it has brought out of hiding money which would not have been placed in the banks themselves, and by this method, the Government being responsible for the deposits, it is able to place in the banks of the different localities money which otherwise would be kept in hiding. It is their opinion that if the amount is increased it will bring more money out of hiding.

I do not think there is any disposition upon the part of the Post Office Department to insist that the amount of deposits be unlimited. I think they have come to realize that the Senate committee acted wisely in refusing to allow unlimited deposits.

Mr. GALLINGER. Mr. President, I have no knowledge as to the proportion of the depositors who are foreigners, but I apprehend that what the Senator says is substantially correct. There is no doubt that certain immigrants coming from southern Europe who are not acquainted with the system of banking in this country but are acquainted with the postal savings system in their own country prefer that system to our savings-bank system. But what I wanted to emphasize was the fact that if the Government goes into this matter on a large scale, not only will that money be deposited to a greater extent in the postal savings banks, but in the event of one of the senseless scares that get possession of the public mind occasionally, resulting in the so-called runs on banks which nine times out of ten are without any foundation in fact, our people may be led to withdraw their deposits from the savings banks and invest them to a large extent in the postal savings banks on the ground that the Government being back of them they are absolutely safe.

Mr. CLARK of Wyoming. Will the Senator yield just for a moment?

Mr. GALLINGER. Certainly.

Mr. CLARK of Wyoming. I should like to ask the Senator in this connection, as he is thoroughly conversant with the savings-bank situation, if he knows what the average deposit of the individual depositor is in the savings banks of his own State, for instance?

Mr. GALLINGER. The average deposit, taking the six New England States, is $411.

Mr. CLARK of Wyoming. Then this proposed legislation might perhaps result in inducing the average depositor to withdraw his entire deposit from the savings bank and deposit it in the postal savings banks.

Mr. GALLINGER. Undoubtedly it would operate in that way if there was a so-called run on any particular savings bank or the savings banks in general.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator if, under the law as it stands, the same result might not follow and if it is not true that practically none of the deposits have been withdrawn from the savings banks?

Mr. GALLINGER. That is very likely true; but I am supposing something that may happen. I think we have a right to look a little into the future in matters of this kind and ask ourselves the question whether, in the event of some disturbance in our financial system and a growing feeling that our banks are not perhaps as safe as they ought to be, this very thing may not, and very likely will not, happen if we go into this matter wholesale, as it were? That does not apply to its full extent to the bill as the Senate committee has reported it.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me further, we had in view avoiding any danger to the savings banks by providing that on deposits in excess of a thousand dollars there should be no interest paid. That was done to guard against that contingency.

Mr. GALLINGER. I feel that we are under obligations to the committee for that safeguard.

Mr. SMITH of Georgia. As to runs upon the banks, we thought that the savings banks were practically all protected by the provisions under which they operate that no immediate demand can be made for the savings held by them and requiring 30 or 60 days' notice—in many cases 60 days—so that we did not suppose a little temporary excitement would possibly affect them. I merely want to say to the Senator that we thought about the subject, and tried to shape the bill in such a manner as to guard against money being kept in hiding and to bring it where it could be used without interfering with those institutions that conduct in a proper manner a savings-bank business.

Mr. GALLINGER. Mr. President, as I said a moment ago, I personally, representing certain interests in a general way, feel under obligations to the committee for having placed in the bill the safeguards that they have. I will conclude now by saying that the Senator from Florida [Mr. BRYAN] having made the suggestion that he trusts the amendment I offered will not prevail, I take it for granted that the Senator's view in that matter will be indorsed by the Senate. The only added suggestion I wish to make is this, and I desire to address myself to the members of the committee.

When the bill goes to conference, as it doubtless will, or very likely will, the contested point will be as between an unlimited privilege of deposit and the limit of $2,000, so that the amount named in the pending bill as amended by the Senate committee may be greatly enlarged in conference. I desire to appeal to the Senator from Florida, and to my good friend the Senator from Georgia, if the bill passes in the form in which it is reported and is now under consideration, that they will exert a very strong effort to have the bill agreed to as it is passed by the Senate.

Mr. BRYAN. Mr. President, I feel like assuring the Senator that the Senate committee were firmly of the opinion that the amount should not be unlimited. We kept the bill in the committee for between two and three months. In view of the apparent position of Senators and of the Senate, I do not feel that we would be justified in yielding upon that point.

While I am on my feet I desire to state, for the information of the Senator from Michigan as to the amount on deposit and as to whether the amount has been reduced, that I am informed by the department that on January 31 there was $40,037,884 on deposit, and on February 28, which is the latest date covered by the official figures, there was $41,500,000 on deposit, so undoubtedly the rumor that reached the Senator is unfounded.

Mr. DU PONT. Mr. President, I observe in the report of the committee that a good deal of stress is laid upon the position with reference to the bill of our citizens of foreign birth. The report says:

> The unanimous complaint of postmasters from the inception of the service has been that the present statutory limitations have made it impossible to accept vast sums of money that have been tendered to them, and it is shown by the files of the Post Office Department that depositors, especially those of foreign birth, frequently refuse to make deposits if the amounts tendered by them can not be accepted.

Then the report goes on to say:

> The experience of the service has shown that foreign-born citizens frequently accumulate several hundred dollars before they attempt to open an account, and it is a source of great disappointment to them when the Government will safeguard only a portion of their earnings.

I merely wish to call the attention of the committee to the fact that I do not think our foreign-born citizens have any reason for complaint, because their native countries do not allow deposits as large as those permitted by the present law. In France the maximum deposit that can be made in the postal savings banks is $300, and in Italy I think it is $250, or about that. It seems to me, therefore, that our foreign-born citizens have no just ground for complaint against the law as it stands.

Mr. BRANDEGEE and Mr. CUMMINS addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. BRANDEGEE. Mr. President, I have been called from the floor for the last five minutes, and I do not know what this matter is. I will ask what the calendar number is?

The VICE PRESIDENT. The calendar number is 269.

Mr. BRANDEGEE. Are we proceeding under Rule VIII now?

The VICE PRESIDENT. We are. By unanimous consent, we began at this point.

Mr. BRANDEGEE. Mr. President, I do not wish to cut off any Senator who desires to discuss the matter under the five-minute rule, if the Senate wants to proceed without a vote this morning; but in the end, after what has been said about it, if anybody wants to say anything further, I shall object to final disposition of the matter this morning. I have had a great many communications and protests against this measure from home, and I am not prepared at this minute to discuss the matter. Therefore I shall object to any action being taken to-day.

Mr. LODGE. Mr. President, I supported the postal savings-bank bill with great cordiality, because I thought it was a very useful measure for certain defined purposes, those being to draw into the channels of business, through Government action, money which otherwise would not reach those channels of business; money held by people who were unfamiliar with savings banks, or who had a distrust of them, and who therefore hoarded their money instead of placing it in such a way that it could be used when they did not themselves require it.

I am sure, however, that it was not the intention of Congress at that time to create the postal savings banks with a view of putting the Government into the savings-bank business and making it a competitor with the private organizations which have grown up all over this country, which certainly in many cases are not stock companies at all, but are run exclusively in the interest of the depositors, and which have worked with extraordinary success and with the very minimum of loss.

In my own State we have over $800,000,000 in the savings banks. The limit of deposit, including interest, is $1,600. I think the average deposit is about $382. I am speaking from memory. To do anything to disturb that great mass of capital which is now wisely invested, and which is promoting industry and business, is a very serious matter.

The postal savings bank was prevented from entering into competition with ordinary savings banks in two ways—by the low rate of interest, and by the limitation on the deposit. The Senator from Delaware [Mr. DU PONT] has just pointed out that the limitation on deposits abroad, where postal savings banks have been long in existence, is $300 in the case of France and $250 in the case of Italy. Our limitation is already beyond those. Now it is proposed, even under the wisely modified bill of the Senate committee, to raise the limitation to $2,000. That is much larger than the limitation placed on savings banks deposits in my own State to-day. The tendency of this legislation is to put the Government into the savings bank business in competition with the existing banks. The first limitation, which was designed to prevent that, is being removed by extending the limit of deposit. The next step will be to raise the interest rate.

The Senate committee has put in a very wise amendment, that after the first $1,000 there shall be no interest paid; but we have no assurance, of course, as to what the House will insist on or what the final form of the bill will be. I think we are entering on a field which was never contemplated by the original framers of the bill or by Congress when it passed the bill. I do not think Congress ever had the idea that by creating the postal savings banks it was going to set up rivals to the existing banks. I think the purpose was to supplement them.

Mr. GALLINGER. That was disclaimed during the debate.

Mr. LODGE. As the Senator from New Hampshire reminds me, that was specifically disclaimed during the debate. The purpose was to supplement the existing banks, to make a place for money which was not in the savings banks, and would not, either through ignorance or prejudice or fear, go to the savings banks, but would be intrusted to the Government.

Mr. President, I suppose it is very old-fashioned, but I am against putting the Government into business all the time, and I think we have gone far enough in the case of the postal savings banks. We have begun to build railroads, and now it is proposed that we shall go into the mining business. I think we should be extremely careful about this bill. It is a departure from the purpose of the Postal Savings Bank System, which was to supplement and not to destroy the existing system of savings banks, which has been long tested and which has worked extremely well.

Mr. BRYAN. Mr. President——

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

Mr. LODGE. I yield to the Senator from Florida.

Mr. BRYAN. I desire to ask the Senator what is the rate of interest paid on savings deposits in New England.

Mr. LODGE. From 3 to 4 per cent. I think it is 3 per cent in Massachusetts at this time.

Mr. BRYAN. Of course, under this law it is 2 per cent on a thousand dollars.

Mr. LODGE. I understand that. I have already said that the limitation on interest was not removed.

Mr. BRYAN. Let me say to the Senator that under the law as it stands now 30 per cent of the deposits can be taken away from the locality. Under section 9 of the present law, and also under the Federal reserve act, all money deposited by the postal savings committee will be deposited in a member bank. Upon yesterday we agreed to offer an amendment, first, to allow the money to be deposited in banks, whether National or State, and whether members of a Federal reserve bank or not, and also to strike out of section 9 the permission now given to take 30 per cent of the money away from where it originated, so as to require all except the reserve of 5 per cent to remain in the locality.

It seems to us that so amended, instead of working an injury to the banks, this bill will be a benefit to them, because the interest is less. The depositors can not get interest upon the full amount deposited if the amount exceeds $1,000, and if money is withdrawn from a bank in a given locality and is placed with the postal savings bank it is immediately replaced in the bank from which the depositor withdrew it.

Mr. LODGE. Mr. President, I think the amendments to which the Senator from Florida has just alluded are very wise. I am not particularly disturbed about changing the locality of the savings. I think we have made sufficient arrangements in the bank bill for violently moving money from one part of the country to another, and I think it is well in this bill to guard against that. I think the amendment of which the Senator spoke is a very wise one, but that is not the point that is troubling me. I think we ought to keep the postal savings bank within the lines for which it was intended, and not put the Government any further into the savings-bank business. Moreover, I think it is a good plan not to begin to amend these laws until we have tried them out a little more thoroughly than we have in this case.

Mr. SWANSON. Mr. President, if the Senator will permit me, this law has been tested, and the system is an expense to the Government. It is being run at a loss. This is simply an amendment designed to make it self-sustaining.

It seems to me the postal savings bank, like any other bank, must have some money upon which interest is not paid. The other banks will get the money cheaper than they do now at 3 per cent. I do not see how they will be injured at all. The banks are able to use the confidence the Government has in them when there is a lack of confidence on the part of the people toward them.

This bill does not let the Government go into the banking business. The Government makes no loans to individuals. The Government loans no money. The Government simply takes money that it thinks is hidden on account of fear of banks, on account of fear of loaning to individuals, that is out of circulation, and loans it to the banks, under the amendment offered here, at less interest than the banks pay on it now. The Government loans it at 2½ per cent. The banks usually pay 3 per cent. I am unable to understand how this can do anything else except benefit the banks, and through benefiting the banks benefit the public that borrows money from the banks.

Mr. LODGE. Mr. President, if the Senator will allow me, I never said that this was putting the Government into the banking business. It is in that business already. I said it was putting it into the savings-bank business, which is a totally different thing.

Mr. SWANSON. The savings-bank business, as I understand, involves loaning money and buying securities. This system simply involves depositing in existing banks the money received.

Mr. LODGE. It all goes into the same channel eventually.

Mr. SWANSON. It goes into the same bank channel; so I do not see why it interferes with the existing banks.

Mr. LODGE. It all goes into business, and that is the good feature of it; but I repeat that the purpose of the postal savings-bank law was not to put the Government into the savings-bank business, but to enable us to get into the channels of business, through the Government postal savings bank, money which otherwise would be hoarded. That was the purpose of the law.

Mr. SWANSON. Does the Senator think the Government ought to continue to operate the Postal Savings Bank System at a great loss each year?

Mr. LODGE. The expenses of the Government do not seem to be very troublesome to anybody at the present time.

Mr. SWANSON. It ought to be self-sustaining, as far as possible.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me for a moment?

Mr. LODGE. Yes.

Mr. CLARK of Wyoming. The Senator from Virginia states that during the last year, by borrowing money through the savings bank, the Government has lost. Does the Senator believe we can recoup that loss by borrowing more money?

Mr. SWANSON. Very easily. We accept a thousand dollars and pay interest on it. Under this amendment we can get $2,000 and loan $1,000 of it, on which no interest is paid.

Mr. CLARK of Wyoming. Yes; but we have just been informed by other Senators discussing this question that that provision will keep down the deposits and that we will not get deposits above a thousand dollars unless we pay interest on them.

Mr. SWANSON. In some cases you will. Universally, you will not; but nobody can conduct a deposit business and loan money for about the same rate of interest he pays for it unless there is some money obtained upon which there is no interest paid. This was intended for the purpose of enabling the Government to make the system self-sustaining, and it is impossible to devise any other method of doing it.

Mr. DU PONT. Mr. President, I should like to ask the Senator from Virginia a question. Will the Senator from Virginia please state the amount of the loss to the Government during the past year in consequence of the operation of the Postal Savings Bank System?

Mr. SWANSON. The report of the Postmaster General states it. Of course, it is the contention of those who run the Postal

Savings Bank System that the account is not accurately made; but the senior Senator from Kansas [Mr. BRISTOW], who was on the committee that discussed the matter for a long time, ascertained and felt that it resulted in a great loss to the Government. There were some people who thought it ought not to be continued on account of the loss sustained by the Government, and who thought the amount ought to be unlimited so as to make sure that it would be self-sustaining.

Mr. LODGE. Mr. President, I think I shall have to decline to yield further.

Mr. SWANSON. I think the figures are found in the report of the Postmaster General.

Mr. LODGE. Mr. President——

RADIUM-BEARING ORES.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the special order, which will be stated.

The SECRETARY. A bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes.

Mr. SUTHERLAND. Mr. President, on yesterday I made the point of order——

Mr. BRYAN. Will the Senator permit me to offer, so that it may be printed and pending, an amendment to the bill we have just been considering?

Mr. SUTHERLAND. Mr. President, when this matter was laid before the Senate on yesterday I made the point of order that it was not in order to lay the bill before the Senate at the hour of 1 o'clock. The rules of the Senate as to the status of a bill—I should like to have order, Mr. President.

The VICE PRESIDENT. The Senate will be in order. It is also a rule of the Senate that a point of order is not debatable.

Mr. SUTHERLAND. I understand that. I asked the Chair yesterday whether he cared to hear me, and I understood him to say that he did.

The VICE PRESIDENT. In other words, the rules of the Senate are "more honored in the breach than the observance." The Chair is desirous of hearing the Senator from Utah.

Mr. SUTHERLAND. The rules of the Senate are in some confusion respecting the status of a bill which has gone to the Calendar of Special Orders, but I think there can be no doubt under the rules that a bill so assigned does not come up automatically day after day at the same hour of the day at which it was originally set down for hearing. Rule X provides that—

Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the presiding officer shall lay it before the Senate unless there be unfinished business of the preceding day—

I may stop at this point to say that under that provision of Rule X the Senator from Montana [Mr. WALSH] asked to have the radium bill made the special order for Friday, the 10th day of this month, at 1 o'clock. The Senate so ordered; and at 1 o'clock, upon Friday, the 10th, the presiding officer, complying with the order of the Senate, laid the bill before the Senate, and its consideration was proceeded with until 2 o'clock, when the unfinished business was laid before the Senate. The rule proceeds:

And if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

The latter part of the rule which I have just read clearly contemplates that when the bill which has been made the special order has not been disposed of on the day for which it was first assigned it shall go to the calendar under the head of special orders, and if there shall be more than one such bill upon the Calendar of Special Orders those bills shall be arranged upon the Special Order Calendar in the order of time at which they were originally made special, which means, as I understand it, that if the Senator from Montana had moved on Thursday that his bill be made the special order for Friday, and on Friday some one else had moved that another bill be made the special order for Saturday, neither of those bills having been disposed of upon either of those days, they would take their place upon the calendar in the order of the radium bill first and the second-named bill next.

But no provision is made in the rule respecting the time when these bills upon the Special Order Calendar shall be considered. The rule simply provides that they shall go upon the calendar in a certain order. Then the second paragraph of Rule X provides that—

When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

It seems to me that provision is perfectly plain, and it simply means that if it shall turn out that two or more bills have been assigned for a particular hour of a particular day they shall be taken up in the order of time at which the requests for their special consideration had been made.

Thus far in Rule X there is absolutely no provision as to when this Calendar of Special Orders shall be considered. That they may not be considered at 1 o'clock of each day is made perfectly apparent by Rule VIII, which provides that—

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

So under that rule of the Senate it is mandatory that at the conclusion of the routine morning business the Chair shall lay before the Senate the Calendar of Bills and Resolutions which are entered upon our calendar under the head of general orders, and it is further mandatory that the consideration of that Calendar of General Orders shall continue until 2 o'clock. Manifestly that could not be complied with if in the meantime a bill upon the Calendar of Special Orders should be laid before the Senate.

Then the rule continues—

and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration—

I call particular attention to this—

and this order shall commence immediately after the call for "concurrent and other resolutions"—

In other words, it shall commence at the conclusion of the routine morning business—

and shall take precedence of the unfinished business and other special orders.

So in addition to the mandatory provision that the Calendar of General Orders shall be taken up and shall be considered until 2 o'clock we have the further provision in the rule that that consideration shall take precedence of the unfinished business and other special orders. In other words, the consideration of the calendar upon which we are now engaged under the rule must take precedence of any bill upon the Special Order Calendar.

Rule IX, which may reflect some light upon the subject, provides that—

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning—

And so on.

This means that under Rule VIII we proceed to the consideration of unobjected bills upon the General Order Calendar, and that when that is completed, or in any event at the hour of 2 o'clock, if it has not been completed at that time, we proceed under Rule IX to consider the General Order Calendar, irrespective of whether the bills are objected to or not.

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time * * * the Calendar of General Orders shall be taken up.

There is only one case that could literally fall within the expression "if there shall be no special orders for that time." That would be a case where the Senate had made a special order for the consideration of a bill at a particular hour of a particular day. In other words, upon Friday, the 10th, at 1 o'clock, if the Senate was about to proceed with the consideration of the calendar under Rule IX, the bill of the Senator from Montana would be laid before the Senate under the clause "if there shall be no special orders for that time." But the mere fact that the bill has gone to the Special Order Calendar gives it no status as to time at all, and it would seem, so far as the rules are concerned, that the bill, having been made the special order for a particular hour of a particular day, has its day in court upon that day, and then it goes to the Special Order Calendar in somewhat the same manner that bills go to the calendar under Rule IX, to be brought up only by a special motion. However that may be, it seems perfectly clear that it has no status at any particular hour of the day.

There have been very few precedents established by the Senate upon this subject. There was a case which arose in the Senate February 16, 1858, where a bill had been made the special order for half past 12 o'clock upon a particular day. The consideration of it was not finished upon that day, and the presiding officer undertook to lay before the Senate upon a

later day, at the same hour, this bill which had been made the special order. In the discussion Senator Stuart observed:

Mr. STUART. I much prefer that the Senate should pass on this question. I am very clear that the special order does not come up until 1 o'clock.

I may stop to observe that the rules as we have them now were not in operation at that time. Precisely what the rules of the Senate were I am not advised, but there was certainly no rule with reference to unfinished business except there was a morning hour——

The VICE PRESIDENT. The Chair will correct the statement of the Senator from Utah. There was a rule, Rule XXXI, and it did provide that the unfinished business should be the special order and should come up at 1 o'clock.

Mr. SUTHERLAND. I was about to make that very statement. I was proceeding to say—except that there was a rule with reference to a special order becoming the unfinished business. The morning hour at that time expired at 1 o'clock. By subsequent amendments to the rules the morning hour now expires at 2 o'clock. Senator Stuart proceeded:

And I hope that upon this occasion, where there is apparently no very great solicitude on the subject immediately before the Senate, that point will be settled. There is nothing in the rule which continues a special order from day to day at the hour for which it was first made a special order. A special order is made for 1 o'clock, and that being the hour of proceeding to the ordinary general business of the Senate, on the expiration of the morning hour the Senate proceeds to the consideration of that special order; but I present this case for consideration; it is competent for the Senate, undoubtedly, to make a special order for half past 2 o'clock to-morrow. At half past 2 o'clock to-morrow the Senate proceeds to consider it, and then adjourns without disposing of it. Will that go over until half past 2 o'clock the next day, and at every subsequent day can it not be called up until half past 2 o'clock? I think that after the day for which it was first made a special order has passed it then becomes a special order among the other special orders at 1 o'clock. It takes its rank according to the thirty-first rule, which rank is decided by the day of its date. The first day you take it up at the hour specified, because the assignment fixes the day and the hour, but at all subsequent days it comes up at 1 o'clock.

Now, even if we were to follow that view with reference to this case, then the Calendar of Special Orders, if there were no unfinished business before the Senate, would come up every day, not at 1 o'clock but at 2 o'clock. The Vice President, after ruling upon the question, said:

The VICE PRESIDENT. If there be no objection, then the Chair will take the sense of the Senate, not in regard to this question of order but in regard to the wishes of the body touching the arrangement of the special orders. The Chair will put it in this form: Is it the sense of the Senate that a special order which has been assigned for one day at an earlier hour than 1 o'clock shall, if not finished on that day, fall into its proper place and be called not before 1 o'clock thereafter? If there is no objection, I will put that question to the Senate.

Then he put the question:

Is it the sense of the Senate that orders which have been or shall be assigned for an earlier hour than 1 o'clock shall, if not finished on that day, be not called thereafter until 1 o'clock?

And the vote having been taken upon it the Vice President announced "the ayes have it, and that will be the order of business hereafter."

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. I do.

Mr. WALSH. Will the Senator from Utah kindly state if I have gathered his position correctly, namely, that this special order comes up at 2 o'clock instead of 1 o'clock, or comes up immediately upon the conclusion of the unfinished business?

Mr. SUTHERLAND. No, Mr. President; I have not said that. What I say is that under no construction of the rule could it come up before 2 o'clock.

Mr. WALSH. That is not the question I addressed to the Senator. Will the Senator kindly tell us when, in his estimation, it will properly be before the Senate?

Mr. SUTHERLAND. I thought I had already made my position clear about that. I think, upon consideration of all the rules of the Senate upon the subject, a bill, when it is made the special order for a particular time, has its day in court for that hour and that day. If it had not been disposed of upon that day, then it goes to the Calendar of Special Orders, with reference to which no time has been fixed for consideration, and it must come up just as bills come up under Rule IX, upon a specific motion for that purpose; that it does not come up at any particular hour. Then I was proceeding to argue that in any event it can not come up at 1 o'clock, and in any event it can not come up before 2 o'clock of any day.

Mr. WALSH. We understand that, of course, very clearly; but will the Senator kindly tell us what is meant by that portion of the rule which states that—

If it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Mr. SUTHERLAND. That simply means that in the arrangement of the Special Order Calendar the bill which was first made a special order shall occupy the first place on the calendar.

Mr. WALSH. Then the Senator's position is that it has no standing whatever, any more than any other bill, and can be brought before the Senate again only by another motion?

Mr. SUTHERLAND. The Senator has stated my position.

Mr. WALSH. In other words, it loses whatever right it has by being the unfinished business that day?

Mr. SUTHERLAND. It loses any special right after the day when it has been first considered.

Mr. LODGE. Mr. President——

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

Mr. LODGE. The practice since I have been in the Senate has been such as has just been described, I think, but it is always unsafe to trust to memory. Before the days of unfinished business I believe the special order carried the privilege. I feel quite sure it has not had any privilege since I have been here. The reason was obvious. If the Senator will allow me, I will trespass but a moment upon his time. If special orders are to have a continuous privilege, you will mortgage all the time of the Senate, you will mortgage it every day, and you will have it mortgaged away ahead by a succession of special orders. The practical objection is what has led to the practice of the Senate, as it certainly has been of late years, that the special order had its day in court, and if it was not then finished it either had to be made another special order or be taken up on motion.

Mr. WALSH. If the Senator will permit me a remark, the way to get rid of that is not to make special orders.

Mr. SMOOT. Will the Senator from Utah yield to me?

Mr. SUTHERLAND. I yield to my colleague.

The VICE PRESIDENT. The Chair is perfectly willing to hear a reasonable amount of discussion, but the Chair realizes that there is going to be an appeal from the decision of the Chair and the Chair would like to shorten the matter as much as possible. The Chair has not any doubt that in numerous instances a special order when not concluded on the first day has been taken up by a motion subsequently, but the Chair does not believe that there will be any authorities cited to show that this question has been raised since 1901. While the Chair believes that custom can make law, the Chair does not believe that custom can set aside law. So the real question involved is the construction of the rules.

The Chair repeats there is going to be an appeal from the decision of the Chair, and then there will be ample opportunity to discuss the question. When the Senator from Utah has concluded, the Chair wants to rule and to throw the matter open to the Senate for discussion.

Mr. SUTHERLAND. In view of the intimation of the Chair, I shall not now trespass further upon the time of the Senate and will submit to a ruling.

The VICE PRESIDENT. Has the Senator from Utah any authority which he desires to cite to the effect that a point of order was made when the Chair of its own motion laid down the special order at the hour fixed for the same?

Mr. SMOOT. That question has not arisen, so far as I am aware, since I have been a Member of the Senate. I want to say to the Chair that the case cited by my colleague [Mr. SUTHERLAND], which occurred in 1858, was under the rules of the Senate of 1856.

The VICE PRESIDENT. The Chair understands that.

Mr. SMOOT. And I desire to call the attention of the Senate to that particular rule and the reason why the question was brought before the Senate at that time and why the Vice President ruled as he did. I also want to call the attention of the Senate to the fact that the rule of the Senate to-day in regard to special orders is entirely different from the rule of the Senate of 1858 in reference to special orders. If we had the rule of 1858 to-day, there is not any question that the special order would come up every day, because of the fact that Rule XXXI——

The VICE PRESIDENT. The Chair——

Mr. SMOOT. It will take but a moment for me to refer to the rule, Mr. President.

The VICE PRESIDENT. The Chair has the rule embodied in the remarks which the Chair proposes to make in ruling on the question.

Mr. SMOOT. Very well.

The VICE PRESIDENT. At a former session, at the hour of 1 o'clock, the Chair laid before the Senate what is known as the radium bill. Upon the right of the Chair so to do being

questioned, the Chair ruled that as such bill had been made a special order for 1 o'clock upon April 10 by a two-thirds vote of the Senate it retained its position as a special order from day to day at the hour of 1 o'clock until disposed of or unless it became by adjournment the unfinished business.

This ruling was based upon Rule X of the Senate, which reads as follows:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the presiding officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

2. When two or more special orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate. And all motions to change such order or to proceed to the consideration of other business shall be decided without debate.

Since that ruling was made the attention of the Chair has been called to Rule VIII, which reads as follows:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions" and take precedence of the unfinished business and other special orders.

From this rule it has been argued that the only effect of a special order is to give the subject precedence at the hour named and for the day named, and that thereafter unless the same shall upon the first day have become the unfinished business of the Senate, it can only be taken up upon motion. The point of order suggested is not without its intellectual difficulties. The Chair has, however, given the subject as careful thought and investigation as reasonable diligence in the time allotted would permit. The Chair still believes that the ruling was correct, but cheerfully accedes to the right of the Senate not only to make but also to construe its own rules, and will not therefore be embarrassed either by an appeal from this ruling or by its reversal if appealed from.

The reasons for the view of the Chair are that prior to the adoption of the present rules of the Senate the unfinished business was in the nature of a special order and had preference over all other special orders. The present rules since their adoption have had in contemplation three things—morning business; calendar under Rule VIII, if that calendar was completed prior to 2 o'clock, then the Calendar of General Orders, under Rule IX; and unfinished business at 2 o'clock. In 1888, upon the resolution of Senator Hoar, the morning hour was extended from 1 o'clock until 2 o'clock, since which time the Chair has no knowledge that the Calendar of General Orders, under Rule IX, has ever been reached. The clause in Rule VIII which provides that that rule shall take precedence of the unfinished business and other special orders, in the judgment of the Chair, was applicable to the time when the morning hour expired at 1 o'colck, when the unfinished business was a special order and when bills had been set down as a special order for a certain day and not for a certain hour.

The Chair believes that a bill may be made a special order for a certain day, without fixing any hour at which it is to be considered; in which event the morning business would be first disposed of, the calendar under Rule VIII, the unfinished business after 2 o'clock, and then the special order. The Chair fails to see why it requires a two-thirds vote to make a bill the special order if when so made it obtains no higher privileges than can be obtained for it by a majority vote of the Senate.

In 1858, on February 16, Mr. Stuart submitted a question of order—

whether a subject made the special order of the day for half past 12 o'clock or for any other hour for a particular day, and not during that day finally acted upon, did not on any future day become a special order for the hour of 1 o'clock unless the Senate should specifically determine otherwise.

The Vice President, Mr. Breckenridge, thereupon took the sense of the Senate upon the subject, and the Senate decided that—

The special orders which have been or shall be assigned for an earlier or later hour than 1 o'clock for a particular day shall, if not acted upon or completed on that day, be taken up or called on any future day, under the thirty-first rule, at the hour of 1 o'clock unless otherwise determined by the Senate.

The thirty-first rule was:

When the hour shall arrive for the consideration of a special order, it shall be the duty of the presiding officer to take it up, unless the unfinished business of the preceding day shall be under consideration.

It will be observed by this ruling, whatever may be said as to the time, the bill was preserved from day to day as a special order of the Senate.

It appears quite clear from the earlier rules of the Senate that the unfinished business coming up at the end of the morning business did so as a special order. Rule XV, in force from 1820 to the adoption of the present rules, read:

The unfinished business in which the Senate was engaged at the last preceding adjournment shall have the preference in the special orders of the day.

The Chair believes that the opinion of the Senate in 1858 disclosed it to be the then view of the Senate that a special order had higher rights than a bill taken up upon motion; that it was not and could not by operation of law and without affirmative action upon the part of the Senate be displaced. The Chair thinks that this has been authoritatively once settled by the Senate. In 1900 the Senate made what is known as the Nicaragua bill the special order for December 10 at 2 o'clock p. m. This was, of course, at the very hour when unfinished business was to be taken up and disposed of by the Senate, and there is no dispute that the unfinished business has precedence of the special order. This matter remained in abeyance until the 23d of February, 1901, when the question was raised by Senator Morgan, of Alabama, who had been an honored Member of this body since 1877, and this question was finally passed upon by the President pro tempore of the Senate, Mr. Frye, who had served 10 years in the House of Representatives, 20 years in the Senate of the United States, and at that time had presided continuously over this body for more than 5 years. I shall not pretend to quote the discussion upon the question when Senator Frye was called upon to decide the question, but only to make some excerpts. At one point in the discussion, Senator Morgan said:

The rule of the Senate is that a special order shall only give way on and after the day that it has been set for to the unfinished business coming over from yesterday. Here the Senate, in the closing days of the last session of Congress, by unanimous consent, fixed the 10th day of December as the day on which the Nicaragua Canal bill should be heard as a special order of the Senate, not merely the two-thirds vote, but the unanimous consent of the Senate was given, and from that day to this I have been waiting to find some period of time when there would be no unfinished business coming over from yesterday. I have now found that period of time; and I insist upon the rights of that bill and of the country in connection with it. Those rights are so clear that the President pro tempore of the Senate on frequent occasions to me personally and in public, in the presence of other gentlemen, has said that that was the rule of the Senate and an unavoidable one.

He said further:

Now, sir, I produce the record upon you and upon this Senate. I deny the right of any Senator to get up here unless he amends that record and contradicts it. Let somebody come forward with an amendment and show that there is some motion or agreement of the Senate that this measure which I am now advocating should lose its place after you had unanimously put it upon the calendar for the 10th day of December.

Further he says:

The framers of this body of parliamentary law, acting upon the general parliamentary law, which is set forth in our book here as the rules of parliamentary law compiled by Thomas Jefferson, saw that it was necessary to protect a special order of the Senate by adopting Rule X. They had adopted Rule IX. They saw it was necessary to protect a special order of the Senate against the very point the Senator from Rhode Island, Mr. Aldrich, has made here to-day; that is to say, that if it so happened that the special order was not considered on the day to which it was appointed it was lost entirely. Just observe the absurdity of such a rule.

After a thorough discussion of the question, participated in by Senators Morgan, Aldrich, Spooner, and Hale, the President pro tempore, Mr. Frye, decided:

The Chair has been ready to rule on the point of order. The Chair calls the attention of Senators to the rule which provides that when a point of order is made no debate is admissible. The oleomargarine bill, in the opinion of the Chair, was very clearly displaced as unfinished business by the motion made by the Senator from Maine on yesterday. The presiding officer can not agree to the contention made by the Senator from Rhode Island. A special order requires a two-thirds vote and is almost the only matter before the Senate which has such a requirement. In the judgment of the Chair that clothes a special order with more than usual rights; it clothes it with unusual rights. In the opinion of the Chair, whenever there is no unfinished business subsequent to the special order made, that special order is to be laid before the Senate as unfinished business. Of course, on a motion to proceed to the consideration of any other subject, the special order would be displaced if that motion prevailed.

There is no difference in law construing of that case and this, save the fact that the special order in that case was made for 2 o'clock when it could not dispossess the unfinished business which is also in the nature of a special order and this bill which was made a special order at 1 o'clock.

The Chair has no doubt that the present bill is a special order for 1 o'clock from day to day or until it becomes the unfinished business at 2 o'clock or until it has been disposed of by order of the Senate. The reason for this is that at the hour of 1 o'clock a motion can be made to take up a bill upon the calendar. This may be done by a majority vote, but as the present order was

made by a two-thirds vote it remains such special order until by affirmative action of the Senate it is displaced.

It may not be out of place to recall the fact that the present body of rules was adopted on January 11, 1884, to take effect January 21 following, and that the rules were framed by the Committee on Rules, composed of William P. Frye, of Maine; John Sherman, of Ohio; John J. Ingalls, of Kansas; Isham G. Harris, of Tennessee; and George H. Pendleton, of Ohio. It is significant that it was the chairman of the committee who drew the rules who decided the point in 1901.

From the decision of the Chair, the Chair understands, the Senator from Utah [Mr. SUTHERLAND] appeals.

Mr. SUTHERLAND. Yes, Mr. President.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SMOOT. On that I should like to submit a few remarks.

Mr. SUTHERLAND. Well, I yield to my colleague.

Mr. SMOOT. I beg the Senator's pardon. I overlooked the fact that he had the floor.

The VICE PRESIDENT. The Chair hopes that it will not be considered as any disrespect to the Senators discussing the question if the Chair withdraws, as he has an engagement that requires him to leave at the present time.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KERN in the chair). The Senator from Utah has the floor.

Mr. SUTHERLAND. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Borah	Gallinger	Nelson	Smith, Mich.
Brady	Gronna	Norris	Smoot
Brandegee	Hitchcock	O'Gorman	Sterling
Bristow	Hughes	Overman	Sutherland
Bryan	James	Page	Thomas
Burleigh	Jones	Perkins	Thompson
Burton	Kenyon	Pomerene	Thornton
Catron	Kern	Ransdell	Townsend
Chamberlain	Lane	Robinson	Vardaman
Chilton	L , Md.	Shafroth	Walsh
Clark, Wyo.	Lewis	Sheppard	Warren
Crawford	Lippitt	Shively	Weeks
Cummins	Lodge	Simmons	West
Fall	Martine, N. J.	Smith, Ga.	Works

Mr. SMOOT. I wish to announce that the senior Senator from Kentucky [Mr. BRADLEY] is unavoidably detained from the Senate.

Mr. WALSH. I wish to announce the continued absence of my colleague [Mr. MYERS] on account of illness.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present.

Mr. SUTHERLAND. Mr. President——

Mr. WALSH. Mr. President, will the Senator yield to me for a moment?

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

Mr. SUTHERLAND. Yes.

Mr. WALSH. I desire to say to the Senator that it is not exceedingly important that this intricate and interesting question of parliamentary practice should be determined now. Of course, the discussion which has ensued and which will ensue will consume all the time between 1 and 2 o'clock any day, so that practically it has no significance or importance.

I had intended to state at the outset that I did not desire to have the bill taken up for discussion for 40 or 50 or 60 minutes, during which time it could not possibly be disposed of; and I merely hoped that it might have so much precedence under the rules that it would be properly before the Senate upon the disposition of the unfinished business.

I have no further interest in the question now before the Senate, so far as it affects the bill under consideration, because it can do no good to get the bill before the Senate at this time.

Mr. SUTHERLAND. Mr. President, the question now before the Senate is a very much larger one than this particular bill. The Vice President has ruled that when a bill has been made the special order for a particular hour upon a particular day, thereafter, for all time to come until it is disposed of, or at least during the life of the Congress, until it is disposed of, it will come up automatically at that same hour every day.

That presents a pretty serious question for the Senate, because if it will apply to this bill it will apply to a dozen bills pending upon the Special Order Calendar, if we have so many. One Senator may move to proceed to the consideration of a bill at half past 12 upon a particular day and another Senator may move to proceed to the consideration of another bill at 1 o'clock upon a particular day, and another Senator to proceed to the consideration of another bill at half past 1 upon a particular day, and so on. All of those bills, neither of them having been disposed of at the hour and the day upon which they were specially set, go to the Calendar of Special Orders; and, if the ruling of the Vice President is right, we have mortgaged the time of the Senate half an hour every day to this bill, half an hour every day to the second bill, half an hour every day to the third bill, and so on.

Certainly such a question as that is a very serious one, upon which the Senate ought to pass.

Mr. NORRIS. Mr. President——

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

Mr. SUTHERLAND. I yield to the Senator.

Mr. NORRIS. Would it not require a two-thirds vote in each one of the cases the Senator has put, so that, after all, it would be within the control of the Senate as to whether or not it would mortgage its time?

Mr. SUTHERLAND. Oh, yes; it requires a two-thirds vote before a bill can be assigned for a particular hour of a particular day. That circumstance alone is sufficiently out of the ordinary to require a two-thirds vote. We have given a bill a special and unusual status when we have set it down in advance for consideration at 1 o'clock upon a particular day. That is an unusual circumstance—an unusual status to give a bill. In order to give it that one day in court the rules require that there shall be a two-thirds vote. The ruling of the Chair, however, goes beyond all that and holds that, notwithstanding it has not been disposed of on the day for which it was set, it continues to hold that status, coming up at the same hour every day until it has been finally disposed of.

I think there is nothing in the rules which justifies such a ruling; and I think it is a matter of sufficient consequence that it ought to be determined by the Senate wholly irrespective of the disposition of this particular bill.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me——

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

Mr. SUTHERLAND. Yes.

Mr. SMITH of Michigan. Is it not the opinion of the Senator from Utah that, in the light of the present ruling of the Chair, the Senate will be much more careful than it otherwise would be in setting aside special hours for the consideration of a bill? It is within the power of a very small portion of the membership of the Senate to negative a request of that character; and if a bill is to hold its place as the Vice President has indicated it would, as far as I am concerned I would be very reluctant to give my consent to the consideration of a bill under those circumstances.

Mr. SUTHERLAND. I think the Senator is quite correct. If the ruling of the Vice President stands, I should not only be reluctant but I think I should decline hereafter to give my assent to the making of a special order at all. I am perfectly willing to make a bill the special order for a particular hour if it is understood that it must be disposed of on that day, and that if not disposed of it takes its place upon the Special Order Calendar; but I certainly would not consent to make a bill a special order for a particular day if that fact carried with it the consequence that the bill, until disposed of, would be called up every day at that same hour.

Mr. GALLINGER. Mr. President——

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

Mr. SUTHERLAND. I yield to the Senator.

Mr. GALLINGER. The very circumstance that the Senate permitted this bill to be made a special order without dissent, and without asking for a vote, and that it went through without contest, lends strength to the contention that those of us who were willing that that should be done supposed that the matter would take the course that it always has taken since I have been in the Senate—that a special order would hold its place only for that one day. Otherwise, there will always be a contest as to the making of special orders, and a vote will be demanded, I apprehend, if a bill is contested at all.

Mr. SUTHERLAND. And debate will be had.

Mr. GALLINGER. And debate will be had.

Mr. BRANDEGEE. Mr. President——

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

Mr. SUTHERLAND. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I was not on the floor at the time, but I understood that there was no attempt to ascertain whether or not there was a two-thirds vote in favor of this special order.

Mr. SUTHERLAND. That is true.

Mr. BRANDEGEE. It was practically a unanimous consent, as I understand.

Mr. SUTHERLAND. It was unanimous.

Mr. BRANDEGEE. That it should be taken up for consideration.

Mr. LODGE. It was only technically a two-thirds vote.

Mr. BRANDEGEE. Of course, if it was unanimous it included the two-thirds.

Mr. SUTHERLAND. Mr. President, I had said substantially all I wanted to say before the Vice President ruled upon this question, but inasmuch as other Senators have come into the Chamber since the discussion was had I desire very briefly to restate my position with reference to the matter.

Mr. VARDAMAN. Mr. President——

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

Mr. SUTHERLAND. I do.

Mr. VARDAMAN. I was out of the Chamber when this question came up. I will ask the Senator to permit me to ask the Chair to state the question before the Senate.

The PRESIDING OFFICER. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. VARDAMAN. But what was the question? I was not present when the Chair rendered the decision.

Mr. SUTHERLAND. If the Chair will permit me, I will state, for the benefit of the Senator from Mississippi, that several days ago the Senator from Montana [Mr. WALSH] moved that the so-called radium bill be made a special order for 1 o'clock on Friday, the 10th of this month. That was acquiesced in by the Senate practically by unanimous consent. There was, as I recall, no dissenting vote upon the question.

Mr. LODGE. It was done by consent.

Mr. SUTHERLAND. When the hour of 1 o'clock on Friday arrived, the Vice President laid the bill before the Senate, and the Senate proceeded to its consideration. The consideration of the bill continued until the hour of 2 o'clock, at which time the unfinished business, being the grain-inspection bill, was laid before the Senate, and the consideration of the radium bill ended so far as that day was concerned.

Upon the following day, or, rather, upon Monday following—there being no session on Saturday—the Vice President at the hour of 1 o'clock proceeded to lay this same bill before the Senate, holding that it having been assigned for the hour of 1 o'clock on Friday, and not having been disposed of on that day, it came up automatically every day thereafter at the hour of 1 o'clock until disposed of. That ruling of the Vice President I have challenged. I have insisted that this bill, having been set for Friday at 1 o'clock, had its day in court upon that day, and that after that day it ceased to have any peculiar status so far as time was concerned.

I have already called attention to the rules of the Senate upon that matter, but I am obliged to do so again. They seem to me very clear.

Mr. BRANDEGEE. Mr. President——

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

Mr. SUTHERLAND. Yes.

Mr. BRANDEGEE. I simply wish to make a parliamentary inquiry. There is an appeal pending from the ruling of the Chair?

Mr. SUTHERLAND. There is.

Mr. BRANDEGEE. At 2 o'clock the unfinished business will be laid before the Senate?

Mr. SUTHERLAND. Yes.

Mr. BRANDEGEE. I simply wish to ask the Senator, if we do not get some sort of a unanimous-consent agreement that this matter shall be deferred without prejudice until to-morrow at 1 o'clock, what will be the status of his appeal?

Mr. SUTHERLAND. I presume it would go to the calendar.

Mr. BRANDEGEE. The appeal would go to the calendar? If possible, I wanted to get a unanimous-consent agreement, or to ask for it, before 2 o'clock. I simply make that suggestion to the Senator.

Mr. LODGE. If the Senator will permit me, under the ruling of the Chair, which of course governs as until set aside, it will come up at 1 o'clock to-morrow.

Mr. SUTHERLAND. The bill will come up.

Mr. LODGE. And the bill will bring the point of order with it.

Mr. SUTHERLAND. Yes; the Senator is correct.

Mr. SMOOT. I believe it will be necessary to ask that the pending ruling of the Chair also shall go over until to-morrow to be disposed of.

Mr. LODGE. The bill brings the point of order with it. The point of order is pending on the bill.

Mr. SUTHERLAND. But the pending question is an appeal from the decision of the Chair.

Mr. LODGE. That comes up with the bill.

Mr. BRANDEGEE. But an appeal is not a point of order.

Mr. LODGE. No. It arises on a point of order, however.

Mr. BRANDEGEE. I beg the Senator's pardon. I am not clear that I agree with him on that point. My impression is that the appeal from the decision of the Chair in laying the matter before the Senate is the only matter before the Senate, and that the bill itself will not be laid before the Senate at 1 o'clock until it is decided whether or not the Chair is correct in ruling that it will go before the Senate at 1 o'clock, and that decision is appealed from.

Mr. LODGE. While I have never known the case to arise, I should think the Chair's ruling on the point of order would stand until set aside by the Senate.

Mr. SMOOT. It would not hurt anything to ask unanimous consent that the pending appeal be brought up when the bill is brought up to-morrow.

Mr. GALLINGER. Oh, well, that is understood.

Mr. SMOOT. I ask unanimous consent that that be done.

Mr. GALLINGER. I object to that. It will come up necessarily.

Mr. SUTHERLAND. Mr. President, it is a matter of indifference to me whether the question is disposed of to-day or to-morrow or some other day, but I think it ought to be disposed of as speedily as possible.

I shall now proceed with my remarks.

I have already stated what proceedings the Senate had taken with reference to this bill. Rule X of the Senate provides, in substance, that—

> Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the presiding officer shall lay it before the Senate.

That, of course, has been done.

Mr. OVERMAN. Mr. President——

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

Mr. SUTHERLAND. In just a moment. The rule continues—

> If it is not finally disposed of on that day—

That is, upon Friday, the 10th day of April, applying it to this bill—

it—

The bill—

> shall take its place on the Calendar of Special Orders in the order of time at which it was made special.

That means simply that the special orders shall be arranged upon the calendar in chronological order, the bills that were first made special orders taking first place on the calendar, and so on, in the order of time in which they were made special.

The rule gives the Calendar of Special Orders no particular status at all. When we come to the question as to how the Special Order Calendar shall be disposed of, we must go elsewhere than to Rule X, because it does not bear at all upon that question.

I now yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I am rather inclined to agree with the Senator in the position he has taken. The matter of special orders is rather an old-time custom. I think it has gone out of use in the Senate to-day, and the unfinished business has taken the place of the special order. The confusion has come about, as I understand, by reason of an amendment introduced by the Senator from Massachusetts fixing the hour of 2 o'clock instead of 1 o'clock.

Ordinarily a special order would come up, as I understand, at 2 o'clock as unfinished business does to-day. That is the reason for the expression in the rule that it shall come up if there is no unfinished business, because unfinished business does not come up until 2 o'clock. Formerly special orders came up at 1 o'clock; but the change of the rule as the result of the amendment offered by the Senator from Massachusetts changed the hour, and therefore this would come up regularly at 2 o'clock on the Special Order Calendar, provided there was no unfinished business, and not at 1 o'clock, if it came up at all. I am rather inclined to think the effect of it is just like a motion to take up a bill on the calendar at a certain time instead of at the hour of 1 o'clock on that day. That is all it amounts to.

Mr. SUTHERLAND. I can not go quite so far as the Senator from North Carolina seems inclined to go. I think, under the

rules, when a bill is made a special order it is simply given an unusual status upon that day, and having failed of passage upon that day it simply goes to the calendar under the head of special orders, and can be brought up only by a motion, as I have illustrated here before, in precisely the same way that bills go to the calendar under Rule IX.

Mr. OVERMAN. Why have a Special Order Calendar, then, if it would have no more effect than having a bill on the ordinary calendar? I think the intention of the rule is that after 2 o'clock, if there is no unfinished business, it will be like unfinished business, as was the case before the adoption of the rule as to unfinished business.

Mr. SUTHERLAND. Let me invite the Senator's attention to Rules VIII and IX upon the subject.

Rule VIII reads as follows:

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

There is the mandatory provision that the Calendar of General Orders shall be taken up and its consideration proceeded with until the hour of 2 o'clock. In order that even that mandatory provision shall be made clear it is further emphasized by this provision later along in the rule—

and shall take precedence of the unfinished business and other special orders.

Therefore it is perfectly clear that when the calendar is being called under Rule VIII the consideration of the calendar takes precedence not only of the unfinished business but of other special orders.

Mr. OVERMAN. I agree to that.

Mr. SUTHERLAND. So that up to 2 o'clock it is perfectly clear that this special order can not be considered.

Mr. OVERMAN. I agree to that.

Mr. SUTHERLAND. But the ruling of the Vice President is that it comes up every day automatically at 1 o'clock.

Mr. OVERMAN. I disagree with the Vice President on that point.

Mr. SUTHERLAND. In answer to the precise point of the Senator from North Carolina, I call his attention to——

INSPECTION AND GRADING OF GRAIN.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 120.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. NELSON. Mr. President, at the close of the discussion yesterday I called attention to what a great wheat market and what a great milling center Minneapolis has become. It is one of the greatest primary wheat markets in the country. From 75,000,000 to 100,000,000 bushels of wheat are marketed there every year—depending on the volume of the crop—and over 80 per cent of it ground into flour. Because of the fact that it is a great milling center that market has been the best primary cash market in the country. The spot prices, as they call it, or the cash prices, at Minneapolis have always been better than at almost any other primary market in the country, and they are always ahead of future sales. Looking at the quotations of grain in the Minneapolis papers, there is scarcely a day but you find that the cash figure is 2 or 3 cents ahead of the future sales. While we farmers of the Northwest have sometimes been grumbling at the millers and at the grain trade of Minneapolis, yet on the whole it has furnished us the best market in the country.

I remember very well when the question of Canadian reciprocity was before the Senate how Senators compared the Minneapolis market with the other markets of the country, especially the Winnipeg market, which is practically the market at the head of Lake Superior, the Fort William or the Port Arthur market. We showed then that the prices of wheat were on an average from 10 to 15 cents a bushel higher at Minneapolis than the Winnipeg or Fort William price, and as a rule the price was even higher and better than the cash price at Chicago. And the farmers of North Dakota have had the full benefit of this market in common with and on a footing of equality with the farmers of Minnesota.

Mr. President, in view of the fact that the grain-inspection system of Minnesota has been assailed and has practically been made the basis for seeking this kind of legislation, I propose to call the attention of the Senate in some detail to the nature and character of the Minnesota grain-inspection system. In order that you may understand it, I will explain how grain was handled before the present system was evolved and came in vogue. When I was a boy farmers had their fanning mills on their farms. When the wheat was thrashed they ran it through a fanning mill and cleaned it before taking it to market at the mill or the railroad station. It was cleaned wheat they marketed and sold and hence the question of dockage for dirt and foul seeds did not prevail. That old method, on account of the great labor involved, is now obsolete. Farmers no longer fan or clean their own wheat except what little they need for seed. A farmer's fanning mill is simply used to-day for the purpose of cleaning his seed wheat. Otherwise he takes the grain as it is thrashed to the local elevator and he sells it with all the foul seed, smut, cockle, wild buckwheat, wild oats, and all other similar foul seeds in it.

The local elevators at first, and for a number of years, were in the habit of cleaning the wheat before shipping it to the terminal elevators. For a number of years that system prevailed, but the local elevators found that they could not dispose of the offal, or the screenings, as we call them. They could not dispose of it at home only to a very limited extent. Occasionally the farmers and the people in the village would buy some of the screenings for chicken feed, sometimes for hog feed, but the bulk of it the local elevators could not get rid of at any price at home.

So the elevators resorted to another system. Instead of fanning and cleaning the grain at the local elevators before shipping it, they shipped the grain just as they received it from the farmers to the mills and to the terminal elevators, and the mills and terminal elevator proceeded to clean it and take out all the foul seed—all the screenings. The terminal elevators and the mills—and it is a curious thing, too—found a market for those screenings. The better part of the screenings were utilized by the manufacturers of so-called pure stock food. They would buy those screenings by the ton at wholesale from the mills and the elevators, then take the best part of them and grind them up, put a little good grain in with them and dope it with a little medicine and sell it to the farmers in packages as pure stock food.

Now, because of the fact that the grain is brought to the local elevators to be marketed in an unclean state, a system of dockage has grown up. That is, the farmer brings his grain to the country elevator uncleaned—just as it comes from the thrashing machine. The local elevator man examines the grain as it is tendered. He sees it is full of foul seeds; it has smut in it, it has cockle in it, it has wild buckwheat in it, it has wild mustard in it, it has wild oats in it, and other foreign substances. He says to the farmer, "I have got to dock you so much for this foul stuff; I will dock you so much." Ordinarily, unless there is much foul stuff in the grain, the dockage is usually from 1 to 2 pounds to the bushel. There is grain in which there is so much foul seed that the dockage of it exceeds this amount.

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. I do.

Mr. WEST. The Senator says that it is docked from 2 to 3 pounds. That is 2 or 3 pounds on how much?

Mr. NELSON. From 1 to 2 pounds per bushel. I am glad the Senator interrupted me. It is docked from 1 to 2 pounds a bushel, and sometimes where the grain is very good, where it comes from the thrashing machine in good order with very little foul seed in it, only a little chaff and dust in it, then it is docked much less. I have had wheat that has been docked only a half pound to the bushel.

Now, how is the wheat marketed and handled? In most of the country east of the Rocky Mountains, it is handled in bulk. It is shipped in bulk from the local elevators. On the Pacific coast, I understand, and in some of the Mountain States, it is still handled and shipped in sacks, just to what extent I am unable to say. I only know in a general way that such is the case.

We have two classes of grain houses or elevators, as we call them, that handle the grain. We have local elevators—sometimes called country elevators—along every railway station in the State where there is any grain to handle. Some stations have only one, other stations have two and three, and I have known quite small stations in a good grain belt to have as many as four and five.

These country or local elevators may be grouped into three classes. One class we call line elevators, another class we call independent elevators, and the third class we call farmers' elevators.

A line elevator is an elevator that is owned and controlled by a terminal elevator company. A terminal company has terminal elevators, say, at Minneapolis and Duluth. In order to keep those terminal elevators full of grain, to receive storage fees, it establishes throughout the country at the various railroad stations local elevators—grain houses—and sends men out to operate them. Such elevators are feeders for the terminal elevators; hence we call them in our part of the country line elevators.

Then we have another class of elevators that are independent—not connected with any terminal elevator. They are usually elevators built and operated by business men in the little towns and villages in order to keep up the price of grain and make a good local market. We call them independent, because they are not attached to any terminal elevator. They buy grain directly from the farmers and ship it to the terminals to commission men there. The commission man sells their grain. He can sell it by sample on the grain exchange or otherwise to millers, exporters, or terminal elevator companies.

The third class of country elevators that we have are what we call farmers' elevators; that is, where farmers associate themselves together to build and operate a local elevator, in order to keep prices up and to cut off the profits of middle men. These elevators ship their grain to commission men at the terminals like the independent elevators. There is a considerable number of such farmers' elevators both in Minnesota and North Dakota, and their number is on the increase. Those farmers' elevators usually send their grain to commission merchants. They are not attached to any terminal elevator company, but they send their grain to commission merchants to be sold like the independent elevators.

We have besides, at the terminals, as we call them, at the city of Minneapolis and at the city of Duluth, big terminal elevators. Those are great big grain houses, holding thousands and thousands of bushels. They are owned by companies, generally incorporated, sometimes, I believe, by partnerships.

The elevators of those terminal companies are maintained and kept up for the purpose of storing grain till wanted by the mills or for export. They get the grain from their line elevators in the first place, and then they buy from the commission men the grain of the independent and farmers' elevators, and they sell it from time to time as there is a demand for it to the millers, to the millers of Minneapolis and the millers at many other points. In other words, they are wheat magazines upon which the mills draw from time to time as their needs may require.

The farmers markets his grain at the local or country elevator. It may be a line elevator, it may be an independent elevator, or it may be a farmers' elevator. That grain is shipped from the local points to the terminals and when it comes there it is inspected by the State grain inspection system, and sold by sample on the grain exchange, and when sold it either goes directly to the mills or to the terminal elevators.

Now, Mr. President, I am going to call your attention briefly to our system of grain inspection in Minnesota. As I said yesterday, I think it is the most perfect and complete system of any State in the Union. While there are seven other States that have a State system, I think Minnesota is one of the pioneers. We first began in 1885, when we passed a law for the regulation and control of terminal elevators, placing them under the control of the railroad and warehouse commission. That was the beginning. We found under that law, not so much complaint at the terminals as we found at the interior points, at the local elevators. Farmers would come with their grain to their local elevator, the local grain buyer, and he would offer them so much. "I will give you No. 1 Northern, or No. 2, or No. 3, as the case might be, and I will dock you 1 or 2 pounds a bushel and will pay you so much," and when the farmer complained of the grades, dockage, weight, and prices allowed him by these local men they would say, "I can not do any better for you because this is all that will be allowed me at the terminal." In many cases they prevaricated; misrepresented and deceived the farmer in this respect, and so the farmers were, to a large extent, at the mercy of these local elevator men, for, be it known that over 90 per cent of the grain when it reaches the terminals has ceased to be the property of the farmers. It passes out of their hands at the local elevators.

I have been a farmer in a small way, Mr. President, ever since 1874, raising grain. I have had some wheat to sell every year—sometimes more, sometimes less, dependent upon the crop—yet I have never shipped a carload of grain either to Duluth or Minneapolis; I have always sold what grain I had at the local elevator and taken the grade, dockage, and price that has been allowed me there.

As I have already indicated, we soon discovered in Minnesota that the great trouble was with the country elevators. So in 1893 we passed a law to which I called your attention yesterday, putting all country elevators, whether line elevators, independent elevators, or farmers' elevators, under State control, making them all take out a license every year. The license fee was very small. We required a license simply to put them on the State book and make them subject to State control. They were put under the charge of our railroad and warehouse commission. We have in Minnesota, and have had for years, a railroad and warehouse commission consisting of three members. A part of the time they have been appointed, and a part of the time elected. At this time and for some years past we have elected them.

These local elevators buy the wheat, and also receive it for storage. The farmer sells his wheat to them, or stores it with them. If he needs the cash, he sells; if he does not need the cash and looks for a rise in the price, he stores the wheat. Whether it is a farmers' elevator, or independent elevator, or line elevator, they buy or store as the farmer may elect. When the farmer comes there with his grain the elevator man says, "I will allow you such and such a grade and dock you so much and pay you so much." If the farmer accepts that and sells, he gets the cash; if he does not sell but wishes to store, he gets a storage ticket which states the amount of grain in pounds and bushels, the grade of it, and the rate of dockage. If the farmer is dissatisfied with the grade and dockage, and believes that he is not given a high enough grade, and is docked too much, then a sample is taken of that grain—two or three quarts; I forget just how much—and it is put into a sack, sealed, and sent to the chief grain inspector at St. Paul for examination, and he determines whether the grade and dockage is just or not.

In addition to these two laws, the law of 1885 providing for the regulation and inspection of terminal elevators and the grading of grain at those points and the country elevator law of 1893, we provided in 1899 for a board of grain appeals, consisting of six men appointed by the governor. It is a board sitting in two sections, one section of three men at Duluth constantly in session, and another section of three men constantly sitting at Minneapolis. That is called our board of grain appeals.

I call your attention to the fact that practically there are three tribunals that pass upon the question of grades and dockage under our Minnesota system. When your carload of grain comes into the terminal elevator the grade and dockage are passed upon in the first instance by an inspector. If the owner of the grain is dissatisfied with that inspection he can immediately call for a reinspection, a reinspection not by the man who made the first inspection, but a reinspection by other inspectors, by the chief inspector or two of his deputies. If the shipper of the grain is still dissatisfied he can appeal to the board of grain appeals consisting, as I said, of six members. So there are three tribunals to pass upon it; first, the original inspector; next, the inspectors who reinspect it; and third, the board of grain appeals.

I desire, Mr. President, to call the attention of the Senate briefly to the main features of our terminal-inspection law. Under this law, while the supreme control is under the railroad and warehouse commission, we have under that commission one chief grain inspector and several deputies and we have one chief weighmaster and several deputies. The force is divided into these two classes—the inspection force and the weighing force. All these men, whether inspectors or weighers, are under bond to the State of Minnesota and the State can not only enforce those bonds, but any party injured by the inspection or weighing is at liberty and is given the right by statute to institute a suit upon that bond and get relief in damages. No such relief is given by this bill.

All our public terminal warehouses are required to take out a license and they are placed under big bonds, not less than $50,000 in each case.

Section 2047 of the Revised Laws of Minnesota, as amended, defines public terminal elevators as follows:

SEC. 2047. *Defined.*—All elevators or warehouses located within the switching limits of St. Paul, Minneapolis, and Duluth, and other points in the State which are now, or may hereafter be, designated as terminal points, in which grain is received for storage in bulk, and that of different owners mixed together or so stored that the identity of the different lots or parcels is not preserved, shall be public warehouses known as "terminal warehouses."

I will call the attention of the Senate to section 2050:

No such warehouseman shall sell or otherwise dispose of or deliver out of store any such grain without the express authority of its owner and the return of the storage receipt except as herein provided, nor—

And I ask Senators to listen to it—

nor mix together grain of different grades in store, nor select grain of different qualities, but of the same grade, for storage or delivery, nor in any way tamper with the grain of others while in his possession or custody, with the purpose of securing any profit to himself or any other person. * * * Any person violating any provision of this section shall be punished by a fine of not more than $1,000 or imprisonment in the State prison for not more than five years, or both.

There is another important provision of the statute pertaining to these terminal elevators, and that is that they are required to provide separate bins for the storage of grain. If a farmer, an independent, or farmers' elevator ships grain to St. Paul or to Minneapolis or Duluth to a public warehouse, he can ask to have that grain put in a separate bin and not mixed with other grain. That has been the law and is the law to-day. But very few farmers avail themselves of that privilege, as I shall show further on by a report of the North Dakota commission.

Our grain-inspection force is practically under civil-service rules. For the last 20 years, so far as I know, we have never allowed politics to interfere with it. Our grain force is well disciplined, well organized, and is composed of men who have grown up in the service. When a new man is appointed in the service, he is at first assigned to the humble position of a "helper," at $50 or $60 a month, to help the "sampler" to open cars. After proving his skill and efficiency he is gradually and slowly promoted.

Mr. WEST. Mr. President——

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

Mr. NELSON. Certainly.

Mr. WEST. Whose duty is it to appoint the grain inspectors?

Mr. NELSON. The grain inspectors are appointed by the railroad and warehouse commission.

Mr. WEST. Those who own elevators do not dictate the appointments?

Mr. NELSON. No; they have nothing to do with the administration of the law. The elevator men have no more to do with it than has the Senator from Georgia. The inspection force is appointed entirely by the Railroad and Warehouse Commission. The men who own and control the country and the terminal elevators have nothing to do with these appointments. It is entirely a State force appointed by the railroad and warehouse commissioners of the State of Minnesota.

Mr. WEST. And they are not paid by the owners of the elevators?

Mr. NELSON. No; they are paid by the State.

Mr. McCUMBER. Mr. President——

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

Mr. NELSON. I do.

Mr. McCUMBER. Of course there has been no question raised as to the matter referred to by the Senator from Georgia; but let me ask the Senator from Minnesota from what source do the warehouse commissioners obtain the inspectors?

Mr. NELSON. They get them mainly from among the farmers.

Mr. McCUMBER. No. The inspectors must be men who have had experience in inspecting under some system.

Mr. NELSON. Mr. President, we began at an early day gradually and in a limited way to supervise and inspect terminal elevators. From small beginnings our force has gradually grown up and our inspection force has been mainly recruited from farmers and farmers' sons.

Take the members of our board of grain appeal. That board, as I said, consists of two sections, one section of three at Duluth and another section of three at Minneapolis. As a rule, two out of that board of each section are farmers or men who have been engaged in farming and raising grain. We have been very careful about that.

I remember when I was governor a little incident which may properly be related here. A young man in my town who had been raised on a farm and worked on a farm but had moved into town, and who thought he was quite a fellow, came to me and wanted me to secure him a place on the grain inspection force. I told him that I could only get him in as a helper; that the railroad and warehouse commission did not appoint new men as inspectors or deputy inspectors, or as weighers or deputy weighers; that he could only get in as a helper and would have to serve an apprenticeship as such. A helper is a man who walks about with the grain sampler, helps to open the cars, and take samples for the inspector.

Helpers usually start at a salary of from fifty to sixty dollars a month. I secured the appointment of this man, who was from my home town, as a helper, I think, at $50 or perhaps at $60 a month. He had been at work for about a month or six weeks at Minneapolis, when one day he came down to the capital and called on me at the governor's office. He was highly indignant. He said to me: "Why, I thought you were going to help me get something respectable to do in the grain-inspection service." I said, "I have helped you the best I could; I have asked the railroad commission to give you as good a place as they could." "Well," said he, "what do you think they have done? They have made me a helper. I am compelled to open cars and to assist the sampler and crawl in on my hands and knees and take samples. I want you to understand, Mr. NELSON, I am too good and too big a man for that." "Well," I said, "I am very sorry, but I can not do any better for you. You will have to continue in that capacity and demonstrate your efficiency before you can get something higher."

That has been the method pursued in our grain-inspection service. It has been entirely nonpartisan. The bulk of the force has been recruited from among the farmers of the State. On the whole, it is as efficient and reliable a public service as can well be conceived of or as any section of the country can well have.

As I have already stated, our grain force is divided into two sections; that is, into two groups. One is the inspection division, under a chief inspector and under which are the grain samplers; the other is the weighing section, under a chief weighmaster. The weighers and the inspectors are all under bond, and anyone who is injured by any of these men, either by false weights or by improper inspection, has a remedy on these bonds. While the bond runs to the State, the statute provides that anyone injured may sue upon the bond. Let me quote the law. It reads:

All bonds required by this subdivision shall be filed with the secretary of state, and suit may be brought thereupon by any person injured by the misconduct of the principal.

I shall now, at the risk of being a little tedious, call your attention in detail to just how the grain business is handled at terminal elevators. I have here a statement which I shall afterwards corroborate from a report of a commission of North Dakota——

Mr. HITCHCOCK. Mr. President——

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

Mr. NELSON. Certainly.

Mr. HITCHCOCK. Before the Senator from Minnesota proceeds to that detail, will he give information concerning the number of inspectors employed under the laws of Minnesota?

Mr. NELSON. I can not give the Senator the number.

Mr. HITCHCOCK. How long has the law been in effect?

Mr. NELSON. The law providing for terminal inspection has been in effect since 1885.

Mr. HITCHCOCK. What would be the effect upon the Minnesota system of the passage of the bill advocated by the Senator from North Dakota [Mr. McCUMBER]?

Mr. NELSON. It would utterly break up and destroy the system.

Mr. HITCHCOCK. And it would break up and destroy the system of every other State which has established grain inspection?

Mr. NELSON. Certainly; it would break up the system of every State in the Union.

Mr. WEST. Before the Senator proceeds——

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

Mr. NELSON. Certainly.

Mr. WEST. Is there any possible chance whereby this law could be made uniform throughout the States and yet allow the States to have charge of the inspection? I have reference to the standardization of grades of grain.

Mr. NELSON. There is no objection to creating national standards, but I will show you later on that in order to do that you would have to have at least from 10 to 12 different classes of standards for wheat. We can establish uniform standards of grain for the whole country, leaving the inspection in the hands of each State government, simply requiring them to adhere to the Federal standard. The Lever bill, in substance, so provides, and a similar bill has been introduced by the Senator from Oklahoma [Mr. GORE] in the Senate. We are quite willing that grades shall be standardized; we have no objection to that; but we have established in Minnesota a perfect, well-regulated grain inspection system that is now giving satisfaction and has given satisfaction for a great many years to the farmers of Minnesota.

I now ask those of you who are present to listen to the method in which the business is done. I read from a paper entitled "Minnesota State Inspection and Weighing Depart-

ments and Sampling Bureaus," by John G. McHugh, secretary Chamber of Commerce, Minneapolis, Minn.:

INSPECTION OF GRAIN.

The inspection and grading of grain in Minnesota is exclusively in the hands of the Minnesota grain inspection department, which is under the supervision of the Railroad and Warehouse Commission of Minnesota.

Grain shipped to Minneapolis is inspected by the State samplers in the various railroad terminal yards where it is placed by the railroad company upon arrival. The inspection department also samples at certain outlying points, viz, Staples, Glenwood, Melrose, and Wilmar, Minn. The sampling of grain at these outlying points is for the purpose of facilitating the delivery of the grain after its arrival at the terminal market, and to prevent delay in unloading and demurrage charges. In Minneapolis the Great Northern Railway has two terminal storage yards where grain is sampled, the Soo two yards, the Omaha one yard, the St. Louis one yard, the Great Western Railway one yard. When the cars of grain reach these terminal yards or storage yards at the outlying points above mentioned it is ready for State and bureau sampling.

During the fall and winter months the State samplers arrive at the railroad yards above mentioned about daybreak, or as soon as there is sufficient light for proper sampling. The State samplers secure samples of the car for the State inspectors, who grade the grain, but these samples are only for the use of the State inspection department.

It therefore is necessary for the commission merchants and others selling grain on the exchange floor of the chamber of commerce to secure additional samples of the cars by which the grain will be sold.

A number of years ago each commission firm and line elevator company employed its own samplers, or had the samples secured by some of their employees.

Now they combine and send their samplers there to get samples for the grain inspection.

However, owing to the number of railroad yards to be visited, this method was found exceedingly inconvenient, and as a result certain individuals engaged in the sampling work formed two bureaus, known as the sampling bureaus, and these two sampling bureaus now secure practically all of the samples by which grain is sold in the exchange room of the chamber of commerce. These sampling bureaus make a charge for each car sampled, and each of these bureaus have their own customers.

All of the samplers—

These are not the samplers of the State—

All of the samplers are licensed by the chamber of commerce, and make daily reports to the chamber of commerce regarding the seals broken and applied by them in the work of sampling.

Then follow the rules by which these samplers are governed. The State sends a sampler early in the morning to take samples of the grain from each car. They break the seal, unlock the car, recording the number of the seal and the number of the car, take a sample of the grain, put it in a sack, and send it to the inspector for inspection. At the same time, or about the same time, a sampler for the chamber of commerce appears and takes samples of the same grain. He brings his samples to the chamber of commerce, and the grain is sold there upon those samples.

Mr. WEST. Mr. President——

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

Mr. NELSON. Certainly.

Mr. WEST. Suppose that two men sampling a specific carload disagree; what is then the result?

Mr. NELSON. Neither of the samplers has anything to do with the grading of the grain. The State sampler goes to the car, gets a sample of the grain, puts it in a sack, and sends it to the State inspector, who passes upon the grade and dockage. The other sampler represents the chamber of commerce—the grain exchange—and takes his samples to the chamber or exchange, where those samples are spread out on tables for the inspection by the members of the exchange, and it is upon these samples that the cash sales are made from day to day. The State sampler does not pass upon grade or dockage at all; he merely procures samples for the inspectors. The other sampler, representing the chamber of commerce, gets samples which he sends to the chamber of commerce. I repeat, the two samplers are independent of each other, and neither one of them passes upon the grade or dockage.

Mr. WEST. Mr. President, what I wanted to get at was this: Does the inspector to whom the samples go look over both of the samples which are taken?

Mr. NELSON. No; he does not have anything to do with the sample that is taken out by the representative of the chamber of commerce. That is an independent transaction and is outside of State authority.

Mr. WEST. May I ask what is the use of having two samples taken out of the same car?

Mr. NELSON. I will tell the Senator why that is done. It is because on the chamber of commerce, as I have said, the grain is sold by samples. They send their samplers to the cars to secure samples, and when the samples are brought in they are put on the table in the chamber of commerce, and the grain is sold by sample. The other sample taken by the State official is sent to the State inspector, who passes on the grade and dockage. There is no connection between the two. The one is a State institution, while the other is wholly a private institution pertaining to the chamber of commerce.

Mr. President, I ask, without reading, to insert in my remarks at this point the rules governing the samples in taking samples out of the cars and the sealing rules. There are 18 of those rules, which are very minute and describe how the samples are to be taken, the manner in which seals are to be broken on the cars, and the manner in which the cars from which samples are taken are to be resealed.

The PRESIDING OFFICER. If there is no objection, the request will be granted.

The matter referred to is as follows:

The following are the sampling and sealing rules under which the employees of the sampling bureaus work:

1. No licensed sampler shall accept a sample of grain of any kind from another sampler, State, or bureau. Every sampler must sample his own car.
2. No licensed sampler is permitted to open up a car and go away without first closing the door and sealing same.
3. Sampling bureaus must provide a bar for each railroad yard, which the licensed sampler must use when necessary to aid them in closing doors so that they may be properly sealed.
4. In cases where it is not possible to close car doors or to seal them properly, a notation must be made by the sampler upon the sealing card giving the reason.
5. Flax must be probed not less than seven times, all other grain not less than five times at points equally distributed in the car; or as many times as may be necessary in each case to obtain a correct sample.
6. All samples must be probed samples, except when large loads prevent it, in which case the sample may be taken from the doorway and marked "Grab."
7. When able to get into cars to probe them, but not able to secure a sample from the bottom, the tickets must be marked "No bottom."

SEALING RULES.

8. Seals must be carefully protected and must be kept under lock and key when not in use.
9. Seals must not be left hanging on car doors while samplers are in cars securing samples.
10. Seals must be used in numerical order. No excuse will be taken for failure to obey this rule.
11. Defective seals must be returned to the office of the secretary of the chamber of commerce, with the report of the sampler. Defective seals must be reported upon the report of seals used as being defective.
12. Seals that are lost must be reported as lost in their regular order on the sealer report.
13. Sealers must furnish their sealing report daily to their employers.
14. Seals will be issued in lots of 100 and charged to each sampler. Samplers are forbidden to loan seals under any condition whatever.
15. A new bunch of 100 seals will not be furnished to any sampler, nor to any employer for account of any sampler, until the previous lot has been fully accounted for.
16. Samplers requesting a new lot of seals through their employer must furnish their employer with the numbers of the seals still remaining in their possession.
17. Samplers securing seals direct from the secretary's office must furnish the same information.
18. Samplers are permitted to use one-half of the back of their cards for their numbers. The other half of the back of the card must be kept free for notes regarding car doors, etc. If possible, however, these notes should be made on the face of card.

The violation of these rules or careless sampling would result in the revocation of the sampler's license.

Mr. NELSON. I quote further from the same document.

As stated above, the State samplers and the bureau samplers arrive in the railroad yards at the same time. The bureau samplers are not allowed to break railroad seals, and the cars are opened, and the railroad seals broken by a State sampler, who makes a record of the seal broken, and later of the State seal applied after the car has been sampled both by State and bureau samplers.

Senators will understand that the cars come to the terminals sealed. The seal is broken by the State sampler when he takes the sample. At the same time he records the number of the car, the number of the seal, and everything that pertains to the identity of it. After the sample has been taken out the car is resealed, and the seal which is then put upon it is called the State seal. I read:

The railroads provide offices in their yards for the use of the State and bureau samplers. Railroad clerks also provide lists of cars of grain and seed ready for sampling. The State samplers secure samples from all of these cars, but the bureau samplers secure samples of those cars only which are shipped to their customers. The bureau samplers and the State samplers are not permitted to sample a car at the same time.

After the cars have been sampled, both by the State samplers and the bureau samplers, the doors are then closed and sealed by a State sampler, who keeps a record of the seal originally broken and the seal applied, as above mentioned.

The State sampler also makes a record of the car number and its initial. Samples are secured both by the State samplers and by the bureaus—

I ask Senators to listen to this—

by means of a double hollow brass tube, called a probe, which is thrust down through the grain to the bottom of the car in a number of places. These probes have openings corresponding to each other from one end to the other.

Then follows a description of the process, which I ask may be inserted in my remarks without reading.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

When the probe in inserted, the inner tube is turned so that these openings are closed. After the probe reaches the bottom of the car, the inner tube is turned so as to allow the grain to rush into these openings and fill the probe. If the grain near the bottom of the car is tough and damp, it will not flow freely, and the dry grain might fill the probe from end to end. In order to prevent this, a plug is placed between the first and second openings at the end of the probe so that if the dry grain above rushes in rapidly, it can not fill the end of the probe. This gives the tough or damp grain at the bottom of the car, if any, a sufficient time to fill the bottom section of the probe.

The work of securing samples of the car, both for inspection and sale, is exceedingly important. The samples secured should accurately represent the entire carload. Where grain is unevenly loaded, it is a difficult thing to secure an accurate sample of the car.

The State and bureau samplers make use of a cloth in securing samples, upon which the contents of a probe are emptied. When the probe has been inserted, opened, and filled with grain, the inner tube is then turned, and the probe closed and withdrawn. It is then held horizontally and opened, and the grain examined by the sampler, whether State or bureau, to detect any variation in the quality of the grain from the top to the bottom of the car. The contents of the probe are then dumped upon the cloth and other probes taken in various parts of the car. If no appreciable variation develops, all of the grain secured by the probe from various parts of the car are then mixed together thoroughly upon the cloth, and a sample sack is filled with this mixture, care being taken that the contents of the sample bag shall be an accurate average of this grain, and shall also accurately represent the amount of foreign matter in the grain.

Should the car be unevenly loaded so that the grain in one part of the car is quite different from the other, or should the car be "plugged" by an unscrupulous shipper, two or more samples are taken of the car in as many sample sacks, and an estimate is made of the quantity of each kind of grain in the car.

The State samplers place in the sample pack just mentioned a ticket on which has been placed the car number and initial. The sample is then taken to the State inspector's office in the Flour Exchange Building, Minneapolis, Minn., where under a proper light it is carefully graded by expert inspectors.

Mr. NELSON. After the samples have been secured by the State sampler they are taken to the inspection department and—

The grade and dockage of grain is then determined by means of testing apparatus adapted to the work, consisting of finely adjusted scales and sieves of various kinds.

The grading of grain by these inspectors is based upon rules laid down by the State inspection department.

Now let me call your attention to this:

The Minnesota grades are fixed annually, about the 1st of September each year, at a joint meeting of the grain inspection boards of Minneapolis and Duluth, commonly referred to as boards of appeal.

Our grain season does not open until the fall of the year—usually about the middle of September. There is usually no grain thrashed until about that time. Before the grain sale season commences the board of grain appeals, consisting of six men, meets and determines upon the grades for the crop of that year, and after they have determined upon that and notice is published they have no right to change that grade during the year; it is a permanent thing. They can only change it by a vote of five out of the six members; it requires almost a unanimous vote before they can change that grading.

Each of these boards consists of three members appointed by the governor of Minnesota, and each member must have the same qualifications as grain inspectors, and not more than two members of each board shall be of the same political party. Their terms of office are for two years, and they are required to give a bond in the sum of $5,000 for the faithful discharge of the duties of their office.

As stated before, these boards meet in joint session about the 1st of September each year, and establish the description of the grades of grain subject to State inspection, known as the Minnesota grades. These grades when determined are published daily for a week in a newspaper at Minneapolis and Duluth.

The State inspectors are governed by the descriptions of the Minnesota grades as above mentioned in inspecting the samples secured by the State samplers.

That is, they follow the grades laid down and fixed by the board of grain appeals. If any shipper of grain is dissatisfied with the inspection made by the inspector in the first instance, he has a right, as I have said, to call for a reinspection. That reinspection must be made by other inspectors, and not by the original inspector. It must be made by the chief deputy inspector and his first two assistants, who had nothing to do with the first inspection. If the shipper is still dissatisfied with the reinspection, he can appeal to the board of grain appeals, and that board finally settles the grade. I quote further from this document:

These inspectors, in determining the grade and dockage of each car, do not know in any instance to whom this car of grain belongs.

After the inspectors have determined the grade and dockage of any of the cars, lists are made showing the car number, initial, grade, dockage, etc., which are posted conveniently for those desiring this information. The sample sacks are numbered in numerical order as they are inspected, and after inspection are carefully hung on sample racks to be preserved for 36 hours, if occasion should require, that further reference may be had to them for either reinspection or appeal. These inspectors not only have no knowledge of the ownership of the grain that they are grading, but they do not know from whom or what point the grain was shipped, so that the judgment of the inspector at the terminal is based wholly upon the grain before him.

At the same time that the State samplers deliver their sample sacks to the State inspection department for grading, the bureau samplers deliver these sample sacks direct to the tables in the exchange room of the chamber of commerce, which are rented by their customers. In ordinary cases, these samples are placed upon the cash grain tables in the exchange room before the opening of the market at 9.30 a. m. each day.

REINSPECTION AND APPEAL.

In case the owner of the grain or his representative, the commission merchant, is not satisfied with the grade or dockage, he may secure a reinspection of the grain, and may apply to the board of appeals after the reinspection. Reinspections are made by the chief deputy inspector and his first two assistants, who receive the grades and dockage of the other inspectors; no inspector being permitted to regrade or reinspect his own work. If the owner or commission merchant is not satisfied with the reinspection, an appeal may be taken to the board of grain appeals, one of which is located at Minneapolis and the other at Duluth. These boards are in continuous session from 9 o'clock a. m. until 2 p. m.

The bureau samplers put in their sample sacks a ticket, giving the name of the sampling company, the car number, initial, and capacity, the name of the firm (their customer) for whom the sample was secured, the date, and the name of the sampler.

That refers to the bureau sampler—the sampler for the chamber of commerce, but the State sampler does nothing of the kind. He simply takes down the number of the car, the number of the seal, and to what line the car belongs. Neither the sampler nor the inspectors know whence that grain comes, or who is the owner thereof.

I call your attention again to the fact that when the car of grain comes from the country and is placed on the side track of the railroad, in the morning the sampler who represents the State and is a State official under bond goes there and takes a sample of the grain. Formerly that sample was examined at or near the car at the time it was taken out of the car. It is not so now and has not been so for several years. It is now put in a sack and sent to the inspection department. The other man, representing the chamber of commerce, who goes there and takes samples, sends them to the chamber of commerce, where they are spread on a table and used as the basis of the cash or spot sales.

If the commission firm representing a farmers' elevator company is dissatisfied with the grade received he immediately files with the State inspection department a request for reinspection on a blank form provided by the State, giving the car number and initial, etc., this request being signed by the commission merchant.

If this reinspection is not satisfactory to the commission merchant he then files with the chief deputy inspector an order for appeal to the board of appeals on a blank form provided by the State, which gives the car number, etc., and is signed by the commission merchant or party requesting the appeal. When this is done, the samples of the car upon which an appeal is taken are delivered by the State inspection department to the board of appeals, who examine the sample and determine the proper grade. The decision of the board of appeals is final and conclusive. In case it can be shown that the sample secured from the car by the State samplers was incorrect the board of appeals will at once reconsider their decision, based upon a fresh sample.

Among the duties of the State samplers when securing samples for inspection and grading is that of examining each car of grain for leaky conditions that might exist and making a record of the same on their record books.

SALE OF GRAIN IN THE EXCHANGE ROOM.

The car of grain is sold in the exchange room of the chamber of commerce, based upon the sample secured by the bureau sampler before mentioned.

They call him the bureau sampler; he is the sampler of the chamber of commerce, and all the cash grain or cash sales at Minneapolis are sold upon samples furnished by this sampler and not upon State inspectors' grades. The cash sales of wheat on the chamber of commerce are not sold according to grades fixed by the State inspection department, but are sold according to samples obtained by the sampler of the chamber of commerce.

Mr. STERLING. Mr. President——

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

Mr. NELSON. I do.

Mr. STERLING. I should like to inquire if the samples put upon the table in the chamber of commerce are not graded at all?

Mr. NELSON. No; those samples are not graded.

Mr. STERLING. Are they not given as samples of certain grades in grain?

Mr. NELSON. Not at all. The State sampler takes a sample out of the car and puts it in a sack, and that sample is sent to the State inspector, and he grades it. The sample that is taken by the chamber of commerce man is not graded at all.

Now, we have in Minnesota another law which I do not think other States have enacted, and to which I desire to call the attention of Senators. We require every commission merchant who deals in grain and other farm products to take out a State license and to give a bond. If he is engaged in the grain-commission business, he has to give a bond of at least $5,000, and more if his business requires; the amount is fixed in proportion to his business.

I quote further from the statement from which I have already quoted, as follows:

The commission merchant empties the contents of the sample sack into a sample pan, which is then placed upon the cash grain table for examination by the buyer. In this pan is also placed the sampler's ticket which was contained in the sample sack, giving information regarding the car. The samplers are required to state upon their cards whether the grain is in a heating or hot condition, if such be the case, and these tickets must be displayed in the pan when the grain is offered for sale to the buyers.

The commission merchant offering grain for sale for farmer elevator companies must be licensed by the railroad and warehouse commission, and must furnish a bond to the railroad and warehouse commission in amount satisfactory to the commission. All commission merchants, members of the chamber of commerce, soliciting shipments from country merchants are licensed and bonded by the railroad and warehouse commission. Such license may be revoked by the railroad and warehouse commission for cause and upon notice and hearing. For the purpose of fixing or changing the amount of bond required, the commission may require complete statements of the business from the commission merchant, these statements being for the exclusive use, however, of the railroad and warehouse commissioners. The laws of Minnesota require that the commission merchants shall render a true statement in writing to the shipper within 24 hours of the amount sold, price received, name and address of the purchaser, and the day, hour, and minute of the sale, and shall forward vouchers for all charges and expenses. If the shipper of grain is not satisfied with the manner in which the commission merchants have handled his shipments, he may file complaint with the railroad and warehouse commission, who shall investigate the matter complained of. In making the investigation, the railroad and warehouse commission can compel the commission merchant to produce all books, records, etc., regarding the matter.

I refer to this matter because it is very important. Grain shipped from these country elevators, from independent and farmers, as I described them a moment ago, is shipped to commission merchants. We had some years ago some experience in that matter. Some of those commission merchants turned out to be unreliable. Some of them failed, entailing great losses on the farmers; but a few years ago our State legislature passed a law requiring all commission merchants to take out a license and to give a bond and to be subject to the regulation and control of the Railroad and Warehouse Commission of Minnesota. Therefore if I, owning an independent country elevator, ship grain to a commission merchant, he will go to the chamber of commerce and sell that grain by sample; but I have some protection, because the commission merchant is now a licensed officer and under a bond, and is subject to the regulation of the railroad and warehouse commission.

But I continue the quotation:

When the grain is sold by the commission merchant a confirmation of the sale is promptly forwarded to the shipper, giving the particulars above mentioned. If this car has been sold to a terminal elevator or mill orders are given to the railroad company for the delivery of this car to the terminal elevator or mill.

If the buyer desires to secure an additional sample of the car for checking purposes he employs one of the sampling bureaus above mentioned to secure this sample for him. The bureau sampler thereupon breaks the State seal, keeping a record of the number of the seal broken, and applies a chamber of commerce seal, all seals being numbered consecutively.

A daily report is furnished to the secretary of the chamber of commerce by the bureau sampler of the seals broken and applied. When the car reaches the terminal elevator or mill for unloading it then comes under the control of the State weighing department, which is also under the supervision of the railroad and warehouse commission. State weighers are located at all of the leading terminal elevators and mills. The State weigher at once makes a careful examination of the car to detect any bad order conditions and a complete record is made of any such conditions found.

The inspection of the car for leaky conditions having been finished the State weigher takes a complete seal record of the car before the seals are broken In case the mill or elevator company, at whose plant the car has been set for unloading, should break the seals for private inspection they also are required to make a record of the seals which they have broken and the seals which they apply.

Next I come to the State weighing department. That is distinct from the inspection department. I quote on this point from the document already quoted from, as follows:

STATE WEIGHING.

After the seal record has been secured the car is placed at the unloading pit, where, by means of steam shovels, the grain is unloaded from the car.

The grain is then elevated to the garner, which is the large receiving hopper located just above the scale hopper. After the scale has been properly balanced and the hopper valves securely closed the grain is drawn down from the garner into the scale hopper.

The grain is then carefully weighed by the State weigher and the original entry of weight is made in a record book provided for the purpose. He then takes a specially arranged ticket, and by means of the type-registering device with which all scales on which State weights are given are equipped, he obtains a type-printed record of the weight, which must correspond with the weight recorded in the book.

He then checks this type-printed record with the figures that he first recorded in the record book, and if they do not agree it is his duty to at once thoroughly investigate the work before the grain has been dropped from the scale to discover the cause of the difference in the records.

Since an incorrect record can not be obtained from the type-register device unless it is actually broken or out of order, it is practically impossible for error to enter into the work of weighing under the present system.

Another check that tends toward accuracy is the fact that all through the weighing operation the State weigher has not been alone in the work, for the mill or elevator weigher has been present all the time, and as a result the two men are enabled to compare their work and figures as an extra precaution against mistakes.

At the larger elevators in the system where the weighing is done on hopper scales in the cupola two men are employed by the State, one being stationed upstairs where the weighing is done, and the other supervises the work of unloading and handling downstairs. This downstairs man sees that the cars are properly swept; it is his duty to know that all of the grain has been elevated from the unloading pit before the signal is given to the State weigher above to weigh the grain; and he must know that the car is placed at the particular unloading pit which corresponds with the scale number upstairs, on which scale the State weigher has been advised the carload of grain is to be weighed. It is this downstairs man who keeps the seal record.

The men who weigh the grain at these terminals are State officers, and they are under bonds. If they commit any wrong, if they are guilty of false weighing whereby anybody suffers any damage, the person injured can sue them on their bonds just as well as the State.

Sometimes there is a complaint that they do not give full weight. Here is a rule laid down to reach such cases. It is a rule laid down by our grain inspection department, but unfortunately the shippers do not follow it:

When a shipper of a car of grain obeys the law by placing a card in the car, giving the shipping weight, an immediate investigation is made if there is an apparent discrepancy.

In other words, our State rule requires that when a man ships a carload of wheat from an interior point he shall prepare a card stating the weight of the grain, the amount of bushels, and put it inside the car. The object of that rule is that when the car gets to the terminals, if there is a discrepancy between the weight in the car, as given on the card, and the weight of the State weighers at the terminal, the controversy can immediately be settled. They can have it looked up, and see where the mistake is. Unfortunately, however, that is a rule with which the shippers fail to comply in most instances. I quote further:

When a shipper of a car of grain obeys the law by placing a card in the car, giving the shipping weight, an immediate investigation is made if there is an apparent discrepancy between the State weight and the shipping weight, and it is very plain that such an investigation, made while the grain is still held in the scale hopper, is of more value than when made a few days or weeks after the weighing has been done and all the circumstances surrounding the case may have been forgotten.

When there is no shipping weight ticket placed in the car the State weigher has no means of knowing the amount of grain the shipper has loaded into the car, and consequently he would not know of the fact if a shortage did actually exist.

Here is a description of the system of weighing, which I ask to have inserted in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Where track scales are used instead of hopper scales, the loaded car is uncoupled from all other cars, placed upon the scale platform and weighed. Then when the grain has been unloaded from the car, the empty car is weighed to obtain the tare weight. This tare weight is deducted from the gross weight in order to obtain the net weight of the grain. A complete record of the work is kept the same as in hopper scale weighing, and the recorded weights are checked by means of the type registering device previously mentioned.

When the State weigher closes his report for the day it is mailed at once to the State weighmaster's office where the report must be on hand by 7 o'clock a. m. on the day following the weighing.

From these records on file in the weighmaster's office an official certificate of weight is issued, bearing upon its face the car number, initial, contents, and State weight, together with the date and place where the grain was weighed. This certificate is stamped with the seal of the office of the State weighmaster, and forms the basis of settlement between the seller and buyer in the matter of weight.

All State weighers are under a surety fund of $5,000.

They are wholly independent in their work, not knowing to whom a single car of grain belongs, and they also know that the tenure of their office is not dependent upon the good or ill will of mill or elevator people at those weighing stations where they may be stationed.

Scale experts are employed by the department, whose sole duties are to test the scales and keep them adjusted to the Government standard of weights. Nor does the State supervision cease at the testing of the scales, but takes up the details of proper scale construction, elevating machinery, and all apparatus that enters into the handling of the grain before it is fully weighed.

The mechanical improvements at the terminals have kept pace with the progress of development of the State system of records and weighing, and to-day in the mills and elevators are installed the most improved type of scales that money can buy.

In the matter of track scales the old wood foundations are replaced with steel and concrete, and the track scale capacity has increased from 100,000 pounds to 200,000, while the largest hopper scales in the world are in Minneapolis, with a capacity of 120,000 pounds, net.

Automatic devices are used to aid in securing exact results; the sacks are sealed to prevent willful or accidental changing of the scale leverage without the knowledge of the department.

A close supervision is kept over all scales on which State weights are given, and this does not mean just ordinary care in the use of the scales, but means a complete and severe test from minimum to maximum capacity of every scale in the system.

The State grain department thoroughly investigates all claims that are presented.

When a claim is presented alleging a shortage, it is placed on file and handled in the order of its filing. The records are carefully

checked over to see if an error has been made in transposition of numbers, addition of drafts, or by actual mistake in recording figures or a set of figures.

The type register ticket, which has been carefully preserved for reference, is then examined and compared with the figures as shown by the original written record.

The record of the work is then investigated at the unloading station. The seal records are also checked up.

Another very important branch of the State grain department is the system of patrol service, whereby the cars loaded with grain are watched while going through the terminal yards, to detect any leaking condition that might exist as well as to guard against pilferage.

Many times leaking cars are found and reported by these special watchmen, that would not show to be leaky except when in motion, for cars often leak in the yards when switched about and do not show evidence of leakage when set for unloading.

Much has also been accomplished in the way of protecting the property of shippers from pilferage, a loss against which the country shipper would be powerless if it were allowed to exist unchecked.

Since these special watchmen cover the whole terminal system wherever cars of grain are handled, they are a further check upon the work of seeing that the cars are properly swept at the different unloading stations which they are continually passing during their yard work.

These men are regular weighers assigned to this patrol service, and are empowered with police authority.

The State grain department stands as the arbitrator between the seller and the buyer; it treats both with equal fairness; it is disinterested as to the financial interest involved, its only care being to see that justice is done.

It has the supervision of grading and weighing of all grain that pours into the terminal markets, and it aims to be an active and energetic factor in the work of securing correct grades and weights, making constant efforts toward the improvement of the service by the adoption of the most modern equipment, and by the application of the experience that years in the development of the work has given.

REPORT TO THE SHIPPER.

When the exact weight of the car is known to the commission merchant, he then renders an invoice to the buyer for the amount due for the car, and also forwards an "account sale" to the country shipper, particulars regarding the car, giving the car number, initial, kind of grain, gross weight, dockage, if any, and net weight, price per bushel sold at, and gross proceeds. Also showing the charges, including freight, inspection and weighing fees, commission, etc. If the shipper attached a draft to the bill of lading, and this draft has been paid by the commission merchant, this amount is deducted as an advance from the net proceeds, and the balance forwarded with the account sale to the country shipper, together with duplicate inspection and weighing certificate and expense bills, etc.

In addition to the patrol service of the weighing department for the purpose of checking leaking cars, the chamber of commerce employs inspectors who visit the local and outgoing railroad yards for the same purpose, and also to detect any cases of rough handling of the railroad equipment which might result in loss to the shipper.

The country shipper can always secure a complete seal record by applying to the State inspection department and to the office of the secretary of the chamber of commerce. If the car at the time of unloading has a railroad seal on one side, which was attached at the shipping point, and on the other side a chamber of commerce seal, the secretary's office of the chamber of commerce can immediately advise regarding the number of the seal broken when the chamber of commerce seal was applied. If this was a State seal, the State inspection department can furnish him the number of the seal broken when the State seal was applied. By this method a complete sealing record is kept from the time the car was shipped until it is unloaded, even though it may have been opened for sampling several times.

If the farmers' elevator company is dissatisfied with the treatment accorded it by the commission merchant, it can make complaint to the railroad and warehouse commission, and, in addition, can file complaint with the secretary of the chamber of commerce, who will investigate the shipment. Farmers' elevator companies and shippers generally should not hesitate to request an investigation of their shipments by the secretary of the chamber of commerce.

Mr. NELSON. To sum up, Mr. President, when a carload of grain reaches Minneapolis from an interior point, from a country elevator, it is put on a sidetrack. Early next morning a State sampler goes to the car and gets a sample of the grain with his probing instrument. He takes that sample, puts it in a sack, and it is handed to the State grain inspector or to a deputy inspector. The inspector passes upon the grade and the dockage. He takes the sample, runs it over a sieve, as I stated a moment ago, tests it, and fixes the grade and the amount of dockage.

If the owner of the carload of grain is dissatisfied with that inspection, if he feels that the inspector has not given him the grade that he ought to have for the grain, if he feels that he has not given him the proper amount of dockage, he can immediately apply for a reinspection. A reinspection is thereupon had by other inspectors, usually by a chief deputy and two assistants. If the owner of the grain is still dissatisfied he can immediately appeal to the board of grain appeals. So it is difficult to see how you could provide a better and safer system to protect the public. There are practically three tribunals—first, the original inspector; second, the reinspectors; third, the grain appeal board—that pass on the grades and the dockage.

In this connection I wish to say further that our inspection system is not compulsory like the plan proposed in this bill. A farmer or a country elevator can ship grain to Minneapolis or St. Paul without having State inspection. A farmer in our State can secure a car, load his grain directly on the car, and send it to a commission merchant at Minneapolis, and that commission merchant can sell it directly to the millers without there being a single bit of State inspection. There is nothing compulsory in the system as in the pending bill.

Since 1885 Minnesota has been engaged in formulating and perfecting her grain-inspection system, and we have by degrees and finally got a system in which the farmers and shippers are better protected than in almost any other State I know of. Many years ago it was difficult for independent elevators and farmers' elevators to get sites at railway stations. If the independent elevator or the farmers' elevator applied to the railroad companies for a site to build an elevator or warehouse on, the railroad companies would look wise and say: "Well, we would like to accommodate you, but we have not room. We need what land we have around that station for our yards and tracks. We can not spare you ground for a site"; and in that way they would stand them off.

Finally, in 1893, I think, we succeeded in passing a law compelling the railway companies to give sites for independent and farmers' elevators; and if the railroad companies refused to give sites for that purpose we authorized condemnation proceedings, so that they could secure sites in any event. Since we passed that law we have had no difficulty. Our farmers have had ample opportunity to secure elevator sites and warehouse sites in the country.

That is not all, Mr. President. The farmers felt that they would like to ship their grain without shipping it through an elevator, without paying toll either to a local or terminal elevator. So we provided by legislation, I think pretty much at the same time, though I am not sure about the year, that the railroad companies should furnish cars to the shippers, and that they should equip their stations with platform scales at the stations, to the end that a farmer might notify the railroad company in season and say: "I want a car to ship a carload of wheat to Minneapolis, and I want it as soon as I can get it"; and when the car was furnished—and they would be careful to furnish it, under the rules of the railroad and warehouse commission, in the order in which the demand was made, whether by an elevator or a farmer—the company was required to have a platform scale where the car could be pulled on the scales and weighed before it was shipped.

In that way we afforded our farmers every possible facility. A farmer in Minnesota to-day can ship a carload of wheat from his local station to Duluth or Minneapolis without the grain passing through an elevator. He can haul the grain right up to the car, put it into the car, and ship it direct to the commission merchant at Minneapolis, who can sell it to the miller by sample, without having any State inspection or grade at all.

During the early years of our system of grain inspection until we secured the country-elevator law in 1893 there was some complaint among our farmers. In recent years, aside from a few politicians who seek to make political capital out of it, our farmers in Minnesota have been fairly well satisfied with our system of grain inspection. There has been no complaint made by them, so far as I know, in respect to the system. Of course there have been from time to time reinspections and appeals, but the outcome of this has, on the whole, been satisfactory. The complaint has come mainly from our adjoining State of North Dakota. They have had the benefit of the same market we have had. There has been no discrimination between their grain and our grain in any respect.

I can tell where part of the trouble of North Dakota arises from. It arises from their system of thrashing. Owing to the large farms they have had in North Dakota and the scarcity of help, a large share of their grain has not been stacked. It has been thrashed from the shock. To some extent that has been true in our State, in the upper part of it, in the so-called Red River Valley, but not to the same extent as in North Dakota. In North Dakota a large share of their grain is not stacked before thrashing, and it oftentimes happens that before the grain is thrashed out of the shock it becomes bleached and injured by rain and sunshine and storm, and thus it loses in color, quality, and grade.

During the earlier years of their farming, while their land was new, their wheat was tolerably clean and nice, as clean as any of ours; but in later years, owing to their extensive system of farming their larger farms and owing to their methods of farming, oftentimes seeding grain without plowing the land, simply running those pulverizers or rotary cultivators over it, they got a good deal of foul seed in their grain—wild oats, smut, cockle, pigeon grass, and a lot of those things.

The greatest trouble, however, came from shock thrashing. Some falls they would be fortunate, and perhaps there would be little or no rain between the time the grain was cut and the

time they put it through the thrashing machine; but other falls, again, they might have two or three storms and showers. Those thrashing machines have big crews. They are in a hurry about their work, and if there is a rainstorm they are not always careful to wait long enough to have the grain thoroughly dried before going on. It is because of that shock thrashing that their wheat, though originally of a good quality, oftentimes comes to the terminal stations bleached and looking badly.

Those big farmers thrash from the shock. They haul their grain immediately to the country warehouse, perhaps into the car, and it is shipped immediately, and when it is shipped in that way it is liable to heat, deteriorate, and become damaged.

We farmers know that grain, after it is cut and shocked and after it is put in stacks, goes through a sweating process. In the case of our moderate-sized farmers, who stack their wheat, if the grain gets bleached a little in shock, if we stack it and let it stand in stacks two or three weeks it goes through a sweating process, and it regains its natural and good color, which it had lost in the bleaching process, and improves in grade and quality.

Mr. SHERMAN. Mr. President——

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

Mr. NELSON. Certainly.

Mr. SHERMAN. Before the Senator leaves that point, I wish to inquire if the wheat that undergoes the stacking process does not ship more safely and with less liability to deteriorate in transit?

Mr. NELSON. Certainly. I have always been careful to stack my wheat. I never thrash it until it has stood at least three or four weeks in stacks, because wheat in stacks undergoes a sweating process and at first it becomes a little tough.

Mr. McCUMBER. Mr. President——

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

Mr. NELSON. Yes, sir.

Mr. McCUMBER. I might also ask the question whether the Senator does not believe that the North Dakota farmer understands that as well as anyone else and makes due allowance for it?

Mr. NELSON. No; I do not think they all do, for if they did there would be more grain stacked and less shock thrashing among them.

Mr. McCUMBER. I think he does, Mr. President, fully as well as the Minnesota farmer or anyone else.

Mr. NELSON. I think a good deal of the trouble comes from that source.

Mr. McCUMBER. I can say——

Mr. NELSON. Fortunately, I have here a North Dakota witness as to the good quality of our system of inspection and showing their own failure to pass the proper legislation.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota further yield to the Senator from North Dakota?

Mr. NELSON. Yes, sir.

Mr. McCUMBER. I simply want to say, for the intelligence of the average farmer of North Dakota, that he does understand that condition just as well as the Senator from Minnesota or myself, and he makes full allowance for naturally deteriorated grain.

Mr. NELSON. I am not disputing the intelligence of the North Dakota farmers. They are as intelligent as the Minnesota farmers. The trouble in North Dakota is that they have had a larger proportion of what we call the large farms, and farming in that country is not like it is in the older States.

In the older States, where they engage in stock raising and have a lot of cattle, they keep hired men by the year. On the North Dakota farms they have little to do in the winter; they are large prairie farms; there is no wood to get in, and nothing particularly to do except to take care of the few head of horses and cattle they have. They get a large part of their help from the big cities in summer. They go to the big cities and get all kinds of help, and they rush their farming through as rapidly as they can, under great pressure and as expeditiously as possible. That is one reason why they resort to shock thrashing, because they avoid the expense and trouble of stacking.

I have talked with many North Dakota farmers about the matter and they have said: "I am satisfied I would get a better grade for my grain, and do better, if I could stack it and let it stay in stack before thrashing; but, unfortunately, it is so hard to get help that we have to rely upon the help we can get from the big cities, and for that reason we have to get along the best way we can without stacking our grain, and thrash it as rapidly as possible."

In 1907 the Legislature of North Dakota passed a law known as chapter 129 of the laws of 1907. It is as follows:

CHAPTER 129.

(S. B. No. 195—Hanna.)

BOARD OF GRAIN COMMISSIONERS.

An act providing for the naming by the governor of the State of a board of grain commission, prescribing their duties, and providing an appropriation therefor.

Whereas the people of the State of North Dakota generally recognize the fact that the inspection of grain in the terminal cities in Minnesota and Wisconsin has not been satisfactory to them, and that there has been more or less conflict as to the grades of the grain and the dockage on same, and

Whereas, from the investigation made by the committee from the North Dakota State Bankers' Association during the past summer, it was shown that there were abuses and that conditions existed which ought not to exist, and which should be remedied: Now, therefore the following law is proposed for enactment by the legislature:

Be it enacted by the Legislative Assembly of the State of North Dakota:

1. Board appointed; duties; appropriation. There shall be appointed by the governor of this State, within 60 days after the passage and approval of this act, a nonpartisan board, consisting of three members, who shall be citizens and freeholders of the State, and not, directly or indirectly, interested in any elevator company, to be known as the "grain commission board." The duties of this board shall be to go to the cities of Duluth, Minneapolis, and Superior, and to carefully investigate the feasibility and practicability of the State of North Dakota buying or leasing or building an elevator to be used as a terminal elevator for the use and benefit of the people of the State of North Dakota, and making a report thereof. The said board in their investigation shall make full inquiry into the present grain inspection, the methods of handling of grain, the dockage of grain and the expense of cleaning grain, and the disposition of the screenings and their approximate value. They are to report as to the probable cost of buying, leasing, or building of a terminal elevator of a certain capacity, and the probable expense of operating the same, including taxes and insurance. Also to report any further matters that may come to their knowledge during their investigation and that would be of help in throwing further light and information on the subject. The board shall make a detailed report of their findings to the governor of the State, which shall be submitted by him to the next session of the legislature for such action as they shall deem proper. Each member of the board shall receive for the time actually spent by him in the performance of his duties the sum of $7 per day and his actual and necessary traveling and other expenses, but in no event shall each member of the commission spend more than 60 days in the performance of their duties. Not more that 50 days shall be spent in this work in the year A. D. 1907, and not more than 10 days in the year A. D. 1908 to supplement their findings of 1907, and to bring down their report as to conditions as near to the time of the meeting of the next State legislature as possible. The board is hereby authorized to employ and pay for a stenographer to assist in preparing their report. For the purpose of carrying out the provisions of this act there is hereby appropriated out of the State treasury of moneys not otherwise appropriated the sum of $2,000, or so much thereof as may be necessary, to pay the per diem and expenses of the commission and their stenographer.

2. Emergency. Whereas an emergency is said to exist in that this board should be appointed prior to July 1 next, therefore this act shall be in force from and after its passage and approval.

Approved, March 4, 1907.

I now have the report of the commission which that law provided for, and I desire to read from the report. It was a commission of three men. I will read the report, for it will clearly justify and make good the statement that the system of inspection in Minnesota is a good one, and it is not subject to all the vituperation and criticism that have been invoked against it here. Mind you, this report was made at about the time the hearings were had that my friend from Illinois [Mr. SHERMAN] referred to yesterday.

I read from public document No. 37 the report of the board of grain commissioners to his excellency, John Burke, governor of North Dakota. It appears to have been printed in 1908:

Pursuant to the provisions of the statute providing for the appointment and designating the duties of this board, we severally qualified by executing a bond in the penal sum of $5,000, running to the State of North Dakota, and conditioned upon the faithful discharge of our duties as members of said board of grain commissioners, said bonds being on file in the office of the secretary of state.

On November 14, 1907, we met in the city of Minneapolis and organized by the election of Mr A. R. Thompson as chairman and Mr. M. O. Hall as secretary of the board.

The board immediately took up the matter of investigating the system of terminal grain inspection and weighing in vogue at Minneapolis, Duluth, and West Superior, beginning their duties in this respect by an investigation of the State weighing system in operation at the city of Minneapolis.

In pursuance of this the board repaired to the office of Mr. P. P. Quist, State weighmaster of grain, and informed him of their desire and purpose. Mr. Quist, in his capacity as the chief of the Minneapolis weighing department, rendered efficient and accommodating service to this board in pursuing their investigation.

We first inspected the office of the weighing department. On the long counters we found spread out for the use of the public carbon copies of the weighers' daily reports.

I ask attention to this:

We first inspected the office of the weighing department. On the long counters we found spread out, for the use of the public, carbon copies of the weighers' daily reports, which showed in detail the work of the previous day, giving car numbers, initials, kinds of grain, and weights. These reports also showed notations of leaks or any other bad-order condition of the cars which might have resulted, or did result, in a shortage. When leaky cars are discovered a special report is made by

the weigher and the leak designated on the reverse side of the written report, which has a diagram of a freight car.

Our attention was called to the Minnesota statute, which requires all shippers—

I want to invoke your attention to this:

Our attention was called to the Minnesota statute which requires all shippers to place a card on the grain door of the car shipped, giving the outweight, so that in case of a discrepancy as between local weights and terminal weights an immediate investigation can be made to determine such discrepancy, for it is very obvious that such an investigation will be of more value if made at once instead of after days or weeks have elapsed.

If the name and address of the shipper appear on these shipping cards and the weigher's report shows such car to be in bad order, a letter is at once sent to the address given and a copy of the weigher's report inclosed, which can be used in making a claim against the transportation company for the grain lost in transit. Mr. Quist assured us, in this connection, that a just claim accompanied by such an official report is hardly ever rejected by the transportation companies, but usually settled promptly. We wish to emphasize the importance of this to our shippers—of weighing the grain and inclosing a card in the car showing the outweights, as a basis for recovery in case of shortage.

It is the North Dakota commission that has this to say:

We next visited the electric steel elevator at Minneapolis, which, as the name thereof would indicate, is built entirely of steel, having round steel tanks for storage purposes. This elevator, being fireproof, is exempt from the Minnesota law, which requires that all grain stored in public elevators must be insured in favor of the owner—

It is a matter I had forgotten to state, that except in fireproof elevators, when the grain is stored there, the company owning the elevator is required to take out an insurance for the benefit of the grain holders—

thus saving a great deal of money, as the insurance rate on grain is quite high. At this elevator we made a very close inspection of the system of weighing in vogue, which is identical with the system generally in operation at Minneapolis, Superior, and Duluth. An assistant State weigher was stationed on the ground floor of the elevator. His duty is to keep a record of the seals of the cars about to be weighed. He makes a careful examination of the car in order to detect any bad order or leaky conditions, and it is also his duty to see that the car is properly swept out after being unloaded. He then notifies the State weigher, who is stationed in the upper story or cupola of the elevator, that the car has been unloaded and the contents thereof elevated. The scales in this elevator, as in most all other of the terminal elevators, are located in the cupola, most of them having a weighing capacity of from 85,000 to 120,000 pounds. The scales are of the so-called "hopper-scale" variety. The scale beams are equipped with a register device, which prints the weight on the ticket. The scale hoppers are also provided with a Neale patent indicator, which is not only a check against a leaky scale hopper, but against accidents and even dishonesty. In weighing the grain, after it is elevated into the hopper, two men are employed—one is a State weigher, representing the State, and the other some employee, representing the particular elevator company or mill where the grain is being handled. Each of these men keeps a separate record. They check up their weights at the scale before the grain is dropped from the hopper with a view that no error can be made, and especially when it is further checked by the so-called automatic "type-register" ticket. There is also a device which indicates when the scale hopper has been opened, and which makes it impossible to receive other grain into the hopper before the same has been completely emptied. When the day's work is ended the State weigher makes out a full report, in duplicate, of his day's work, which is sent to the State weighmaster's office, together with the automatic register ticket, where they are again checked by clerks with report sheets to detect any error that may have been made in the report. This is done for the purpose of still further insuring the correctness of the official certificates to be issued by the weighing department. These certificates are issued in the first instance to the consignee of the grain in question or upon application in duplicate form to any person or persons who have any interest in the grain so weighed.

Our board next made a visit to the Pillsbury "A" mill. Here we examined into the condition of the cars that were standing in the mill yard preparatory to being unloaded. Several of these cars showed indications of having leaked while in transit and were in a condition unfit for carrying grain. Investigation proved that State employees had made this inspection and had made a complete record of conditions. The system of weighing in vogue at this mill was also inspected, and was found to be about the same as that at the elevator just described. This mill has a daily capacity of 17,000 barrels of flour.

We next visited the Phoenix mill, where the weighing of the grain unloaded there was done on a track scale, also under supervision of the State weighing department. The system in vogue here we found to be this, that the gross weight of a car and contents were first ascertained and then the grain is unloaded and the empty car reweighed to ascertain the tare. In no case is the stencil weight marked on the car taken for the tare. No reliance is placed on the stencil weight on cars. Moreover, at these track scales all cars are detached from other cars while being weighed. We were informed in this connection that about one-third of the different stations where State weighing is in force at Minneapolis were equipped with such track scales. These track scales are equipped with the same safety devices and automatic registers that are used on the hopper scales.

After describing where the weighing is done—the two kinds of weighing: one the hopper system, taking it up to the top and weighing it, and the other the platform weighing—the commission proceeds:

Our attention was called to the fact that all State weighers are under $5,000 bonds, conditioned upon the faithful and honest discharge of their duties as such. Again, our attention was called to the fact that aside from the constant scale supervision by an experienced scale expert employed by the State, the shipments from elevators to mills, or from scale to scale, where State weighing was in force, were carefully watched with a view of ascertaining whether these scales weighed the same. One of the purposes of this is to detect any scale getting out of order.

This practically concluded our investigation into the public weighing system at Minneapolis. A few days later, however, we resumed such investigation as to the system at Duluth and Superior, and there we found that practically the same system was in operation, conducted in the same manner.

We found in pursuing this investigation—

I ask attention to this—

that an unusually large number of cars are received at terminal points in bad order, cars that are received in such condition that it is quite obvious that more or less loss has been sustained while in transit—losses that in most cases, perhaps, should be borne by the transportation companies, inasmuch as it is only right and proper that a transportation company should in the first instance furnish a car in good condition and deliver its contents intact to the consignee. Responsibility for discrepancies occurring while in transit should be in most cases borne by the transportation companies. We also found that at Duluth and Minneapolis 85 per cent of all the grain was weighed on so-called "hopper scales."

Scales taken up:

Furthermore, that it appears that there is a regular shrinkage of about 30 pounds per 1,000 bushels caused by hauling, as it is a well-recognized fact that grain can not be handled without a loss when elevated and weighed in hopper scales.

One of the complaints that the Senator from North Dakota made was that they deducted 30 pounds out of each carload for shrinkage, and so forth. There is no law for it and that custom has since been abandoned. There was a time when, out of a carload of wheat, for in a carload of wheat there are now generally from 1,000 to 1,200 bushels, they deducted 30 pounds, or half a bushel, out of the 1,000 or 1,200 bushels as a matter of shrinkage. This North Dakota commission that I am reading from continues:

It appears to this board that this is an injustice to the shipper, and we would recommend as an improvement to the present system of weighing, and in perfect fairness to the shipper, that all grain be weighed on track scales before unloading instead of hopper scales.

TERMINAL INSPECTION OF GRAIN.

Our board next—

This is the North Dakota board—

Our board next took up the matter of terminal inspection of grain, and in this connection made careful and diligent inquiry into the system in vogue as to grade and to dockage. The Minnesota terminal-inspection system was established by an act of the legislature in 1885, and has been in operation since that time under the provisions of the general law, as amended from time to time. The terminal-inspection law was the outgrowth of a demand on the part of the farmers of Minnesota for a system different from commercial inspection, which obtained prior to the enactment of the Minnesota grain and railroad laws of 1885. Prior to this time the inspection of grain at the Minnesota terminals was in the hands of men who were appointed by the chamber of commerce.

It was claimed by shippers that such an arrangement was too one-sided, giving the purchaser of the grain practically the sole privilege of fixing its grade and its dockage. Under the present system, the State becomes the arbiter between the shipper and the buyer. As originally established, this system was conducted almost entirely on the basis of outside or car-door inspection. When a carload of grain—

And here they proceed to describe it—

When a carload of grain reached the terminal market, it was placed by the railroad company upon special tracks called inspection tracks, which were provided for in each railroad yard. A State grain sampler appeared in the morning, as soon as it was light enough to see, accompanied by an inspector. He first took a record of the car number and initials, also a record of the number of the car seal, which he had to break in order to enter the car He then took a hollow brass tube, called a probe and by plunging this tube down through the grain to the bottom of the car in five or more places he secured a fair simple of the grain throughout the entire car.

Now, this is what the North Dakota commission said:

These several probes were deposited at the door of the car, from which the inspector made his inspection and fixed the dockage. The sampler then resealed the car—

I may say that since this time the samples are sent to the inspector; they are no longer inspected in front of the car.

The sampler then resealed the car, keeping a record of the State inspection seal, applied in place of the broken railroad seal. While a State inspector was determining the grade of the grain in the car in question, a sampler employed by the chamber of commerce at Minneapolis, or the boards of trade at Duluth and Superior, also took a sample, which sample was turned over to the consignee of the car for exhibition in the chamber or board of trade. The chamber of commerce and the board of trade also keep a complete seal record. Such was the system originally employed. In later years the Minnesota Railroad and Warehouse Commission, who are charged with the supervision by law of the inspection and weighing departments, have made several innovations. The most important is doubtless the one that there is no more car-door or outside inspection.

That is what I called attention to a moment ago.

Mr. WEST. Mr. President——

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

Mr. NELSON. I yield.

Mr. WEST. I do not think I made the point clear to the Senator a few moments ago in reference to the comparison. I have not yet learned the difference on a comparison between the State inspector and an inspector of the board. They both go there and inspect?

Mr. NELSON. No; they do not inspect.

Mr. WEST. Well, they get samples?

Mr. NELSON. That is all.

Mr. WEST. And those samples are inspected subsequently?

Mr. NELSON. Yes.

Mr. WEST. Now, what I wish to know is whether there is any comparison between the inspections made by the State and the board of trade?

Mr. NELSON. No; there is no inspection by the board of trade. The Senator misapprehends the situation.

Mr. WEST. Then, may I ask a further question?

Mr. NELSON. Certainly.

Mr. WEST. The sale is made on the inspection of the board of trade, is it not?

Mr. NELSON. No, sir; not at the chamber of commerce. I have tried to repeat that several times. I am sorry the Senator was not here.

Mr. WEST. Perhaps I was out at the time, but what I wish to know is the relations sustained between the inspections made by the State and the inspections made by the board of trade?

Mr. NELSON. There is no inspection by the board of trade, and there is no relation between the two. The board of trade simply sends its man there to get samples of the grain, and those samples are brought to the chamber of commerce and spread out upon the table. They are not graded by the chamber of commerce. Their samplers simply bring a specimen of the wheat and a ticket showing from what car it is taken, where it came from, to identify it, and it is sold in the chamber of commerce for cash by the sample that is laid on the board.

Mr. WEST. Perhaps I have misstated it when I use the term "board of trade." But the sale is made on that inspection?

Mr. NELSON. No; it is not made on it. It is made on looking at the grain on the table. There is no inspection or grading of it.

Mr. WEST. Well, who grades it when it is sold?

Mr. NELSON. There is no grading of what is sold on the board of trade. It is sold by sample. I quoted from the book here yesterday, and I will quote from this report as I go further on and show the same thing.

Mr. McCUMBER. Mr. President, that we may have a clear understanding, will the Senator allow me to ask him a question there?

Mr. NELSON. Certainly.

Mr. McCUMBER. I have shipped some grain myself, and my colleague ships a great many carloads every year. Although the system the Senator speaks of is in vogue and samples are taken before the exchange, and those samples, we will say, are not graded at all; but every time the commission merchant sends me back my account or my colleague's account it shows that this grain was graded at a certain price; that it was docked a certain number of pounds per bushel; that the price was a certain price; that it was sold there at that price at that hour; and when I look at the reports I find it is sold for the exact price that the grain was at that hour. So I can not see how it is sold by sample. While the sample may guide in the matter, I can not see how it is sold by sample when they always report back to me that it is sold at a certain grade, reporting on that grade and the price on that grade.

Mr. NELSON. But the price is made by the chamber of commerce upon the sample laid on the table.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the junior Senator from North Dakota?

Mr. NELSON. I yield.

Mr. GRONNA. The Senator from Minnesota is correct to a certain extent. There is a little ticket placed in the little pan where they have the sample, and on that ticket is marked the condition of the grain and the weight of it, and, of course, that is the grade.

Mr. NELSON. Who marks the ticket? That is not done by the grain inspector.

Mr. GRONNA. The ticket is marked.

Mr. NELSON. Not by the State officer.

Mr. GRONNA. It may not be marked by the State officer, but it will be marked by the man who takes it up.

Mr. NELSON. It will be marked by the sampler of the board or the chamber of commerce, but not by any State officer.

Mr. GRONNA. If the Senator will further permit me, we will say now there is a car of No. 1 northern grain. The sample may be a good sample of No. 1 northern, or it may be a poor sample of No. 1 northern. If it is a good sample, it will naturally command a premium. Of course, that is an advantage to the farmer. I will admit that it is an advantage to the farmer that the samples are shown, because if it is a good sample of No. 1 northern, he will get the advantage.

Mr. NELSON. Does not the Senator know that if he will look at the quotations in the Minneapolis papers he will find No. 1 northern quoted at different prices at cash sales, and that is because it is sold by sample?

Mr. GRONNA. That is true; but it is also true, Mr. President, that each little basin, as I call it, has a ticket in it showing the car number, the weight, the quality, and the conditions all through.

Mr. NELSON. That is not prepared by the State official.

Mr. GRONNA. Of course, the grain is sold on the grade from the condition of the sample.

Mr. NELSON. Of course, it is sold by sample. That is what I said. It is sold by the sample.

Mr. BRADY. Mr. President——

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

Mr. NELSON. Certainly.

Mr. BRADY. I should like to ask the Senator a question relative to the loss in weight. I do not exactly understand the Senator, whether the 30 pounds on a thousand bushels was an arbitrary loss.

Mr. NELSON. There was an arbitrary rule that they adopted, but that rule is obsolete now; they do not adhere to it at all.

Mr. BRADY. How do they figure the loss?

Mr. NELSON. They do not figure any now.

Mr. BRADY. They have discontinued that practice?

Mr. NELSON. They have discontinued the practice now. I do not know how many years ago they discontinued it.

Mr. BRADY. I understood from some discussion here on the floor that that had been done, and I was anxious to know the facts in regard to it.

Mr. NELSON. There was such a rule at one time. That is, it was a general rule. It was conceded on all hands that there was liable to be some shrinkage in shipment, and so they adopted, after awhile, an arbitrary rule without figuring and determining it. They have now abandoned that rule. That is no longer in vogue; but you can see how slight it was. Carloads now run from 1,000 bushels up to 1,500 bushels, and 30 pounds on a carload would not surely be a great deal of shrinkage.

Mr. BRADY. It is not a great deal. I am asking for information only. That is not in vogue now?

Mr. NELSON. No; it is not in vogue; that is, it is not the rule now.

Mr. BRADY. If the Senator please, I should like to have a little further information relative to the question asked by the junior Senator from Georgia [Mr. WEST]. I am not yet clear in my mind regarding the grading of the wheat that is purchased by sample on the Board of Trade in Minneapolis. I understood the Senator to say in his previous remarks that the State inspector would go around the car——

Mr. NELSON. Not the State inspector.

Mr. BRADY. Who goes through the car?

Mr. NELSON. It is the State sampler. He goes and takes a sample. That is all he does.

Mr. BRADY. Whom does he represent—the State or the board of trade?

Mr. NELSON. He represents the State. There is a State sampler and there is a sampler who represents the chamber of commerce. To make it plain to the Senator, suppose there is a carload of grain out here. I am a sampler for the State, and the Senator is a sampler for the chamber of commerce. We both go there and take a sample out of that car. I take my sample to the State inspector, and he inspects it. The Senator takes his sample to the chamber of commerce, and there it is put in a pan with a ticket, and so forth, and spread upon the table.

Mr. BRADY. The Senator has made it very plain. I think I understand it now.

Mr. NELSON. On the chamber of commerce the grain is sold upon that sample.

Mr. BRADY. But what becomes of the inspection made by the State grain inspector?

Mr. NELSON. The State inspects that grain. It takes a sample and gives the grade to it, and pronounces what the dockage is.

Mr. BRADY. Does that govern the board of trade in buying and selling?

Mr. NELSON. No; it does not govern the board of trade. The board of trade itself, as a board, does not do any buying or selling. That is done by commission men, who buy and sell on the board of trade to the millers.

Mr. BRADY. What does the Senator say is the effect of the inspection by the State grain inspector?

Mr. NELSON. The main value of that inspection, as far as I can see it, is that cash sales are made by sample on the board of trade. The chief value of the State inspection is that it relates to the question of future sales or to what we call hedging.

There is a good deal of that done. As I explained yesterday, when, I think, the Senator was not here, a mill buys, say, 10,000 bushels of grain to-day to be made into flour. They do not know how the future market will be. That wheat may drop in price a great deal before they get it made into flour and sold. So, to protect themselves, at the same time they buy that wheat they sell to deliver in the future, and in that way they accomplish a sort of insurance to protect themselves. If the Senator had been here and heard the Senator from Illinois [Mr. SHERMAN], who explained that system more clearly than I have done, he could see the great value of it.

Mr. McCUMBER. Mr. President——

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

Mr. McCUMBER. If it will not disturb the Senator in the slightest——

Mr. NELSON. Not if it is reasonable; but I want to get through. I do not want to be interrupted too much.

Mr. McCUMBER. I do not want to impose upon the Senator at all, but I wish to ask him if all the future sales are not filled with certificates from the warehouses and not with certificates as to the car of grain that is unloaded into the warehouse, and the warehouse certificates are applied to fill future contracts?

Mr. NELSON. Here is the point about that. I sell a thousand bushels of No. 1 northern, to be delivered, say, at Minneapolis or at Duluth in June next. I must deliver wheat that at the terminal will pass at that grade. I have agreed to sell and deliver, say, 10,000 bushels of No. 1 northern, or No. 2 northern, or No. 1 hard, as the case may be. Now, when the time comes I have a right to deliver the actual wheat. If I see fit to deliver the actual wheat, instead of settling the differences, as they do at the clearing houses, the man who receives that wheat has a right to ask for a State inspection. He has a right to show that the thousand bushels of wheat I deliver come up to the grade that I have agreed to sell. There is where the State inspection applies.

But I want to proceed and read from this report, because it throws a good deal of light. This is the report of the North Dakota commission upon our system.

Mr. SHERMAN. Before the Senator leaves that point——

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

Mr. NELSON. I yield.

Mr. SHERMAN. I wish to suggest that in addition to the very useful purpose stated by the Senator from Minnesota the official grade of it is authentic information to the world of the visible supply of that quality of grain in the open markets of the United States, and to that degree they furnish most valuable information not only to the millers but to the trade generally.

Mr. NELSON. Yes; all that is true. I will quote further from this report, and it will show what I have been trying to explain to the Senator from Georgia [Mr. WEST] and the Senator from Idaho [Mr. BRADY]. I am reading from the report of the North Dakota commission upon the Minnesota inspection.

All grain is now inspected inside. The grain sampler—

I wish Senators would listen now, so that they will not be mistaken about this matter—

All grain is now inspected inside. The grain sampler, instead of depositing the several probes of grain taken by him at the car door, to be then and there inspected, now deposits them in a small sack, called a sample sack. In this sack, together with the grain, he places a ticket of the car, on which has been marked the number of the car and initials. The sample is then taken or expressed to the State inspection officer, where, under light, it is inspected by expert inspectors. The grain dockage, if there by any dockage, is then determined by means of apparatus adapted to the work, consisting of finely adjusted scales and sieves of different kinds.

In the event that the shipper or consignee is not satisfied with either grade or dockage, as the case may be, of the grain in the car in question, it is his privilege to call for a reinspection. The grain is then at once reinspected by the chief deputy inspector or his assistant, using for their reinspection purpose the same sample as originally based upon. In case either of the parties is still dissatisfied with the reinspection, it is their privilege to call for an appeal, which means that the merits of the case will then be considered by the State board of grain appeals, a board of nine members, three of whom officiate at Minneapolis, three at Duluth, and three at Superior. This is an entirely independent board, being appointed by the governor of the State, while the inspectors and weighers are appointed either by the railroad and warehouse commission themselves or, with their consent, by the chief inspector of grain. In Superior they are appointed by the State grain commissioners of Wisconsin. In case of controversy as to the grade or dockage, a sample of the grain being submitted to the board of appeals, an entirely new sample is procured from the same car. Thus, while the original inspector and the chief deputy inspector reviewing his inspection use the same sample, the board of appeals procures an entirely new sample from the same car.

In pursuance of the system of indoor inspection, and with a view of expediting the disposition of cars upon arrival at the terminals, thus alleviating the annual car shortage, the Minnesota commission have established sampling stations in interior towns in that State. Thus, there is a sampling station at Wilmar, at Melrose, at Cass Lake, at Sandstone, and at Staples.

Grain samplers in the employ of the inspection department are stationed at these places, which in all cases are division points. As the grain comes to these points it is sidetracked, and the State samplers, together with the commercial samplers, obtain samples of the grain in the same manner as indicated above. These samples are then inclosed in a strong wooden box, securely locked, to which there are two keys, one in the possession of the sampling foreman at the interior point and the other in possession of the inspection office at Minneapolis or Duluth, as the case may be. The samples, when so secured, are sent by express to the terminal point which is the destination of the cars of grain of which they are samples. It thus quite frequently happens that the samples are received some time before the arrival of the car of grain that they actually represent. This affords plenty of time for original inspection and reinspection, if required. In this manner all the preliminary details are settled when the car arrives, and it can be immediately ordered to its final destination, thus assuring prompt unloading and disposition for further use. The grade and dockage given by the board of appeals is final.

I quote further:

Our board also found that the rules that govern the grading and docking of grain at the terminals in Minnesota are established at the beginning of each grain year by the members of the board of appeals. They are charged by law with meeting every year and establishing such grades as in their judgment the conditions may warrant. As soon as the grade and dockage of any carload of grain has been completed or finally determined a certificate of inspection is issued by the State inspection department. Thereafter the carload of grain may be sold or delivered at any mill or elevator for unloading. In this connection we desire to state that it is also made the duty of the grain samplers during their work in the railroad yards to make a careful examination of each car of grain with which they come in contact for the purpose of discovering any leaky conditions that may exist, and they are also charged with reporting to the office any indications on the surface of the grain in the car which would indicate that any grain might have been removed, either by leakage or otherwise, from such car.

I will further show you how careful we are in Minnesota in these matters.

I quote further from the report—

have also established an important branch of the State inspection and weighing system, that of watching or patrolling the terminal yards, whereby cars loaded with grain are continually watched while going through these yards, in order to detect leaky conditions that may exist, as well as to guard against pilfering.

So you understand, we not only have this inspection system by which these samples may be taken and the grain inspected, but we have a police there in the yards where the cars are brought in who go there at once and examine the cars and see that they are not in a leaky condition and that no grain is stolen or pilfered from them.

The terminal railroad yards are usually located in outlying districts where the vigilance of special watchmen is required. Very often leaky cars are found and reported by these special watchmen that would not show to be leaky except when in motion, for cars often leak in the yards when being switched about, which does not show any evidence of leakage when standing still. A great deal has also been accomplished in this respect in protecting the property of shippers from pilferage, a loss against which the local shipper would be almost powerless if it occurred. These special watchmen cover the entire terminal system wherever cars of grain are handled, and they also see to it that cars are properly swept at the different unloading stations. These special watchmen assigned to this patrol service are empowered with police authority.

The commissioners were treated with all possible courtesy by the chiefs of the respective departments, both in Wisconsin and Minnesota, and they apparently had nothing to conceal.

When the carloads come to the terminals we not only grade the grain properly and inspect it properly, but we have appointed a police there to see that the cars are in a good condition and that there is no pilfering and no leakage or anything.

I quote further from the report.

"HANDLING OF THE GRAIN AT TERMINALS."

This is the North Dakota Commission—

Grain, after being inspected and weighed, at terminals, is disposed of by going to mills or terminal elevators. Some of the coarse grain is unloaded by teams from the car. Grain that goes to the several mills, in most all cases, can be considered as sold to these mills for manufacturing purposes, as it stands to reason that a mill would not buy grain that it did not intend to use for some purpose.

Here I call the attention of the Senators from North Dakota to this, and this is from their own commission:

As a matter of fact, over 95 per cent of all the grain that arrives at the terminals has passed from the original possession of the raiser of the grain into the possession of the several line, independent, or farmers' elevators that operate the local elevators on several railroads that lead to these terminals.

This is the testimony of the North Dakota commission, that over 95 per cent of the grain when it reaches Minneapolis has ceased to be the grain of the farmer and has gone into the hands of the middlemen; that it is owned either by the local elevator company or is owned by the terminal elevator company.

Mr. BRADY. Mr. President——

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

Mr. NELSON. Certainly.

Mr. BRADY. I merely want to ask the Senator relative to the description he read a few moments ago as to the policing of the tracks and safeguarding the grain after it arrives in Minneapolis.

Mr. NELSON. And in Duluth.

Mr. BRADY. And in Duluth. Was that from the report of the North Dakota commission?

Mr. NELSON. Yes; they reported that we had done that in Minnesota.

Mr. BRADY. The language used is that of the commission?

Mr. NELSON. Yes; this is what that commission says. I am reading from the report of the North Dakota commission. They do not give us such a bad character. We not only inspect North Dakota grain and grade it, just as we do our own, but we provide special detectives and policemen to look after their cars as well as our own. We are not so very bad, after all.

Mr. McCUMBER. Mr. President——

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

Mr. NELSON. Yes.

Mr. McCUMBER. I would not have interrupted the Senator except for the fact that he directed his remarks to me, calling my especial attention to what he was reading with reference to the fact that 95 per cent of all our grain by the time it arrives in Minneapolis has passed out of the farmers' hands. I think that is approximately correct, but the value of what these elevators receive must get back to us.

Mr. NELSON. That is an argument. I am anxious to proceed, and I trust if there is to be any argument the Senator will make it in his own time. I am willing to answer questions and explain matters as I proceed with my remarks, but I do not like to have other arguments made in the course of my address. I called the Senator's attention to this report because it was the report of the Senator's own State commission. I continue the quotation:

Less than 5 per cent of the grain received at these terminals belongs to original shippers or farmers. Investigation at local markets shows that most all farmers raising grain dispose of the same at the local markets—

Now, listen to this—

and their interest in terminal inspection, weighing, and prices is measured with the indirect effect of such conditions. As these conditions are good or bad, they reflect themselves back on the producers. The shipper of grain to the terminals has his option, if he desires to temporarily store his grain, to patronize either public or semipublic terminal elevators.

When he ships the grain to the terminal he has a right to patronize the public or semipublic elevators.

The public elevators are licensed as such, and their business is under the jurisdiction and supervision of the railroad and warehouse commission of that State. Daily reports are made from these houses to the State warehouse registrar.

Now, listen—

These houses are not permitted to mix grain of different grades together. While it is permissible to mix the grain of different owners, the grade being the same, it is not allowed to mix that of superior and inferior grades. Thus the identity of the grain stored is retained.

That is in our public elevators. I am reading, I repeat, the report of the North Dakota commission.

It is inspected in by the State inspector, and inspected out in the same manner. The weighing in and out is on the same plan, and under State supervision.

Here is another point:

These elevators offer an opportunity that independent shippers and others may afford themselves of, who may consider their grain to be of superior quality, and who desire to dispose of the same by special sale or otherwise.

By utilizing these public elevators shippers can, if they so desire, preserve the identity of their grain by special binning, the same—

That is, if I ship grain to any of these public elevators, I can have it put in a separate bin and its identity preserved, if I so desire.

This feature of special warehousing being given them by law. In view of this it is quite remarkable that so little use by shippers is made of the public terminal elevators, particularly by those raisers and shippers of grain who are fortunate in owning and producing the higher grades.

That is what the commission says; that it is unfortunate, that while this facility is afforded to the farmers who raise a superior quality of grain to have it stored in separate bins, they fail to avail themselves of it.

It would seem that they, above all others, would take advantage of an opportunity to get the higher prices that the superior grade of their grain entitles them to. The latter suggestion appears particularly pertinent, as it would affect North Dakota farmers and shippers, who, this board feels, are the producers of the better grades of grain.

There are also private elevators. According to the Minnesota law, which I read a while ago, elevators that receive grain for storage for the public are public elevators, and they are governed by the rules to which I have referred. We have also in the cities what are called private elevators, the owners of which buy the grain they store and take no other grain into the elevators than what they buy and own.

At the present time there is one of these public elevators at Minneapolis and one at Duluth. In addition to acquiring a license for the proper conduct of their business, they are also bonded to the State of Minnesota in a sum sufficient to guarantee the performance of their duties as public warehouses, in accordance with the provision of law.

In speaking of semipublic elevators we refer to those houses where grain is inspected in and out by State inspectors, and also weighed in and out by State weighers. There are a large number of these houses, most all of which are owned by private parties. We refer to them as semipublic elevators under State supervision of grades and weights. This does not mean, however, that the identity of the grain going into these houses must be preserved; that is optional with the owner of the grain. If he so desires, he can mix grain of different grades. These semipublic houses handle a great bulk of the grain that comes to the terminals. While they have public inspection and weighing, they are private in operation, inasmuch as the grain they handle belongs either to the elevator or to the private parties for whom they warehouse and handle the same.

This is a phase of the terminal grain business that has been quite generally misunderstood by our North Dakota shippers and farmers, who seem to think that all the elevators of Minneapolis and Duluth are public houses, where the identity of the grain must be preserved and as received. We here desire to strongly emphasize the distinction that exists between public and semipublic houses.

The report also calls attention to another fact, and I invite the attention of the junior Senator from North Dakota [Mr. GRONNA] to this, in view of the question that he asked my friend from Illinois [Mr. SHERMAN] on yesterday:

Another class of terminal houses that invited and engrossed the attention of our board are the so-called grain hospitals or mixing houses. Of these there are quite a number at the terminals. As their name suggests, they make a business of cleaning, scouring, and mixing grain for profit. The grain that is not in a warehousable condition is conditioned, smutty grain is scoured, grain of inferior grade or no grade is mixed with grain of better grades to insure the market grade or quality. Wheat that is too light in weight for a certain grade is mixed with heavier wheat, so that it may acquire the proper weight. Smutty wheat—

Smut is a poisonous substance, and unless you can extract it from the wheat the flour made from such wheat is not fit to eat—

which in its dirty condition would be unfit for human food is scoured or washed and brought up to a No. 2, or sometimes even a No. 1, grade. Foreign seeds and foul stuff are removed from the grain. On the whole, the grain hospital system is a business practice whereby inferior and unmarketable grain is improved and made marketable. That this process requires the mixing with the poor grain of some of the better or perhaps the best grain is admitted.

It is very curious that at the end of their report this commission recommend that the State of North Dakota build terminal elevators at Duluth and Minneapolis. That is a part of their recommendation; but, in addition, they recommend not only that the State build terminal elevators, but that North Dakota build a terminal hospital for the grain. Here is what their report says:

In another place in this report we have described the business of the so-called grain "hospitals" or mixing houses. The improvement of grain by this process has become quite modern, and in our judgment permanent, and we would suggest that the benefits of thus improving grain ought to be within the reach of farmers and shippers from our State.

That is, from North Dakota.

With this end in view we would suggest the acquirement or operation of grain hospitals—one to be at Minneapolis and the other at the head of the Lakes, to be operated in connection with our terminal elevators. This would afford an opportunity for our North Dakota farmers or shippers who are unfortunate to come into possession of or raise smutty grain or whose grain has been damaged by inclement weather or who have not the facilities for cleaning grain before delivering same at the local market to ship their grain to these houses for the purpose of improvement, they to become the beneficiaries of the increased market value by reason of such improvement and to be recompensed in a reasonable manner for the offal from such grain.

We inquired into the cost of cleaning and improving grain at these houses, and found that such cost ranges from one-half to 2½ cents per bushel, according to the condition of the grain handled. For original cleaning the usual charge is from one-half cent to 1 cent per bushel, but if it becomes necessary to scour or wash grain the cost is materially increased, being from 2 cents to 2½ cents per bushel. However, in view of the largely increased market value of grain treated in this manner, it is quite obvious that still larger profits should accrue to those who would avail themselves of the opportunity of thus improving their grain.

A great deal of stress has been laid on the fact that these "mixing houses," as they call them, or, as they are designated in this report, these "hospitals," take inferior grades of grain and improve them by scouring, cleaning, fanning, and airing them until they become a higher grade. This report is fair enough to recognize the necessity of that. It describes these "grain hospitals" and it recommends that the State of North Dakota, for the benefit of the farmers of that State, establish a grain hospital, one of such grain hospital elevators to be in Duluth and another in Minneapolis.

So that after all they are not so hostile in North Dakota to these grain hospitals, or mixing houses, as it has been made to appear.

Mr. President, those who are familiar with the grain business know how it oftentimes happens that by rain, bad weather, peculiar climatic conditions, and other drawbacks grain becomes

injured and damaged, and that unless we have a so-called grain hospital, where they can take care of the grain for the time being, the farmers would have to sell such damaged grain for hog and cattle feed. In my own experience I have had a great deal of trouble when there has been much rain on the grain while it stood in the shock. It would in such case have a tendency to sprout and become damaged in the shock and in the stack.

A great deal of stress has been laid on the fact that these elevators take in grain of a lower grade and ship out grain of a higher grade. While there may be some apparent injustice in some cases, it comes chiefly from improving the condition of the grain. I have had a little experience which illustrates the good that sometimes results from thoroughly cleaning the grain. In 1904, about 10 years ago—I am not exactly sure about the date, but the Senator from North Dakota, sitting in front of me, I think will remember it—we had in wheat what we called the black rust, something we never before had had in Minnesota. We always have from time to time a little of the red rust, but, as a rule, it has not affected our wheat very much. It has frequently affected our barley and our oats; but that year we had a black rust, and the effect of it was that the wheat did not ripen well; there was a good deal of shrunken, light wheat in the field. In the year to which I refer I had the black rust on my farm, and when I hauled my grain to the elevator men in the fall—there was not much grass seed in it; there was very little foul seed in it; its chief defect was shrunken and not fully ripened berries, the result of the black rust; there was not any smut in it; it had a little wild oats and some pigeon grass in it—when I took that grain to the elevator I could only get a No. 2 grade for it. I had some of that wheat left in the spring, and I had to use it for seed. I ran it twice through a fanning mill in my own granary on the farm in order to clean it and get seed suitable for planting. After I had done my seeding I had, perhaps, 40 or 50 bushels left, and I hauled that wheat to the same elevator man who had taken the wheat from that bin in the fall when I was given a No. 2 grade, and he gave me No. 1 for it. That shows how grain may improve by a system of fanning and cleaning through a fanning mill.

I quote further from said report as follows:

It suggests itself to our board that the modern grain hospital under proper supervision would serve a public purpose providing the profits they made were indirectly reflected back to the producer of the superior grade which they handled. These houses, together with the mills and semipublic houses, are also the beneficiaries of the sale of the immense amount of screenings or dirty grain. This brings us to that particular feature of our official duty which requires that we shall "make full inquiries into the dockage of grain and the expense of cleaning grain, and the disposition of screenings, and their approximate value." Screenings are here designated in the law as dirt, foul stuff, and foreign seeds contained in the grain as raised and brought to market. It presents one of the lamentable features of local disputes as between the seller and buyer.

In the early days, when the farmers cleaned their grain and when because of new and clean ground there was little or no foreign stuff in the grain there was no dockage. Later it became necessary and to-day dockage is recognized as a necessary and legitimate practice and has been officially sanctioned for years. Wheat, flaxseed, and rye are now officially docked at the terminal. The last few years have shown a very large increase in dockage, as would appear from the records. Thus, in 1904 the average dockage was 21.1 ounces per bushel; in 1905 it was 18.6 ounces per bushel; in 1906 it was 27.9 ounces per bushel; in 1907 it was 32.2 ounces per bushel; and in 1908, 39.2 ounces per bushel. This latter is the record for the crop year ending August 31, 1908.

All of this emphasizes the growing importance of this feature of the grain business. Not many years ago screenings or dockage were of little or no commercial value, being burned, as a rule, under boilers in engine rooms of mills or elevators. To-day they are used for various commercial purposes, ranging in value from $7 to $15 per ton.

The commissioner, after giving figures as to the amount of screenings, add:

In our own State of North Dakota, owing to practically no regulation, this board would feel warranted in doubling the figures.

We have approximately the same number of local elevators in North Dakota as they have in Minnesota.

This appears to us altogether the more remarkable when we consider the fact that the North Dakota lands are much newer and ought to produce, and, in our judgment, do produce, cleaner grain than the long-farmed land of Minnesota. In view of this we feel justified in estimating the commercial value of the screenings now practically given away by North Dakota grain raisers at not less than $150,000 per year. The North Dakota grain producer does not only give away this vast amount of screenings, but he is in addition taxed the regular amount of freight that accrues on shipments of grain in which the same is contained. It may appear impracticable, but nevertheless the waste of this immense amount of stuff, which is suitable for food purposes for stock, would suggest the idea that it should be kept at home and used by our farmers instead of being given away and paying freight on the same besides.

Our own farmers are as foolish as the North Dakota farmers in this respect. I have already explained that years ago our local elevators, when they got the grain from the farmers, they would fan it and clean it in the local elevator and then ship the clean wheat to the terminals; but the trouble was they could not get rid of the offal—the screenings. The farmers would take a little of the screenings home for the chickens and the pigs, and the people in the villages would come and get a little for the chickens, too, but the elevators found it very difficult to dispose of the screenings, so they abandoned that system of cleaning the wheat at the local elevators, and they now ship it in an unclean condition to the terminal elevators where it is cleaned and where, as I have said, they have opened a great market for the screenings.

The report further adds:

the farmers' elevators, or independent elevators, or even the line elevators, might equip their houses with cleaning machinery, so that these screenings might be kept at home and probably ground into feed.

I suppose they have tried it in North Dakota, as we tried it in Minnesota. The farmers would not take but a small amount of the screenings from the local elevators, and so the local elevators were forced to ship the uncleaned wheat to the terminals.

I quote further from the report, as follows:

Screenings as now sold at the terminals are used principally for the feeding of sheep and for the manufacture of food. Thousands of tons of feed are annually shipped into this State, and it would seem to be an act of wisdom to retain our own screenings right at home and use them for such purposes instead of shipping them to Minneapolis, Duluth, and Superior, paying the freight on same, and then shipping the manufactured feed back into this State, which seems to be the logical, or rather the illogical, consequences of our present system.

MINNESOTA LAW GOVERNING AND REGULATING PUBLIC ELEVATORS.

(See Exhibit "F.")

TERMINAL GRADES AND CLASSIFICATION.

Terminal grades, under the Minnesota laws, are established annually by the State board of grain appeals. Formerly this was done by the railroad and warehouse commission, but since 1899 this duty devolves on the separate board appointed by the governor of the State, who are in no wise connected with or responsible to the railroad and warehouse commission. We quote the law relating to this board.

* * * * * * *

Quoting a prominent Twin City grain man: "Fixing price of wheat by committee of chamber of commerce and spread in price of grade is one of the greatest injustices in the grain trade." Our board also inquired into the differences in price, as between the several classes of wheat; there are three classifications of wheat which affect our State, namely, that called northern spring wheat, durum or macaroni wheat, and velvet chaff wheat. The latter wheat as yet has been raised in our State only in very limited quantities. The raising of durum wheat has, however, assumed large proportions, the amount reported as being raised in 1907 being 18,822,630 bushels, as against 50,658,389 bushels of northern spring wheat, as reported to the commissioner of agriculture, by the several licensed local elevators doing business in our State.

These figures suggest the importance that the raising of durum wheat has assumed in our State, and our board felt justified and warranted, in view of this, to make careful and diligent inquiries into the terminal grading and prices, as well as into local grading and prices, as they affected the disposition of this wheat. When we began this investigation we found that this wheat was being graded under the separate classification at the terminals, namely, that of durum wheat. Otherwise the inspection, dockage, and weighing is done in the same manner as that for other wheat. We also found that there was a large difference in the price of this wheat as compared with the corresponding grades of northern spring wheat.

On October 14, 1907, when we first took up this matter, the official difference in price at Minneapolis between No. 1 Northern spring wheat and No. 1 Durum wheat was 17¾ cents. This, we believe, was about the average difference that they obtained at terminal markets during the grain season of 1907. At this time, November, 1908, the difference in price between No. 1 spring wheat and No. 1 Durum at terminals is 16 cents. We also found that the difference at local markets in North Dakota as between Northern spring wheat and corresponding grades of Durum wheat was fully as large and sometimes even larger than the average which we quote for the terminals.

In view of this fact and of the generally recognized fact of the superiority of the Durum wheat our producers are justified in inquiring and being informed as accurately as possible whether this large discrimination in these two classes of wheat is justified by their flour-making qualities and disposition as to sale, etc. Our board devoted some little time to making inquiries along this line, and in pursuing this course of this investigation we had two objects in view. First, to find out the relative value of these two wheats as to their flour-making qualities. In this respect we submit, together with this report, several scientific tests that have been made by competent analytical chemists, one of whom is Prof. E. F. Ladd, food commissioner of North Dakota, and the other test was made by the Howard Chemical Laboratory, of Minneapolis.

Mr. President, if this report is carefully read through—and I shall insert more of it in my remarks without taking the time of the Senate in reading it—Senators may discover that very little fault is found with the Minnesota grain-inspection system by this board. They complain a great deal about the prices paid for durum or macaroni wheat. The grain-inspecton system of Minnesota does not regulate the prices of grain; it has nothing to do with prices; it inspects and grades; it establishes the grades; and when those grades are established, the price paid is fixed by the men who deal on the grain exchanges, the millers, and other dealers.

Durum or macaroni wheat is a new variety of wheat introduced some years ago by the Agricultural Department in the Northwest for the reason that it was supposed to stand drought better than other kinds of wheat; and I presume it does so. At first, it seemed to be a better yielder per acre and to stand the drought better than the old-fashioned varieties—the Scotch

Fife and the Blue Stem—but the millers did not like it at first. It did not make as white flour as the other wheat and was harder to grind. After a while an export demand for the wheat sprung up, especially from Southern Europe—for macaroni purposes—and this demand tended to increase the price, and then the millers began mixing a small percentage of it with their other wheat, so that in time the price of durum wheat increased till for the last two or three years there has only been a difference of from 4 to 5 cents per bushel between that and other varieties of good spring wheat, and that is about the difference now.

I quote further from the report:

From the observations and inquiries that we made and the information that we were able to obtain we are of the opinion that there is an uncalled for and unjust price discrimination as between northern spring wheat and durum wheat. Inasmuch as this is a subject intimately connected with the matter of interstate commerce, we would suggest that the Federal Government should carefully inquire into the local and terminal purchase of durum wheat and what becomes of the same after it leaves local markets. We deem it quite essential to the proper protection of the grain growers, who are raising durum wheat, that they should receive the full market value for such wheat as demonstrated by its actual flour or food value. We are constrained to believe that at this time they are not receiving such full value, but that large quantities of this wheat are being ground together with northern spring wheat and disposed of in domestic and foreign markets for the full price at value of northern spring wheat flour.

* * * * * * *

During the present year the Minnesota board of grain appeals has established another classification of wheat, namely, that called "velvet chaff wheat." This is a comparatively new variety of wheat, and while the same has been grown in Minnesota and South Dakota for some years it has as yet not been very much in our own State. However, it is quite probable that in the course of a few years, on account of its hardiness and superior yield, it will be extensively raised in North Dakota. Up to the present year this velvet chaff wheat was mixed by local buyers with their northern spring wheat and disposed of as such. Millers grinding the same claim to have discovered a perceptible inferiority as between this and the blue-stem variety, and mainly at their request a new classification was established.

The difference in the price of the corresponding grades of northern spring wheat and velvet chaff at this time is 6 cents per bushel. We are not prepared to state as to whether or not this is an unjust discrimination, as we have stated in regard to the difference in prices between durum and northern spring wheat. However, we believe also that in this instance careful investigation by the Federal Government ought to establish the correctness or incorrectness of the difference in price.

While perhaps not strictly germane to the duties and functions of this board, we assume the liberty of briefly stating the modus operandi in vogue at the terminals as to the purchase and sale of grain. This business is conducted almost entirely through the agency of the Minneapolis Chamber of Commerce and the Duluth and Superior Boards of Trade. These are organizations of men engaged in the grain business for the purpose of facilitating such business, organized on the theory that a large volume of grain that finds its way to these terminals necessitates some central place where the same, or samples thereof, can be presented for sale, and where seller and buyer can meet advantageously to make the trades and purchases which their business necessitates. This board is willing to go on record as not favorable to so-called chambers of commerce and boards of trade, but until some better system is adopted they must be tolerated.

These organizations employ grain samplers, whose duty it is to accompany the State grain samplers and to secure proper samples of the grain in cars which are about to be inspected. These samples are presented on tables during the open sessions of the chamber of commerce or board, with an official tag affixed showing what the State inspection was as to such car. This affords a reliable way of presenting and selling the several cars of grain as they are received from day to day. The sales so made by members of these organizations, whose charge is 1 cent per bushel for all kinds of grain except oats, for which a charge is made of one-half cent per bushel. No discrimination is made in the sale of grain, the shipments of individuals receiving the same attention from the commission men, who are members of these organizations, as those of larger concerns.

A complete record is kept of all sales as to time, place, and price, and from this record can be ascertained at any future time the exact price for which any carload of grain may have been sold in the past. These organizations also exercise care as to the financial standing of the several members connected therewith who do a commission business and who solicit consignments of grain from shippers.

I now wish to call attention to another episode in connection with the North Dakota system.

In 1909 the North Dakota Legislature sent a committee of three senators and three representatives to see our legislature and our grain-inspection service as to whether we would not allow North Dakota to appoint on our board of appeals some members from their State. Our State authorities and the members of our legislature were quite willing, and the grain-inspection department was willing; but they submitted to the attorney general of the State the question whether the Legislature of Minnesota could pass a law authorizing them to appoint two members of the grain board of appeals from North Dakota. The attorney general held that under the constitution of Minnesota our State would not have the right to appoint two citizens of North Dakota to sit and act with them officially as members; but the attorney general made a suggestion which I will read. Here is what he says. After first stating that it would be unconstitutional to appoint two members from North Dakota as members of our board of grain appeals, he suggested this:

Appreciating how desirable in the present instance such an arrangement would seem to be, I beg to suggest that if the State of North Dakota should appoint some citizen of that State, to be paid by it, to sit with, but not as a part of, the board of grain appeals of this State; and if the legislature of this State should authorize the same so far as it was concerned, giving such persons full access to all books and records of such board of grain appeals, all the practical advantages of the plan asked for would be effectuated, and no apparent legal objection could arise thereto.

This suggestion was adopted. I have here the correspondence, and I ask to have it inserted in my remarks. The first letter is a letter from Mr. Sundburg, chairman of the senate committee, and Mr. Davis, chairman of the house committee. I have the letter addressed by them to the attorney general. I have the attorney general's reply. I have the letter from Mr. Staples, the head of the railroad and warehouse commission, favoring the plan. I ask to have these letters published.

He says, in this letter:

A remarkable fact in reference to the matter of complaint is that this general complaint against the inspection and weighing service in Minnesota is confined entirely to the State of North Dakota.

I ask to have this correspondence inserted in my remarks without reading.

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

The matter referred to is as follows:

ST PAUL, MINN., *February 4, 1909.*

GRAIN AND WAREHOUSE COMMISSION,
St. Paul, Minn.

GENTLEMEN: We herewith inclose you copy of a letter, which we had just addressed and mailed to the attorney general of this State.

It was represented to the joint committees of the Senate and House on grain and warehouse by the delegation from North Dakota, that the chamber of commerce of Minneapolis saw no difficulty in a practical way in granting the request of the North Dakota delegation.

At your earliest convenience kindly give us, in writing, the views of the commission on this question: if there be any practical difficulties, what the same are, and if in your judgment such difficulties may be obviated.

Very respectfully, yours,

BENGT. E. SUNDBURG,
Chairman Senate Committee.
ANDREW DAVIS,
Chairman House Committee.

ST. PAUL, MINN., *February 4, 1909.*

Hon. GEO. T. SIMPSON, *Attorney General, St. Paul, Minn.*

DEAR SIR: The undersigned, chairman, respectively, of the grain and warehouse committees of the senate and house request your opinion, at your earliest convenience, upon the following matter:

A delegation from the senate and house of the State of North Dakota on yesterday met with the joint committees on grain and warehouse of the senate and house of this State and requested that our laws be so changed that North Dakota could have a representative upon the grain board of appeals at Minneapolis and Duluth, and after a full hearing the said joint committees adopted a motion expressing it as the sense of the committees that the request be granted, upon condition that it could be constitutionally and legally granted, and upon the further condition that it should upon investigation be found to be practical.

At said hearing it developed that a similar request had been made of the State of Wisconsin for representation upon the board of appeals at West Superior, Wis.

We desire your opinion whether, under our constitution, such request can be granted, and, if so, what if any changes would be necessary in our laws in order to permit another State to be represented on the grain appeal board of this State, and what practical difficulties, if any, would stand in the way of carrying out the project.

Very respectfully, yours,

B. E. SUNDBURG,
Chairman Senate Committee.
ANDREW DAVIS,
Chairman House Committee.

ST. PAUL, MINN., *February 6, 1909.*

Hon. ANDREW DAVIS,
Chairman, Grain and Warehouse Committee,
House of Representatives Building.

DEAR SIR: Replying to your valued favor of January 4, in reference to suggestion that provision be made by law for the appointment on the board of grain appeals of one or more members from some other State than Minnesota, will say the delegation from the Legislature of North Dakota met with this commission and devoted considerable time to the discussion of the question. Naturally the duties of this department make it necessary that we be thoroughly conversant with the subject. It has been necessary in the past for us to refute many charges brought against the Minnesota service by certain persons from without the State, made in most cases without any foundation or real knowledge of the conditions which exist.

There are at the present time—have been for years past and always will be—certain individual complaints which have more or less justification. As long as the question of inspecting grain is dependent upon the personal judgment of man mistakes will be made; also in the weighing "in" and "out" of approximately 400,000,000 bushels of grain annually as we do in our department there will be an occasional mistake made by a weigher, but we wish to say emphatically that there is absolutely no discrimination made in the matter of inspection or weighing of the grain as between that grown in Minnesota and that grown in any other State. In fact, the inspector and weigher, as a rule, has no knowledge where the grain comes from.

A remarkable fact in reference to the matter of complaint is that this general complaint against the inspection and weighing service in Minnesota is confined entirely to the State of North Dakota.

We believe, however, that considering the fact that the State of North Dakota sends into our terminals for inspection and weighing approximately 100,000,000 bushels of grain annually, it might be good policy to permit the appointment of two members out of the six members on the boards of appeal from outside the State of Minnesota; this would enable the selection of two men from the State of North Dakota, if that would seem to be the most proper and reasonable thing to do by the appointing power. By the placing of two men from outside the State on the board of appeals, an opportunity is given for exercising a voice in the matter of making rules, the establishment of grades, and the overseeing of the manner in which the work of weighing and inspection is done, and would enable the people from the outside to secure information which they would be willing to accept as reliable, and by this means, in our judgment, the cause for complaint would soon fade away.

If the constitution will permit legislation of this character, our commission can see no objection whatever to the plan.

Very respectfully, yours,

C. F. STAPLES, *Commissioner.*

FEBRUARY 15, 1909.

Messrs. BENGT. E. SUNDBURG,
Chairman Senate Committee.
ANDREW DAVIS,
Chairman House Committee.

GENTLEMEN: In your favor of recent date you ask whether, in my opinion, under the constitution of this State, the request of the delegation of the Senate and House of the North Dakota Legislature that the laws of the State of Minnesota be so changed as to allow the State of North Dakota a representative upon the board of grain appeals of this State may be granted. To put the matter in another way, the State of North Dakota asks the Legislature of Minnesota to so change the laws of this State that a citizen of North Dakota may be appointed by the governor of this State to and hold an office created by and under the laws of this State.

Replying thereto I beg to advise that, in my opinion, the request of North Dakota may not be granted.

It is not an argument in favor of such a procedure that the same is not specifically prohibited and therefore implied granted by the terms of our constitution. Such a person so appointed would be an alien to this State, and it is an "acknowledged principle" which lies at the very foundation, and the enforcement of which needs neither the aid of statutory nor constitutional enactments or restrictions, that the Government is instituted by the citizens for their liberty and protection, and that it is to be administered and its powers and functions executed only by them and through their agency.

Appreciating how desirable in the present instance such an arrangement would seem to be, I beg to suggest that if the State of North Dakota should appoint some citizen of that State, to be paid by it, to sit with, but not as a part of, the board of grain appeals of this State, and if the legislature of this State should authorize the same, so far as it was concerned, giving such person full access to all books and records of such board of grain appeals, all the practical advantages of the plan asked for would be effectuated, and no apparent legal objection could arise thereto.

Yours, truly,

GEORGE T. SIMPSON, *Attorney General.*

Hon. F. S. TALCOTT, H. J. BESSESEN, and
G. S. TRIMBLE, *Senators*, and J. H. FRAINE,
JAMES HILL, and S. J. DOYLE, *Representatives*,
Composing special committee on part of the Legislature of the State of North Dakota to investigate and report on conditions relating to the inspection and weighing of grain at the Minnesota terminals, to wit, Minneapolis and Duluth.

GENTLEMEN: Replying definitely to your proposition made to the senate and house committees on grain and warehouse of the Minnesota Legislature, which proposition embraced a request for a member on each of our grain-inspection boards at Minneapolis and Duluth, and which proposition had been favorably considered by and had the indorsement of the railroad and warehouse commission of our State, and by the chief inspector of grain of our State and the members of the grain-inspection boards of our State, and which also had the favorable indorsement of his excellency, Gov. John A. Johnson, and which proposition had also met with the indorsement of the senate and house committees on grain and warehouse of this legislature, we desire to most respectfully submit the inclosed official communication from the attorney general of our State, which, in our judgment, quite fully and effectually negatives the request and proposition made by your committee as far as the appointment of such representatives is concerned when made by the governor of this State, and in the same manner as he now appoints the members of the grain-inspection board.

Mr. NELSON. This communication leaves no doubt as to the unconstitutionality of such action and disposes of the proposition as a feasible legal arrangement.

However, the attorney general suggests a different method by which to accomplish the object sought; namely, by representation on these boards by citizens of your State who could act in the capacity of sitting or ex-officio members, whose appointments came from some authority in your State, and whose emoluments were provided for in the same manner.

This proposition has been fully and carefully considered by the railroad and warehouse commission of this State, whom our laws designated as the supervisors of the grain interests of the State, and it has met with their unanimous and cordial approval. They have also submitted the question to the chief inspector of grain and to the grain-inspection board of this State, and it has also met with their approval.

Acting on this, we, therefore, on behalf of the legislature of this State, and of the railroad and warehouse commission thereof, and of the chief inspector of grain, and of the grain-inspection board and its members, make this proposition to your committee for submission to your legislature:

We will receive at our grain terminals, Minneapolis and Duluth, two properly appointed and accredited grain experts who shall have full access to the meetings of the grain inspection board, full access to the office and inspection room of the inspection and weighing department, full access to such places where grain is cleaned and weighed, and who, in addition, will be given every opportunity to fully inform themselves as to the methods in vogue of grading, docking, or inspecting grain as far as the same comes legally under the supervision of the board of railroad and warehouse commissioners of this State, the said appointed experts to serve without emoluments on the part of this State and to have no vote in the determination of questions voted on by the grain inspection board.

By the commission.

A. C. CLAUSEN, *Secretary.*

In pursuance of that request, and upon the suggestion of the attorney general, the Legislature of North Dakota and the Legislature of Minnesota passed legislation to which I will refer. I quote from the laws of North Dakota for 1909, chapter 134:

APPOINTMENT OF EXPERTS.

Whereas North Dakota representation upon the board of appeals of the grain inspection department of the State of Minnesota would be of distinct benefit and advantage to the State of North Dakota; and

Whereas through the representations and personal efforts of the special committee appointed by this legislative assembly, an agreement has been reached whereby two residents of North Dakota, who are experts in the matter of grain grading and inspection, will be permitted to sit with the Minnesota boards of appeal at Minneapolis and Duluth and have access to the books and records of such boards and personal knowledge of the transactions of such boards; and

Whereas such representation will give to the people of the State of North Dakota a better knowledge of the conditions prevailing in the matter of grain inspection and better opportunity to present their claims in behalf of the producers of this State. Now, therefore,

Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring:

1. *Governor may appoint.—Duties.—Salary.—Appropriation.*—The governor is hereby authorized to appoint two residents of North Dakota, who shall be expert in the matter of raising and grading and knowledge of grain, to sit with the Minnesota board of appeals at Minneapolis and Duluth, such appointments to be made under such legislation as may be passed by the Legislative Assembly of the State of Minnesota, the salaries of such expert representatives to be $3,000 per year, they to serve during the entire year and to make a report to the governor to be transmitted to the legislative assembly at the opening of the session of 1911. The expense incurred under this resolution is hereby authorized and declared to be proper and in the interest of the people of this State.

Approved March 16, 1909.

That was the act of the North Dakota Legislature. The Minnesota Legislature responded to this in the following joint resolution:

JOINT RESOLUTION NO. 18.

Whereas the legislative assembly of the State of North Dakota has passed a joint resolution authorizing the appointment of two grain experts, residents of that State, to sit with the Minnesota boards of grain appeals at Minneapolis and Duluth, in order to make themselves and through them the people of the State of North Dakota familiar with the weighing and inspection departments of this State and the methods pursued by said members in determining appeals; and

Whereas it is highly desirable to establish and maintain the most friendly and cordial relations with the people of the State of North Dakota, and especially so upon a matter in which the people of that State are so vitally interested:

Now, therefore,

Be it resolved by the Senate (the House of Representatives concurring), That the said representatives of the people of North Dakota be, and they are hereby, cordially invited to sit with the boards of grain appeals of this State and the railroad and warehouse commissioners, and the members of said boards of appeal and all officers and employees of this State engaged in the weighing and inspection departments are hereby requested to afford to said representatives every facility in their power for a perfect understanding of the methods pursued in this State in the weighing and inspection of grain and in the determining of appeals.

Approved March 27, 1909.

This shows, Mr. President, how we have always been ready to meet the people of the State of North Dakota. When they came to our legislature and wanted us to appoint two members from their State on our board of grain appeals we were ready to do it. We were willing to do it; our legislature was willing; our railroad and warehouse commission was willing to do it. When, however, the attorney general said we could not do that strictly, but we could allow them to pick out and appoint two or three men who could sit with our members without a vote and examine and inspect everything and become thoroughly familiar with it, our State authorities adopted that suggestion and were ready to meet it.

I have here the reports of these two men, made to the legislature, and I will quote from some of it. The board was appointed under the laws I have quoted, the Minnesota law and the North Dakota law. This is the report they made to the governor of North Dakota, dated January 3, 1911:

In accordance with Senate bill No. 345, enacted by the eleventh legislative assembly, year A. D. 1909, providing for two State grain commissioners, who were to be appointed by the governor of the State, to serve on the Minnesota board of appeals at Minneapolis and Duluth terminals, and having been regularly appointed and commissioned August 26, the year 1909, to serve as members of said board of appeals, we very respectfully submit the following report:

Immediately following our appointment to office we proceeded to Minneapolis, where we established our headquarters office which, through the courtesy of the railroad and warehouse commission of Minnesota, was furnished us.

Owing to the fact that the law providing for the said commission was not specific as to our duties; also, that various conflicting reports had been circulated throughout our State with regard to Minnesota's system of inspection; we felt that better service could be rendered in the discharge of our duties by jointly acting together in our investigations. We find that the method of determining grades and their system of inspection to be as follows:

In compliance with the provisions of section 2062, chapter 28, revised laws of 1905 of the State of Minnesota, the joint Minneapolis and Duluth grain-inspection boards (that is, the board of appeals) meet about the 1st day of August and establish grades of grain for a period of one year, which shall be known as Minnesota grades. The appeal board consists of six members—three at Minneapolis and three at Duluth—and hold their appointment under the governor.

They are the court of last resort in the matter of grades. When a car of grain reaches the terminal market, it is placed by the railroad company upon inspection tracks, which are provided in each railway yard. A State sampler is on hand in the morning, as soon as it is light enough to see. He takes the seal record of the car. He then takes a hollow brass tube, and by plunging it through the grain, to the bottom of the car, in several places, secures a fair sample of the whole load. The sampler reseals the car and keeps a record of the State seal applied. A sample of the grain is also taken by the chamber of commerce sampler, which is given to the consignee. A seal record is also kept by the chamber of commerce sampler. The sample thus obtained by the State sampler is placed in a sample sack and a ticket giving the number of the car and initials. The sample is taken to the State inspection office, where it is inspected.

Now, listen to this:

The grade and dockage is then determined by means of finely adjusted scales, and sieves of different kinds. If the shipper is not satisfied with grade or dockage, he can call for reinspection. The case is then reviewed by the chief deputy inspector or the assistant chief deputies. In case the parties interested are still dissatisfied, an appeal can then be called for. Then the case will be brought before the board of appeals, and the grade and dockage determined by them will be final.

Another duty of the inspection department is to make an examination of each car for leaky conditions, and keep a record of it. When grade and dockage has been determined, a certificate of inspection is issued by the State inspection department. The grain is then sold and unloaded. All grades of grain as now graded here are made on its physical appearance.

Here is a queer notion of this board, to which I wish to call attention:

This we believe to be unjust and should be made on its commercial or milling value, determined by accurate chemical analysis, and baking tests.

In other words, they recommended that you should not grade it by its physical appearance, but by its commercial value when it has passed through a grain hospital and has been tested and its baking capacity ascertained. You can see how utterly impracticable what they recommend here is. Unless the grain, before it is sent to the inspector, has been in a hospital, has been treated, has been conditioned, as it is called, and unless it has been tested for baking purposes it could not be graded. Wheat never has been graded on that basis anywhere, that I know of, and could not be so graded till it had passed through a grain hospital and bakery.

We find that wheat that was graded three northern, on account of its badly bleached color, made as good flour, and the baking test was equal to the best hard or No. 1 northern grades. Also smut in wheat affects the grade just to the amount of smut it contains. Take, for instance, a sample of our best northern wheat and let it contain smut, and it will be graded as low as No. 3 or rejected.

That is true. I have no doubt, because smut in wheat is a poisonous substance, and smutty wheat would make flour that would be hardly fit to eat.

This we also believe to be unjust. All wheat is washed by the modern mills of our country, as well as smutty wheat, in order to properly temper it for grinding. We understand the cost is no more to condition smutty wheat than any other wheat.

To "condition" it means to have it rid of the smut.

The smut being all removed by the same operation, this is another good reason why it should be graded on its commercial value. The difference in the price paid for smutty wheat is from 4 to 10 cents per bushel under No. 1 northern price. We find, and it is freely admitted that about all cargoes loaded out of Duluth carry one pound and oftentimes more dockage per bushel than is not taken into account or considered. The mixing of the different grades as they are inspected in and the grades they finally take on out inspection is unjust and works to the disadvantage of our State.

In justice to the farmers and growers of grain we believe the inspection department from the samplers to the board of appeals, inclusive, should be taken out of politics and come under civil service regulation. So that no person or persons connected with the service would depend on holding his job upon the success or failure of any political party.

That is exactly what our system has been in Minnesota for years. It is taken out of politics. We have had in recent years Democratic governors, and we have had Republican governors, and there never has been an upheaval or a change in our inspection force. We have as good a civil service in that respect as it is possible to have anywhere.

Now, let me read from this report further:

No doubt the matter of weighing grain at the terminals at Minneapolis and Duluth and other weighing stations have been more severely complained of than any other department of the grain business, *but, we believe, not always justly, from the fact the shippers do not always weigh their grain. The manner of weighing grain we find to be as follows:*

First, the State weigher examines the car for bad order or leaky conditions. If any are found, a complete record is made of these conditions. Before unloading the weigher takes a record of the seals. The car is then placed at the unloading pit and the grain elevated to the garner located above the scale hopper. The scale is balanced and the grain drawn into the scale hopper and weighed and the weight recorded in a book provided for that purpose. The weigher than takes a special ticket and by means of a type-registering device a printed record of the weight is obtained which must correspond with the weights in the record book. All State scales are equipped with this type-registering device.

In the large elevators the weighing is done on hopper scales in the cupola. Here two men are required for the work. One upstairs does the weighing, and the one below keeps the seal record, sees that the cars are properly placed for unloading, and that the cars are swept. He then signals the weigher above that the grain is all elevated. It is then weighed.

At some places track scales are used. In weighing in this instance the car is uncoupled from other cars and weighed on the scale platform. When emptied, the car is weighed back, and the net weight is thus obtained and the record kept, same as the hopper-scale weights. The State of Minnesota has a law requiring the shipper to place a card in the car giving the shipping weight. We find that not 10 per cent of the shippers comply with this law. It is very important that they should do so, for then the State weigher would note any difference between the State weight and the shipper's weight while the grain is still in the hopper. The matter could then be immediately investigated, and if loss was caused by leaky conditions of the car the shipper would have valid claim against the railroad company. He would know the actual amount of his loss, and settlement could be more easily obtained. Each day the weigher sends reports to the State weighmaster's office, from which an official certificate of weight is issued, giving the car number, initial, contents, State weight, the date and place where weighed, and if found in bad order notation is made on the certificate.

We have found that in several instances where we were asked to investigate cases of shortages that the car or cars of grain that had been consigned to the commission company by our shippers, after having been inspected by the Minnesota inspection department but not weighed by them, were reconsigned by the commission company to mills elsewhere in the State of which they were stockholders. The said milling company, not having a State weigher, issued a private certificate of weight which was nearly identical with the regular Minnesota State certificate of weight, differing only in having been signed weighmaster instead of State weighmaster, as the regular State certificate would show. The shipper believed he had received the regular Minnesota certificate of weight.

There has been some complaint about shrinkage in weight. The shippers have in some instances complained that the weights given them at the terminals have been insufficient—less than the amount shipped. In this connection I wish to read the following from this report:

The number of bad order cars, that is, cars without seals or doors and having leaky sides, ends, or bottoms found by the State weighing department for the past 5 years will average more than 15,000 cars each year at Minneapolis alone.

The following table of bad order conditions we believe will be of interest: We find the total number of cars weighed at Duluth in the months of September, October, November, and December, 1909, were 25,979 cars. The total number of leaky cars at Duluth for the same period was 7,225. The total number of cars weighed at Minneapolis for the months of September, October, November, and December, 1909, were 56,214. The total number of leaky cars was 3,502 for the same period.

A number of these cars are in bad condition. A large number of them are leaky. They are not properly coopered inside. They are in leaky condition. When the cars reach the terminal there has been a loss in weight from these causes. When our State inspection department weighs that wheat, there is a discrepancy, and it is immediately charged by the shipper to the weighing department, instead of being charged to the railroad company, as it ought to be charged.

Then the report goes on further, as follows:

Other bad conditions were as follows: Cars received without seals at Minneapolis and Duluth, 5,486; patched cars received at Minneapolis and Duluth, 6,009; car doors found open at Minneapolis and Duluth, 1,597; and numerous cars found without doors and with other defects. Thus it can be readily seen why there are so many shortages in weights complained of. A visit to the various railroad and inspection tracks, which, by the way, are more commonly known as the "wheat fields," at terminals and see hundreds of bushels of wheat that are strewn and wasted oftentimes through lack of care and careless switching and handling of cars would convince any shipper of grain of the necessity of weighing his grain and placing a card in the car showing the actual net weight.

We would advise that every farmers' or independent elevator of our State should be equipped with an automatic scale and every car weighed before shipping to terminal markets, and a card placed in the car as required by the Minnesota State law. These scales are not expensive, easily installed, and do not require much room or need much attention.

Then the report speaks of the Durum wheat, and the great discrepancy in the price of it, to which I have already referred. It says:

The question of durum wheat may well be touched upon in this report. At the terminals of Minneapolis and Duluth there are received each year about 30,000,000 bushels of this wheat, which, according to analysis and baking tests, made both by State and private laboratories, makes as good a loaf in nearly all particulars as good No. 1 northern wheat. Such being the case, it is contended by the best authorities that the commercial value of the two grains is about the same, and at the outside there is only 5 cents per bushel difference in favor of the best northern wheat.

What they complain of in this report is this: At one time, in the early days of Durum wheat, there was a difference of between 15 and 25 cents a bushel, but now that big difference has disappeared. I have the market report of the Minneapolis

Journal for April 3, which shows that the difference between Durum and No. 1 Northern was only from 3 to 4 cents per bushel, and that has substantially been the difference for the last two or three years.

Now I shall ask leave to suspend. I desire to add something further to my remarks to-morrow, but I shall not take over half an hour.

Mr. REED. Mr. President, I am very greatly interested in this bill, and I had intended to take some part in the debate. I find that it is absolutely necessary for me to leave the city this evening, and I can not be back before the first of next week, Tuesday being the earliest possible day. I think there are other Senators who want to speak. I understand that the Senator from North Dakota [Mr. GRONNA] is obliged to leave the latter part of this week. After some conference with the Senator in charge of the bill [Mr. McCUMBER], I have thought that possibly we could agree upon some day in the future when we could vote upon it, and I wanted to suggest a unanimous-consent agreement to vote on the legislative day of May 1.

Mr. SMOOT. Would it not be just as well if the Senator from North Dakota would ask that the bill be temporarily laid aside, in the absence of the Senator from Missouri, and upon his return take it up and dispose of it as the unfinished business?

Mr. REED. That would be entirely agreeable to me, if it would suit the Senator from North Dakota [Mr. GRONNA].

Mr. SMOOT. I will ask the Senator from North Dakota [Mr. GRONNA] at what time he intends to return.

Mr. GRONNA. Mr. President, I would prefer to have a definite time set for the disposition of the bill.

Mr. SMOOT. If the Senator from North Dakota desires a definite date I have no objection, but I thought the best way to dispose of the matter and get it out of the way entirely would be to have it temporarily laid aside until the Senator from Missouri and the Senator from North Dakota return.

Mr. REED. Of course, either arrangement will suit me. My personal preference would be to lay it temporarily aside until I could get back, but I must take into consideration the fact that the Senator from North Dakota [Mr. GRONNA] wants to be present at the vote and the further discussion.

Mr. SMOOT. I will ask the Senator from North Dakota if May 1 would be satisfactory to him to vote upon the bill?

Mr. GRONNA. That would be satisfactory to me.

The VICE PRESIDENT. Is there a request for unanimous consent?

Mr. REED. In view of the fact that there would have to be a roll call, I will ask the Senator in charge of the bill if it would be agreeable if we simply pass a motion at this time that the bill be laid aside until May 1 and then be made the special order of business.

Mr. SMOOT. We could make it a special order for that time by a vote, but we could not by a vote lay the bill aside to be taken up on a particular day as the unfinished business.

Mr. REED. What I mean is a mere motion to make it a special order for that day. If that will be satisfactory to the Senator in charge of the bill, it will be to me.

Mr. McCUMBER. Mr. President, I dislike very much to lay the bill aside at any time. There are a number of other speeches to be made upon the subject, and I wish to keep it before the Senate as the unfinished business. I am inclined to accommodate every Senator, as I have stated heretofore. I wish that we may have a vote upon the measure and that every Senator who desires may have an opportunity to present his views. It would be entirely satisfactory to me to fix May 1 to vote upon all amendments and upon the bill, but there are a number of speeches to be made and, as I have had charge of the measure, I should like an opportunity, after the speeches are concluded in opposition, in an address of sufficient length, probably from half an hour to an hour, to meet the several arguments made by all the Senators who are opposing the bill.

If we can agree to take up the bill on the 1st day of May and dispose of it on that day, with all amendments, it would be entirely satisfactory to me, provided Senators can get through with the arguments that are to be made in opposition to the bill in time to give me an opportunity to reply to those arguments upon that day.

Mr. SMOOT. Then let it be made the legislative day and not the calendar day.

Mr. SHIVELY. That might involve dragging the debate along for two or three or four days. In other words, unless it is fixed pretty definitely now Senators will postpone their speeches until that time.

Mr. SMOOT. They will do that anyhow. I am perfectly satisfied to fix a certain time upon that day if the Senator from North Dakota [Mr. McCUMBER] will agree to it.

Mr. McCUMBER. I think it ought to be the legislative day, unless there can be an understanding that the Senators who are going to speak will speak between now and that time or agree to give me a reasonable time on that day. I do not desire to have all the time taken up by the opposition and have no possible opportunity to reply to their several arguments.

Mr. REED. Mr. President, as far as I am concerned—and, of course, I can only speak for myself—I shall so conduct my remarks upon the bill as to leave the Senator from North Dakota plenty of time to close the debate. I think he is entitled to that. I should like to ask the Senator, would he prefer to have a unanimous-consent agreement, which would involve a roll call, or simply a motion passed making the bill the special order for the 1st day of May?

Mr. McCUMBER. I could not agree to make it a special order under the uncertainty of the rules in reference to a special order, and even as I myself would understand the rules. I would rather simply agree that the bill should be taken up at a certain hour upon the 1st of May, and that the same and all amendments should be voted upon before the close of that legislative day. That seems to me to be the only way by which we can reach a satisfactory conclusion. I have no doubt it will be disposed of during that day without any particular trouble. I think the inquiry made by the Senator from Indiana [Mr. SHIVELY] can be answered in that way. From what I know of the status of the bill, if we take it up at a reasonable hour on that day and proceed to a vote, we will not run it beyond that calendar day.

Mr. SHIVELY. Then say "on the calendar day."

Mr. McCUMBER. Let us agree that we will take it up immediately on the close of the morning business upon that day.

Mr. SHIVELY. Let it be the calendar day, so that we will know we are going to dispose of it on that day.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the senior Senator from North Dakota yield to his colleague?

Mr. McCUMBER. I yield.

Mr. GRONNA. I was going to suggest to the Senator from Missouri, if he will ask unanimous consent to take up the bill on May 1, which is on Friday, and that a vote shall be taken on the bill and all amendments thereto not later than Saturday, the 2d, say at 4 or 5 o'clock, I think that would be acceptable to all Senators.

Mr. REED. Very well, Mr. President; I will then ask unanimous consent that Senate bill 120 be made the special order——

Mr. McCUMBER. I wish the Senator would not put that in, but simply ask that the bill be taken up at that time.

Mr. REED. That it shall be taken up on May 1 at the conclusion of the morning business, and that said bill, together with all amendments thereto, shall be voted upon on that legislative day, and in no event later——

Mr. SWANSON. Mr. President, I can not consent to that. The legislative day might continue indefinitely, so that no other business could be done. A filibuster might start, and it would cut off the calendar and suspend the entire business of the Senate, so I will object to the words "legislative day."

Mr. REED. I ask that it shall be voted upon together with all amendments not later than 5 o'clock on the 2d day of May.

Mr. SHIVELY. I can not agree to that. It seems to me that we ought to be able to fix a day and not give two days to this work at that time.

Mr. REED. Very well. Of course, if there is objection, I must change the request. I suggest, then, that it be voted upon on the calendar day of the 1st of May. I think we can dispose of the discussion in the way the Senator from North Dakota [Mr. McCUMBER] suggests.

Mr. McCUMBER. To accommodate the Senator and with the understanding, which I trust will be carried out, that I may have an opportunity to reply to the arguments against the bill before the final vote upon that day, I shall not object. I will consent to that so far as I am concerned.

Mr. HITCHCOCK. Mr. President, I have an objection to the idea of agreeing in advance to vote upon a bill on a certain calendar day. We know by experience that the result of such an agreement is that when that calendar day arrives a number are cut short of an opportunity to discuss the question, and we know that before that time there will not be a quorum of Senators here to listen to the discussion. I think the only way to frame a unanimous-consent agreement is to have it the legislative day, and that will give everyone an opportunity to discuss the question, including the author of the bill.

Mr McCUMBER. The Senator, I think, will see that the Senator making the request is between two fires. On one hand, the Senator from Virginia objects to the legislative day; and on the other hand, the Senator from Nebraska objects to

the calendar day. I do not know how he is to have any kind of a motion or request agreed to.

Mr. SWANSON. It would seem to me that we ought to fix upon a time. The object of a unanimous-consent agreement is to bring the Senate to quick action. I have seen repeatedly here delay after delay, the morning business and everything delayed from one day to another, the morning hour dispensed with, the calendar dispensed with, and everything dispensed with on account of having a unanimous-consent agreement in connection with the legislative day. We do not know what may develop in connection with this measure, and consequently I can not consent to the legislative day, which might mean a week.

Mr. REED. Mr. President, it is evident that we can not get a unanimous-consent agreement.

Mr. McCUMBER. Let me say to the Senator that as it seems almost impossible to-day to arrive at a unanimous-consent agreement, and it is impossible to tell just how long the debate will last, I will do my very best to keep in communication with the Senator and inform him and try to accommodate him as much as it is possible for me, being in charge of the bill, without at the same time endangering its loss.

Mr. REED. The Senator is very generous; but the fact is that my trip takes me to my own State. I will get there Friday morning. If I have good fortune, I will get through with my business in the supreme court, say, on Saturday, and I shall immediately return. The moment I am through I shall return. It is possible that the docket might be laid over until Monday, but not probable. Therefore a notice to me would not do me much good, because I am coming back as soon as I possibly can. But I shall trust to the Senator himself to give me an opportunity to be heard upon the bill on my return.

Mr. McCUMBER. I am doubtful if we get a vote on it this week. I think I can lay it aside temporarily to dispose of other business without any objection by the Senate. At least, I will do the best I can to see that every Senator has a full opportunity to express his views.

Mr. SHIVELY. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 16, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 15, 1914.*

The House met at 12 o'clock noon.

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

Take us, O God, our heavenly Father, into Thy nearer presence, that we may behold the glories which wait on the faithful, that we may be encouraged to strive earnestly to unfold the eternal possibilities which Thou hast wrapped up in us. Rich are we by inheritance, but we shall prove recreant to our trust if we do not increase and multiply them.

For the treasures of precious worth
We must patiently dig and dive;
For the places we 'ong to fill
We must push and struggle and drive;
And always and everywhere
We'll find in our onward course
Thorns for the feet and trials to meet
And a difficult river to cross.

But if we are with Thee nothing can prevent us from the desired goal. For Thine is the kingdom, and the power, and the glory forever. Amen.

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

MESSAGE FROM THE SENATE.

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

S. 3863. An act granting lands to Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, of Hot Springs, Ark.;

S. 2223. An act to create the Crater Lake National Park revenue fund;

S. 1943. An act in reference to the issuance of patents and copies of surveys of private land claims;

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 4553. An act to authorize the appointment of an ambassador to Argentina.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11269. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PORTO RICAN CITIZENSHIP.

Mr. McKENZIE. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the bill pending pertaining to Porto Rican citizenship by having printed in the RECORD a memorial by the House of Delegates of Porto Rico relating to said measure.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in reference to Porto Rico.

Mr. ANTHONY. I did not understand what the gentleman wished to extend his remarks on.

Mr. McKENZIE. It is on the bill providing for citizenship for Porto Rico.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CALENDAR WEDNESDAY—ALLEGATION AND PROOF OF LOYALTY IN CERTAIN CASES.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 5850, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union——

Mr. WATKINS. Mr. Speaker, pending that I desire to ask unanimous consent that general debate on this bill be limited to one hour and a half, one-half to be controlled by the gentleman from Illinois [Mr. MANN] and one-half to be controlled by myself.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that general debate be limited to one hour and a half, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. MANN.] Is there objection? [After a pause.] The Chair hears none. The house automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Georgia [Mr. BARTLETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5850, with Mr. BARTLETT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5850, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5850) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

Mr. WATKINS. Mr. Chairman, will the gentleman from Illinois consume part of his time now?

Mr. MANN. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the bill before the House proposes to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911. The important feature of the bill is that which provides that in all cases contemplated to be heard under this section no allegation or proof of loyalty shall be required in the presentation or adjudication of claims. There seems to be a good deal of question whether this really does, as a matter of fact, change the present law. If it is necessary to make that point clear, I am rather inclined to the opinion that the bill ought to pass. I think we have gotten far enough away from those troublesome and unfortunate days that we ought to give a liberal interpretation to the laws that ordinarily apply in cases of this kind. These cotton cases come dangerously near, if they were not in fact acts of, confiscation in time of peace.

It is a regrettable fact that owing to the lapse of time the probability is that very few of those who themselves lost this property or their direct heirs or descendants would be benefited, and in many cases moneys would be paid to those who have no real moral claim to it. If we could reimburse and compensate those who actually suffered those losses I think there would be little question in the mind of anybody as to the propriety of doing what is here proposed to be done.

Mr. Chairman, this bill is a striking reminder of the infinite variety of troublesome questions that war leaves in its wake. Fifty years and more after the Civil War we are still troubled with these questions and we are still paying year after year enormous sums to in part compensate for the waste and suffering caused by that war. In view of those lessons that we and

other peoples of the world have learned relative to the waste of war we have all of us hoped that the nations in the future, or our Nation at least, would hesitate long before embarking on warlike operations or taking steps likely to lead to war.

This has been our hope; and yet, gentlemen, we are informed that to-day at least 12 of the greatest battleships that float the deep are on the way to Tampico on a warlike errand. No mention is made of what disposition is to be made of the good ship "Friendship" or the superdreadnaught "Goodfellowship," of which we heard so much in the recent past. Down at Tampico, Mexico, the Government of Mexico, whose neighbor, whose best friend we are, or ought to be, has one or two back-number, decrepit gunboats, any one of which a 13-inch gun would blow from the bosom of Tampico Bay and sink to the bottom of the sea. We have there now three or four of the mightiest dreadnaughts in the world, but we are sending all of our great Atlantic Fleet. Why? To settle the all-important question whether we shall be given a salute of 5 or 21 guns. [Laughter and applause on the Republican side.]

We have been making treaties with all the world under which we pledge ourselves to refer to boards of conciliation or arbitration any questions that may arise that would tempt or tend to invite hostilities with a foreign power. Our Secretary of State prides himself upon being the evangel of peace, of arbitration, of the settlement of international troubles by peaceful means.

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. SLOAN. Might the gentleman not excuse the sending of the good ship "Friendship" and the good ship "Fellowship" on the basis that we do not know yet, and can not for some time, of course, know, whether they would have to pay tolls or not?

Mr. MONDELL. Well, they may have been sunk by the British, that have recently taken the Panama Canal.

We have been offering, almost forcing upon, the nations of the world treaties under which we agree to arbitrate matters involving questions of national honor, but to-day the fleet is steaming under forced draft to Tampico. For over a year in northern Mexico American citizens have been insulted, browbeaten, their property destroyed, their lives taken. We have appealed to the bandits and cutthroats in command of the forces there in vain. Day before yesterday the press informed us that though we had appealed on behalf of 600 Spanish citizens whom we have taken under our protection by our own act, protested against the confiscation of their property by Villa, protested against their expulsion from the country in which they have lived for generations, the State Department has accepted the declaration of Carranza and Villa that our protest is in vain and the incident is closed. When a British subject whose protection we had assumed is foully murdered in the presence or in the vicinity of the bandit chief of the revolutionary forces in northern Mexico our State Department accepts his statement with regard to it, handed to us by Carranza, bearing every evidence of falsity, making no apology, offering no redress, without protest.

For months, while Americans by the hundreds and thousands have been forced out of northern Mexico, while their property was being destroyed, during which time many have suffered indignity and some have suffered death at the hands of bandits cooperating with the so-called constitutionalist forces, we have declined to send forces across the Rio Grande to enforce our demands, and we have supinely accepted as final the refusal on the part of the so-called constitutionalist leaders to consider our demands or to give adequate redress in the cases in which they condescended to give them any consideration.

Even when the body of an American citizen, foully murdered, was known to lie in a neglected grave almost within sight of our border we refused to send forces to recover his body or demand the punishment of his murderers.

But down at Tampico it is different. There the Government of Mexico is operating. Last December our President informed the world that that Government must fall. In one breath he made the declaration that there was no government in Mexico, and in the next that the Government that he had recognized by sending his emissary, John Lind, must and would fail. He refused to establish the official relations with the Government and people of Mexico that international usage require for the protection of our people in Mexico and virtually gave notice to every force of rapine and revolution that we would give every aid short of actual warlike operations to break down the established government in the City of Mexico and to aid the assaults of its enemies. The President has followed that program steadily, using the prestige and the power and the might of this great Nation to bring about the defeat and ruin of a neighboring government, and now he has sent our fleet to enforce the mandates that reflect personal prejudice and enmity against the man who happens to be at the head of the Government of Mexico.

Down at Torreon the forces of Villa destroyed property worth millions of dollars. Was there any protest on the part of our Government? There was not. I do not know that there should have been. But when the Federal Government in Mexico, attempting to hold its lines and protect its people at Tampico, fired some shots that threatened to injure the property of a branch of the Standard Oil Co. and of the oil company controlled by powerful British interests we presumed to say that the Government of Mexico should not use its armed forces for the purpose of maintaining its own sovereignty.

But they did fire some shells over the Standard Oil tanks and the oil tanks of Lord Cowdray's company, our demands to the contrary notwithstanding. And I am glad they did. When we reach that point in the management of our international affairs that we feel that we can call upon the armed forces of any country to desist from acts necessary for the protection of its sovereignty, which in no wise involve ours or the lives of our people, I hope that any nation against whom we endeavor to enforce that sort of bulldozing will resist it to the last. It was not a question of protecting life, but there was danger that the property of the Standard Oil Co. and of the English oil company would be destroyed in the attempt of the Government of Mexico to maintain our sovereignty, and we presumed to say they could not do it.

Then came this incident at Tampico, that has taken from the international scene the ship "Friendship" and the dreadnaught "Goodwill" and has replaced them with the 13-inch guns of our real dreadnaughts. What is it all about? What was it that happened that has given excuse for all this bluff and bluster? I do not know exactly, and I have not been able to find anyone that does. The first story, before it was viséd, revised, and doctored by the administration journals, was that a party of marines in a launch landed at Tampico for the purpose of securing some gasoline for the launch motor. They were arrested without violence, kept for a short time under arrest, but not confined, as I understand it. There was no violence; not even a uniform was mussed, though some feelings may have been ruffled. They did not have their flag with them. They were in uniform, and they were probably armed. They were a foreign armed force in a country then under hostile fire. I do not pretend to know much about international law, but——

Mr. RUBEY. Will the gentleman yield?

Mr. MONDELL. I can not yield, as I have very little time. I do not pretend to know much about international law, but if I understand the facts, I do not know what else could have been done by the officer in direct command under the circumstances. On learning what had been done, the officer in command ordered the liberating of the men, we are informed. In a short time the matter was reported to the Government in the City of Mexico and apology was freely and promptly offered. The officer immediately in command was ordered punished. This is the awful insult to the flag for which and on behalf of which the American Navy is to-day steaming down the coast with hostile intent, proposing, I assume, to line up in battle array in front of the two little measly worm-eaten gunboats that Mexico has off Tampico. If it was not so utterly and indefensibly bombastic, so stupid and therefore serious, it would be a delightful comedy sketch. Huerta not only offered an apology, he not only promised to punish the officer who, if I have the facts aright, really did nothing that under the conditions existing he could not properly be excused for doing, but Huerta also offered to fire a salute of five guns in order to make it clear that no affront was intended to the men or officers of the vessel whose men had been temporarily arrested. But we must have 21 guns or nothing. We must have the last ounce of this pound of flesh. Our citizens in northern Mexico murdered, their property to the extent of hundreds of millions destroyed, the constitutionalist forces refusing to give serious consideration to our representations in regard to these things, and nothing done but to continue to accept the insults of the constitutionalist leaders and to furnish them arms and ammunition.

Now the scene shifts. Now the opportunity is presented to carry out the presidential determination to eliminate Huerta from the situation. If Huerta complies with our unreasonable demand it is hoped and expected that his compliance under conditions that do not command the respect and judgment of the Mexican people will weaken him in their esteem and so strengthen the forces of revolution aimed at the Government of which he is the head. If he should not comply, here is an excuse to intervene, the opportunity to have some things that have weakened the prestige of the administration in the

recent past forgotten in the call to arms, the call on the patriotism of the American people.

Where is the good ship "Friendship"? Where is the superdreadnaught "Goodwill"? Where are the peace treaties? Where are the men who have taken every affront that Villa and Carranza have offered us without question?

We surrendered at Panama, and the American people do not like it. The American people have grown tired of the continual failure to protect the property and lives of our people in northern Mexico; and here is a chance, not to remedy the conditions against which complaint has been made, but to weaken the only force in Mexico at all effective in the protection of the lives and property of our citizens and in the maintenance of peace and order in that country.

It may be that here is an opportunity for the President to appeal to the patriotism of the American people in order that they may forget Panama, in order that they may overlook the failure of the administration to do its duty in the protection of our citizens and their property in northern Mexico, in the zone of the revolution; but I do not believe our people are so simple as to be misled by this play of fake heroics.

Everybody knows, or will know, there was no intentional insult to the flag or our uniform at Tampico. There was no flag connected with the incident, according to the earlier dispatches. But the administration journals of this morning have finally dragged the flag in and dragged the marines out of the boat, whereas the first uncensored dispatches gave it that the marines, without their flag, went in uniform into Tampico and some minor officer took them into custody, probably not knowing what else to do with an armed alien force in a zone of revolution. The Government in the City of Mexico, following the rule that it has followed uniformly, even in the face of our continued opposition to it, in the face of our continued efforts to overthrow it, preserving an attitude of good nature and friendly consideration, offered to and did punish the offending officer, offered an apology, offered even to salute with guns, but drew the line at 21.

Some may wonder why the Government of Mexico, realizing our power, our ability to enforce and demand however unreasonable, should not accede to it. I can readily understand how any self-respecting Government might very properly halt after having offered every reasonable and proper reparation and refuse to meet a demand which it considers, and which probably is, under the circumstances, unreasonable and unwarranted. The salute is, I assume, demanded on the claim that an intentional affront and insult was offered to our uniform and our flag. From what information I have been able to secure that is not the case, and it is but natural that any self-respecting Government should decline to do an act which amounts to a confession that those acting under its authority have not only acted hastily and possibly in a way not warranted by international usages, but with purpose and intent to humiliate our men and insult the uniform and the flag. I have no doubt but what the Government of Mexico claims that nothing of the sort was done or intended; and if that is true, they are entirely justified in refusing to comply with a demand we have no right to make.

Our administration has persistently, in harmony with the avowed and announced hostility of the President toward Huerta, engaged in acts which come perilously near being acts of war against his Government. By giving aid and comfort to its enemies and thus weakening the Government at the City of Mexico we have prolonged and enlarged the area of the revolution in northern Mexico to the infinite loss and damage of our people and other foreigners in their lives and in their property; and now a trifling incident is seized upon, an incident that involved no harm or injury to anyone, to further weaken and embarrass the Mexican Government. And so this is the mighty issue involved, the dignity of a Nation of 100,000,000 people, that to enforce it in the teeth of a miserable little fleet of worm-eaten gunboats we invoke all the forces of our mighty fleet of dreadnaughts. Aye, as our German friends would say, if it did not contain the possibility of an awful tragedy, "it would be to laugh." [Applause on the Republican side.]

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois the remaining time?

Mr. MONDELL. I yield back the balance of my time.

The CHAIRMAN. Four minutes are reserved.

Mr. WATKINS. Mr. Chairman, I now yield 15 minutes to the gentleman from Texas [Mr. GREGG].

The CHAIRMAN. The gentleman from Texas [Mr. GREGG] is recognized for 15 minutes.

Mr. GREGG. Mr. Chairman, I shall confine myself to the discussion of the bill that is up for consideration to-day. This bill provides for such amendment and modification of the law that anyone who has a claim against the Government for property taken under the captured and abandoned property act, passed in 1863, may bring a suit in the Court of Claims, and proof of loyalty is not to be made a jurisdictional question in the courts as it is now.

Now, Mr. Chairman, it is strange to me that there has not been long ere this some similar provision of law. The custom and usage of civilized warfare for more than a century as to property taken from the enemy for the use of the army, even in a country invaded, has always been to pay for such property taken from a private individual. On March 12, 1863, pending the war, as we all know, Congress passed what is commonly known as the captured and abandoned property act. I am going to review this law just to make the matter plain to the Members of Congress who have not had time or opportunity to give it thought and consideration.

This act of March 12, 1863, authorized the collection of all abandoned and captured property in the States of the Confederacy; authorized the sale of such property and directed, after deducting certain expenses, the payment of the net proceeds into the Treasury of the United States. This law also provided that the owner or owners of any of the property so taken might, within two years after the close of the war, bring suit for the recovery of the proceeds. But the law contained the provision that before the recovery should be authorized the owner should establish his loyalty to the Union throughout the war.

Now, what condition did that bring about? Of course, the people of the South, who knew they had not been loyal, who knew they could not establish their loyalty, did not go into the courts, because they knew of that provision in the law and supposed, as a matter of course, that they had no right to recover, because they were not loyal, and the law expressly provided that they would have to prove their loyalty in order to recover.

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

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Ohio?

Mr. GREGG. Yes.

Mr. WILLIS. Does the gentleman think that was an unfair or an unwise provision of the law—that requirement as to proof of loyalty?

Mr. GREGG. I shall discuss that later.

Mr. WILLIS. Very well.

Mr. GREGG. I was just coming to this point: Notwithstanding the provision of that law, as you know, a proclamation of general amnesty or pardon was issued by the President of the United States. All the subjects of the Confederate Government were pardoned, and the Supreme Court of the United States, in the Padelford case, held that the pardon restored all these claimants to their property rights in and to the proceeds of this property taken and sold, put them as though they had never been disloyal to the United States; in other words, that it wiped out the past, and that the proceeds of that property which had been sold and put into the Treasury were held by this Government as a trust for the owners, regardless of their loyalty; that there were no longer any disloyal citizens in this Union; that their property rights had been fully restored; and that the proceeds of property taken and sold were held as a trust.

Notwithstanding that the court so held, this money has been held in the Treasury of the United States, and the owners are barred from any right to bring suit to recover same, because the act authorizing suit limited the right to two years after the close of the war.

We are trustees. We are holding property in trust. Yet by our might as sovereign we deny to the beneficiary of the trust the right to recover the trust estate to which he is entitled. We are pleading the statute of limitations against them. This would be dishonorable in an individual. How much more dishonorable in a great Government.

Mr. ELDER. Will the gentleman yield?

Mr. GREGG. Yes.

Mr. ELDER. As a matter of fact, under the decision in the Padelford case, those who were not loyal in fact were held to be loyal as a point of law, and some who put in their claims did recover under that decision. Is not that the fact?

Mr. GREGG. Yes; some did.

Mr. ELDER. Now, it is merely a question of the statute of limitations; and those who, knowing, as a matter of fact, that they had not been loyal, did not presume to put in their claims, can not now recover merely because of the lapse of time, which was limited.

Mr. GREGG. Yes. As I said before, the law limited the right to sue to two years. The people in the South who knew they were not loyal did not sue, because under the terms of the law they thought they had no right to sue.

Mr. ELDER. A few of them did sue.

Mr. GREGG. Such as thought they could establish their loyalty. Most of those who sued thought they could establish their loyalty. By the time the Padelford case was decided, the two years had expired, and these people who did not claim to have been loyal had no remedy, and no remedy has ever since been given to them. No opportunity has ever been given them to establish their rights so clearly given to them in the Padelford case.

Mr. STEPHENS of Texas. Will my friend yield?

Mr. GREGG. Yes.

Mr. STEPHENS of Texas. Is it not a fact that unless this money can be recovered it will amount to a confiscation of property?

Mr. GREGG. That is the effect of the Supreme Court decision.

Mr. STEPHENS of Texas. And is it not a fact that no property in the United States has been confiscated on account of disloyalty, as far as the gentleman knows?

Mr. GREGG. Not as far as I know. Now, I want to read a few brief extracts from opinions of the Supreme Court. As I said, the court first held that the pardon restored all rights in the Padelford case, reported in Ninth Wallace, page 531. They followed that opinion in the Klein case, reported in Thirteenth Wallace, page 128; in the Armstrong case, Thirteenth Wallace, page 154; the Pargoud case, Thirteenth Wallace, page 156; the Carlisle case, Sixteenth Wallace, page 147; and the Young case, Ninety-seventh United States, page 39.

So the original decision in the Padelford case has been so often followed and is so thoroughly established as the law of the country that there is no gainsaying its correctness now.

Mr. GOULDEN. Will the gentleman yield?

Mr. GREGG. Yes.

Mr. GOULDEN. Can the gentleman inform the committee how much money is involved or what amount of money will be required?

Mr. GREGG. There are various estimates—from $4,000,000 to $10,000,000.

Mr. GOULDEN. Can the gentleman further tell just how much is in the Treasury now?

Mr. SISSON. If the gentleman will permit, the Treasury Department shows that something less than $1,000,000 would possibly be affected by this bill.

Mr. GOULDEN. That is what I want to know.

Mr. SISSON. If every man was able to prove that the particular money in the Treasury was his own.

Mr. GOULDEN. I understand.

Mr. GREGG. The amount just stated by the gentleman from Mississippi [Mr. SISSON] covers only the property taken subsequent to June 1, 1865. In answering the question of the gentleman from New York [Mr. GOULDEN] I covered the whole period of time, property taken prior to and subsequent to June 1, 1865.

Mr. GOULDEN. From $4,000,000 to $10,000,000 is the total sum involved if all claims were allowed.

Mr. GREGG. Yes; from $4,000,000 to $10,000,000. Now, my only objection to this bill is that it does not go back far enough, because if citizens have the right to recover for property taken after June 1, 1865, then citizens ought to have the right to recover for property taken prior to June 1, 1865, because, as I said before, the decisions of the Supreme Court put those from whom property was taken prior to 1865 in the position of being just as loyal and just as much entitled to all their property rights as you are to-day or I am to-day.

Now, for the information of the committee I want to read just a few extracts from the opinions of the Supreme Court of the United States in the cases referred to by me. In the Padelford case the court said:

> In the case of Garland (4 Wall., 333) this court held the effect of a pardon to be such "that in the eye of the law the offender is as innocent as if he had never committed the offense"; and in the case of Armstrong's Foundry (6 Wall., 766) we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings, and relieved from any penalty which he might have incurred. It follows further that if the property had been seized before the oath was taken the faith of the Government was pledged to its restoration upon the taking of the oath in good faith.

In the eye of the law, according to the Supreme Court, the past was completely wiped out, and the offender was as innocent as if he had never committed the offense.

Now, in the Klein case the Supreme Court, following the Padelford case, said:

> We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested out of the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decides that question affirmatively as to all persons who availed themselves of the proffered pardon. It was competent for the President to annex to his offer of pardon any conditions or qualifications he should see fit; but after those conditions and qualifications had been satisfied, the pardon and its connected promises took full effect. The restoration of the proceeds became the absolute right of the persons pardoned on application within two years from the close of the war. It was, in fact, promised for an equivalent. "Pardon and restoration of political rights" were "in return" for the oath and its fulfillment. To refuse it would be a breach of faith not less "cruel and astounding" than to abandon the freed people whom the Executive had promised to maintain in their freedom.

The court said that the restoration of the proceeds became the absolute right of the pardoned. Now, that is an absolute right. Why do we, simply because we have the power of the sovereign, deny these men the opportunity to assert their absolute right?

In the Armstrong case the court said:

> We have recently held, in the case of the United States against Klein, that pardon granted upon conditions, blots out the offense if proof is made of compliance with the conditions, and that the person so pardoned is entitled to the restoration of the proceeds of captured and abandoned property, if suit be brought within "two years after the suppression of the rebellion." The proclamation of the 25th of December granted pardon unconditionally and without reservation. This was a public act of which all courts of the United States are bound to take notice, and to which all courts are bound to give effect. The claim of the petitioner was preferred within two years. The Court of Claims, therefore, erred in not giving the petitioner the benefit of the proclamation.

They were passing upon this very identical question. It was a suit to recover the proceeds of property captured and abandoned, which was sold and the proceeds paid from the Treasury.

In the Carlisle case the court said:

> After these repeated adjudications, it must be regarded as settled in this court that the pardon of the President, whether granted by special letters or by general proclamation, relieves claimants of the proceeds of captured and abandoned property from the consequences or participation in the rebellion, and from the necessity of establishing their loyalty in order to prosecute their claims. This result follows whether we regard the pardon as effacing the offense, blotting it out, in the language of the cases, as though it had never existed, or regard persons pardoned as excepted from the general language of the act, which requires claimants to make proof of their adhesion, during the rebellion, to the United States.

In the Young case the court said:

> We have decided that the pardon closes the eyes of the courts to the offending acts, or, perhaps more properly, furnishes conclusive evidence that they never existed as against the Government.

These decisions, Mr. Chairman, establish the absolute right of these claimants to the restoration to them of the money which represents the value of their property.

Now, to show you how unjustly these claimants have been treated I call your attention to the fact that after the Supreme Court had clearly established their right to this money in the Treasury which is the proceeds of their property taken and sold, and after their right to sue was barred by the original act, nothing was done to authorize those from whom property was taken to sue for or recover the proceeds of their property until March 3, 1883, when Congress passed what is known as the Bowman Act. To avoid the effect of the decisions in the Padelford and other cases the Bowman Act provided that in every claim for stores and supplies taken during the Civil War the claimant must allege and prove loyalty as a jurisdictional fact, and that if the court should not find him loyal it should have no further jurisdiction and dismiss the petition. Under this provision unless the claimant first showed his loyalty the court would not proceed to determine his case, and thereby the decisions in the Padelford and other cases were overridden and made of no avail. I fail to appreciate the magnanimity of a Government which would thus circumvent the decisions of its highest court. As I have said before, I think this bill should make the same provisions for recovery of property taken prior to June 1, 1865, that it makes for the recovery of property taken after June 1, 1865. The author of this bill, Mr. WATKINS, of Louisiana, informs me that he did not make such provision because he did not believe it could be passed if he had. So I suppose we will have to take this on the principle that a half loaf is better than no bread at all.

Now, why would it be impossible to pass the bill had it provided for the recovery of property taken prior to June 1, 1865? Because some are clinging to the prejudices of the past. In the name of justice is it not time that this prejudice should die out? The Supreme Court, composed of men not in sympathy with the South in that unfortunate conflict, have held that all southern men were fully restored to all their property rights in this property, and that the Government was holding it as a trust for the owners and their heirs. These owners and their heirs for nearly 50 years have been asking that this trust be faithfully accounted for, and all this time Congress has turned and con-

tinues to turn a deaf ear to their just demands. It is an outrage, for which no justification or palliation can be offered.

We are now one people, actuated by one common impulse—the glory and upbuilding of our common country. During the Spanish War the blue and the gray fought side by side. To-day our fleet is being assembled to protect the dignity of our country. Upon those battleships are men and boys from Dixie land just as willing to risk their lives to protect the honor of our flag as are those from other sections of our land. Is this not a fitting day to say to all our people everywhere that they may enter our courts to recover their rights without being asked any questions as to their loyalty? Is it not a fitting day to blot that word from American jurisprudence and legislation?

Mr. WATKINS. Will the gentleman from Illinois use some of his time?

Mr. MANN. Does the gentleman from Louisiana propose to use any more time?

Mr. WATKINS. I expect to use half an hour to close.

Mr. MANN. Does the gentleman expect to close in one speech?

Mr. WATKINS. Yes.

Mr. MANN. The gentleman to whom I was to yield has stepped out temporarily. I will yield five minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, one of the biggest problems now pending in this country or which this country has ever had to confront is the subject of railroad rates. For a long time we have struggled with the problem of regulating railroads. We have reached out, step by step, determined to lessen the high cost of living by reducing the tremendous income of railroads. There can be no other logic of the fight we have been carrying on, no other reason can be given, except that we wanted to reduce the high cost of living, that we wanted to bring some kind of relief to the toiling masses of the country, to the people that were paying the tremendous toll of the railroads.

Finally we got control of them to a certain extent. We got them subject to the interstate-commerce law, made the Sherman Act apply, and it seemed that we were about to have our innings. The present administration came into power and announced the Panama Canal was going to reduce the railroad rates. The time has come when the people's servants were to make good on their behalf.

On the eve of this resolution we have the practical announcement that the administration is favorable to a judicial decree or a governmental order that the railroad rates are already too low. We are just about to be informed that it is necessary in order that these railroads may be permitted to live, to keep the speculators who exercise a usurped prerogative of ownership from starving, to raise the freight rates.

According to the figures, the capital of the roads in the district that is to receive this rate increase amounts to $1,386,073,429, and a 5 per cent increase is approximately $70,000,000. If we increase the railroad rates in that district $70,000,000, thereby increasing the dividends—profits on stock—$70,000,000, it will be equivalent to increasing the principal more than a billion and a half dollars. A stock which yields a Government guaranteed dividend of $70,000,000 is worth $1,550,000,000, figuring on a 4 per cent basis, and the natural effect of such increase will be to take up a billion and a half dollars' slack out of the limp and watered stock of the railroads in that particular district. If that kind of a proportionate increase is extended all over the country, it will equal about three times that much, and the amount of stock of the railroads which bear the face value of about $20,000,000,000, but are worth not more than $15,000,000,000, will be increased about $5,000,000,000. And if they get the increase in one district, they will want it everywhere.

The people of the country finally succeeded in revising the tariff, and thought they had done something wonderful. Many of us helped to do it and everybody pretended to want to help. We thought we had done something in reducing by a few millions the tariff duties on dutiable goods. And then immediately it is proposed to raise the railroad rates on the articles that are principally placed on the free list. When you raise railroad rates, you put the principal tax on the heavy articles like sugar, rice, lumber, and all those things on the free list. The man who toils and fills his dinner pail day by day is the man who pays the tremendous increase in freight rates. The increased freight on silks and luxuries will be so low proportionately as not to be noticed.

Seventy million dollars in this district is equal to the entire income tax that will be received by the Government over the whole Nation. So if such an order goes into effect, if the Interstate Commerce Commission, as it is said the President favors, does issue a certificate or order requiring the people to raise the rate that they pay the railroads by a sum equal to $70,000,000, it will be equivalent to compelling the consumers of articles on the free list, in the main, to pay into the coffers of the railroads a sum as great as the entire national income tax, and away goes your claim that you have compelled the rich of this country to pay in any greater proportion than the poor.

For my part I would rather let the tariff go on and pay that sum to the Government. It surely is not so offensive to pay a few millions as tariff on the dutiable articles as to compel the rank and file to pay many more millions to the railroads. I would rather pay the tariff to the Government than to pay freight rates to the railroads.

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

Mr. MANN. I yield to the gentleman three minutes more.

Mr. COX. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. COX. I want to put a question for information. Can the gentleman from Washington give the committee any facts as to how much of a burden the increased wages to railroad employees has entailed upon the railroads within the last two years?

Mr. BRYAN. I can not give the definite figures.

Mr. COX. Can the gentleman approximate it?

Mr. BRYAN. They claim, and of course it is true, that the increase of wages has caused an increase of the expense of maintaining and operating the lines.

Mr. COX. I saw a statement that it amounted to $50,000,000.

Mr. BRYAN. I do not believe that, especially in this district. The figures do not justify it. There are about 1,750,000 employees on all the railroads in the United States. Testimony before the Interstate Commerce Commission—extracts of which I am proposing to put in the RECORD—show, for instance, that in regard to the Pennsylvania Railroad the agent or representative the other day admitted, in testimony brought out by the matchless cross-examination of Mr. Thorne, that in the last year they had made 9¼ per cent dividend on the capital stock. The result of the cross-examinations that have been carried on show that the Pennsylvania Railroad has been investing in a large amount of property and has made permanent stock issues; that the dividends that would have gone to stockholders had been used to make permanent improvements, and then they complain that on these extra added shares of increased capitalization they do not receive sufficient return, and they say the cost of maintenance has been increased. It is very much a matter of bookkeeping, as the testimony will show.

Mr. MURDOCK. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MURDOCK. How does the gentleman explain the contradiction in the fact that we are about to raise the railroad rates in the United States, and that Canada within the last week issued an order through a commission reducing her rates? How does it come that Canada can do that when the United States is going to increase them?

Mr. BRYAN. It is because Canada has gone more thoroughly into the railroad proposition and has nationalized the great part of her lines. Instead of attempting to control railroads at long distance she is controlling them at short distance, so that she knows the details more thoroughly and she knows the bookkeeping more thoroughly. She has had one bureau in complete authority all over the Dominion of Canada. Canada is committed to the doctrine of government ownership of all its railroad lines, and when the Canadian Government talks about its railroad it is talking about itself to a great extent.

In this country we have one Interstate Commerce Commission, and then we have 48 different States, with their separate railway commissions, and they criss-cross and fight each other, contend with the railroads at one time, and with other jurisdictions at another time. Sometimes they engage in sham battles, sometimes in real battles. Then we have an Attorney General that will not let the New Haven operate unless Mr. Morgan resigns. As fast as the Interstate Commerce Commission gets the railroads to working together under uniform system and uniform accounting the Attorney General goes after them to make them compete and keep fighting each other. The commission tends to lower and the Attorney General to raise rates. The result is that we get nowhere, we accomplish nothing. We ought to have one great nationalized line here belonging to the Government.

Mr. MURDOCK. The gentleman believes the facts do not warrant an increase in these rates?

Mr. BRYAN. I certainly do not believe the facts warrant an increase in the rates.

Mr. MURDOCK. And that if we could get at the real facts a decrease would be in order?

Mr. BRYAN. There are a number of lines where the evidence showed the rates ought to be decreased, quite emphatically so. I think it is right and proper that a little publicity should be given to that side of the case, in view of the reports that are being published generally in the press, and the attempt to intimidate, if possible, the Interstate Commerce Commission and force it into a raise in rates.

Mr. TALCOTT of New York. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. TALCOTT of New York. Does the gentleman from Washington favor Government ownership rather than Government regulation?

Mr. BRYAN. Mr. Chairman, I think Government regulation has proved a farce. I think the time for playing with this has passed, and that the fiction of ownership ought to be wiped out, and the Government ought to own and run these railroads for the people at cost. There should be no profits or dividends on transportation any more than on the Postal Service.

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

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRYAN. In extension of my remarks I call to the attention of the House the fact that the Alaska railroad is the beginning of Government ownership of railroads in the United States. There is no real difference in Alaska and elsewhere so far as the principle of the thing is concerned. Of course the argument was made that in Alaska the Government owns the land, the mines, and the resources; therefore the Government should own the railroads. I agree with that argument that ownership of all these resources should carry with it ownership of the railroads, and since the people own the resources of continental United States, the people should own the roads—the wagon roads and the railroads.

The railroad kings attempt to apply the rule this way: Whoever owns the railroads should own the resources; therefore give us the timberlands, the coal, the mines, the lands. But they have the thing reversed. The people will not give them any more in a wholesale way the resources of this country; the people will own these resources, and we demand the railroads.

The people are going to take the railroads, too. Transportation is a governmental function. All the nations of the world are recognizing that. England has permitted the Rothschild syndicate and the Bank of England crowd to monopolize the railroads, and the result is that Germany, with her nationalized lines, enjoys a very much better rate, and is putting the English manufacturers to all sorts of trouble in trade competition. Why should the Rothschilds levy toll on all the product of all the labor of England? Why should that condition obtain in this country? It is against justice, it is wrong in principle, and must come to an end.

GOVERNMENT OWNERSHIP BEING UNIVERSALLY ADOPTED.

Many do not realize that Government ownership of railroads has been accepted by the verdict of practically all the civilized nations of the world as essential. The soundness of the principle that railway transportation, just as the Postal Service, is a Government function has been recognized by 50 out of 54 nations. Only 4 civilized nations refuse to recognize the principle. These are England, Spain, Turkey, and the United States.

In England it is admitted that public sentiment is strongly in favor of Government ownership, and a royal commission has just been appointed to study the matter. In commenting on the situation in England, the Railway Age Gazette of December 5, 1913, says:

> The growing interest in the subject of railway nationalization is strikingly illustrated by the recent appointment in Great Britain of a royal commission to inquire into the relationship between the railway companies and the state in respect of matters other than safety of working and conditions of employment and to report what changes, if any, in that relationship are desirable. The announcement comes almost simultaneously with that of the National Civic Federation in this country of its intention to undertake a national survey of social progress, which will include a study of the question whether regulation of railways and other public-service corporations is a failure, and whether State ownership should be substituted for that of private capital.

Carl S. Vrooman makes the following comment on the progress of Government ownership of railways in England:

> That a similar state of affairs exists in Great Britain, the only other first-class power which still holds firmly to the policy of private ownership and management of transportation facilities, is borne out by a statement which was made to the late Frank W. Parsons not long ago by Mr. W. M. Ackworth, the most conservative railroad authority in England, to the effect that nine out of every ten people in Great Britain would vote for public ownership if the question were submitted to a vote to-morrow.

In other foreign countries there were in 1910, 218,358 miles of government-owned railroad to 98,786 miles of private owned. Just recently Spain has taken steps to build a line across that country to be owned and operated by the Spanish Government.

In speaking of unlocking Alaska, in his recent message President Wilson said:

> One key to it is a system of railways. These the Government should itself build and administer, and the ports and terminals it should itself control in the interest of all who wish to use them for the service and development of the country and its people.

"These the Government itself should build and administer." Is not that strong enough? But President Wilson goes further and tells you the reason why, "in the interest of all who wish to use them."

William Jennings Bryan, good Democratic authority, said in 1906, just after returning from a trip around the world, where he rode most of the land portion of the journey on government-owned railways, said he had despaired of Government regulation and stood personally for Government ownership. After giving splendid reasons for his view, he added:

> Another reason which has led me to favor Government ownership is the fact that the people are annually plundered of an enormous sum by extortionate rates; that places are discriminated against and individuals driven out of business by favoritism shown by the railroads. You say that all these things can be corrected without interference with private ownership. * * * Is there any Democrat who is not willing to go as far as President Roosevelt and admit the necessity of Government ownership in case the people are convinced of the failure of regulation? I can not believe it.

A week or two later, in commenting on his utterances advocating public ownership of all railroads in this country, Mr. Bryan, at Louisville, Ky., in September, 1906, said:

> In my speech at the New York reception I made a brief reference to the Government ownership of railways, and I thought I had expressed myself so clearly that my position could not be misconstrued even by those who desired to misconstrue it. The New York speech was prepared in advance. It was not only written, but it was carefully revised. It stated exactly what I wanted to state, and I have nothing to withdraw or modify in the statement therein made.

The purpose of the present argument is to protest against raising rates and tremendously increasing the value of all railway securities which are held in private hands. So far as the advice not to express opinion while the Interstate Commerce Commission is at work on this delicate judicial matter is concerned, I can simply say that however much I regard the givers of such advice it does not appeal to me at all. Such advice is almost absurd when applied to courts, for the interests always manage to get their view expressed and the courts are always able to decide a case on the merits without regard to such expressions, and in very many cases they do so decide; but when it comes to a trade commission or a commerce commission, I do not lay any stress whatever on the argument. I think the time has come for the people of this country, the Joneses who pay the freight, to come to the relief of the Interstate Commerce Commission. I think the members of that commission have been rendering a great patriotic service to the country. They have been abused and censured at every turn by the great interests and many newspapers for not handing down an order favorable to the railroads. A tremendous campaign has been waged. Yet the commission has held fast to its duties and has refused to be driven into a position that would be an outrage against the plain people of this country, who must in the end pay every cent of the three billions now collected annually by the railroads. Later I intend to present to Congress some of the details of this campaign of intimidation. I wish the people could have the assistance that would come from a compilation of such facts, and I will make the facts public if they are furnished to me. It is impossible to make thorough compilations and at the same time discharge other duties.

I now present for the thoughtful consideration of those who have been reading these fairy tales of starving railroads the following excerpt from the voluminous testimony taken by the commission. Mr. Thorne's cross-examination of Mr. Rea, of the Pennsylvania, is illuminating both as to bookkeeping and as to actual admitted profits:

> Mr. THORNE. Mr. Rea, during the past year, 1913, you sold several large blocks of securities of the Pennsylvania Railroad?
>
> Mr. REA. Not very much.
>
> Mr. THORNE. What was the first rather large one sold?
>
> Mr. REA. I do not recall; but we made a stock allotment to our shareholders.
>
> Mr. THORNE. What volume—how much?
>
> Mr. REA. It was a 10 per cent allotment. It realized about $45,000,000.
>
> Mr. THORNE. Did you make any sale to the public?
>
> Mr. REA. That was the public.
>
> Mr. THORNE. Of any other securities?

Mr. REA. That was to the public.
Mr. THORNE. I say, of any other securities?
Mr. REA. Yes; we have sold a number of treasury assets to bankers.
Mr. THORNE. What prices did any of your securities bring that were not allotted to your stockholders?
Mr. REA. The current prices.
Mr. THORNE. What were they?
Mr. REA. I could not tell you offhand.
Mr. THORNE. You do not remember of any large sale of securities that you made last year?
Mr. REA. I do not think we made any.
Mr. THORNE. Did you make any at all last year?
Mr. REA. No. We have sold about $15,000,000 worth of securities since the 1st of January, various kinds of bonds that were in the treasury.
Mr. THORNE. Had you sold any bonds or stocks last year except by stock allotment to the public?
Mr. REA. Car trust certificates, yes; sold through bankers.
Mr. THORNE. How much?
Mr. REA. I think there were eighteen or nineteen millions.
Mr. THORNE. What month was that?
Mr. REA. *It was sold*, I should think, about a year ago.
Mr. THORNE. Was it about the 1st of April?
Mr. REA. I don't know. There was a report made to the commission about it.
Mr. THORNE. Do you know how long those car-trust certificates run?
Mr. REA. Ten years, payable in annual instalments.
Mr. THORNE. At what price were those sold, at what basis?
Mr. REA. I could not tell you off hand.
Mr. THORNE. Can you state it approximately?
Mr. REA. No.
Mr. THORNE. Is there any man in the room who can state it for you?
Mr. REA. Probably about a 5 per cent basis, although I do not recall it. Judging from market conditions at that time, I should say, if they sold on a 5 per cent basis, it was a favorable sale.
Mr. PATTERSON. That statement will be filed if the commission desires to know.
Mr. THORNE. You are familiar with conditions of the market; you follow that, I presume, closely?
Mr. REA. Very closely.
Mr. THORNE. And you study at what rate people can dispose of their securities, large companies, so as to know the trend of business conditions?
Mr. REA. Yes, sir; that is a part of my duty.
Mr. THORNE. Can you name any other company, in any other line of business than the railroad business, that sold securities, running 10 years—by the way, were there payments to be made annually on those 10-year certificates?
Mr. REA. Yes; all of car trusts are made in that manner.
Mr. THORNE. Can you name any other company that was able to sell securities due within one year, in the form of notes or otherwise, that were able to sell during the month of April, of last year, at a better rate than you did?
Mr. REA. No; I don't know of any. Perhaps I would be modest in mentioning that.
Mr. THORNE. Was there any other company, in any other line of business in the United States, that was able to sell any securities payable 10 years from date, that sold the same, at any better rate than yours were sold, during the month of April, 1913?
Mr. REA. Not that I know of.
Mr. THORNE. When was the next large lot of securities or notes or bonds, sold during the year 1913 by your company, the Pennsylvania Railroad?
Mr. REA. I do not think we sold any, the Pennsylvania Railroad. As I say, we realized $45,000,000 on our capital, on the stock allotment.
Mr. THORNE. That was an allotment at par?
Mr. REA. At par.
Mr. THORNE. About what was the market at that time?
Mr. REA. I suppose about 110 per cent or 115 per cent.
Mr. THORNE. For that stock?
Mr. REA. The par is 50 of Pennsylvania stock, and that would make it about $55 a share or $54—I don't remember at the time.
Mr. THORNE. Does a stock allotment have any effect of depressing for a time market values of your outstanding securities?
Mr. REA. It generally does.
Mr. THORNE. It is a sort of a redivision, is it not?
Mr. REA. It is an enlargement of the shareholders.
Mr. THORNE. And naturally must have that effect?
Mr. REA. Yes; that is the tendency.
Mr. THORNE. Another thing. During the year 1912 did you make any sales of notes, bonds, or stocks, aside from stock allotment?
Mr. REA. Nineteen hundred and twelve?
Mr. THORNE. Yes.
Mr. REA. I could not recall. We generally do some financing each year.
Mr. THORNE. I notice an increase of your property investment of something over $200,000,000 since 1910. Do you know how much of that represents new capital and how much is built out of surplus and income?
Mr. REA. Well, my statement explains the addition of the New York tunnel extension.
Mr. THORNE. I do not mean the details. Do you know as to the whole?
Mr. REA. That is a very large sum that went into the account in that year, and it is explained in the statement.
Mr. THORNE. Do you know the total amount of new capital put into property—not out of earnings or income, but out of new capital?
Mr. REA. When?
Mr. THORNE. Since 1910.
Mr. REA. We could furnish it to you.
Mr. THORNE. I would like very much to have that. Do you know during the last five years any time you made any sales of bonds that any other company in any other line of business in the United States was able to sell their bonds at a better rate?
Mr. REA. It seems to me that is tantamount to asking me whether the credit of the Pennsylvania Railroad Co. is not about at the top.
Mr. THORNE. That is just exactly what I am asking.
Mr. REA. Well, if you want my opinion, I should say that it is.
Mr. THORNE. I understand that one of the main propositions upon which you rely is the return on the property investment, which you claim is inadequate. Am I correct?
Mr. REA. Yes, sir.

Mr. THORNE. I desire to call your attention to this sentence from the annual report of the Interstate Commerce Commission of 1908:
"It is a well-known fact that no court, or commission, or accountant, or financial writer would for a moment consider that the present balance-sheet statements, purporting to give the 'cost of property,' suggests, even in a remote degree, a reliable measure either of money invested or of a present value."
Do you have any modification or correction of your statement you have made as to relying upon return on your property investment?
Mr. REA. After hearing that?
Mr. THORNE. Yes.
Mr. REA. No, sir. I do not see the relation myself.
Mr. THORNE. Do you approve of what I have just stated? Do you agree with it?
Mr. REA. With that?
Mr. THORNE. Yes.
Mr. REA. Well, it is a mere declaration.
Mr. THORNE. Do you believe that is correct?
Mr. REA. In part; yes.
Mr. THORNE. That the property investment, the cost of property accounts of the carriers, do not suggest even in a remote degree a reliable measure, either of money invested or of present value?
Mr. REA. I should think they must have had the Pennsylvania in mind when they wrote that, because I have stated here that our property investment account, as shown on the balance sheet, is far, far below the actual money that has gone into it.
Mr. THORNE. Is it a measure of the money that has gone into it from the owners of the property or from earnings?
Mr. REA. What is the difference between money appropriated from earnings, withheld from dividends, legally and morally distributable, and money raised on the issuance of new securities?
Mr. THORNE. I do not desire at this time to take time to argue that question. It is a matter of argument before the commission. I was merely asking, to find out, if I could, fairly, what your position was in regard to it. And I do again ask, Is it your idea that you are entitled to a return upon a property investment which does not represent or suggest in the remotest degree either the value or investment?
Mr. REA. I think that is a straining of the commission's declaration, Mr. Thorne, if you will pardon the expression. In other words, I think if you put that construction on it it would be equivalent to saying that all of our accounts are inaccurate and wrong.
Mr. THORNE. It has reference to only one of the accounts—in regard to your cost of property.
Mr. REA. I have told you that our own is far, far below the actual money that has gone into property.
Mr. THORNE. And gone in from outside sources or from earnings?
Mr. REA. No matter where it came from, it is money.
Mr. THORNE. Can you tell me what amount of money has gone in from outside sources into your property? Would you be able to give that figure to the commission?
Mr. REA. I think we have.
Mr. PATTERSON. It is already in the record.
Mr. THORNE. No; from outside sources?
Mr. REA. From outside sources?
Mr. THORNE. Yes.
Mr. PATTERSON. You mean the capital of the company?
Mr. THORNE. I mean no investment from earnings or income.
Mr. PATTERSON. That is from inside sources.
Mr. REA. We have already stated that our capital stock of the Pennsylvania is fully paid in cash. That is $500,000,000, in round figures.
Mr. THORNE. I notice an increase of $30,000,000 in total capitalization since 1910. Would it be your judgment from outside sources and not from the earnings of the property?
Mr. REA. I don't know. I don't know to what you refer. Where do you get that $30,000,000?
Mr. THORNE. That applies to the property east and west, the system.
Mr. REA. That is probably correct, if it is on that statement.
Mr. THORNE. That would represent approximately the investment, then, from outside sources; is that the answer?
Mr. REA. If that is the figure. I should want to verify it.
Mr. PATTERSON. Whatever figure is stated in the 10-year statement is believed to be correct.
Mr. REA. On page 5 of my statement I said:
"For these purposes the property investment account of the system, I have stated, increased in the last 10 years $530,000,000; of this about $366,000,000 were provided out of new capital and $164,000,000 of surplus."
Mr. THORNE. That does not answer my question. My question was for 1910.
Mr. REA. Why not?
Mr. THORNE. My question was for 1910. You are making some comparison between 1910 and 1913.
Mr. PATTERSON. What does the 10-year statement show?
Mr. BUNTING. It indicates about $31,000,000.
Mr. PATTERSON. Then I think there is no doubt Mr. Rea will say it is correct.
Mr. REA. I have no doubt that is correct, sir.
Mr. THORNE. There has been considerable testimony in this case tending to show that the carrier can adjust its maintenance allowances somewhat in accordance with the policies of the company, rather than being controlled by the absolute needs of the property; that from year to year you decide how much you can do, considering the resources available, and adjust your maintenance to a large extent in accordance with that. Do you coincide substantially with that statement?
Mr. REA. I do not think that is quite the view that I got or that I have.
Mr. THORNE. Would you state what that is?
Mr. REA. In the first place, there is very little leeway given to the carriers with respect to their charges to maintenance, either of equipment or maintenance of way. A company can, if it takes the chances, allow its property to depreciate and run down. It can, as was formerly the custom in years gone by, work with a very close margin on maintenance of way and maintenance of equipment in lean years and then in good years pile it on strong.
Now, with the new rules of the Interstate Commerce Commission as promulgated June 30, 1907, a new condition of affairs came about. I believe generally that all of the railroad companies are endeavoring to live up to those rules and orders as rigidly as it is possible for them to do it.
Among other things, it requires depreciation of equipment. They made no order at that time with respect to maintenance of way.

although I asked them some years ago for that, and they have since given us permission to adopt a program of depreciation for maintenance of way and equipment.

Now, then, a corporation is not unlike an individual. You must at the beginning of every year look forward to what your possible income will be and the extent to which you can make your expenditures for various items.

We on the Pennsylvania under present conditions provide for our depreciation for equipment based on our experience of past years, and then we charge it out in accordance with train-miles, which gives us a measure of the charge in relation to the business actually done. We expect to do that with respect to our maintenance of way. The property will depreciate materially, due to the elements, whether you run trains over it or not; and if you defer in one year you must make up in the future.

In other words, if you do not do your full duty by your maintenance of way this year you may not be able to do it; but it will follow you, and it must be done in the future. So that in years that have gone by, prior to 1907, anyhow, the method of charging out expenses was more or less irregular by all carriers. I think, however, since that date there has been much more uniformity, and it is steadier and better all the time.

Mr. THORNE. You say it has been steadier all the time. The attention of Mr. Rogers was called this morning to this fact, that in 1909, as compared to 1908, there was a decrease in your maintenance of way and structures; the next year, in 1910, an increase of 27 per cent; the next year a decrease in way and structures; the next year an increase of 2½ per cent; the next year an increase of 29 per cent—that is, 1913. I asked Mr. Rogers to state what peculiar circumstances existed in those two years that there should be that remarkable increase compared to the other years, and the only statement that he finished, because of other interruptions, was that there had been considerable extensions and additions, and the rules of the commission permit the charging of replacement in kind to operating expenses in such cases.

Are there any other facts than I have just stated peculiar to the two years which I named that caused that rather remarkable variation from the per cent of increase of the other years that occur to you?

Mr. REA. I do not think, if you will pardon me for saying so, you have fully explained Mr. Rogers's answers. I have read them all over very carefully and indorsed them fully. I do not think there is very much else to be said.

Mr. THORNE. Read them over?

Mr. REA. Yes; he presented his testimony here and gave you the reasons.

Mr. THORNE. Well, it was just this morning. You say you have read them over.

Mr. REA. Well, presented here in an exhibit.

Mr. THORNE. I was referring to his answer in respect to a question I put to him on this particular point. There was not anything with reference to that in the exhibit.

Mr. REA. Has not he explained the figures?

Mr. THORNE. He said it was substantially constant. You have said you thought they were more constant and regular since the change of the rules in 1907 and 1908.

Mr. REA. Yes.

Mr. THORNE. I have just called your attention to these large variations, and I simply ask you if you have any other important facts, other than what I stated to you, to account for that variation.

Mr. REA. No; except the financial panic of 1907, which is a very important fact.

Mr. THORNE. I call your attention to the fact that the commission in the 1910 case held that the company should be entitled to 5 per cent on its common stock after paying all fixed charges and have 2½ per cent for surplus, or 6 per cent on its common stock and 1½ per cent for surplus. I notice by the exhibit filed by your representatives in this case that one of the factors relied upon is the return on investment.

Mr. PATTERSON. There is no statement to that effect.

Mr. THORNE. These exhibits are put in; you are relying on these exhibits——

Mr. PATTERSON. To give the facts. I will explain to you the theories.

Mr. THORNE. Do you consider, Mr. Rea, the return on capitalization, as of any significance, in view of what I have just stated, in regard to the ruling of the commission in 1910?

Mr. REA. I think the return on the property investment is a safer guide.

Mr. THORNE. Do you consider this other guide of any significance that was suggested by Mr. Commissioner Prouty in the unanimous opinion of the commission?

Mr. REA. All the elements should be considered.

Mr. THORNE. Should that element be considered?

Mr. REA. Well, that is a matter of opinion.

Mr. THORNE. In your judgment is it fair to consider that as one of the elements in analyzing the——

Mr. REA (interposing). Not as stated by Mr. Prouty, or whoever made that statement.

Mr. THORNE. You do not agree with that statement?

Mr. REA. No, sir; I do not.

Mr. THORNE. I call your attention to the fact that the exhibits filed by your representatives in this case, covering the Pennsylvania system east and west, shows after paying all operating expenses, and all taxes, all fixed charges, a return of 9.64 per cent for the year 1913.

Mr. PATTERSON. Return on what?

Mr. THORNE. Capital stock outstanding. Is that correct or not?

Mr. REA. That is correct.

Mr. THORNE. Now, Mr. Rea, I will ask you this question: What, in your judgment, ought that percentage to be in order to be adequate?

Mr. REA. I don't know.

Mr. THORNE. Have you any suggestion what it ought to be?

Mr. REA. Yes, sir; I have.

Mr. THORNE. What is it, in your opinion?

Mr. REA. In 1903 that same figure was 14.07 per cent.

Mr. THORNE. Do you think it ought to be 14 per cent?

Mr. REA. It has been gradually receding ever since, until in 1913 it reached 9.64 per cent, which was lower than any year in the 10-year period.

Mr. THORNE. Mr. Rea, can you show me any other instance in that entire series of years when the maintenance was as large as it was in 1913?

Mr. REA. No. We never did anything like the volume of business and we did not have $500,000,000 of capital stock.

Mr. THORNE. Do you know how much your maintenance would have been if it had been the same percentage of gross, which represents the volume of business, in 1913 as it was in 1912?

Mr. REA. No; I could not; but I don't think that would have been a guide unless you knew what was going on in 1912.

Mr. THORNE. Supposing 1912 was the largest maintenance in your history up to that time. Can you show me another year in that entire table when your maintenance charge was larger than in 1912?

Mr. REA. No; I would not expect it to be.

Mr. THORNE. If your maintenance in 1913 had been the same per cent of gross as in 1912, you would have had a return of 14.1 per cent on your capital stock outstanding above all your fixed charges and taxes.

I will now ask you, is it your claim that 9.64 is too small and that it ought to be that 14 per cent which you had in 1913 above all fixed charges and taxes?

Mr. REA. I will not say what it ought to be.

Mr. THORNE. Do you care to give us any light as to what you think it ought to be?

Mr. REA. Not any more than I have already stated.

Mr. THORNE. That is all.

Mr. REA. Based upon our experience, a substantial margin above the amount to be distributed is necessary to maintain the property and give the proper service.

Mr. BRANDEIS. In connection with that question, I asked you to submit figures as between the passenger and freight——

The CHAIRMAN. Just a minute. Is that all with Mr. Rea?

Mr. LYON. I have a few questions yet.

Mr. BRANDEIS. In that connection I would like to call this to the attention of Mr. Bunting and the commission. Mr. Bunting, I understood you to say there was a readjustment of the division in 1907, and that that would prevent the figures being comparable.

Mr. BUNTING. I think that was the year; it was about that time.

Mr. BRANDEIS. I merely wanted to call the attention of the commission to the fact, and also the attention of Mr. Bunting to the fact, that it perhaps would not have a very important bearing on the adjustment, from the report of the Pennsylvania as to the net earnings. The net revenue from passenger service decreased per passenger mile from 4.91 in 1907 to 1.46 in 1913; that is, the great decrease in passenger revenue took place from 1907, as it had taken place also from 1903. It was then 4.60. It was 4.90 in 1907 and fell to 1.46 in 1913, whereas the decrease in the freight returns per ton per mile was from 1.76 to 1.64 in 1907 and to 1.55 in 1913. That is, even if there was some adjustment, we should be very glad to have the details.

Mr. BUNTING. I merely mentioned it because it was quite a large one. Taxes are also in there.

Mr. BRANDEIS. But it did not very seriously affect the results in the figures so far as presented.

Mr. BUNTING. It was a pretty large amount, somewhere about $3,000,000, I think. Taxes had also increased since 1908. But I will furnish the figures on a comparative basis.

Mr. BOND. Won't you state how much that is divided on a train-mile basis and how much the decrease in freight-train miles has thrown onto the passenger service? In the case of the Baltimore & Ohio it threw more than 4 per cent by saving three millions in freight, that increased the expenses of the passenger more than 4 per cent.

Mr. BUNTING. I am inclined to think that when you get these figures they will be absolutely valueless.

Mr. BRANDEIS. We assume the Pennsylvania, in giving these figures to us, as well as to the public, have done the best they could.

Mr. BUNTING. For purposes of comparison one with the other they are valueless.

Mr. BRANDEIS. We assume not only for purposes of comparison, but we assume also actually they have done the best they could in presenting the facts, and that the estimates are the best judgment they could form. Is not that the fact, Mr. Bunting?

Mr. BUNTING. They have done the best they could.

Mr. BRANDEIS. That is all we can ask.

Mr. LYON. Mr. Rea, in your statement, on page 3, you say the cost of the New York tunnel was $108,000,000, which was charged into the property investment account for the year ending June 30, 1913. Is it reasonable for a railroad to expect a return upon such an investment immediately after it is made?

Mr. REA. No; we do not expect it. As I explain in my statement, none of these large expenditures can be expected to be immediately productive to their full value.

Mr. LYON. These expenditures by the Pennsylvania, as you have clearly set forth, have been very large in the last three years, amounting to $500,000,000—10 years.

Mr. REA. You will observe nearly half of it is due to New York tunnel extension being brought into the account on account of the commission's ruling

Mr. LYON. The operation of that tunnel, I see by Poor's Manual, shows a deficit of $2,000,000 or $3,000,000 a year.

Mr. REA. Well, the Pennsylvania operates it, and assumes that.

Mr. LYON. Was it reasonable to expect your net operating revenue to increase immediately after putting into your property investment account—and I mean the return upon the property investment—such large sums as for the New York Terminal?

Mr. REA. The actual expenditure there was spread over a period of 9 years.

Mr. LYON. I understand that.

Mr. REA. It did not appear in the operating account until 1911. Of course, we had to furnish the money as we went along.

Mr. LYON. But the actual increase in property investment was not made for the year ending June 30, 1911, but made during a period of 10 or 11 years?

Mr. REA. Quite right.

Mr. LYON. And on your books it appears as though it were made for the year ending June 30, 1911?

Mr. REA. No. I understand it is only in the operating account, is it not?

Mr. BUNTING. No; property-investment account for the year ending June 30, 1911.

Mr. LYON. In other words, $108,000,000 was thrown into the property-investment account——

Mr. BUNTING. There was no property-investment account for the Pennsylvania tunnel and the terminal prior to 1911, because the commission does not prescribe a property-investment account for a road under construction. The minute it is open for operation, then it is the property-investment account, and that company goes into the combined statement of all the roads of the Pennsylvania Railroad system.

Mr. LYON. In other words, it was suddenly increased by that amount, in one year; that is correct, is it not?

Mr. BUNTING. Yes.

Mr. LYON. And now you do not show a return upon that suddenly-increased amount, growing out of a large passenger terminal. Is it reasonable to expect the return to show——

Mr. REA. Take it out, and the result is not so very much different.

Mr. LYON. Maybe not; but $108,000,000 is quite a sum of money, about 10 per cent of the property investment.

Mr. PATTERSON. If you take it out, Mr. Rea, you would still have no return upon the remaining $100,000,000?

Mr. REA. Quite right.

Mr. LYON. Are there any other large sums that have been spent by the Pennsylvania in rebuilding this line almost completely from Pittsburgh to Trenton?

Mr. REA. Not rebuilding; building an additional line. We are passing from a four-track to a six-track railroad between New York and Philadelphia and Pittsburgh.

Mr. LYON. Has not the Pennsylvania Railroad track been substantially rebuilt in the last 10 or 15 years?

Mr. REA. In many places.

Mr. LYON. Through the mountains almost completely rebuilt?

Mr. REA. Rebuilt and we have improved it.

Mr. LYON. When those improvements are going on it is a fact that your operating expenses are rather abnormal?

Mr. REA. It tends to increase the operating expenses oftentimes. In our case, as you know, these lines were built away from the main lines and they did not interfere with them. From Harrisburg to Trenton it was an entirely new location, and so over the Allegheny Mountains, and it did not interfere with main-line traffic.

Mr. LYON. A good deal of the money was expended on account of places where it did interfere?

Mr. REA. I am sure that is going on everywhere—on every railroad. That is one of the things we have with us always.

Mr. LYON. In the statement you have filed here I find your transportation account has run along parallel lines with your operating revenue substantially since 1898. I have diagramed it from the reports which have been furnished by the systems, and I have it for the Pennsylvania lines.

The maintenance of way and structure practically proceeded along the same lines until the year 1913, when it suddenly crossed your income and mounts up very high.

The same is strikingly true of your equipment in 1913, and to a large extent also true in 1912, although strikingly so in 1913.

Would you think in a year of that kind, showing your net income, it would be fair for the commission to consider your net income in a year of such conditions, as to the maintenance account, in determining whether there should be an increase of rates on your system?

Mr. REA. I think it is entirely proper, in view of the explanation we have made through Mr. Wallis and Mr. Rogers, which are indorsed by me.

Mr. LYON. The explanations which they made?

Mr. REA. They have given you the reasons for this increase and the probability that it will continue.

Mr. LYON. They were not very emphatic about their continuing.

Mr. REA. How are you going to change it? You are not going back to the small car, the light rail, the small railroad. Their testimony is on file. I think it substantiates what I say.

Mr. BUNTING. It certainly does.

Mr. LYON. Then your opinion is the maintenance account of 1913 would be the normal maintenance account for the Pennsylvania for the future?

Mr. REA. I regard that as pretty nearly as near as you can judge.

Mr. LYON. Have not the New York Central Lines——

Mr. REA. Of course, based on the business. If the tonnage goes down, the traffic goes down; the maintenance account may be reduced somewhat. You can not cut off your depreciation.

Mr. LYON. I find that your maintenance account has increased much more rapidly than your tonnage for the year 1913.

Mr. REA. And for the reasons stated in their testimony.

Mr. LYON. If you were to take the years 1910 to 1912 and add to that a percentage based upon the increased business which you did in 1913, and from that get your maintenance account, you would have had $11,000,000 more net than you actually showed through the expenditure you made in 1913.

Mr. REA. That is a very short method of reaching a conclusion, and I do not think it is at all satisfactory or accurate. It is mere assumption. Based on business done, I think there is very little variation.

Mr. LYON. What is little variation?

Mr. REA. But, after all, gentlemen, in comparing one year with another you must look at the standard of the property. How can you sit here and determine a comparison between 1913 and 1910 unless you knew what the property was then and the conditions surrounding it in that year? These comparisons are very fallacious.

Mr. LYON. The commission has got to do the best it can. It does not know this property, and can not see all those things which you can see. All they can do is to judge the future by the past. Of course, merely to say that what you have done in 1913 is all right if it shows a large increase, I can not think it would be the basis of the commission's opinion.

Mr. MANN. Mr. Chairman, I do not intend to detain the committee in reference to the bill, and had not intended to say a word. The gentleman from Washington [Mr. BRYAN] has been discussing the question of whether the Interstate Commerce Commission is to permit a raise in rates on the different railroads of the country. I have no opinion upon that subject. The Interstate Commerce Commission was created in the belief and the hope that a commission wholly outside of political activity, in a way representing the legislative end of the Government, not under the influence of either the railroads or the shippers, standing between the two, hearing evidence and argument, might reach a conclusion which would be accepted by the people as just or as nearly just as there is any method of reaching justice. All decisions of the Supreme Court, I take it, are not correct, and yet we have to leave matters to the Supreme Court. So far as railroad rates are concerned the Interstate Commerce Commission is the Supreme Court. I do not believe those intimations which have appeared at some times in the newspapers that the President has intimated to the Interstate Commerce Commission that he favors an increase in rates. I do not believe that any of the officials of the Government would express directly or indirectly such an opinion to the Interstate Commerce Commission or seek in any way whatever to influence the action, the judgment, or the orders of that commission. After all, in these controversial questions somebody must reach a determination. For years we kept on increasing the powers of the Interstate Commerce Commission with much hesitancy on the part of the legislative body of the country, feeling it was being granted too great a power; but from time to time, with the experience that we had, we have increased the powers of that commission. That increase in general was asked for by the shippers, and at times was objected to by the railroads. That commission has these powers now. I believe it to be an honest body, an intelligent body, a body wholly apart, in my judgment, from political considerations in the way of partisan politics, at least, a body which will endeavor to reach and will reach, as well as finite nature can reach, a just determination of this and other questions relating to railroad rates; and I am quite content to keep to myself any opinion on the subject I might have and let the commission render its judgment, and accept the judgment of the commission. [Applause.]

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

Mr. MANN. Certainly.

Mr. SIMS. Does the gentleman not believe that this matter is so important that the commission ought to be the best judge of what time it will take them to properly investigate and arrive at a decision?

Mr. MANN. If I did not so express myself, I failed to make myself plain.

Mr. SIMS. I so understood; but there has been much talk of rushing the commission through, pell-mell, and I think the commission ought to have all of the time necessary, and ought to be the judges of that, and it is altogether out of place for us on the outside to try and rush them one way or the other.

Mr. MANN. I fully agree with that statement.

Mr. JOHNSON of South Carolina. Has the commission finished the taking of testimony in the case?

Mr. MANN. I am not able to inform the gentleman.

Mr. JOHNSON of South Carolina. They were taking testimony a few days ago. If the testimony is concluded, it certainly has been concluded within the last two or three days.

Mr. BRYAN. It has not been concluded; but if the gentleman will allow me just a brief interruption, it has been published in all of the papers that the President has an opinion on the matter, and great publicity has been given to that. Just the other day, on press day, there was issued from the White House, or at least published, after the reporters had left the White House, in the Washington Star and other papers the following statement:

> The President to-day declined to publicly express himself about the proposed increase of freight rates, as he does not wish to be placed in the position of influencing the Interstate Commerce Commission, but he did not denounce or deny any of the stories printed that he privately hopes to see the request of the railroads given favorable consideration by the commission.

That statement has been published repeatedly in practically all of the press of the country—that the President has a positive view on the matter, and hopes that the increase will be made.

Mr. MANN. Mr. Chairman, the President, I believe, invites the newspaper correspondents to meet him twice a week, and permits any of them to ask him any kind of a question. It is a somewhat difficult position in which the President places himself, whether he answers or does not answer, and some correspondent may honestly print a story as to what the President privately believes, while the President publicly states that he will not express an opinion. I do not for one moment believe that the President, or that any man who could be elected President of the United States, would endeavor to influence the opinion of the Supreme Court on a question pending before that court, or that he would endeavor to influence the judgment of the Interstate Commerce Commission on questions pending before that commission. [Applause.]

Mr. FOWLER. Will the gentleman yield for one question?

Mr. MANN. Certainly.

Mr. FOWLER. The gentleman was interrogated about the time of taking the testimony. I ask the gentleman if it is not currently reported that at least a portion of the hearings is to be concluded on the 28th instant?

Mr. MANN. I do not know, I will say to the gentleman. I have nothing to do with the question, and do not concern myself with it because I have no desire to form an opinion on a matter concerning which I ought not to have an opinion. [Applause.]

Mr. SIMS. Mr. Chairman, agreeing fully with the gentleman from Illinois, I would like to ask him one further question, and that is, if in his judgment the determination of whether existing rates are reasonable or unreasonable, or the proposed increase is reasonable or unreasonable, that to pass on such a question is to exercise quasi judicial power, and that the commission should be given all the consideration and respect that we would give to a court under such circumstances?

Mr. MANN. Oh, while the commission is designated as the legislative commission, practically it is a court. I yield the balance of my time to the gentleman from Ohio [Mr. WILLIS].

The CHAIRMAN. The gentleman has three minutes left.

Mr. WILLIS. Mr. Chairman, in that time I can not do more than reiterate the opinion which I expressed in this House two years ago, when this bill was under consideration. At that time I had given the matter a good deal of attention and made some examination of the very voluminous records of the Treasury Department, and, I think, had read all the Supreme Court cases that had any bearing whatever upon the matter involved here. I said then:

> These parties have not sued in time. They have been guilty of laches. They have sinned away their day of grace. They had the opportunity under the act which allowed them to sue within two years of the time the war closed. They had their remedy under the act of 1872. Now it is proposed not only to change the doctrine that has been absolutely the unbroken policy; but, mark you, sir, it is proposed to amend the law so as to take away from the Government of the United States the defense as to requiring proof of loyalty by claimants, which its own attorneys are making now in the cases pending in court.

It seems to me, from what I have heard of the arguments here to-day, that the case is going off on a misunderstanding of the facts involved. The facts are that substantially the only property that can be reached in this bill is property which was owned by the Confederacy at the close of the war. Now, in order that there can not be any doubt about that, I quote from a circular issued from the Treasury Department on the 9th day of January, 1900, Circular No. 4, copies of which can be obtained. Remember this fund reached, originally, something like $25,000,000. It has been paid out from time to time under various acts of Congress; the Government has been just as well as generous, and out of that fund from time to time amounts have been paid until it is reduced to something like $5,000,000. Now, here is the conclusion the Secretary of the Treasury reached after a most careful investigation. He says in this circular:

> It follows, therefore, that the balance of the fund in the Treasury received from the sale of cotton represents the proceeds received from the sale of cotton that belonged to the Confederacy.

Now, the argument that is made here concerning the rights of individual claimants is entirely beside the mark. The fact is that these claimants have already had their day in court; the fact is that this cotton was sold to the Confederacy—not confiscated by the Confederate Government, but sold to the Confederate Government, a perfectly bona fide commercial transaction in every respect. The representatives or officers of the Confederate Government went into the open market and bought this cotton in competition with other buyers and paid for it.

Mr. MURDOCK. With what?

Mr. WILLIS. With the only money in circulation in the Confederacy—Confederate currency; and I submit it was not an act of confiscation.

On July 1, 1912, I addressed a letter to the Attorney General making inquiry as to the nature of these claims. The reply which came from his office appears in full in the CONGRESSIONAL RECORD of December 4, 1912, and from that reply I quote the following:

> Most of the claims were rejected on the ground that the cotton had been sold to the Confederate Government by the original owners, as shown by bills of sale. In the case of Whitfield v. The United States (92 U. S., 165) the Supreme Court held that such bills of sale passed title, and no recovery could be had by the original owners for cotton so disposed of.
>
> The object and legal effect of the bills referred to by you are to amend section 162 so as to dispense with proof of loyalty, to nullify the bills of sale to the Confederate Government, and to make judgments in this class of cases free from the claims of assignees in bankruptcy or insolvency.
>
> The policy of enacting such legislation is a matter entirely for the consideration of Congress.
>
> The reports from the Treasury Department in the cases that have been filed since the 1st of January under said section 162 of the new Judicial Code mostly show that the cotton had been sold to the Confederate Government and bills of sale given by the original owners. The reports in another class of cases show that cotton had been bought by the Confederate Government and resold or contracted for to individuals, who now make claims to the proceeds thereof.
>
> In view of the fact that section 162 of the new Judicial Code did not go into effect until the 1st of last January, and, furthermore, that the various questions which the Government have raised under this act have not been passed upon by the court, and, in addition to this, the fact that in no instance have the claimants' attorneys who are now seeking to recover under this section presented a case in which they are ready for trial, it would seem that before further legislation time should be given for adjudication of some cases under the recent law.

The Confederate Government was the purchaser of this cotton, and in a great many cases the Confederate Government followed the policy of leaving this cotton in the hands of the vendor, constituting him, as it were, the bailee. Now, it is claimed by some that title to this cotton did not pass to the Confederate Government, but remained in the original vendor. In the last Congress bills were pending, and I think they have been reintroduced in this Congress by gentlemen who contend that inasmuch as the Confederacy fell and this currency became worthless that therefore these sales were null and void, and therefore these people who, in order to aid the Confederacy by enabling it to hypothecate stores of cotton, actually sold their cotton to the Confederate Government and got the money for it and spent the money are at this late day, by removal of the requirement of proof of loyalty, to be allowed to come in and present their claims, have the charge of disloyalty removed, and get a portion of this $5,000,000. I repeat, that nearly every penny of this $5,000,000 was the proceeds of the sale of property of the Confederate Government; that these claimants are not entitled to it; and that this bill ought not to pass.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Thirty minutes.

Mr. WATKINS. I thought I had more time, I thought the gentleman from Texas did not consume all of his time.

The CHAIRMAN. He did.

Mr. WATKINS. I yield the balance of my time to the gentleman from Mississippi [Mr. SISSON].

Mr. WILLIS. Mr. Chairman, before the gentleman from Mississippi begins I desire to ask unanimous consent to extend my remarks in the RECORD by inserting certain matter to which I have referred.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Gentlemen of the committee, the statement just made by the gentleman from Ohio was a statement which was thrashed out between the gentleman and myself in the debate which occurred when this bill passed the House by an overwhelming majority before. Here is a list of the names of the parties whose cotton was taken and to which the Confederate government had no shadow of a claim. However, I did not intend to go into a legal discussion of the rights of a private citizen, for that question is not involved in this bill, for all the decisions of the Supreme Court hold that even when cotton was taken from a private citizen, even during hostilities, if he was restored to citizenship by act of Congress, that he was restored to all the rights of any other citizen.

But this is not involved in this question at all. Take the bill and read it and you will find that the only cotton that can be recovered for is cotton which was taken in the fall of 1865, which was produced by the citizens during the year 1865 or held by them at that time as their own private property. A great deal of cotton was actually taken which was produced in 1866; that is, it was actually planted and gathered during that year. In fact, all of the cotton taken as covered in this bill is cotton that was taken after hostilities had ceased. If we were called upon to rest our case upon the decisions of the Supreme Court, then we would have the right to ask that the bar that has stood against our people all these years be removed. Why, I stated to the gentleman from Ohio [Mr. WILLIS] in the debate—and I am not in accord with many of my southern colleagues—that I took the position then, and I take the position now, that when a citizen of the South sold his cotton to the Confederate Government the title to the cotton passed into the Confederate Government, and when that government failed the Government of the United States had the right to that cotton.

Mr. GREGG. Will the gentleman yield to me?

Mr. SISSON. I will.

Mr. GREGG. I want to state to the gentleman that we have in the Committee on War Claims a list of the cotton that it was claimed by the Treasury Department was sold by individuals to the Confederate Government, and we allow no bills for any of that cotton at all.

Mr. SISSON. And every bale of cotton that can be identified as having been the property of the Confederate Government is listed as property of the Confederate Government on the books of the Treasury Department, and this list which has been furnished here is the list of cotton for which the Confederate Government never had a claim; and to show you that they recognize the justice of this claim, every man whose cotton was taken under like conditions who was loyal to the Federal

Government in the South, and many of them, by the way, whose wives had no opportunity to show disloyalty, went into the courts, and I expect they stretched the blanket just a little bit as to their loyalty, and recovered cotton claims identically like these. But the unfortunate situation was that a limitation as to time within which to file suit was placed in the first bill after the Civil War. That time was two years. In the law there was a provision that the claimant should make oath and prove that he had always in the past been loyal to the Federal Government. This he could not do. That bar has been against him from that day to this. Those men, after the Confederate Army surrendered in 1865, and after all active hostilities ceased, went back to a destroyed country and into their cotton fields and gathered the cotton in the fall of 1865, which was ginned and baled. This was their property. The Government *had no right* to it. Then in 1866 they stepped into the furrow and planted a crop and worked and gathered it. This was also theirs; and the Federal Government had no right to it. These Government agents, or most of them, were not altogether as honest as they might be, and this cotton was taken irrespective of the claims of many of the people of the South. The honest Government agents, when there was no Confederate tag or mark upon it, and when the evidence was that it was cotton that was gathered in 1865 and produced in 1866, sold the cotton, and, taking the expenses of the sale out, covered the money into the Treasury to the credit of those people, and it is there now, according to the report of the Secretary of the Treasury. It stands there to the credit of these people.

Now, it has been urged here that it has been a long, long time. One of the most distinguished lawyers that ever served in this House was the gentleman from Pennsylvania, Mr. Moon, and he is literally a Philadelphia lawyer. When he, with his Republican colleagues, in majority in this House, and with Republicans in majority in the Senate, on the joint committee, revised the civil laws, they believed they had removed the bar so that these people could prove their identity and could prove that they were entitled to the money that was put to their credit in the Treasury. And they believed that they had removed the bar. While I was a member of that committee, I was not a member of the joint commission. We had to go through 17 volumes of the acts and boil them down to this little act here which I now hold in my hand, and when all the work was done and assembled it was found that the right to recover was given, but they realized when it was too late to change it that they had failed to amend the procedure. Those of you who will examine it will find in section 159 this clause—this is in reference to your right to go into court with your petition, omitting that part of the section which has no bearing on this issue—and I will read only that. It says:

> SEC. 159. * * * that the claimant, and where the claim has been assigned the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. The said petition shall be verified by the affidavit of the claimant, his agent or attorney.

Now, the man who had fought in the Confederate Army had taken the oath of allegiance, had come under the flag in good faith, and, as has been contended by many of the great statesmen of the country, was never out from under the flag, but was only in rebellion under the flag, can never recover from the Government any claim, however just, if that clause applies to him, even though the claim arose after the war. We in this bill are only asking that the Confederate soldier be dealt with according to the terms laid down by Mr. Lincoln—

> lay down your arms, resume your former relations to the Union, and you shall have all the rights that all the citizens of these States have.

They accepted the terms at Appomattox; they did it in good faith; and since that time they have borne the burdens with you of the North all these years. They have borne the burdens of war with you; they have defended the flag as loyally as you have. In addition to that, if the United States Government should get into trouble to-day they would prove their loyalty with their blood. Yet to recover what was theirs they have waited all these years, because even that which they produced with their labor was denied them, even though produced after they had surrendered in good faith, because the law required that they must swear that they had always borne true allegiance to the Government. Therefore, under this act, any citizen who has a claim against the Federal Government, if it arose out of a transaction only a few weeks back, the old Confederate soldier would have to so swear to-day, if the Government did not pay his claim without suit, before he could recover, and it would be a bar to an old soldier, even though he fought in the Spanish War for the flag. Is the time not here to do him justice and give him what he labored for after the war was over?

But I am not insisting here that you shall change the law in reference to the claims occurring during the Civil War and where the cotton was sold to the Confederate Government, but I do ask you in the name of justice, in the name of fairness, to say to these people whose cotton was taken after the war and was sold by the Government and the proceeds paid into the Treasury and is there now to their credit, that that money shall be paid to them. It is theirs. The war was over, hostilities had ceased and peace was restored. The Government had no right to this cotton. Be just and fair is all that I ask. Say to the old Confederate soldier and his children that our Government does not want a penny of money which it took from them unjustly after the war. For certain purposes of administration they did not remove the laws of war until 1866, when Gen. Grant was sent down into all the southern capitals and made an investigation to ascertain whether those States had in good faith abolished slavery by law, and whether or not they were contracting with the erstwhile slaves, then freedmen.

Gen. Grant makes a most glowing report. I wish all of you could read the report that the great general made when he went through the South and pictured the conditions there, horrible as they were, showing how heroically and how courageously and how in good faith the white people of the South were endeavoring to live up to their obligation; how they went back and gathered their crop, were laboring to rebuild their homes and to overcome the ravages of war. Prior to that time, with no courts open to them, the Government agents in the preceding fall had gathered up all the cotton, making no distinction as to whose cotton it was, but took it all.

Now, what we ask you to do is not to pay for the cotton that was taken by an agent that did not go into the Treasury, but to pay these people that money that now stands to their credit in the Treasury of the United States. Why, you say, has it not long since been paid to them? The only reason is this bar of loyalty. The Republicans of the House, with Judge Moon of Pennsylvania, the chairman of the Codification Committee, believed that this money should be paid, and so does Mr. SHERLEY, a distinguished Democrat on that committee at that time, and Judge HOUSTON, of Tennessee, another distinguished Democrat; Judge BARTLETT, of Georgia, though not a member of the Revision of Laws Committee, first discovered that the committee had failed to complete its work. It was not discovered until it was too late to remedy it.

In clause 176 the right of recovery is given, but before you can avail yourself of that right you have to swear that you were always loyal to the Federal Government. The procedure clause was overlooked. Judge BARTLETT discovered that that was overlooked, and it was amended here in the House, as you all will recollect; and you will recall, also, that the bill passed by a great big majority. In the Senate, however, for some reason—I do not know why, either from pressure of business or otherwise—this amendment did not pass. This whole bill involves, according to the Treasury report, less than a million dollars of money. I do not believe that all the claimants will ever be able to prove that they are the individuals who are entitled to recover, because a great many of the people have died, and the proof will be hard to get.

This request on the part of us in the South is that you will simply remove the bar and allow these claimants to go into court. If they can show that they are the parties entitled to the money, they should recover it. It will be the duty of the court to ascertain the facts as to whether the cotton gathered in 1865, after the war was over, or cotton produced and gathered in 1866, was the property of the claimant. Congress will take absolutely no chances. It certainly can trust its own courts.

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

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Kansas?

Mr. SISSON. Yes.

Mr. CAMPBELL. I had a letter from a party in Georgia somewhere—I think, near Atlanta—a day of two ago, saying that the grandfather of the writer had lost in the summer of 1865 a very large amount of cotton. The party did not know what had been done with it. He thought it had been destroyed. Would the provisions of this bill cover claims for that sort of thing?

Mr. SISSON. Oh, no. The only thing covered in this bill—the only thing that can be covered in this bill—is the money which appears, according to the Treasury report here—which appears in this volume to the credit, we will say, of Mr. CAMPBELL, if you are living and your cotton was taken in 1865 or

1866 and the net proceeds of the sale thereof covered into the Treasury, and you can establish the fact that you are the PHIL CAMPBELL who lost the cotton. In that case you could get the money under this bill, as shown by the itemized list here.

Now, there is an entirely different class of claims where the cotton was sold to the Confederate Government. As I said before, where a man sold his cotton to the Confederate Government and the Confederate Government hypothecated that cotton and with the proceeds bought munitions of war, then I think that title to the cotton has passed from the individual to the Confederate Government, and I do not believe that the Congress of the United States will ever pay one single penny for that cotton. I want to be fair and honest not only with the House, but with myself and my constituents.

Mr. CAMPBELL. Take a case like that I have mentioned, where the cotton was taken some time in the summer of 1865.

Mr. SISSON. It would not be touched by this bill at all. If the claimant was loyal to the Government——

Mr. CAMPBELL. But the war was over.

Mr. SISSON. It was over in 1865. They were at peace in all portions of the South. The actual hostilities ceased at Appomattox, and legally hostilities ceased on June 1. All those people recover if the cotton was captured after that date.

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

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Ohio?

Mr. SISSON. I do.

Mr. WILLIS. There is no question in my mind about the gentleman's fairness or loyalty or anything of that kind. This is merely a legal question, as I understand it.

Mr. SISSON. Yes.

Mr. WILLIS. The gentleman's contention is that these people who sold their cotton to the Confederate Government and received pay for it and, so far as we know, spent the money, do not have any claim against the Government of the United States?

Mr. SISSON. Yes. That is my contention.

Mr. WILLIS. That is my opinion. But how does the gentleman know that that will be the opinion of the claimants? Can he point out anything that will prevent any of these men from presenting their claims?

Mr. SISSON. They can not present any claims unless the money has actually gone into the Federal Treasury as the proceeds of their cotton, because all the Confederate cotton has been listed and a careful investigation made of it, and that cotton that was sold to the Confederate government will never be paid for. But when the cotton was taken during 1865 and 1866 from private citizens and sold as their cotton and the money actually paid into the Treasury as their money, that money is due them. That money has not been appropriated. It is true, we understand that moneys are mixed and mingled in the Treasury, but the books show that that money is there now to the credit of those individuals or their heirs who are included in this list of claimants.

Mr. WILLIS. The gentleman has not yet answered my question. If you pass this bill, what is there to prevent any of these men who do not take the view that the gentleman so fairly takes, but who take a contrary view, coming in and having their cases adjudicated?

Mr. SISSON. Simply because they have absolutely no title to the cotton and there is no money to their credit.

Mr. WILLIS. But that is only the gentleman's opinion and mine. The claimants may not take that view. If you pass this bill, you open up that question.

Mr. SISSON. Suppose my friend WILLIS had lived down South and his cotton had been taken, and he wanted to go into court to prove that he was the Willis whose cotton was taken. You could only recover the Willis credit in the Treasury. You could not recover any other credit. You could only recover the amount of money which was placed there to your credit. That is all you could recover. You could not recover for anybody else; and where the Government has decided that issue, where the Government has decided that it was WILLIS's cotton and not Confederate cotton, then WILLIS is certainly entitled to it, and that is all there is in this issue.

Mr. GREGG. Will the gentleman yield?

Mr. SISSON. I yield to the gentleman from Texas.

Mr. GREGG. In answer to the gentleman from Ohio [Mr. WILLIS] I wish to state that this bill does not authorize the payment of any particular money. It simply authorizes a suit. Right at the threshold of the suit the plaintiff would be met with the question of title. Now in the suit it is not the question of our construction, but the court would pass upon the question of title, and the plaintiff would have to show his title; and if it was shown that it was cotton sold to the Confederate Government his title would fail, and he would have no right to recover.

Mr. WILLIS. Will the gentleman yield there?

Mr. SISSON. I will yield.

Mr. WILLIS. Does not the gentleman admit that these people to whom he has just referred had a right to sue under the act that was passed in 1865 and also under the amendatory act of 1872? They have had this right twice, and have been guilty of laches, and they sinned away their day of grace.

Mr. SISSON. But the gentleman must realize that the very act to which he refers required that they make an affidavit that they had always been loyal to the Federal Government. This they could not make. The court of justice was closed in their faces. They had rights, but were denied the opportunity to assert them.

Mr. J. M. C. SMITH. I understood the gentleman to say that some cotton was taken in 1866.

Mr. SISSON. Yes; it was.

Mr. J. M. C. SMITH. Will the gentleman give any explanation of the reasons for taking it at that time?

Mr. SISSON. I will have to go into an explanation which carries us back to some time when the feeling was rather bad. Now, the truth is that the agents of the Government, going around and collecting the cotton of the Confederate Government, would go to a ginhouse or go to a warehouse where the cotton was stored. They would take with them the books showing the sale of the cotton to the Confederate Government, and if there was other cotton there they were not very particular about whose cotton it was, and they rolled it all onto the wagons and onto the trains and sent it to Yazoo City, or Vicksburg, or Greenville, or New Orleans, or Galveston, and other ports and sold it. At that time you sold the cotton to commission merchants at the ports. Now the rules are entirely different. The Government charged that cotton with the expense of sale, and the remainder of the proceeds was then covered into the Treasury. Frequently when the agents of the Federal Government would segregate this cotton they would find a certain number of bales of cotton belonging to the Federal Government, and they would turn the money for that into the Treasury; but where the cotton belonged to a private citizen they did not turn it into the Treasury, but turned it into their own pockets. That happened to private cotton in 1865 and 1866.

But many of these agents were honest men. Many of them did exactly what was right. When they found that there was cotton belonging to private persons, they reported that fact. If I had the time I should like to explain to the gentleman how they tagged their cotton. I will state it briefly. When the Confederate Government bought a bale of cotton they had a long iron rod with barbs on it, and you could shove it into the center of the bale, but 20 oxen could not pull it out, because the barbs would catch. So the only practicable way to get one of these rods out of the bale after driving it in with a sledge hammer was to tear the cotton to pieces. Then on the end of that iron rod there was a flat piece with the number of the bale of cotton and the letters "C. S. A." stamped upon it.

Now, the records would show the date of the sale of that cotton to the Confederate Government. Upon that evidence the cotton was sold and the money was turned into the Treasury for the Confederate cotton. There is no claim for that. The only thing that is being asked now is that something like $900,000 in money remaining to the credit of the people who were not able to show loyalty, whose cotton was taken in 1865 and 1866, be made subject to suit, that they be permitted to go into the Court of Claims and show that that was their cotton. That is all there is of it. If they can not show that this was their cotton, they can not recover under this bill.

Mr. FESS. Will the gentleman yield for a question? I want information.

Mr. SISSON. Yes.

Mr. FESS. The cotton belonging to the Confederate Government does not come under this bill at all.

Mr. SISSON. Oh, no; not at all.

Mr. FESS. The cotton that was taken from people who were loyal does not come under it.

Mr. SISSON. No; because all those people who could prove loyalty have long since recovered.

Mr. FESS. This relates to the cotton owned by the people who could not prove their loyalty?

Mr. SISSON. Yes. Now, there is no contention that these men are not entitled to it. After the Civil War they went back and took the oath of allegiance, in good faith, to become good citizens. These men whose property was wrongfully converted to the use of the Government after 1865 were back at home working for their wives and babies, poverty stricken, in a deso-

lated country. This tort was committed on them after they had laid down their arms. When the Government accepted them back into the Nation the Supreme Court, going even further than I am now contending for, said if private property was taken even during the Civil War, and a man was a Confederate general, that after he was taken back he recovered all his rights; and, except for the existence of this statute, he had a right to recover against the Government, but you took it away from him by the statute. We only ask you to allow him to go into court and have his rights adjudicated. You certainly will not deny us this boon at this late day.

Mr. WATKINS. Mr. Chairman, as shown by the unanimous report of the Committee on Revision of the Laws on this bill, its sole purpose is to dispense with the necessity of alleging and proving loyalty in those claims arising under section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, in which act provision is made for the repayment of the money paid into the United States Treasury, the proceeds of property taken by the Federal authorities after June 1, 1865, under the act of Congress approved March 12, 1863.

When the judicial code was enacted into law it was not contemplated that sections 159 and 160 should be construed together with section 162, as the law which gave origin to sections 159 and 160 is entirely separate and distinct from all the law and the principles of law giving rise to and involved in section 162. The principles of law enunciated in section 162 gives an entirely new feature of law not found in any other law extant, and was intended primarily to protect noncombatant citizens of the United States in the enjoyment of their property which on account of the contingencies of war they had abandoned, and it was the intention of the law that this class of property should be taken in charge by the United States Government as custodian and as trustee for the owners of the property and converted into proceeds and held in the United States Treasury as a trust fund for the original owners, their heirs and assigns.

The act of Congress approved March 12, 1863, section 1, provided that such property shall not include any kind or description which has been used, or which was intended to be used, for waging or carrying on war against the United States, and describing that character of property which is used in carrying on war, not including cotton in the description. Section 2 provides for the sale of the property and for the depositing of the proceeds thereof into the Treasury of the United States, and section 3 of the act allows the claimants two years after the suppression of the rebellion to assert their claims in the Court of Claims and to recover on proof of loyalty.

In the case of United States against Klein, reported in Thirteenth Wallace, page 128, the Supreme Court of the United States in a most able and exhaustive opinion decides that under the various proclamations of the President of the United States granting amnesty to those who were engaged in rebellion against the Government the question of loyalty was eliminated from that class of cases arising under the act approved March 12, 1863, as amended by act approved July 2, 1864, and going so far as to hold that although there was incorporated in an appropriation bill a statement by Congress that no pardon nor amnesty granted by the President shall be admissible in evidence on the part of any claimant in the Court of Claims, still, as the pardon granted by the President had already become operative, this act of Congress was not applicable to the cases arising under the act of March 12, 1863. In that case the court expressly and explicitly declares that the proceeds arising from the sale of this property was a trust fund held by the United States Government in the Treasury in a fiduciary capacity for the benefit of the claimants.

Bear in mind that under the act of March 12, 1863, there were two prerequisites to the institution of a suit in the Court of Claims for the recovery of the proceeds of this property under the captured and abandoned property act of Congress. One requirement was that the suit should be instituted within two years after the suppression of the rebellion, and the other requirement was that the claimant should have always been loyal to the Government. The Klein case having definitely and explicitly decided that the President's amnesty proclamations dispensed with the necessity of alleging and proving loyalty, it was not necessary, in the opinion of the lawmakers, to deal with the question of loyalty in enacting section 162 of the act to codify, revise, and amend the laws relating to the judiciary approved March 3, 1911. Hence, in enacting section 162 in this codification, it was only provided that time should be eliminated, permitting the owners of the proceeds of the property to assert their claims without reference to the statutes of limitations. This enactment removed every bar and enabled the owners to present their claims to the Court of Claims, and had it not been for the fact that a controversy arose as to whether sections 159 and 160, which preceded section 162 in the act of revision, did make a requirement for the allegation and proof of loyalty, and which contention was asserted on the part of the United States Government in cases pending before the Court of Claims, it would not have been necessary, or even advisable, for this present amendment, now under consideration, to have been offered.

In a former presentation of this same bill during the last Congress it was seriously contended that the Haycraft case, reported in Twenty-second Wallace, page 81, overruled the case of the United States against Klein and required the allegation and proof of loyalty. Nothing is more remote from the decision in question than this contention. On page 85 the grounds upon which the Court of Claims dismissed the petition are clearly set forth in the statement of the case by the court, in which it is held, first—

> That no action for proceeds of captured and abandoned property would lie, except under the provisions of the act of March 12, 1863.

And—

> That such action, to be maintainable, must be brought within two years after the suppression of the Rebellion.

That is, the court stated the Court of Claims had held as a basis for its decision that it was required that the suit be brought within two years; otherwise the court would not have jurisdiction or right to try the case, and this was the sole basis for the decision in this case, as is clearly shown by the expressions of the Chief Justice in delivering the opinion, on page 92, where the language "within two years" is expressly used, as also on pages 93, 94, 95, 96, and 97, and this repeated use of the expression that the case must have been brought within two years, and no statement anywhere that it was the decision of the court that loyalty was necessary to be alleged or proven. In other words, it was clearly the opinion of the court in that case that while primarily the court would be without jurisdiction to try the case unless it was brought within two years from the suppression of the Rebellion and the allegation and proof of loyalty, still their affirmance of the doctrine of the Klein case, as clearly announced on page 95, shows that it was not the intention of the court to base their decision upon the question of loyalty. On page 96 the court expressly declares that—

> Pardon and amnesty have no effect, except as to such as sue in time.

A careful reading of this decision can convey no other idea except that the claimant had not instituted the suit until after the lapse of two years.

The existing law, as incorporated in section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, clearly eliminates the requirements of the court in that decision, and the question of time is no longer an essential element in the prosecution of these cases. However, as the Court of Claims, in deciding the case of Lincoln, administrator of Joseph A. Harvey, deceased, against United States, on February 9, 1914, stated—

> In the delay likely to be created to meritorious suitors there is cause to regret that section 162 does not contain a limitation of time within which all suits must be brought—

it is deemed advisable to provide in this amendment a time in which all litigants may present their cases to the Court of Claims, so there may be an equitable distribution of the proceeds, and for that reason two years is stated in this bill as the time in which parties may be permitted to file their claims.

In this most able and exhaustive decision of the Court of Claims dismissing the defendant's motion, the court, Judge Howry being the organ, collates the various decisions upon the subject of loyalty and the necessity of alleging and proving it under those cases arising under the captured and abandoned property act of March 12, 1863, and shows conclusively that it is not necessary in the light of these decisions to allege or prove loyalty, and draws a clear distinction between the class of cases intended to be covered by sections 159 and 160 of the Judicial Code and section 162.

The principles of law, as well as the elements of jurisprudence involved in these separate and distinct enactments, are so clear-cut and distinct and separate in their intendment and purpose it is clearly evident that the lawmaker never intended that section 162 should be construed with or governed by the provisions of sections 159 and 160.

It would not at all be necessary to go into this elementary discussion if it were not for the fact that in a previous presentation of this bill before the Congress these questions were raised, and it is for the purpose of making an explanation which may eliminate all such foreign matters from this discussion in this instance that these matters are reverted to.

Under the act approved March 12, 1863, known as the captured and abandoned property act, as amended by act approved July 2, 1864, it was provided that agents of the Government

should take charge of abandoned and captured property in any State or Territory in the United States designated as in insurrection against the lawful Government of the United States, and that this property should be sold and the net proceeds paid into the Treasury of the United States, and the claimants allowed two years after the suppression of the rebellion to reclaim the proceeds.

This bill now being considered has for its purpose the repayment to those claimants from whom this property was taken the proceeds of the property which was taken after the cessation of hostilities. As a matter of fact, the war as waged between the contending forces had closed in April, and there had been entire cessation of hostilities prior to the 1st of June, 1865, and it is for that property which was taken by the agents of the United States Government after the 1st of June, 1865, from noncombatants that this bill provides relief; and it is for this Congress to determine as to whether, after a lapse of nearly half a century, it shall still be contended that after the war was over and the people had gone to their peaceful pursuits it shall be required of them to prove that they were loyal to the Government before they can recover the proceeds of that property which was taken from them by the United States Government in trust and placed in the vaults of the Treasury of the Government to their credit, as shown by Senate Executive Document No. 23, Forty-third Congress, second session. This document is a report from the Secretary of the Treasury giving the bales of cotton which were taken from the individuals, their names and residence; stating when and where and for what amount the cotton was sold, and giving the net proceeds which were placed in the Treasury in trust for the claimants; and showing that there is now in the Treasury a net balance to the credit of the owners of the cotton of $4,886,671.

This money has been in the Treasury to the credit of the persons who are explicitly designated for about half a century without any interest, and having been taken under a law which was an anomaly, and as stated by the Supreme Court of the United States to be different in its character to any other law of any nation in allowing the property of noncombatants to be taken even during hostilities, and this property, the proceeds of which is sought to be recovered through the instrumentality of this bill, was taken after the war had closed and after the people had gone back to their peaceful pursuits, having been led to believe by the proclamation of the President of the United States that they would have restored to them that property which had been taken under the provisions of the law, the guise of which led them to believe that this great Government of ours, acting for them in a fiduciary capacity, had taken charge for their protection and would make restoration when called upon to do so. But now when these claimants seek to procure from the representatives of this great Nation the proceeds of that property to which they are legally and justly entitled, these representatives interpose technicalities and endeavor by dilatory measures to hamper and hinder the restoration of the proceeds of this property to which these claimants are justly entitled. This, too, after the sword of Lee is sheathed forever; the martial spirit of Stonewall Jackson has gone to its long, long home; the immortal soul of Jefferson Davis has taken its eternal flight, while his name has been restored upon the arch of Cabin John's Bridge; the boys of the North and the boys of the South marched shoulder to shoulder with little Joe Wheeler and Fitzhugh Lee in the Spanish-American War; the Sherwood pension bill has passed the Democratic House of Representatives, and the reunion at Gettysburg has heralded to the world that the North and the South are a Union, one and inseparable, living as a nation united in heart and sentiment, forgiving the past and looking to the future for the divine blessings of a benignant Providence, all glorying in one flag, under the folds of which the forces of this great Nation shall be marshaled for its future welfare and grandeur, to rise still higher in the galaxy of nations and inspiring the world with confidence in our honor, integrity, and heroism.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction of any claim therefor filed within two years from the date of the passage of this bill, of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof, where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. Is it a committee amendment?

Mr. WATKINS. No; it is not.

The Clerk read as follows:

Page 2, line 10, after the word "any," insert the word "prior."

Mr. WATKINS. Mr. Chairman, the object of that amendment is simply to make the expression more explicit and definite. I want to make it so that it can be definitely understood that this statute of limitation refers to previous acts of limitation. There are several statutes barring claims, and one of them, the statute of limitation, provides that claims of this kind shall be barred by a lapse of six years' time. This will make it perfectly clear that it refers to prior statutes on the subject.

Mr. GREGG. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. GREGG. There is a limitation in this act, and this makes it definite that it refers to previous acts.

Mr. WATKINS. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

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

Mr. MANN. Mr. Chairman, I move to amend by striking out the following language at the end of the bill:

Provided, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 12 and 13, strike out the following language:
"*Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

Mr. WATKINS. Mr. Chairman, if the gentleman from Illinois is not going to make any remarks in support of his amendment, I want to be heard. I wish to state to the Members of the House, those who favor the passage of the bill, that they should vote against this amendment for the reason that it is striking out the very object of the bill; the very language which is used there is the amendment which has been incorporated in this bill for the purpose of making section 162 in the codification of the laws give the right to those to recover whether they were loyal or not loyal.

I will repeat what I have said before, that the purpose of section 162 was to grant the right to these people from whom this cotton was taken to prove their claims without the question of loyalty being considered. That is the very purpose we are seeking by this bill.

The purpose of section 162 was to grant a right to these people from whom the cotton was taken, as shown by Senate Document 23, but on account of the construction which had been placed by the United States attorney, claiming that sections 159 and 160 governed section 162, although the Court of Claims has decided recently that they are not analogous propositions, not in the same line of thought, not on the same subject matter, still the attorney for the United States made that contention. Judge MOON, chairman of the Committee on the Revision of the Laws, made it perfectly clear that it was the intention to pay this amount. He afterwards, in a conservative speech, emphasized his ideas to the House, although he was on the other side of the House, and spoke in favor of the bill passed by the majority. He showed his purpose to stand by the declarations made in that speech and by the declarations he made at the time the question was in conference and under consideration, and it would be a violation of faith of the most flagrant kind to vote in favor of this amendment offered by the gentleman from Illinois.

Mr. MANN. The gentleman from Louisiana is correct in stating what would be the effect of this amendment if adopted. The whole purpose of the bill is to evade a provision of the law requiring proof of loyalty as it now stands. The rest of the bill is practically a reenactment of existing law. This provision which I have moved to strike out proposes to allow the proof of claims against the Government by those who were not loyal during the Civil War. I do not think it is a good practice to enter upon, and therefore I have made the motion.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were 20 ayes and 74 noes.

So the amendment was rejected.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise and report the bill with amendment to the House

with the recommendation that the amendment be agreed to and that the bill pass.

The motion was agreed to.

The committee accordingly rose; and Mr. ALEXANDER having taken the chair as Speaker pro tempore, Mr. BARTLETT, 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. 5850) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, and had instructed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. WATKINS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The motion was agreed to.

The amendment was agreed to.

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

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

The question was taken; and on a division (demanded by Mr. MANN) there were 84 ayes and 21 noes.

So the bill was passed.

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

THE JUDICIARY CODE.

Mr. WATKINS. Mr. Speaker, I call up the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. Mr. Speaker, this bill is on the Union Calendar. Under the rules of the House, it being called up by the committee, the House automatically resolves itself into Committee of the Whole House on the state of the Union. The parliamentary inquiry is, When is it in order to raise the question of consideration on the bill? I will say to the Chair that Mr. Speaker Cannon ruled under this same rule that it was in order in Committee of the Whole to raise the question of consideration. It must be in order some time, and I make the parliamentary inquiry as to whether it is in order now in the House or whether it would be in order in Committee of the Whole.

Mr. MURDOCK. Would that permit two-thirds in Committee of the Whole to dispense with the day?

Mr. MANN. Oh, this is a question of consideration on this bill only. When this rule was first adopted, the first question that arose under the rule was whether it would require a motion to go into Committee of the Whole on the state of the Union on a Union Calendar bill, or whether the House would automatically resolve itself into the Committee of the Whole. Mr. Speaker Cannon ruled that under the provisions of the rule, it being in order under the rule to call up a Union Calendar bill, and the committee having that right, and the rules requiring that the bill when called up should be considered in Committee of the Whole House on the state of the Union, therefore it was not necessary to make a motion to that effect, but that the Chair would declare the House resolve into the Committee of the Whole House on the state of the Union and call a chairman to the chair.

The SPEAKER pro tempore. As the Chair understands, the rule provides that the House shall automatically resolve itself into Committee of the Whole.

Mr. MANN. Oh, no; I am suggesting to the Speaker now how that ruling arose. The rule does not determine that. The rule authorizes the calling of Union Calendar bills on Calendar Wednesday on call of committees, and the rules of the House require that all Union Calendar bills shall be considered in Committee of the Whole House on the state of the Union; but the committee having the right to call up the bill, and the other rule requiring that the bill shall be considered in the Committee of the Whole House on the state of the Union, Mr. Speaker Cannon held it was not necessary to make a motion to go into Committee of the Whole House on the state of the Union, and that the Chair would automatically resolve the House into the committee; but at the same time the House having the right to determine whether to proceed with a particular bill, that the question of consideration might be raised in Committee of the Whole House on the state of the Union, which can not be done ordinarily. Subsequently the same ruling was announced when we had under consideration the bill to codify the laws relating to the judiciary, of which this is a companion bill. It is immaterial to me when we can raise the question of consideration.

Mr. FOSTER. Having called up this particular bill in the House, would it be competent to raise the question of consideration now in the House?

Mr. MANN. I am making a parliamentary inquiry of the Speaker. The rulings heretofore have been that the question of consideration could not be raised in the House, but that it could be raised in Committee of the Whole.

Mr. WATKINS. Mr. Speaker, if the gentleman has concluded his remarks, I wish to state to the Speaker that it is a well-recognized rule and invariably adopted by the Speaker, as was done during the consideration of the bill which we have just passed, that the House shall automatically resolve itself into the Committee of the Whole House on the state of the Union, and in view of that fact, and partially for the purpose of allaying any fears of the gentleman who has raised the point, I will state that as soon as this bill is reached in Committee of the Whole and the consideration of it has begun and I obtain the right of way on the calendar for the bill to be considered my purpose is to ask unanimous consent—which I believe will be granted—to postpone the further consideration of the bill and give my reasons for it at the time. It is not my purpose to crowd out other legislation or to retard the progress of other bills which really deserve earlier consideration than this. This is a matter which can wait.

Mr. FOSTER. I do not understand how the gentleman is going to be able to do that after we go into the Committee of the Whole.

Mr. GARNER. He can move that the committee rise.

Mr. MANN. Then we would not be any further along after the committee rose.

Mr. WATKINS. I do not want to waive any of my rights.

Mr. BARTLETT. I do not understand that if the gentleman gets into the Committee of the Whole and then gets out, and some other bill is taken up and considered that that gives him any preference. He would lose his rights in that way.

Mr. GARNER. Mr. Speaker, referring to the parliamentary status and the suggestion of the gentleman from Illinois, construing these two rules together—one of them giving the right to the committee to call up a bill on the Union Calendar on Calendar Wednesday, and the other rule requiring a Union Calendar bill to be considered in Committee of the Whole, it has been universally held that the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and if it does, no business can transpire between the time the bill is called up and the time the House resolves itself into the Committee of the Whole, because it would not be automatic if any business could be transacted between those times.

Mr. MANN. But the gentleman will recognize that the gentleman from Louisiana can call up his bill and move to close debate. That permits business to occur.

Mr. GARNER. After we have had some debate?

Mr. MANN. Yes; but the gentleman to-day when he called up the former bill which was pending could have, pending that, moved to close general debate, so that the mere calling up of a bill does not mean that instantly the House is resolved into the Committee of the Whole, because that would foreclose the right to move to close general debate. Here is the situation: Suppose the House does not want to take this bill up, a bill of nearly 200 pages, and we automatically resolve the House into the Committee of the Whole, and it should be held then by the Chairman that we can not raise the question of consideration in committee, and some gentleman moved that the committee rise, which would be in order, and the motion should be agreed to and we would go back into the House, the Committee on Revision of the Laws still would have the call and could immediately call the bill up again.

Then the gentleman says that automatically we must go back into the Committee of the Whole, and some gentleman moves that the committee rise, and we might continue to do that the balance of the day. No gentleman will claim that that would be proper.

Mr. GARNER. I did not intend to convey the idea, I will say to the gentleman from Illinois, that any business furthering the interest of this bill can not be transacted after the bill was called up, but I did intend to convey the idea that my construction of these two rules is that no business other than the consideration of this bill, either its defeat or the furthering of its passage, could be transacted.

Mr. MANN. I think that is right.

Mr. GARNER. I do not anticipate that any Chairman of the Committee of the Whole will reverse the precedents that have been set heretofore with reference to committees of the House——

Mr. MANN. My judgment, as I expressed before, is you can raise the question of consideration in the committee, and on

that I desire to have a ruling of the Speaker before we went into the committee, so there could be no question about that.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. May I ask the gentleman if he is in accord with the ruling made by the former Speaker on the question of consideration?

Mr. MANN. Heretofore Speaker Cannon held——

Mr. GARRETT of Tennessee. I know what he held.

Mr. MANN (continuing). That you could not raise the question of consideration in the House on this automatic call, but when you got into the Committee of the Whole you could raise the question of consideration there. I am quite content to have it raised in either place, but I made the part of the inquiry as to whether or not it was in order now or in the committee.

Mr. GARRETT of Tennessee. It has been my feeling about the matter—I do not know whether my impression is worth anything much—but my impression of the question of consideration is that even on Calendar Wednesday it ought to be raised when the bill is called.

Mr. MANN. Of course there is nothing you can raise the question of consideration on a bill that has to be considered in the Committee of the Whole House, because ordinarily that is done by a motion, and you can defeat the motion.

Mr. BARTLETT. And when in the Committee of the Whole it is the determination of the House to consider the bill ordinarily.

Mr. MANN. And ordinarily determined on a motion, but you can not determine by a motion here, because there is no motion made.

Mr. GARRETT of Tennessee. The rule is this, of course, when any motion or proposition is made—of course there is no motion made here, but there is a proposition——

Mr. MANN. I take it that it is perfectly clear——

Mr. GARRETT of Tennessee. When any motion or proposition is made the question, "Will the House now consider it?" shall have to be put if it is demanded by a Member. This, of course, is a proposition, though it is not a motion. I am not quarreling with the decision of the former Speaker, and I have no doubt the gentleman has given more attention to it than I have.

Mr. MANN. The ruling of the former Speaker, I will say to the gentleman from Tennessee, was made by consent on both sides as a mere matter of convenience.

Mr. MURDOCK. Might I inquire of the gentleman, is it not in the interest of time to adopt that ruling of Speaker Cannon?

Mr. MANN. I think that is true.

Mr. MURDOCK. And has not Speaker CLARK adopted that ruling?

Mr. MANN. I think he has never been called upon to pass upon it.

Mr. LLOYD. Is it possible to make an arrangement by which this bill might become a continuing order at some other time than on Calendar Wednesday?

Mr. MANN. I do not believe it is possible at this stage of the session. I think this bill ought to be considered and probably passed. I do not see how it is possible at this stage of the session to set down for a hearing in the House a bill that might probably take two or three weeks for consideration. I am not willing to stay here until next October for the purpose of passing this bill.

Mr. LLOYD. If it does not interfere with the appropriation bills or conference reports and matters of that character, which are privileged, what objection is there to making it the continuing business of the House?

Mr. MANN. Well, when we get the appropriation bills a little further along and out of the way we might consider it.

Mr. LLOYD. I want to state frankly that the Committee on the Revision of the Laws have no desire to monopolize the business of Calendar Wednesday if it can be avoided. That committee would like to have this bill, which is important to every Member of the House and the country, made a continuing order of business, when other matters of special importance are not being considered. We will certainly reach a time, after we get through with appropriation bills, when there will be nothing special to be done in the House, and we would like to have this bill made the continuing order, so that this particular bill might be taken up at such time.

Mr. MANN. Let me suggest this to the gentleman. We have got a long Private Calendar which, if it is taken up, will have to be considered probably after the appropriation bills are largely out of the way. The Public Lands Committee has a long list of bills on that calendar of importance which it desires to get up; the Committee on Interstate Commerce has quite a bunch of bills which it wants to consider; the Committee on the Judiciary is in the same fix. I do not know, but I suppose the Committee on Rules will give consideration to the respective merits of these propositions if necessary, and the length of time they will take. I am not willing, so far as I am concerned, to foreclose the right to consider these other bills by giving a right to a bill that will certainly take two or three weeks if it is considered in the House.

Mr. LLOYD. I have not any question at all but that this bill would take at least two weeks for consideration.

Mr. MANN. So far as I am concerned, I am willing to vote for the bill as it stands, without consideration.

Mr. MURDOCK. Will the gentleman yield?

Mr. MANN. I will, if I have the floor.

Mr. MURDOCK. Is there not some virtue in the proposition of the removing of the rights of raising the question of consideration in the House or in the Committee of the Whole, because you can get a roll call in the House?

Mr. MANN. I do not think it makes much difference, I will say to the gentleman, on the Union Calendar.

Mr. MURDOCK. You get no record in the Committee of the Whole.

Mr. MANN. That is true, but I do not think it makes very much difference on Union Calendar bills. The bill we would ordinarily want a roll call on, the bill by itself, is usually a House bill. We raise the question of consideration on those when they are called.

Mr. MURDOCK. Is it not in order to raise the question of consideration in the Committee of the Whole except in this instance?

Mr. MANN. No; it is not. Take an appropriation bill, and you move to go into Committee of the Whole. You can raise the question of consideration in a way by voting "no" on that motion.

Mr. MURDOCK. And that is equivalent to the question of consideration?

Mr. MANN. It is equivalent to the question of consideration.

Mr. MURDOCK. But it seems to me there would be some virtue in having a roll call on a question of consideration on a bill which you can not get in the Committee of the Whole.

Mr. MANN. That might be; but that might make a very effective method of filibuster on Calendar Wednesday, also.

Mr. CAMPBELL. Mr. Speaker, I recall very well the discussion on this floor with reference to the practice suggested by the gentleman from Illinois [Mr. MANN] with regard to automatically going into the Committee of the Whole on these bills. Calendar Wednesday was fresh. It had just been adopted by the House, and the object was to safeguard every moment of the day if it was possible. And the purpose, in a practically unanimous-consent agreement in the discussion upon this floor, that the House automatically go into Committee of the Whole, was to avoid anything like a filibuster that might be undertaken against the consideration of bills.

Mr. MURDOCK. But, if the gentleman from Kansas will yield——

Mr. CAMPBELL. Yes.

Mr. MURDOCK. In avoiding the possibility of filibuster you also took away from the House the right to go on record for consideration of the bill?

Mr. CAMPBELL. Well, the loss of that right was gained in the consent that the bill could be considered. There was practically a unanimous consent that the bill should be considered. The question of consideration, however, was reserved to the Committee of the Whole, and I do not recall of any case where the question of consideration has been raised on bills in Committee of the Whole.

Mr. FOSTER. Is it the idea of the gentleman from Kansas [Mr. MURDOCK] that this bill ought to have consideration now?

Mr. MURDOCK. I am inclined to wait on this bill.

I would like to inform the Chair of this feature of the case. If the question of consideration is raised in the House—and I realize the Chair is about to rule—if the question of consideration was raised in the House, there would be an opportunity for a record vote. If the Chair rules, and follows the ruling of Speaker Cannon, that the question of consideration can be raised in the Committee of the Whole, there is no record vote. I think that has a bearing upon the proposition.

Mr. BARTLETT. Why?

Mr. MURDOCK. It puts the House on record.

Mr. FESS. Mr. Speaker, may I be heard on this point?

The SPEAKER pro tempore. The Chair will be glad to hear the gentleman.

Mr. FESS. Mr. Speaker, as I understand it, the rules governing proceedings in the Committee of the Whole limit the number of motions that can be made, and in that number the question of consideration is not included. I also understand that the motion to go into the Committee of the Whole can not be made except when there is a motion before the House for

consideration, because it is a mere commitment of a matter to a committee—in this case the Committee of the Whole—and if the situation was not to go into the Committee of the Whole by automatic action, but by a motion in the ordinary way, it would be very clear that objection to the consideration of the motion would be in order when the motion to go into the Committee of the Whole is made. But not going into the Committee of the Whole by a motion, but by automatic action by virtue of the rules on Calendar Wednesday, then it seems to me that it is perfectly clear under parliamentary law that you can not object to the consideration of the question when the House goes into the Committee of the Whole automatically. If you could, it would be amending the rules of the House by mere motion. On the other hand, the rules limiting the motions made in the Committee of the Whole, which do not specify consideration as one of them, do not permit this motion in the Committee of the Whole. It is a case of one motion or a parliamentary situation shutting out another motion, just the same as the previous question would shut out the motion to amend or force the motion to a vote. If such a motion were allowed in the committee, its results would nullify the automatic procedure by simply reversing by vote of the committee an action in pursuance of the rules of the House.

Therefore, under our rulings, it seems to me, from the standpoint of parliamentary law—unless you have some rules here in the House that are not generally included in parliamentary law—that the objection to the consideration of the question when the House goes into committee by automatic action is neither allowed in the House nor is it allowed in the Committee of the Whole, but ruled out by the rules of the House as a motion not in order when a bill comes up for consideration in the situation now before this House.

The SPEAKER pro tempore. The rule, paragraph 4, Rule XXIV, provides:

After the unfinished business has been disposed of the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business he shall resume the next call where he left off, giving preference to the last bill under consideration.

Paragraph 7, Rule XXIV, with reference to Calendar Wednesday, provides:

7. On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against.

On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee on the Whole House on the state of the Union.

The unfinished business having been disposed of and the Committee on Revision of Laws having the right to call up bills reported from that committee for consideration, and that committee having called up a bill on the Union Calendar for consideration, it is the opinion of the Chair that it is the duty of the Speaker, under the rules, paragraphs 4 and 7 of Rule XXIV, to declare that the House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill and to call some one to preside in committee.

Whether or not the question of consideration may be raised in committee, the Chair does not feel called upon to decide. He is inclined to the opinion, however, taking the spirit of the rule and the purpose it was intended to accomplish into consideration, that it is very doubtful if such a motion would be in order.

The gentleman from Louisiana [Mr. WATKINS] calls up the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Mr. FOSTER. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state it.

Mr. FOSTER. I did not catch the Speaker's ruling, whether or not the question of consideration could be raised in the House.

The SPEAKER pro tempore. The Chair is of opinion that it can not be raised in the House under this rule.

Mr. FOSTER. And it can be raised in committee?

The SPEAKER pro tempore. Whether or not it can be raised in committee the Chair is not called upon to decide. The gentleman from Missouri [Mr. RUSSELL] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15578, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled——

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. I desire to raise the question of consideration of the bill. I suppose, properly speaking, the first reading of the bill should be had before that question is raised.

Mr. LLOYD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with——

Mr. MANN. Without affecting the right to raise the question of consideration.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] raises the question of consideration. What does the gentleman from Missouri [Mr. LLOYD] rise to say?

Mr. LLOYD. I rise to ask unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. Of course, properly speaking, the bill should first be read before the question of consideration should be raised.

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent that the first reading of the bill be dispensed with without prejudicing the question of consideration raised by the gentleman from Illinois [Mr. MANN].

Mr. BARTLETT. Mr. Chairman, I did not hear what the Chair said.

The CHAIRMAN. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent that the first reading of the bill be dispensed with provided it shall not prejudice the question as to consideration, raised by the gentleman from Illinois [Mr. MANN].

Mr. BARTLETT. Mr. Chairman, if the question of consideration should come now, why not follow the rule?

Mr. MANN. The rule requires the bill to be read before the question is raised.

Mr. BARTLETT. I think the bill ought to be read.

The CHAIRMAN. Is there objection?

Mr. BARTLETT. I object.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] objects. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the laws relating to the judiciary be, and they hereby are, codified, revised, and amended, with title, chapters, headnotes, and sections, entitled, numbered, and to read as follows:

Mr. WATKINS. Mr. Chairman——

Mr. RUCKER rose.

The CHAIRMAN. The gentleman from Louisiana.

Mr. BARTLETT. Mr. Chairman, the bill is being read, is it not?

Mr. WATKINS. Mr. Chairman, I have no amendment to offer to this bill.

Mr. BARTLETT. The bill has not been read. I raise the question of order.

The CHAIRMAN. The bill has not been read and the reading has not been dispensed with.

Mr. BARTLETT. I make the point of order that the bill has not been read and there is nothing to be done until the bill is read.

Mr. WATKINS. Mr. Chairman, I want to take further steps to postpone the consideration of the bill, and I want to give my reasons for it.

The CHAIRMAN. It can only be done by unanimous consent. The bill is now being read.

Mr. WATKINS. For that purpose, Mr. Chairman, I move that the committee do now rise.

Mr. BARTLETT. Mr. Chairman, the reading of the bill can not be interrupted in that way.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] moves that the committee do now rise. The question is on agreeing to that motion.

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

Mr. BARTLETT. A division, Mr. Chairman.

The committee proceeded to divide.

Pending the division,

Mr. BARTLETT. Mr. Chairman, I withdraw the demand for a division.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, 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. 15578) to codify, revise, and amend the laws relating to the judiciary and had come to no resolution thereon.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to have read the resolution which I hold in my hand, and I ask its adoption by unanimous consent.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to have a certain resolution read.

Mr. MURDOCK. Mr. Speaker, how far does the request for unanimous consent go? Does it go both to the reading and to the adoption?

Mr. WATKINS. For the present I ask unanimous consent that it be read, and then I will ask unanimous consent that it be adopted.

The SPEAKER. Is there objection to the reading of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Mr. WATKINS moves that the consideration of H. R. 15578 (No. 170, Union Calendar) be deferred until the fourth Wednesday in May, 1914, to be then considered, unless there then be under consideration some bill on the Wednesday Calendar, in which case the bill H. R. 15578 shall be taken up for consideration upon the conclusion of the call of the committee then having a bill under consideration.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent that the resolution be adopted.

Mr. RUCKER. Reserving the right to object——

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

Mr. WATKINS. Then, in view of that objection, and in deference to the gentleman from Tennessee, I move that the resolution be adopted.

Mr. MANN. I make the point of order that that motion is not in order.

Mr. FOSTER. That motion is not in order.

Mr. MANN. It is not a privileged motion.

The SPEAKER. The point of order is undoubtedly good, and is sustained. The Clerk will report the next bill.

Mr. MANN. A parliamentary inquiry. Is not the regular order the resolving of the House into the Committee of the Whole House on the state of the Union?

The SPEAKER. Yes. The House automatically resolves itself——

Mr. WATKINS. I call for the consideration of H. R. 15578.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. What was the motion of the gentleman from Louisiana [Mr. WATKINS]?

Mr. WATKINS. That we proceed to the consideration of H. R. 15578, No. 170 on the Union Calendar.

Mr. MANN. That is the regular order.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of that bill, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Mr. RUCKER. Oh, Mr. Speaker, I want to talk a little bit.

The SPEAKER. The Chair understands, but the trouble is that under that automatic rule nobody can talk. [Laughter.]

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry. Then had we not better revise the rules?

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 15578.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BARTLETT. I object.

The CHAIRMAN. The gentleman from Georgia objects.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. If another bill should ever be reached, is there any way to prevent the taking away from gentlemen who want time to debate as much time as is consumed in this farce that we are playing here now?

Mr. MURDOCK. That is not a parliamentary inquiry.

The CHAIRMAN. Under the rules this bill after it is read will be subject to general debate.

Mr. RUCKER. I want to serve notice that this time will be made up in some way. I think gentlemen are trying to put off the consideration of another bill that is coming, but there will be opportunity for debate on it. I serve notice on gentlemen now——

Mr. BARTLETT. I call the gentleman to order. He has no more rights than anybody else——

Mr. RUCKER. The gentleman from Georgia ought not to make that statement.

Mr. BARTLETT. I will not consult you about it. I will not consult you about anything.

Mr. RUCKER. I will get my speech made, anyhow.

Mr. RAGSDALE. Mr. Chairman, I move that we order the fleet sent here instead of sending it to Mexico.

The CHAIRMAN. The committee will be in order. The Clerk will proceed with the reading of the bill..

The Clerk began the reading of the bill.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent that the further first reading of the bill be dispensed with.

Mr. ELDER. I object.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MOORE. I move to strike out the last word.

The CHAIRMAN. That is not in order. This is the first reading of the bill.

Mr. MANN. The gentleman is a slow freight train. The bill has not been read.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is it proper before the first reading of the bill is concluded to have any explanation of it by the gentleman in charge?

The CHAIRMAN. It is not. The first reading of the bill can only be dispensed with by unanimous consent.

Mr. MOORE. Another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. When may we have some explanation of the bill by the chairman of the committee in charge of it?

The CHAIRMAN. After the bill has been read.

Mr. MANN. The first of October.

The CHAIRMAN. After the bill has been read, when it is up for consideration and amendment.

The Clerk proceeded with the reading of the bill.

Mr. MOORE. Mr. Chairman, I move that the further reading of the bill be dispensed with.

Mr. BARTLETT. I object.

The Clerk proceeded with the reading of the bill.

Mr. MOORE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. I made a motion a little while ago that the further reading of the bill be dispensed with. That was objected to, and the objection seems to have been held by the Chair to be a valid one. Have I not the right to move to dispense with the first reading of the bill?

The CHAIRMAN. A motion of that sort is not in order. The first reading of the bill can only be dispensed with by unanimous consent.

Mr. MANN. The gentleman can argue the point of order.

Mr. MOORE. Then the motion to suspend is not in order at this time?

The CHAIRMAN. It is not.

Mr. MOORE. Mr. Chairman, I should like to be heard on the point of order.

Mr. BARTLETT. I object and call for the regular order.

The CHAIRMAN. The regular order is called for, which is the reading of the bill.

Mr. MOORE. Have I not the right to discuss the point of order?

The CHAIRMAN. No; the gentleman has not made any point of order.

Mr. MOORE. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN (after counting). One hundred and six Members present, a quorum, and the Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. MADDEN. Mr. Chairman, the information which is being conveyed to the committee through the Clerk is very interesting, and I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Illinois makes the point that no quorum is present.

Mr. FOSTER. And I make the point of order, Mr. Chairman, that that is dilatory.

Mr. MADDEN. It is evident to everybody that there is no quorum here.

Mr. DONOVAN. Mr. Chairman, the truth can not be dilatory, and the truth is there is no quorum present.

Mr. FOSTER. The Chairman just counted a quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. MADDEN. Mr. Chairman, a great many clerks and messengers were on the floor, and I am afraid that the Chair was not able to distinguish between them and Members, and I therefore ask for tellers on the question of a quorum.

Mr. FOSTER. That is out of order.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that it is not in order to demand tellers on counting a quorum. The House is not dividing.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. MANN. I move that the committee do now rise, Mr. Chairman, and let us ascertain whether we have a quorum.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 20, noes 47.

Mr. MANN. I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. MANN and Mr. WATKINS.

The committee again divided; and there were—ayes 25, noes 58.

Mr. MOORE. Mr. Chairman, I make the point of order that no quorum is present.

Mr. FOSTER. The announcement of the vote by tellers does not demonstrate that there is no quorum present.

Mr. MURDOCK. I want to say that I did not vote.

Mr. FOSTER. That is what I am getting at.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-two Members are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Austin	Dunn	Key, Ohio	Porter
Bailey	Edmonds	Knowland, J. R.	Powers
Borchers	Estopinal	Kreider	Reilly, Conn.
Brockson	Farr	Lafferty	Roberts, Mass.
Broussard	Fitzgerald	Lee, Ga.	Rogers
Brown, W. Va.	FitzHenry	L'Engle	Rothermel
Browne, Wis.	George	Lever	Rupley
Bruckner	Gerry	Lindquist	Sabath
Brumbaugh	Goeke	Linthicum	Saunders
Buchanan, Tex.	Goldfogle	Loft	Scully
Bulkley	Goodwin, Ark.	McAndrews	Seldomridge
Burgess	Gordon	McKellar	Sells
Burke, Pa.	Griffin	Maher	Sharp
Butler	Hamill	Manahan	Sinnott
Candler, Miss.	Hamilton, N. Y.	Martin	Slayden
Carew	Hardwick	Merritt.	Slemp
Carlin	Hay	Metz	Sparkman
Cary	Hayes	Miller	Stafford
Casey	Heflin	Montague	Stanley
Chandler, N. Y.	Helvering	Moon	Stout
Clancy	Hinebaugh	Morgan, La.	Sutherland
Clark, Fla.	Houston	Morin	Taylor, Ala.
Claypool	Howell	Moss, Ind.	Thomas
Coady	Hoxworth	Neeley, Kans.	Thompson, Okla.
Collier	Hughes, W. Va.	Neely, W. Va.	Townsend
Connolly, Iowa	Hulings	Norton	Underhill
Cooper	Jacoway	O'Shaunessy	Vollmer
Crisp	Jones	Palmer	Wallin
Cullop	Kahn	Peters, Me.	Walsh
Dale	Keister	Peters, Mass.	Whitacre
Dooling	Kelley, Mich.	Phelan	Wison, Fla.
Doremus	Kelly, Pa.	Platt	Winslow

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, 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. 15578) to modify, revise, and amend the laws relating to the judiciary, and the committee finding itself without a quorum had caused the roll to be called, and 302 Members had answered to their names, and he presented a list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded with the reading of the bill.

Mr. DONOVAN. Mr. Chairman, I did not hear sections 37 and 38 read by the Clerk. Has he not made a mistake?

Mr. BARTLETT. Those are amendments to the bill.

The CHAIRMAN. The Chair understands those are amendments.

Mr. BARTLETT. They are committee amendments, and it is not necessary for the Clerk to read them now.

Mr. MURDOCK. They will be reported later.

Mr. WATKINS. So that gentlemen may be properly advised, if they will look at the report on the bill they will see these places italicized are not committee amendments, but they are new enactments placed there by the commission appointed for the purpose of redrafting the law and a part of the original bill. There are no committee amendments in the bill itself.

The CHAIRMAN. The Chair will state it is printed in italics, and that is the way amendments are usually printed in the bill, so the reading clerk had reason to believe they were amendments.

Mr. BARTLETT. On the first page of the bill it says "existing law is printed in roman; amendments and new sections are printed in italic." That is the reason I thought they were amendments.

Mr. WATKINS. There are no committee amendments whatever to the bill.

Mr. MOORE. Mr. Chairman, I ask unanimous consent that these amendments be read for the information of the House. Some of us are trying to follow the reading of this bill. You have passed sections 37 and 38, which seem to be amendments. Why should not these amendments be read for the information of the Members?

Mr. MURDOCK. No; they are not amendments.

Mr. BARTLETT. The committee report says there are no committee amendments.

Mr. RUCKER. Regular order, Mr. Chairman. We want to hear this bill read.

The CHAIRMAN. The Clerk will continue the reading of the bill.

Mr. MOORE. Mr. Chairman, what has become of my request?

The CHAIRMAN. The Clerk is going to read the italicized portion.

The Clerk resumed the reading of the bill.

Mr. DONOVAN. Mr. Chairman, are not we going to have sections 37 and 38 read?

Mr. MOORE. Mr. Chairman, I understood the Chair to rule that they were to be read on the request made by myself.

The CHAIRMAN. The Chair understood they are to be read, and the Clerk will read.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent, in order that there be no confusion about this, to begin at the first page and read it all over.

Mr. BARTLETT. I hope they will.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. We have just read the paragraph relating to the salaries of district attorneys. It may be that there will be some amendments to that paragraph. May I ask when an opportunity to offer amendments will present itself?

The CHAIRMAN. Well, the Chair would think that when we commence reading the bill the second time for amendment——

Mr. MANN. Next Christmas.

The CHAIRMAN. The bill is now being read for the first time.

Mr. MANN. The bill is now being read for the information of the gentleman from Pennsylvania, if that is possible.

Mr. MOORE. The gentleman from Pennsylvania is very much instructed by the reading of the bill and he wants to hear more of it. He may want to offer an amendment, and he is asking, in good faith, when an opportunity will present itself to offer amendments?

Mr. BARTLETT. The gentleman will have opportunity.

The CHAIRMAN. Of course, this is subject to amendment when it is read a second time. When that date will be the Chair can not tell the gentleman.

Mr. MOORE. When the bill is read a second time there will be a chance to amend?

The CHAIRMAN. The Chair thinks so.

Mr. MOORE. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. We have read now about 28 pages of this bill, of which there are 198 pages. At the rate at which the bill is being read it probably will not be finished until the end of next Calendar Wednesday. May I ask the Chair if it is likely the bill will come up for a second reading on that day?

The CHAIRMAN. The Chair does not believe that is a parliamentary inquiry.

Mr. MOORE. Mr. Chairman, is it not a parliamentary inquiry to ask when the bill will be read for a second time? We are now reading the bill for the first time. As a parliamentary matter, is it not proper to ask when the bill will be read for a second time?

The CHAIRMAN. The Chair can not tell how much delay there will be in the reading of the bill.

Mr. MOORE. But assuming there is no delay in the reading of the bill for the first time, will we commence the reading of the bill for a second time immediately after it is read for the first time?

The CHAIRMAN. That must be determined by a mathematical calculation, and the gentleman from Pennsylvania is perhaps better qualified to do that than the Chair.

Mr. MOORE. I think the Chair has not yet answered the parliamentary question. The suggestion of a mathematical calculation is no answer to a parliamentary question.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

Mr. MOORE. Mr. Chairman, I wanted to know when, under the rules, we would begin to read the bill a second time?

The CHAIRMAN. After it has been read the first time.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Would it be in order for the Chair to appoint some one to privately conduct a school of parliamentary law for the benefit of our genial friend from Pennsylvania?

The CHAIRMAN. The Chair does not know about that, but would suggest that the gentleman from Illinois give him his opinion. The Clerk will proceed with the reading.

Mr. MOORE. Mr. Chairman, in view of the fact that the gentleman from Illinois seems to be dissatisfied with this procedure, I move that the committee do now rise.

Mr. MANN. Oh, I am not dissatisfied.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania that the committee do now rise.

The question was taken, and the Chair announced that the ayes had it.

Mr. MOORE. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Pennsylvania demands tellers. As many in favor of ordering tellers will rise and stand until counted. [After counting.] Five gentlemen standing, not a sufficient number, and tellers are refused.

So the motion to rise was rejected.

The CHAIRMAN. The Clerk will continue with the reading.

The Clerk resumed the reading of the bill.

Mr. RUCKER (interrupting the reading). Mr. Chairman, I ask unanimous consent to address the committee for three minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to address the committee for three minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I think if the gentleman from Missouri addresses the House for three minutes, filibustering to that extent, the gentleman from Georgia ought to have three minutes also in which to address the committee.

Mr. RUCKER. Very well; let him have it.

Mr. BARTLETT. Mr. Chairman, I demand the regular order.

Mr. RUCKER. Oh, do not do that. In behalf of the American citizens who are sitting in the gallery, I want to explain that this farce does not take place every day.

The CHAIRMAN. The gentleman from Georgia demands the regular order. The Clerk will read.

Mr. RUCKER. Did the Chair put my request?

The CHAIRMAN. The gentleman from Georgia objected.

Mr. MANN. Mr. Chairman, I do not think the gentleman from Missouri [Mr. RUCKER] ought to filibuster and take up the time of the committee in this way.

Mr. BARTLETT. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The Clerk will read.

Mr. MURDOCK. Mr. Chairman, a parliamentary inquiry..

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. During the long reading of this bill there have been frequent interruptions. In the printing of to-day's proceedings in the RECORD will those interruptions show that they occurred during the reading of the bill or at the end of the bill?

Mr. RUCKER. If the gentleman wants to get his speech in the RECORD, he will have to do it while the bill is being read.

Mr. MANN. It will appear in the RECORD that during the reading certain things took place.

Mr. MURDOCK. Then the RECORD shows, first, the reading of the bill entire, and at the conclusion of the reading of the bill that the following interruptions took place? Is that true?

Mr. MANN. I do not think the RECORD will show the reading of the bill entire.

Mr. BARTLETT. Mr. Chairman, I submit that is not a parliamentary inquiry, and that we ought to hasten on with the reading of this bill.

Mr. MURDOCK. Oh, yes; it is a parliamentary inquiry.

Mr. BARTLETT. Mr. Chairman, I demand the regular order.

Mr. MOORE. Mr. Chairman, I hope the gentleman from Georgia will give the gentleman from Kansas an opportunity to explain his position.

The CHAIRMAN. The Chair is informed that the custom has been for the Clerk to first begin the reading of the bill, and that fact is noted, and then the interruptions follow.

Mr. MURDOCK. So that all of these interruptions will come together to-morrow morning in the RECORD and they will not be comprehensive?

Mr. MOORE. For one, I have not been able to comprehend the gentleman's interruptions as yet.

Mr. RUCKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Has the gentleman from Kansas concluded?

Mr. MURDOCK. I have concluded my inquiry.

Mr. RUCKER. Mr. Chairman, I have a parliamentary inquiry to make.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER. Mr. Chairman, I understood the Chair to state that the custom is to let the RECORD show the reading of the bill in full, and then the interruptions follow the reading of the bill. I want to ask what is going to become of the speech of the gentleman from Pennsylvania, delivered here to-day, if we do not get through with the reading of the bill until next Wednesday?

Mr. MOORE. Oh, it would follow the paragraph immediately preceding.

Mr. RUCKER. That is what I was trying to explain to the gentleman from Kansas.

Mr. BARTLETT. Oh, put it in cold storage; it will keep.

Mr. MOORE. The speech will follow the paragraph immediately preceding.

Mr. RUCKER. Preceding the bill?

Mr. MOORE. No; preceding the speech. The gentleman from Kansas, for instance, interrupted, and, as I understand it, the paragraph immediately preceding his interruption will appear and then his remarks will follow that paragraph.

Mr. RUCKER. The explanation is entirely satisfactory, Mr. Chairman.

Mr. BARTLETT. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Georgia demands the regular order. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. TALCOTT of New York (interrupting the reading). Mr. Chairman, I move that the reading of the remainder of the bill be dispensed with.

The CHAIRMAN. The motion is not in order. It can only be done by unanimous consent.

Mr. TALCOTT of New York. Then I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York [Mr. TALCOTT] asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. RUCKER (interrupting the reading). Mr. Chairman, I notice that the distinguished gentleman from Georgia [Mr. BARTLETT], who is responsible for this farce, is not here. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] makes the point of no quorum. The Chair will count. [After counting.] Thirty-nine gentlemen are present, not a quorum. The Clerk will call the roll.

The roll was called, and the following-named Members failed to answer to their names:

Anthony	Caraway	Fitzgerald	Hoxworth
Ashbrook	Carew	Flood, Va.	Hughes, W. Va.
Austin	Carter	Frear	Humphrey, Wash.
Bailey	Cary	George	Jacoway
Barchfeld	Casey	Gerry	Johnson, Ky.
Bartholdt	Chandler, N. Y.	Gillett	Jones
Bathrick	Clancy	Goeke	Keating
Bell, Ga.	Coady	Goldfogle	Keister
Borchers	Connelly, Kans.	Goodwin, Ark.	Kelley, Mich.
Brockson	Connolly, Iowa	Gordon	Kelly, Pa.
Broussard	Copley	Green, Iowa	Kent
Brown, W. Va.	Crisp	Griffin	Kindel
Browne, Wis.	Cullop	Guernsey	Knowland, J. R.
Bruckner	Dale	Hamill	Konop
Bulkley	Dooling	Hardwick	Kreider
Burgess	Doremus	Harrison	Langham
Burke, Pa.	Edmonds	Heflin	Lee, Ga.
Butler	Estopinal	Hinds	L'Engle
Callaway	Farr	Houston	Lenroot
Candler, Miss.	Ferris	Howard	Lever
Cantrill	Finley	Howell	Linthicum

Loft	Moss, Ind.	Powers	Smith, Md.
McAndrews	Moss, W. Va.	Prouty	Sparkman
McDermott	Neeley, Kans.	Rainey	Stafford
McGillicuddy	Neely, W. Va.	Reilly, Conn.	Stedman
McGuire, Okla.	Norton	Roberts, Mass.	Stout
McKellar	Oglesby	Rogers	Taylor, Ala.
Madden	O'Shaunessy	Rothermel	Thomas
Maher	Page, N. C.	Rupley	Thompson, Okla.
Manahan	Palmer	Sabath	Townsend
Martin	Patten, N. Y.	Saunders	Vollmer
Merritt	Peters, Me.	Scully	Wallin
Metz	Peters, Mass.	Seldomridge	Walsh
Miller	Plumley	Sharp	Whaley
Mondell	Porter	Sims	Wilson, Fla.
Montague	Post	Slayden	Winslow
Morin	Pou	Slemp	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, 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. 15578) to codify, revise, and amend the laws relating to the judiciary, and finding itself without a quorum, he had caused the roll to be called, whereupon 290 Members had answered to their names, and he returned a list of the absentees.

The SPEAKER. The committee will resume its sitting.

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

Mr. WATKINS. Mr. Speaker, before that motion is put I would like to have the majority leader here. He wants to make a request.

The SPEAKER. The Chair does not believe that that motion is proper at this particular juncture. The committee did not rise for any purpose whatever except to get a quorum. The committee will resume its sitting.

The committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

Mr. MOORE. Mr. Chairman, may I ask the gentleman from Louisiana [Mr. WATKINS] how long he expects to continue the reading of this bill to-night?

Mr. BUCHANAN of Illinois. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] moves that the committee do now rise. The question is on agreeing to that motion.

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

Mr. RUCKER. A division, Mr. Chairman.

The committee divided; and there were—ayes 86, noes 37.

So the motion was agreed to.

Mr. DONOVAN. Mr. Chairman, what is the vote?

The CHAIRMAN. Eighty-seven ayes, 37 noes.

Mr. DONOVAN. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. It does not require a quorum for the committee to rise.

Mr. CAMPBELL. But, Mr. Chairman, there is a quorum of the committee present.

The CHAIRMAN. Yes; there is a quorum present. The motion is agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, 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. 15578) to codify, revise, and amend the laws relating to the judiciary, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. HART, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Benjamin Warner, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. SMITH of Idaho, the Committee on the Judiciary was discharged from further consideration of the bill (H. R. 12315) to prohibit the sale or gift of intoxicating liquors to minors and Indians within the admiralty and maritime jurisdiction of the United States, and the same was referred to the Committee on Alcoholic Liquor Traffic.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, at the request of the chairman having in charge the legislative, executive, and judicial bill, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. RUCKER. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman a question.

Mr. UNDERWOOD. Yes.

Mr. RUCKER. What is the purpose of that request?

Mr. UNDERWOOD. Well, I will state that the gentleman in charge of the bill is anxious to dispose of it early to-morrow, and we are anxious to get up the bill to follow it.

Mr. RUCKER. Is it to advance legislation?

Mr. UNDERWOOD. Yes; it is to advance legislation.

Mr. RUCKER. I had not supposed there was any disposition to advance legislation, judging from the character of the vaudeville performance—which nobody ought to tolerate—that has been indulged in in this House this afternoon. I want to congratulate the gentleman who is soon to grace another body, because he at least is in favor of expediting legislation.

I want to suggest to the gentleman, still further reserving the right to object, that if you, while you still lead us upon this floor, do not take the bit in your own teeth and put a curb on some gentlemen who live not far from you, I tell you I am afraid the Democratic Party will be damned by the people of this country [laughter] because of this wanton, reckless, unjustifiable waste of time in the transaction of the public business as it ought to be. [Laughter.]

Mr. FOSTER rose.

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

Mr. FOSTER. I ask for the regular order.

Mr. RUCKER. I reserve the right to object.

The SPEAKER. The regular order is demanded. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. RUCKER. I had not quite finished yet, Mr. Speaker.

The SPEAKER. The regular order is demanded.

Mr. RUCKER. "Time at last sets all things even." I await my time.

Mr. UNDERWOOD. Mr. Speaker, we are confronted with a situation in this House that we have been confronted with before. Whenever we get one of these long bills to codify the laws of the United States it is very difficult to pass it. Of course under the rules any bill must be read at the Clerk's desk before the question of consideration can be raised, and although a codification bill is very difficult and tiresome, it is for the House to determine whether it will take it up, and there is no way in which you can dispense with that tedious operation except to bring in a special rule.

Mr. RUCKER. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. RUCKER. Can not you do it by unanimous consent?

Mr. UNDERWOOD. You can do anything by unanimous consent if it can be had.

Mr. RUCKER. What reason on earth can a Member have for not giving unanimous consent?

Mr. UNDERWOOD. I do not know the reason.

Mr. RUCKER. Can the gentleman suggest any reason?

Mr. UNDERWOOD. I do not know.

Mr. RUCKER. I do not think anybody else does.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. BUCHANAN of Illinois. Mr. Speaker, I regret very much to be constrained to object to this request, but I am so engaged to-morrow at 11 o'clock that I can not be here, and there is a matter in the bill important to me and to the country. I desire to be present and therefore feel constrained to object.

Mr. UNDERWOOD. I want to say that this is a great legislative bill. We must get these bills through if we expect an early adjournment. All of us ought to make our personal engagements conform to the work in this House. I think the time has come when we ought to expedite this bill. I understand there will be some debate on it, and an hour's time in the morning will probably carry the bill faster than an hour's work later. Of course this is a unanimous-consent proposition and one objection will carry it over, but I hope the gentleman from Illinois will try and make his personal engagements accord to the business of the House.

Mr. BUCHANAN of Illinois. If I had known of the desire on the part of gentlemen to begin to-morrow at 11 o'clock, I perhaps could have made my personal engagements conform to that hour, but I had no information of anything of that sort, and I have made my engagements in important public matters.

Mr. J. I. NOLAN. Is it not a fact that several Members of the House have important engagements at 11 o'clock to-morrow?

Mr. BUCHANAN of Illinois. That is the fact, and therefore I object.

Mr. RUCKER. Mr. Speaker, I want to ask unanimous consent that the House take a recess until 8 o'clock this evening

for the further consideration of this bill to revise and codify the laws, which the gentleman from Georgia [Mr. BARTLETT] is so anxious to have disposed of. [Laughter.]

Mr. BRYAN. Reserving the right to object to the request of the gentleman from Missouri, this is a matter of great importance, and I hope there will be no objection to it.

The SPEAKER. Is there objection?

Mr. MURDOCK. Mr. Speaker, under the rules is it in order to take a recess on Calendar Wednesday? As a matter of fact, I claim it is not.

The SPEAKER. The gentleman is correct. The Chair had forgotten for a moment the fact that it is Calendar Wednesday.

Mr. RUCKER. That rule ought to be changed, too. [Laughter.]

The SPEAKER. The request of the gentleman from Missouri is out of order.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1829. An act for the relief of W. D. McLean, alias Donald McLean.

INTERSTATE TRADE COMMISSION.

Mr. COVINGTON. Mr. Speaker, I ask unanimous consent that the bill H. R. 15613 on the Union Calendar, to create an interstate trade commission, to define its power and duties, and for other purposes, be made a matter of continuing order of business to be called up in the House as the Speaker may recognize.

Mr. HENRY. Mr. Speaker, I object.

RETURN OF A BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the bill S. 1689, passed by the House on March 9, be recalled from the Senate, for the reason that it has been discovered that the same item is carried in an omnibus bill already passed.

The SPEAKER. Has the gentleman a resolution to that effect?

Mr. SCOTT. I have not.

The SPEAKER. That is the modus operandi, to introduce a resolution asking the Senate to send it back. The Chair will recognize the gentleman in the morning after the reading of the Journal.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 11269, to disagree to the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. I understand that is a pension bill.

Mr. KEY of Ohio. Yes.

The SPEAKER. The gentleman from Ohio [Mr. KEY] asks unanimous consent to take from the Speaker's table H. R. 11269 with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

Mr. MOORE. Mr. Speaker, does this bill pertain to the Spanish-American War veterans?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill (H. R. 11269) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and to certain widows and dependent children of soldiers and sailors of said war.

Mr. KEY of Ohio. I was advised that that was a bill from the Committee on Pensions, and not from the Committee on Invalid Pensions. As this bill does not come from our committee, I withdraw my request.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11269.

The SPEAKER. Is that the bill which was just called up?

Mr. RUSSELL. Yes. I ask unanimous consent to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take this bill from the Speaker's table, to disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM.

SENATE BILLS REFERRED.

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

S. 3863. An act granting land to the Grand Lodge, Ancient Free and Accepted Masons, grand jurisdiction of Arkansas; to the Committee on the Public Lands.

S. 2223. An act to authorize the use of the revenues in the Crater Lake National Park in the management of the same, and the construction, repair, and improvement of roads, trails, and bridges in the park; to the Committee on the Public Lands.

S. 1943. An act in reference to the issuance of patents and copies of surveys of private land claims; to the Committee on the Public Lands.

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 4553. An act to authorize the appointment of an ambassador to Argentina; to the Committee on Foreign Affairs.

ORDER OF BUSINESS.

Mr. WATKINS. Mr. Speaker, I move that the House do——

Mr. RUCKER. Before the gentleman makes that motion I ask unanimous consent for one minute and a half in which to address the House.

The SPEAKER. The gentleman from Missouri asks to address the House for one minute and a half. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Speaker and gentlemen of the House, I want to ask the House in all seriousness to vote down the motion to adjourn which is going to be made. Let us stay here to-night, as we ought to do, and try to dispose of some public business. This whole day has been absolutely lost. The season is advancing. Every gentleman here wants to go to his home. We have duties here which we ought to dispose of and which our constituents demand that we dispose of. Let us remain here and do it. If we have been guilty of folly this afternoon—and I am willing to take my part of the responsibility and let others take theirs—let us return here to-night and as Representatives of a great people see if we can not do something to make amends for the wanton, woeful waste of the public time which we have indulged in to-day. [Applause.] I hope that gentlemen on both sides of the aisle will agree to this. You do not have to stay here, because nobody will make the point of no quorum. We will have to yet consume three hours in the reading of that bill. Let the clerks read turn and turn about, and let us get through with that reading, because unless this is done at night sessions it will take all of one and perhaps two more Calendar Wednesdays to read the bill we have been reading here to-day. Public bills of great importance are pending——

Mr. TALCOTT of New York. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. I yield, but my time is very short.

Mr. TALCOTT of New York. Will the gentleman inform us why he made the point of no quorum?

Mr. RUCKER. Only for the purpose of emphasizing the absurdity of the position occupied by some gentlemen in compelling the reading of that darned bill [laughter], because they know nobody wants to hear it. Now, I appeal to you to vote down the motion to adjourn. I want a big majority on the Democratic side, and I demand of all you self-confessed patriots on the Republican side to stand by us good Democrats over here and help us keep the House in session until this bill is read.

Mr. WATKINS. Mr. Speaker, if the gentleman is in favor of taking a recess, I will ask him why it is that he does not make a motion to that effect before I make the motion to adjourn.

Mr. RUCKER. I will answer the gentleman by saying that I tried to do that. I asked unanimous consent that the House take a recess until 8 o'clock to-night, and then to continue the reading of the pending bill; but I was told that could not be done under parliamentary law on Calendar Wednesday; hence I could not do it. It appears you can not do anything on Calendar Wednesday that certain folks do not want done. The rules need amendment, and need it badly——

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

Mr. WATKINS. Mr. Speaker, in view of the declaration of the gentleman——

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

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. RUCKER) there were—ayes 81, noes 59.

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

The SPEAKER. It does not take a quorum to adjourn.

Mr. RUCKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-nine Members have risen in the affirmative. Those opposed will rise. [After counting.] One hundred and one in the negative. A sufficient number, and the yeas and nays are ordered.

Mr. BARTLETT. Mr. Speaker, a point of order. Where no quorum is present a demand for the yeas and nays has to be seconded by a majority of those present. There is no quorum of the House here.

Mr. PAYNE. That was not determined.

Mr. BARTLETT. The division has developed that there is no quorum present, and in order to have the yeas and nays the demand must be seconded by a majority of those who are present.

Mr. PAYNE. Mr. Speaker, if the gentleman is through, I desire to say that there was a quorum, presumably, present when the motion to adjourn was made, and the motion was in order. While we have been voting the gentleman has discovered, he thinks, that no quorum is present. No question was raised about a quorum before that time.

The SPEAKER. The Chair is inclined to think, although he will look up the authority, that the position the gentleman from Georgia takes applies only to where the point of no quorum is made and there is a call of the House.

Mr. BARTLETT. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The Clerk will call the roll.

The question was taken, and there were—yeas 157, nays 74, answered "present" 5, not voting 195, as follows:

YEAS—157.

Abercrombie	Estopinal	Keating	Scott
Aiken	Fergusson	Kennedy, Conn.	Sells
Alexander	Fess	Kennedy, Iowa	Shreve
Allen	Fields	Kennedy, R. I.	Sisson
Aswell	Fordney	Kettner	Sloan
Barchfeld	Foster	Key, Ohio	Smith, Idaho
Barnhart	Gallagher	Kirkpatrick	Smith, Saml. W.
Bartlett	Gard	Kitchin	Smith, N. Y.
Booher	Garner	Korbly	Smith, Tex.
Buchanan, Ill.	Garrett, Tenn.	La Follette	Stedman
Burke, S. Dak.	Gilmore	Lazaro	Steenerson
Byrnes, S. C.	Gittins	Lesher	Stephens, Miss.
Byrns, Tenn.	Glass	Lieb	Stephens, Tex.
Campbell	Godwin, N. C.	Lobeck	Stone
Caraway	Goldfogle	McClellan	Stringer
Carr	Good	McLaughlin	Taggart
Church	Goulden	Maguire, Nebr.	Talcott, N. Y.
Clark, Fla.	Graham, Ill.	Mahan	Taylor, Ark.
Claypool	Graham, Pa.	Moon	Tribble
Clayton	Greene, Mass.	Moore	Tuttle
Collier	Greene, Vt.	Morgan, La.	Underhill
Conry	Gregg	Morgan, Okla.	Vare
Cooper	Griest	Murray, Okla.	Vaughan
Cox	Hamilton, Mich.	Nelson	Volstead
Curry	Hardy	Oldfield	Watkins
Davis	Harrison	O'Leary	Watson
Decker	Hart	Page, N. C.	Weaver
Dershem	Hawley	Park	Webb
Dickinson	Hay	Payne	Whaley
Dies	Hayden	Peterson	Whitacre
Donohoe	Hayes	Plumley	White
Donovan	Henry	Prouty	Williams
Doolittle	Hill	Quin	Willis
Doughton	Holland	Rainey	Witherspoon
Driscoll	Howard	Rauch	Woods
Dunn	Hull	Rayburn	Young, N. Dak.
Dupré	Humphreys, Miss.	Reed	Young, Tex.
Eagan	Jacoway	Reilly, Wis.	
Eagle	Johnson, Utah	Rouse	
Edwards	Kahn	Russell	

NAYS—74.

Adair	Cantor	Lee, Pa.	Rubey
Ainey	Cramton	Levy	Rucker
Anderson	Crosser	Lewis, Pa.	Shackleford
Ashbrook	Davenport	Lindbergh	Sherwood
Avis	Deitrick	Lloyd	Sims
Baker	Dillon	Logue	Smith, J. M. C.
Baltz	Dixon	Lonergan	Stephens, Cal.
Barkley	Esch	McCoy	Sutherland
Barton	Faison	MacDonald	Switzer
Beakes	FitzHenry	Mapes	Tavenner
Bell, Cal.	Fowler	Mitchell	Temple
Bowdle	French	Murdock	Thacher
Britten	Garrett, Tex.	Murray, Mass.	Thomson, Ill.
Brown, N. Y.	Hensley	Nolan, J. I.	Towner
Brumbaugh	Hobson	O'Brien	Walters
Bryan	Igoe	O'Hair	Wingo
Burke, Wis.	Johnson, Ky.	Phelan	Woodruff
Burnett	Johnson, Wash.	Raker	
Calder	Lafferty	Roberts, Nev.	

ANSWERED "PRESENT"—5.

Adamson	Gray	Morrison	Underwood
Browning			

NOT VOTING—195.

Ansberry	Bathrick	Borland	Browne, Wis.
Anthony	Beall, Tex.	Brockson	Bruckner
Austin	Bell, Ga.	Brodbeck	Buchanan, Tex.
Bailey	Blackmon	Broussard	Bulkley
Bartholdt	Borchers	Brown, W. Va.	Burgess
Burke, Pa.	Goeke	Lenroot	Ragsdale
Butler	Goodwin, Ark.	Lever	Reilly, Conn.
Callaway	Gordon	Lewis, Md.	Riordan
Candler, Miss.	Gorman	Lindquist	Roberts, Mass.
Cantrill	Green, Iowa	Linthicum	Rogers
Carew	Griffin	Loft	Rothermel
Carlin	Gudger	McAndrews	Rupley
Carter	Guernsey	McDermott	Sabath
Cary	Hamill	McGillicuddy	Saunders
Casey	Hamilton, N. Y.	McGuire, Okla.	Scully
Chandler, N. Y.	Hamlin	McKellar	Seldomridge
Clancy	Hammond	McKenzie	Sharp
Cline	Hardwick	Madden	Sherley
Coady	Haugen	Maher	Sinnott
Connelly, Kans.	Heflin	Manahan	Slayden
Connolly, Iowa	Helgesen	Mann	Slemp
Copley	Helm	Martin	Small
Covington	Helvering	Merritt	Smith, Md.
Crisp	Hinds	Metz	Smith, Minn.
Cullop	Hinebaugh	Miller	Sparkman
Dale	Houston	Mondell	Stafford
Danforth	Howell	Montague	Stanley
Dent	Hoxworth	Morin	Stephens, Nebr.
Difenderfer	Hughes, Ga.	Moss, Ind.	Stevens, Minn.
Dooling	Hughes, W. Va.	Moss, W. Va.	Stevens, N. H.
Doremus	Hulings	Mott	Stout
Dyer	Humphrey, Wash.	Neeley, Kans.	Sumners
Edmonds	Johnson, S. C.	Neely, W. Va.	Talbott, Md.
Elder	Jones	Norton	Taylor, Ala.
Evans	Keister	Oglesby	Taylor, Colo.
Fairchild	Kelley, Mich.	O'Shaunessy	Taylor, N. Y.
Falconer	Kelly, Pa.	Padgett	Ten Eyck
Farr	Kent	Paige, Mass.	Thomas
Ferris	Kiess, Pa.	Palmer	Thompson, Okla.
Finley	Kindel	Parker	Townsend
Fitzgerald	Kinkaid, Nebr.	Patten, N. Y.	Treadway
Flood, Va.	Kinkead, N. J.	Patton, Pa.	Vollmer
Floyd, Ark.	Knowland, J. R.	Peters, Mass.	Walker
Francis	Konop	Peters, Me.	Wallin
Frear	Kreider	Platt	Walsh
Gardner	Langham	Porter	Wilson, Fla.
George	Langley	Post	Wilson, N. Y.
Gerry	Lee, Ga.	Pou	Winslow
Gillett	L'Engle	Powers	

So the motion to adjourn was agreed to.

The Clerk announced the following pairs:

Commencing April 8, ending April 25:

Mr. McKELLAR with Mr. NORTON.

Until further notice:

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. GORMAN with Mr. BURKE of Pennsylvania.

Mr. GUDGER with Mr. GUERNSEY.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. DALE with Mr. MARTIN.

Mr. BAILEY with Mr. ANTHONY.

Mr. BATHRICK with Mr. AUSTIN.

Mr. ANSBERRY with Mr. BROWNE of Wisconsin.

Mr. BELL of Georgia with Mr. BUTLER.

Mr. BLACKMON with Mr. CARY.

Mr. BURGESS with Mr. DANFORTH.

Mr. CALLAWAY with Mr. CHANDLER of New York.

Mr. CANDLER of Mississippi with Mr. DYER.

Mr. CANTRILL with Mr. COPLEY.

Mr. CARLIN with Mr. EDMONDS.

Mr. CARTER with Mr. FAIRCHILD.

Mr. CLINE with Mr. FALCONER.

Mr. CONNOLLY of Iowa with Mr. FARR.

Mr. COVINGTON with Mr. FREAR.

Mr. DENT with Mr. GREEN of Iowa.

Mr. DIFENDERFER with Mr. HAUGEN.

Mr. DOREMUS with Mr. HELGESEN.

Mr. FERRIS with Mr. HINDS.

Mr. FINLEY with Mr. HINEBAUGH.

Mr. FITZGERALD with Mr. GILLETT.

Mr. FLOOD of Virginia with Mr. HOWELL.

Mr. FRANCIS with Mr. HULINGS.

Mr. GEORGE with Mr. HUMPHREY of Washington.

Mr. GOEKE with Mr. KEISTER.

Mr. GOODWIN of Arkansas with Mr. KELLEY of Michigan.

Mr. GORDON with Mr. KELLY of Pennsylvania.

Mr. HARDWICK with Mr. KIESS of Pennsylvania.

Mr. HEFLIN with Mr. KINKAID of Nebraska.

Mr. HOUSTON with Mr. J. R. KNOWLAND.

Mr. HUGHES of Georgia with Mr. KREIDER.

Mr. JOHNSON of South Carolina with Mr. LANGHAM.

Mr. KINKEAD of New Jersey with Mr. LANGLEY.

Mr. KONOP with Mr. MILLER.

Mr. LEE of Georgia with Mr. MONDELL.

Mr. LEVER with Mr. MORIN.

Mr. MONTAGUE with Mr. PAIGE of Massachusetts.

Mr. NEELEY of Kansas with Mr. MOSS of West Virginia.

Mr. PADGETT with Mr. MOTT.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. PATTEN of New York with Mr. PARKER.

Mr. POU with Mr. PETERS of Maine.

Mr. REILLY of Connecticut with Mr. PLATT.
Mr. ROTHERMEL with Mr. POWERS.
Mr. SABATH with Mr. PORTER.
Mr. SAUNDERS with Mr. ROGERS.
Mr. SHARP with Mr. RUPLEY.
Mr. SHERLEY with Mr. ROBERTS of Massachusetts.
Mr. SLAYDEN with Mr. SINNOTT.
Mr. SMALL with Mr. TREADWAY.
Mr. SPARKMAN with Mr. WINSLOW.
Mr. STEPHENS of Nebraska with Mr. SLEMP.
Mr. SUMNERS with Mr. MANAHAN.
Mr. TAYLOR of Colorado with Mr. SMITH of Minnesota.
Mr. THOMAS with Mr. MCKENZIE.
Mr. WILSON of Florida with Mr. LINDQUIST.
Mr. WALKER with Mr. MCGUIRE of Oklahoma.
Mr. TOWNSEND with Mr. MADDEN.
For the session:
Mr. METZ with Mr. WALLIN.
Mr. SCULLY with Mr. BROWNING.
Mr. UNDERWOOD with Mr. MANN.
Mr. ADAMSON with Mr. STEVENS of Minnesota.
The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned to meet to-morrow, Thursday, April 16, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913, reported the same without amendment, accompanied by a report (No. 536), which said bill and report were referred to the House Calendar.

Mr. AVIS, from the Committee on Military Affairs, to which was referred the resolution (H. J. Res. 242) authorizing the Secretary of War and the Secretary of the Navy to loan equipment for the purpose of instruction and training to sanitary organizations of the American National Red Cross, reported the same without amendment, accompanied by a report (No. 537), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 534), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 5195) for the relief of the Atlantic Canning Co., reported the same without amendment, accompanied by a report (No. 535), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. YOUNG of North Dakota: A bill (H. R. 15693) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States; to the Committee on Indian Affairs.

By Mr. LEVY: A bill (H. R. 15694) to reestablish the grade of commodore on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 15695) to amend an act amending section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved March 3, 1913; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 15696) for the relief of the Wichita and affiliated bands of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 15697) providing for the retirement of certain officers of the Philippine Scouts; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 15698) for erecting a suitable memorial to John Ericsson; to the Committee on the Library.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 15699) to amend an act entitled "An act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District," approved May 13, 1908; to the Committee on the District of Columbia.

By Mr. CRAMTON: A bill (H. R. 15700) to provide an exclusive remedy and compensation for accidental injuries resulting in disability or death to employees of common carriers by railroad or by water engaged in interstate or foreign commerce or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: A bill (H. R. 15701) to carry out the findings of the Court of Claims in the case of Guy C. Pierce; to the Committee on War Claims.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 249) for the appointment of George Frederick Kunz as a member of the North American Indian Memorial Commission; to the Committee on the Library.

By Mr. MOSS of West Virginia: Resolution (H. Res. 468) calling for ballots from Federal Reserve Board organization committee; to the Committee on Banking and Currency.

By Mr. STEPHENS of Texas: Resolution (H. Res. 469) asking the Secretary of War for certain information relating to the removal of the old Pennsylvania Sixth Street Depot and the removal of the old Long Bridge across the Potomac River; to the Committee on the District of Columbia.

Also, resolution (H. Res. 470) asking the Secretary of the Interior for certain information regarding damage done the United States by the wrongful use of the Mall and the streets of the city of Washington by the Baltimore & Potomac Railroad Co.; to the Committee on the District of Columbia.

By Mr. THACHER: Memorial requesting Congress to pass legislation providing for public ownership and operation of coal mines; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Missouri (by request): Memorial of the House of Delegates of Porto Rico to the President and to the Congress of the United States concerning citizenship; to the Committee on Insular Affairs.

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. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Private Calendar.

By Mr. CAMPBELL: A bill (H. R. 15702) granting an increase of pension to Sarah Ann Hubbard; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 15703) granting an increase of pension to Henry E. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15704) for the relief of Henry C. Deming; to the Committee on Military Affairs.

Also, a bill (H. R. 15705) providing for the retirement of Col. David L. Brainard, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 15706) for the relief of Lieut. Col. Joseph Y. Porter; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 15707) granting an increase of pension to Frank Hogan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15708) granting an increase of pension to Mary E. Wilkins; to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 15709) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others; to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 15710) for the relief of Nettie Kenjoski, Fannie E. Jobe, Morova Jobe, J. P. Jobe, George Morrow, and Jessie Kempfer; to the Committee on Indian Affairs.

By Mr. KELLEY of Michigan: A bill (H. R. 15711) granting an increase of pension to Albert F. Ward; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 15712) granting a pension to Patrick Lallay; to the Committee on Invalid Pensions.

By Mr. MOORE: A bill (H. R. 15713) to correct the military record of Henry Laddey; to the Committee on Military Affairs.

By Mr. NEELY of West Virginia: A bill (H. R. 15714) granting a pension to Tilla L. Eckard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15715) granting a pension to Matilda Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15716) granting an increase of pension to James W. Poole; to the Committee on Pensions.

Also, a bill (H. R. 15717) granting an increase of pension to William *Hodgkiss*; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 15718) for the relief of the heirs of Margaret Stevens, deceased; to the Committee on War Claims.

By Mr. POST: A bill (H. R. 15719) granting an increase of pension to Samuel Sparrow; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 15720) granting an increase of pension to Eliza Leedy; to the Committee on Pensions.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 15721) granting a pension to Samuel A. Blair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15722) granting a pension to Ira Current; to the Committee on Pensions.

Also, a bill (H. R. 15723) granting an increase of pension to Erwin D. Bulen; to the Committee on Invalid Pensions.

By Mr. THACHER: A bill (H. R. 15724) granting an increase of pension to Andrew J. Jenney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15725) granting a pension to Annie F. Merritt; 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): Petition of sundry citizens of Pennsylvania, Michigan, Maryland, and Indiana, against polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Georgia and Michigan, against polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Curryville, Pike County, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ADAIR: Petitions of 203 citizens of Keystone, Ind., and 500 citizens of Anderson, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of 202 citizens of Bryan, 50 citizens of Broughton, and 250 citizens of Grover Hill, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY (by request): Petitions of sundry citizens of Bedford County, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BATHRICK: Petition of the Woman's Christian Temperance Union and sundry citizens of Warren; sundry citizens of Amboy, Ravenna, Kent, Lordstown, Akron, and Brookfield; and Denmark Grange, Ashtabula County, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BELL of California: Petitions of 35 citizens of Pasadena, Cal., and 265 citizens of Long Beach, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petitions of 140 citizens of Salem, N. J., and sundry citizens of Camden County, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Tenth Ward Branch, Socialist Party, of Camden, N. J., favoring congressional investigation of coal-mine strike and Government ownership of coal mines; to the Committee on the Judiciary.

By Mr. BUCHANAN of Illinois: Petition of sundry citizens of Chicago, Ill., against national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of 16 citizens of Lemmon, S. Dak., and 400 citizens of Sturgis, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin (by request): Petition of sundry citizens of Randolph and Almond, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of sundry citizens of the sixth congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. CANTOR: Petition of sundry citizens of New York City, against national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petitions of various members of the Young People's Christian Temperance Legion of Milwaukee, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition from the International Union of United Brewery Workmen of Milwaukee, Wis., signed by 4,505, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50 or any other prohibition measures; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of the United Church of Christ, of St. Petersburg, Fla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CLINE: Petitions of 8,225 citizens of the twelfth congressional district of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 171 citizens of Angola, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of the American Cranberry Exchange, of New York City, relative to Senate bill 2269 and the cranberry barrel; to the Committee on Coinage, Weights, and Measures.

Also, petitions of the Joseph Fallert Brewing Co. and Pril Bros., of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of the Northeastern Saengerbund of America, of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. DONOHOE: Petition of sundry citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of Tunxis Grange, No. 13, Patrons of Husbandry, of Bloomfield, Conn., favoring farmers' credit bill (H. R. 11898); to the Committee on Banking and Currency.

Also, petition of the Northeastern Saengerbund of America, against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755); to the Committee on Banking and Currency.

By Mr. ESCH: Petition of sundry citizens of Wisconsin, favoring House bill 12928, relative to compensatory time for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Wisconsin, against Sabbath observance bill; to the Committee on the District of Columbia.

By Mr. FESS: Petitions of various churches of Hillsboro, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. GARD: Petition of Robert M. Sohngen and about 650 other residents and electors of Hamilton and Butler Counties, Ohio, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, which provide for nation-wide prohibition of alcoholic beverages; to the Committee on the Judiciary.

By Mr. GARNER: Petition of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 425, and Boilermakers and Iron Ship Builders of America, favoring investigation of mining troubles in Colorado; to the Committee on Rules.

Also, petition of various wholesale and retail dealers in tobacco and drugs of the State of Texas, favoring passage of House bill 13723, anticoupon bill; to the Committee on Ways and Means.

By Mr. GILMORE: Petition of North Star Lodge, No. 230, Order of Vasa, of North Easton, Mass., relative to erecting a monument to John Ericsson; to the Committee on the Library.

By Mr. GORMAN: Petition of 9,500 citizens of Cook County, Ill., against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Cook County, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of 250 citizens of Blue Island, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAHAM of Illinois: Petition signed by Dan Flynn and 285 other citizens of Auburn, Springfield, Dawson, Farmersville, Bunker Hill, Staunton, Carlinville, Gillespie, Dorchester, Benld, Mount Olive, Witt, Nokomis, Virden, Litchfield, Hillsboro, New Berlin, Girard, Harvel, and Thayer, all in the twenty-first congressional district of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Petitions from the secretary of Local Union No. 206, Brewery Workers, of Lancaster, Pa., and bearing the signatures of several hundred citizens of Lancaster city and county, protesting against legislation as proposed in the Hobson-Sheppard-Works resolutions providing for nation-wide prohibition in the manufacture, sale, and importation of alcoholic beverages; to the Committee on the Judiciary.

Also, resolutions favoring the adoption of a constitutional prohibition amendment from Refton and West Willow United Brethren Churches, of West Willow; Salem United Brethren congregation, of Manheim; Trinity United Evangelical congregation, of Lititz; Bethany United Evangelical Sunday School, of Lancaster; St. Daniel's Methodist Episcopal congregation, of Chester; Christiana Woman's Christian Temperance Union, of Christiana; First English Lutheran congregation, of Columbia; Presbyterian congregation of Columbia; Salome United Brethren Church, of Columbia; First Methodist Episcopal Church of Columbia; Church of God Sunday School, of Landisville; Lititz Woman's Christian Temperance Union, of Lititz; Octoraro Young People's Bible Class, of Christiana; Bethany United Evangelical Church, of Lancaster; Willard Woman's Christian Temperance Union, of Lancaster; St. Paul's Reformed Society of Christian Endeavor, of Manheim; New Holland United Brethren Church, of New Holland; Keystone League of Christian Endeavor, of Millersville; Little Britain Presbyterian Church, of Little Britain; Lancaster Woman's Christian Temperance Union, of Lancaster; Mount Zion African Methodist Episcopal Church, of Columbia; St. Daniel's Methodist Episcopal Church, of Chester; Bird-in-Hand Woman's Christian Temperance Union, of Bird-in-Hand; Methodist Episcopal Church of Bird-in-Hand; Young People's meeting, of Mount Zion African Methodist Episcopal Church of Columbia, all in the State of Pennsylvania; and Clayton Baptist Church, of Clayton, N. J.; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of the National Association Bureau of Animal Industry employees of Brooklyn, N. Y., favoring passage of House bill 9292, relative to salaries, etc.; to the Committee on Agriculture.

By Mr. HAMLIN: Petition of sundry citizens of Missouri, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of sundry citizens of Winnebago, Minn., favoring the adoption of an amendment to the Constitution of the United States providing for national prohibition; to the Committee on the Judiciary.

By Mr. HART: Petition of the Northeastern Saengerbund of America, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petitions of 75 citizens of Estrella, 75 citizens of Templeton, 130 citizens of San Luis Obispo, 390 citizens of Palo Alto, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELGESEN: Petition of 88 citizens of Chaffee, 1,679 citizens of Fargo, 45 citizens of Durbin, 45 citizens of Erie, 70 citizens of Argusville, 70 citizens of Harwood, 100 citizens of Buffalo, 215 citizens of Crary, 200 citizens of Rankin, 60 citizens of Horace, 65 citizens of Hickson, 150 citizens of Leonard, 27 citizens of Prosper, 75 citizens of Park River, and 60 citizens of Kelso, all in the State of North Dakota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of 33 citizens of Warren County, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petition of E. A. Sennewald and the Koerber-Brenner Music Co., of St. Louis, Mo., favoring House bill 13305; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rice Stix Dry Goods Co., of St. Louis, Mo., favoring bill relative to transmission of false statements through the mails in order to secure credit; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY of Michigan: Petition of 100 citizens of Wickware, Mich., and 60 citizens of Ypsilanti, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Iowa: Petition of the Medical Society of Chicago, Ill., and the Medical Society of Des Moines, Iowa, against Nelson amendment to the Harrison antinarcotic bill; to the Committee on Ways and Means.

Also, petition of the Commercial Association of Ottumwa, Iowa, relative to the rebuilding of the dam on the Des Moines River at Ottumwa; to the Committee on Rivers and Harbors.

By Mr. KINDEL: Petition of 35 citizens of Erie, 43 citizens of Wray, 38 citizens of Lyons, 80 citizens of Greeley, 75 citizens of Akron, and 125 citizens of Boulder, all in the State of Colorado, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. KONOP: Petition of 13 citizens of Crandon, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petition of B. E. Thompson and several thousand other citizens of Multnomah County, Oreg., against national prohibition; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of the Northeastern Saengerbund of America, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LEVY: Petition of M. J. Whittall, of New York City, relative to legislation prohibiting the naming of the resale price on any articles of merchandise by the producer thereof; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sweet-Orr & Co., of New York, relative to trades relations bill; to the Committee on the Judiciary.

Also, petition of sundry citizens of New Orleans, relative to selection of Federal reserve banks; to the Committee on Banking and Currency.

Also, petition of New York Stereotypers' Union, No. 1, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the American Cranberry Exchange, of New York City, relative to Senate bill 2269, establishing a uniform standard barrel for all fruits, etc.; to the Committee on Agriculture.

Also, petition of P. B. Lonegan, of New York City, relative to increase in salary for employees in the customs service at port of New York; to the Committee on Reform in the Civil Service.

Also, petition of the Women's Auxiliary to the Twenty-ninth Assembly District Republican Club, of New York City, and the American Institute of Social Service, favoring appropriation for Federal children's bureau; to the Committee on Expenditures in the Department of Labor.

Also, petition of M. J. Quinn, Ingalls Kimball, and Beadleston & Woerz, of New York, against national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland. Petition by members of the Church of the Brethren of Frederick County, Md., in support of the House joint resolution to prohibit the sale of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of Messrs. Lilly, Dungan & Co., of Baltimore, Md., in support of the legislation to prohibit the giving away of coupons with tobacco products; to the Committee on Ways and Means.

Also, petition of Joseph A. Burkart, of Montgomery County, Md., opposing the passage of House joint resolution 168 and Senate joint resolutions 88 and 50 for the prohibition of intoxicating liquors; to the Committee on the Judiciary.

By Mr. LIEB: Petitions of John L. Hougland, William Frick, William Cage, Harvey R. Baldwin, H. J. Builtman, Henry E. Elsfelden, A. E. Hord, John Schelhorn, G. W. Dannettell, George Geier, M. G. Perrin, E. V. Heeger, Colin McDougall, Frank Kaffenberger, Anton Kingwald, Joseph F. Lichtenberg, William Deeg, jr., Leo Ziegler, and A. Philip Neldig, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petitions of sundry citizens of Bristol and of the first congressional district of Connecticut favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Julius A. Pond, of Bristol, Conn., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. McCLELLAN: Petitions of W. B. Martin, of Tannersville; E. Deyo Van Wyck, of Greenville; citizens of Columbia County; and C. H. Evans & Co., of Hudson, all in the State of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Saugerties, N. Y., and 200 citizens of New Paltz, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petitions of First Baptist Church of Nobleboro; Park Street Methodist Episcopal Church, of Lewiston; Current Events Club, of Augusta; West Paris Grange; citizens of West Paris and vicinity; citizens of Lewiston; and citizens of Friendship, all in the State of Maine, advocating national prohibition; to the Committee on the Judiciary.

By Mr. MANN: Petition of Chicago Medical Society, protesting against Senate amendment to House bill 6282; to the Committee on Ways and Means.

Also, petition of the South Florida Land Owners' Association, favoring the Clark drainage bill; to the Committee on Rivers and Harbors.

By Mr. MAPES: Petition of sundry citizens of Grand Rapids, Mich., against national prohibition; to the Committee on the Judiciary.

By Mr. METZ: Petition of sundry citizens of the tenth congressional district of New York and of the Borough of Manhattan, New York City, against pending prohibition legislation; to the Committee on the Judiciary.

By Mr. MOORE: Petition of Rev. H. E. Hauton, secretary of the Presbyterian Ministerial Association of Philadelphia, Pa., and of sundry citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Women's Organization, National Association of Retail Druggists, of Philadelphia, Pa., favoring House bill 13305, the price-fixing bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS of Indiana: Petition of 772 citizens of Vigo County, Ind., against national prohibition; to the Committee on the Judiciary.

Also, petition of 74 citizens of Rosedale, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petition of sundry citizens of Moore, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NELSON: Petition of sundry citizens of Belmont and Madison, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Albion, Wis., against Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Albion, Wis., favoring House bill 12928, relative to compensatory laws for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. J. I. NOLAN: Petition of the Sailors' Union of the Pacific, of San Francisco, Cal., against House bill 11740, levying a poll tax on fishermen temporarily employed in Alaskan waters; to the Committee on the Territories.

Also, petition of the Sacramento County (Cal.) Pomona Grange, favoring House bill 11897, relative to farm credits; to the Committee on Banking and Currency.

Also, petitions of the Christian Endeavor Society of the Seventh Avenue Presbyterian Church, the Epworth League of the Hamilton Methodist Episcopal Church, and the Society for Christian Service of the Calvary Presbyterian Church, all of San Francisco, Cal., representing 421 residents of San Francisco, Cal., indorsing the joint resolutions introduced to provide for national constitutional prohibition; to the Committee on the Judiciary.

By Mr. PALMER: Petition of 45 citizens of Stroudsburg, 58 citizens of Richmond, and 150 citizens of Echo Lake, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of various churches of Victor, Phelps, Gorham, Geneva, Canandaigua, Alton, Moravia, and Lyons, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petition of Mark Joslyn and 65 other citizens of the third congressional district of Vermont, favoring national prohibition; to the Committee on the Judiciary.

By Mr. POST: Petitions of 350 citizens of Van Wert, 50 citizens of Springfield, 265 citizens of Troy, 28 citizens of Ashville, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. POU: Petition of 24 citizens of Wendell, N. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of 32 citizens of Kampsville, 106 citizens of Hardin, the Woman's Christian Temperance Union of Jerseyville and Rockport, the Christian Church of Timewell, and citizens of Fidelity, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. REED: Petitions of 45 members of the Advent Christian Church of Farmington; 70 people of the congregation of the Second Advent Christian Church of Farmington; 43 members of the Sunday school of the United Congregational Church, of Fremont; 75 members of the congregation of the Advent Christian Church of Exeter; 300 members of the congregation of the First Methodist Episcopal Church of Milford; and 75 members of the congregation of the Advent Christian Church of Concord, all in the State of New Hampshire, favoring national prohibition of the liquor traffic; to the Committee on the Judiciary.

By Mr. RUBEY: Petitions from the sixteenth congressional district of Missouri, approving the Sheppard-Hobson resolutions for national constitutional prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of 120 citizens of Savannah, 150 citizens of Big Sandy, and 50 citizens of Westport, all in the State of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petitions of 50 citizens of Leesburg, 50 citizens of Clearwater, and 40 citizens of Terra Ceia, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEDMAN: Petitions of sundry citizens of Leaksville, Rockford, Stokes, and Reidsville, N. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of the San Francisco Labor Council relative to House bill 1933, regulating interstate commerce in convict-made goods; to the Committee on Labor.

Also, petition of S. Farmucchi, of Los Angeles, Cal., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Victor Valley, Cal., favoring appropriation for improvement of Mojave River; to the Committee on Rivers and Harbors.

Also, petition of the Sailors' Union of the Pacific Coast, relative to House bill 11740, imposing a poll tax on fishermen temporarily employed in Alaskan waters; to the Committee on the Territories.

By Mr. STEPHENS of Texas: Petition of 500 citizens of Claude, Tex., and 200 citizens of Vernon, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SUTHERLAND: Petition of students of Salem College, West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TALBOTT of Maryland (by request): Petition of sundry citizens of the second congressional district of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of the second congressional district of Maryland, against national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of 1,560 citizens of New Castle, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Reading Circle of 1889, of New Castle, Pa., favoring Federal child-labor bill; to the Committee on Labor.

Also, evidence in support of a bill (H. R. 15371) granting an increase of pension to Albert G. Dougherty; to the Committee on Invalid Pensions.

By Mr. THACHER: Petition of sundry citizens of Sandwich, Chilmark, Oak Bluffs, and Chatham, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of North Star Lodge, No. 238, of North Easton; of Engelbrekt Lodge, No. 40, of Brockton; of Ire Liljor Lodge, of Attleboro; of Three Crowns Lodge, No. 91, of Lynn, all of the Order of Vasa; and the Scandinavian Sick and Death Benefit Society of Lynn, all in the State of Massachusetts, relative to erection of a monument to John Ericsson; to the Committee on the Library.

Also, petition of sundry citizens of North Carver and Oak Bluff, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Plymouth, Mass., against national prohibition; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of 70 citizens of Clearfield, Iowa, favoring the enactment of a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 95 citizens of Corning, Iowa, favoring the enactment of a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Northeastern Saengerbund of America and sundry citizens of Chemung and Steuben

Counties, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Waverly, Tyrone, Savona, Trumansburg, Corning, Avoca, and Etna, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New York State, against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. WEAVER: Petitions of sundry citizens of Cleveland County, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of J. P. Currin, of Kenton, Ohio, and other members of the First Baptist Church of Kenton, in favor of the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of C. L. Flatter, of Patterson, Ohio, and other citizens of that place, in favor of the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. S. T. McCormick, of Kenton, Ohio, and other members of the Woman's Christian Temperance Union, in favor of the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Theodore G. Erler, of Findlay, Ohio, and other members of the First Baptist Church of Findlay, in favor of the adoption of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petitions of various voters of the third congressional district of New York and the United Brotherhood of Carpenters and Joiners of America, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the affiliated trades of the New York Navy Yard, favoring construction of a battleship at a Government navy yard; to the Committee on Naval Affairs.

By Mr. WINGO: Petitions of sundry citizens of Arkansas, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Logan County, 81 citizens of Van Buren, 51 citizens of Mansfield, 35 citizens of Paris, all in the State of Arkansas; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of 150 citizens of McHenry, 35 citizens of Leak, 7 citizens of Minnewaukon, 100 citizens of Oriska, 400 citizens of Cooperstown, and E. F. Alfson and others, all in the State of North Dakota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of Texas: Petitions of 1,500 citizens of Tyler, Tex., and 450 citizens of Gilmer, Tex., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 16, 1914.*

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

Almighty God, we seek Thy favor and blessing and such measure of Thy grace as that our lives may be pitched upon the plane where there is no law. We would no longer be bondslaves of sin or children tossed to and fro, but the sons of God, freemen having fullness of knowledge, depth of sympathy, and vision into the inner courts of life. We pray that we may understand the Divine program for us as individuals and for our great Nation, and that Thy will may be done in and through us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11269) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 5850) to amend section 162 of the act to codify, amend, and revise the laws relating to the judiciary, approved March 3, 1911, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1829) for the relief of W. D. McLean, alias Donald McLean.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented telegrams in the nature of petitions of the Brotherhood of Locomotive Engineers, of Whitefish, Mont., and of the State Board of Officers Junior Order United American Mechanics, of Vermont, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of Waldron-Murphy Camp, No. 26, United Spanish War Veterans, Department of Illinois, praying for the enactment of legislation granting pensions to widows and orphans of veterans of the Spanish-American War and the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Church Hill, Milton, New Lisbon, West Lebanon, Clayton, Deedsville, and Terre Haute, all in the State of Indiana; of sundry citizens of Southfield Township, Port Huron, Port Hoyse, Spring Lake, and Onaway, all in the State of Michigan; of sundry citizens of Dunmore, Pa.; and of sundry citizens of Brunswick, Ga., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented memorials of sundry citizens of the State of Rhode Island, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the State Christian Endeavor Union; of the congregations of St. Paul's Methodist Episcopal Church, of Providence, and the Methodist Episcopal Church, of Centerville; of the Woman's Christian Temperance Union of Westerly; and of sundry citizens of Providence, Bristol, and Westerly, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

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

He also presented petitions of sundry citizens of Duquesne, Pa., praying for the enactment of legislation to permit the wearing of uniforms similar to that of the United States Army by members of the United Boys' Brigade of America, which were referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for the enactment of legislation to compel carriers to switch freight to and from points upon its line or terminals when such movement is part of interstate transportation under such conditions and for such compensation as shall be just and reasonable, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Federation of Trade Unions, of York, Pa., and a petition of Local Union No. 1056, United Mine Workers of America, of Gallitzin, Pa., praying for an investigation into the conditions existing in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented a petition of Valkyrian Lodge, No. 28, Scandinavian Brotherhood of America, of Braddock, Pa., praying that an appropriation be made for the erection of a monument to the memory of Capt. John Ericsson, which was referred to the Committee on the Library.

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

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

He also presented a memorial of sundry citizens of Grand Rapids and Fort Atkinson, in the State of Wisconsin, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.