By Mr. PETERSON: Petition of sundry citizens of Cary, Whiting, East Chicago, Lafayette, and other cities of the tenth congressional district of Indiana, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. POST: Petition of various persons of Bradford, West Milton, Troy, Covington, Pleasant Hill, and Piqua, all of Miami County, Ohio, for Congress to pass a law to compel concerns selling goods direct to consumers by mail to contribute their portion of funds in the development of the local community; to the Committee on Ways and Means.

Also, petition of W. B. Baldwin and other citizens of Clark County, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Public Ownership Association, of San Francisco, Cal., favoring the operation as public utilities by the Government of all coal mines and oil fields; to the Committee on the Judiciary.

Also, resolutions by the San Francisco Board of Trade, San Francisco, Cal., favoring House bill 2743, authorizing the Secretary of the Treasury to cause to be erected a suitable building for marine-hospital purposes in San Francisco; to the Committee on Public Buildings and Grounds.

By Mr. SCULLY: Petitions of sundry citizens and business firms of the State of New Jersey and International Union of the United Brewery Workmen, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Independent Retail Merchants of New York City, favoring passage of the Stevens bill (H. R. 13305) relative to price maintenance; to the Committee on Interstate and Foreign Commerce.

By Mr. SELDOMRIDGE: Petition of the Longmont Commercial Association, favoring Stevens standard-price bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Colorado Springs, Colo., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. SELLS: Petition of various business men of Sevierville, Tenn., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of 1,059 citizens of Coldwater, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of sundry citizens of Coleman, the United Church of Christ, and the Congregational Church of St. Petersburg, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petitions of James H. Gilmore, A. Trenting, H. J. Berg, G. H. Dyer, J. A. Ray, William A. Graham, Charles Harrod, F. E. Hinchey, J. F. Quenlan, E. J. Smith, and others, all of the International Association of Machinists, in the State of New York, in favor of the machinists' wage bill (H. R. 12740); to the Committee on Labor.

By Mr. TUTTLE: Petition of sundry business men of the fifth congressional district of New Jersey, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petitions of 82 citizens of the fifth congressional district of New Jersey and 168 citizens of Elizabeth, N. J., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of the Independent Retail Merchants of Greater New York, favoring House bill 13305, the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Reform Club Tariff Reform Committee, New York City, favoring repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of General A. S. Diven Camp, No. 77, Sons of Veterans, of Horseheads, N. Y., against changing the United States flag; to the Committee on the Judiciary.

Also, petitions of sundry citizens of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Petition of 515 citizens of the first congressional district of Pennsylvania, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Philadelphia, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. WALLIN: Petition of 50 voters of the thirtieth New York congressional district, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of various teachers of the schools in Schenectady, N. Y., favoring the enactment of a law establishing a censorship for moving pictures; to the Committee on Education.

By Mr. WILLIS: Petition of D. E. Strayer and five other citizens of De Graff, Ohio, in favor of local taxation of mail-order houses; to the Committee on Ways and Means.

Also, petition of the Woman Suffrage Association of Dayton, Ohio, in favor of constitutional amendment to provide for woman suffrage; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 12, 1914.*

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

Almighty God, Thou dost teach us the higher unity of life by the very sacrifices that we are called upon to make for the public good. Thou hast brought us into a blessed brotherhood. Thou dost make much of the blessing of life depend upon the spirit with which we mingle with our fellow men. Thou hast placed many things before us which are more to be prized than life itself. Honor and truth and freedom are far more valuable than any human life. We thank Thee that the high aspirations Thou hast created within us point us to something beyond the mere life which we live. The promise which is voiced by our own heart's desire for life abundant and for freedom eternal is the prophecy of its fulfillment hereafter. Bless us this day in the discharge of its duties. May we live up to the high privilege of the sons of God. For Christ's sake. Amen.

Mr. STONE. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gore	Norris	Smith, Mich.
Bankhead	Gronna	Oliver	Smith, S. C.
Borah	Hitchcock	Overman	Smoot
Brady	Hollis	Owen	Sterling
Brandegee	Hughes	Page	Stone
Bristow	James	Perkins	Sutherland
Bryan	Johnson	Pittman	Thomas
Burleigh	Jones	Poindexter	Thompson
Burton	Kenyon	Reed	Thornton
Chilton	Kern	Robinson	Tillman
Clapp	La Follette	Root	Townsend
Clark, Wyo.	Lane	Shafroth	Walsh
Colt	Lee, Md.	Sheppard	Warren
Crawford	McCumber	Sherman	West
Cummins	McLean	Shively	Williams
Dillingham	Martin, Va.	Smith, Ariz.	Works
Gallinger	Martine, N. J.	Smith, Ga.	

Mr. SHEPPARD. I wish to announce the necessary absence of my colleague [Mr. CULBERSON], and to state that he is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN]. I will let this announcement stand for the day.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is confined to his home by indisposition.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4158) to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal building at Salisbury, Md.

The message also announced that the House had passed a bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at the United States Military Academy; and

S. J. Res. 145. Joint resolution authorizing the President to detail Lieut. Frederick Mears to service in connection with proposed Alaskan railroad.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Ottumwa, Iowa; of Cleveland and Cincinnati, Ohio; of Houston, Sheldon, and Roberts, Ill.; of Muddy Creek Forks, New Galilee, McDonald, Clarion, and Parkers Landing, Pa.; of Bridgeton, Newark, Boundbrook, West Orange, and Jersey City, N. J.; of Plymouth and Indianapolis, Ind.; of Baltimore, Perryville, and Highlands, Md.; of Brooklyn, Kenmore, Albany, and Middletown, N. Y.; of Liberal, Kans.; of Redondo Beach, Cal.; and of Jamestown, N. Dak., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. GALLINGER. I present petitions signed by ex-Gov. David H. Goddell and 4,241 other voters of New Hampshire, praying for national prohibition. I ask that the petitions be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petitions will be referred to the Committee on the Judiciary.

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

He also presented petitions of the congregation of the Congregational Church of Deerfield; the Merrimack County Christian Endeavor Union; the congregation and Sunday school of the Union Avenue Baptist Church, of Lakeport; and the congregation and Bible school of the Congregational Church of Hudson, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WILLIAMS presented petitions of sundry citizens of Morton, Greenville, and Eupora, in the State of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of Typographical Union No. 190, of Omaha, Nebr., praying for the enactment of legislation to make lawful certain agreements between laborers and employees 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.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Hoagland, and Mooresville, all in the State of Indiana, and of the American Association of Foreign Language Newspapers, of New York City, N. Y., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fremont, Richmond, Vincennes, and Dupont, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

Mr. STERLING presented a petition of sundry citizens of Fort Pierre, S. Dak., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of sundry citizens of White, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for an appropriation of $100,000 for the enforcement of the law to protect migratory birds, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

Mr. JONES presented telegrams in the nature of petitions from Local Division No. 516, Brotherhood of Locomotive Engineers, of Hillyard; from Local Division No. 399, Brotherhood of Locomotive Engineers, of Seattle; from Local Lodge, Brotherhood of Railway Trainmen, of Tacoma; from the Guardians of Liberty, of Spokane; from the Brotherhood of Locomotive Engineers of Spokane; from Local Lodge No. 407, Brotherhood of Locomotive Firemen and Enginemen, of Seattle; and from the Brotherhood of Railway Trainmen of Seattle, all in the State of Washington, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the German-American League of the State of Washington, remonstrating against the enactment of legislation to provide an educational test for immigrants, which was ordered to lie on the table.

Mr. OVERMAN presented a petition of the Redpath Chautauqua, of Salisbury, N. C., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented memorials of sundry citizens of New Jersey, remonstrating against the repeal of the exemption clause of the Panama Canal act, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions signed by over 6,000 citizens of the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Hamby, Tex., 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.

He also presented a petition of sundry citizens of Hamby, Abilene, and Electra, in the State of Texas, praying for the enactment of legislation to grant a compensatory time privilege to post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ministerial Association of Austin, Tex., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. BRISTOW presented petitions of sundry citizens of Valley Falls and Neodesha, in the State of Kansas, praying for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented petitions of sundry citizens of Mullinville, Hiattville, and Humboldt, in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of inmates of the National Military Home, Kansas, praying for the creation of a volunteer officers' retired list, which was referred to the Committee on Military Affairs.

Mr. BRADY presented petitions of sundry citizens of Idaho, praying for an appropriation of $100,000 for the protection of birds under the so-called migratory-bird law, which were ordered to lie on the table.

Mr. WORKS presented a petition of the Ministerial Union of Petaluma, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pastors' Union of Petaluma, Cal., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented memorials of sundry citizens of San Francisco and Los Angeles, in the State of California, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of San Jose, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Public Ownership Association of California, praying for Government ownership of coal mines and oil fields, which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Paskenta, Cal., praying for the enactment of legislation to provide for more efficient Indian administration, which was referred to the Committee on Indian Affairs.

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

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

He also presented a petition of sundry post-office employees of Albion, Mich., praying for the enactment of legislation to grant

a compensatory time privilege to post-office employees, which was referred to the Committee on Post Offices and Post Roads.

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

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

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

He also presented a petition of the Chamber of Commerce of Erie, Pa., and a petition of the Manufacturers' Association of Erie, Pa., praying for the postponement until the next session of Congress of action upon the so-called trade commission, interlocking directorates, Sherman-law definition bills, and the so-called omnibus bill embodying them, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Twenty-second and Twenty-fifth Wards Branch of Allegheny County Socialist Party, of Pittsburgh, Pa., and a petition of Local Union No. 145, United Mine Workers of America, of Hopewell, 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 memorial of the Medical Club of Harrisburg, Pa., remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which was ordered to lie on the table.

Mr. POINDEXTER presented a memorial of the Local Socialist Party of Bangor, Wash., remonstrating against conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented a petition of the Freeholders' Commission of Seattle, Wash., praying for the establishment of a bureau of municipal affairs as a part of the Department of Commerce, which was referred to the Committee on Commerce.

Mr. CRAWFORD presented petitions of sundry citizens of Roberts County, S. Dak., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Fitchburg, Leominster, Athol, Millbury, Southbridge, Watertown, Berlin, Gardner, Spencer, Lynn, and Somerville, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Boston, Cambridge, Everett, Malden, Winchester, Winthrop, Lynn, Chestertown, Medford, Lowell, Waltham, Woburn, Newton, Fitchburg, South Framingham, Fall River, Stoneham, Springfield, Stoughton, Sandwich, Reading, Peabody, and Salem, all in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTIN of Virginia presented petitions of sundry citizens of Eagle Rock, Va., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Advent Church of Brattleboro, Vt., and a petition of the congregation of the Baptist Church of North Bennington, Vt., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. RANSDELL presented a telegram in the nature of a memorial from sundry citizens of the first and second congressional districts of the State of Louisiana, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

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

Mr. BRANDEGEE presented petitions of Mrs. Ernest Thompson Seton and sundry other citizens of Connecticut, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GRONNA presented a petition of sundry citizens of Adams County, N. Dak., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of McKinney, N. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SMOOT presented petitions of the Commercial Club traffic bureau, of Salt Lake City; of the Commercial Club of Salt Lake City; and of the Utah Jobbers' Association, of Salt Lake City, all in the State of Utah, praying for the extension of the Parcel Post System, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented memorials of 303 citizens of the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented petitions of S. M. Stevens Lodge, No. 150, Brotherhood of Locomotive Firemen and Enginemen, of Marquette; of Calhoun Lodge, No. 84, Brotherhood of Locomotive Firemen and Enginemen, of Battle Creek; of Local Lodge No. 332, Brotherhood of Locomotive Firemen and Enginemen, of Grand Rapids; and of Wayne Lodge, No. 508, Brotherhood of Locomotive Firemen and Enginemen, of Detroit, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of Stereotypers' Local Union No. 101, of Grand Rapids; of Printing Pressmen and Assistants' Local Union No. 136, of Saginaw; of Photo Engravers' Local Union No. 12, of Detroit; and of Typographical Local Union No. 18, of Detroit, all in the State of Michigan, 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 were referred to the Committee on the Judiciary.

He also presented a memorial of I. B. Richardson Post, No. 13, Grand Army of the Republic, Department of Michigan, of Harbor Springs, Mich., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of the Bay County Equal Suffrage Association; of the Equal Suffrage League of Wayne County; and of the faculty and students of Olivet College, Olivet, all in the State of Michigan, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Cedar Lake, Stanton, Edmore, Allendale, and Otsego, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of the West Michigan Game and Fish Protective Association; of the Rainbow Rod and Gun Club, of Ludington; of the Michigan Audubon Society, and of the Michigan Association for the Protection of Game and Fish, all in the State of Michigan, praying for an appropriation of $100,000 for the enforcement of the so-called migratory-bird law, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Waucedah, Mich., praying for the enactment of legislation to establish a system of farm credits, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Genesee County Medical Society, of Michigan, remonstrating against the enactment of legislation prohibiting the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which was ordered to lie on the table.

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

PANAMA RAILROAD CO.

Mr. WALSH. Mr. President, when the Panama Canal tolls bill was under consideration by the committee to which it was referred some testimony was given to the effect that ocean freights are fixed by combinations or conferences so general in their character that they are participated in even by the Panama Railroad Co., and that the freight rates of the ships of that company are fixed as a result of such conferences so participated in by its officers. The United States Government is prosecuting a suit at this time against various ship companies, charging them with a violation of the law in connection with such conferences. The charge so made before the committee practically amounts to an accusation that the officers of the Panama Railroad Co. are participating in the unlawful acts against which the efforts of the Government are so directed.

A resolution was adopted by the committee requesting that the secretary of the committee communicate with the manager of the company and ask a statement from him in relation to the matter.

Likewise a question arose as to the proportion of the carrying capacity of line steamers ordinarily occupied by the cargoes they carry. The resolution also directed that the manager of the company be requested to communicate the experience of the company in that regard.

At the request of the chairman of the committee, I addressed a communication to Mr. Drake, the manager of the company, and I have his answer to the inquiries thus addressed, which I send to the desk, with a request for unanimous consent that it may be read.

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

The Secretary read as follows:

PANAMA RAILROAD CO.,
2½ State Street, New York, May 7, 1914.

Hon. T. J. WALSH,
Committee on Interoceanic Canals,
United State Senate, Washington, D. C.

DEAR SIR: We acknowledge receipt of your letter of the 1st instant, addressed to our vice president, who is absent from the office for a few days, and thank you for giving us an opportunity to furnish the facts in connection with the various statements that have been made from time to time that our company belongs to or is represented in "conferences," and that its rates are fixed by the action of such conference meetings.

In these statements reference has been made to the European conference and to the New York conference. The European conference is known as the "conference of West India Atlantic steamship companies," and is composed of steamship lines operating between Europe and Colon and Puerto Mexico, where they connect with our company and the Tehuantepec Railroad, respectively, on traffic to and from ports of South America, Central America, Mexico, and the United States.

We understand that meetings of these conference lines are held in Europe from time to time, but the only one of which we have advice is that usually held either in June, July, or August of each year, at which our company, the Tehuantepec Railroad, the Guatemalan railroads, and the Pacific Ocean carriers of all these routes are invited to be represented for the purpose of deciding the conditions under which Central American and Mexican coffee destined to European ports is to be carried during the subsequent coffee season that begins in December.

This coffee traffic is carried under what is known as the "rebate-circular" plan, by which shippers or consignees are granted a rebate of 10 per cent on the tariff rate at the end of the season, provided they have restricted their shipments of coffee to the Panama, Tehuantepec, or Guatemalan routes, and since the time the United States secured control of our company we have not participated in this rebate, which is paid in full by our Atlantic and Pacific cocarriers. On the contrary, we have objected to the rebate principle and repeatedly notified our connections that while we would participate in any rates necessary to secure traffic against competitive routes, we would not be parties to any agreement or understanding giving shippers or consignees a rebate at the end of each season or at any other time.

We have not been and are not now members of the conference; have attended this one meeting each year in an advisory capacity for the purpose of objecting to the Atlantic lines, our Pacific cocarriers, and the representatives of competitive routes from taking steps which in our judgment might result in decreasing our traffic or diverting it to these competitive routes; and during such meetings have openly stated to these lines that if the conditions established by them and their Pacific carriers resulted in the diversion of traffic from our route, we would take any action we deemed necessary to prevent this, even to the extent of bringing European shipments via New York by our steamship line.

The New York conference was first brought to our attention in the latter part of 1909. This consisted of steamship lines interested in the Cuban, Venezuelan, and West Indian traffic, in which we were not concerned, and also in traffic to Colon. We understood that the object of this conference was to, if possible, establish uniform bills of lading, shipping receipts, due bills, and other shipping documents; to keep the various lines informed of the decisions rendered by the Government from time to time governing the transportation of dangerous, damaging, and inflammable cargo on passenger steamers; and generally to keep informed on all questions of shipping not connected in any way with the establishment of rates.

We were elected members of this conference, but declined to accept election, and we have not at any time participated or been represented at meetings where the question of raising or lowering rates was discussed or settled, nor have we been guided in the slightest degree by any action regarding rates, if such has been taken, by this or any other conference.

The rates from New York and those from Europe to points in Central America, Mexico, and South America are not fixed on the basis of the local rates of the Atlantic carrier, the railroad across the Isthmus of Panama, and the carrier on the Pacific Ocean, because a combination of "locals" would give a higher rate than the traffic would stand in competition with steamers sailing via the Straits of Magellan.

When our steamship line was the only carrier between New York and Colon the tariff then in effect was one that had been agreed to by the Atlantic carrier, the Panama Railroad, and the Pacific carrier. When other steamship lines from New York were granted through-billing privileges over the Panama Railroad upon exactly the same terms and conditions as our own steamship line, it was upon the basis of their maintaining the through tariffs to Central America, Mexico, and South America then in effect, and that changes therefrom could be made only by consent of all the initial carriers; otherwise these various lines would be competing with each other for this traffic at the expense of our company and the Pacific carrier.

The rates from the United States to Central America were for many years past higher than those from Europe via the direct lines running to Colon, although the route is some 1,300 miles shorter from this country. Since the Government assumed control of our company we have, under the authority given us as initial carriers, endeavored to have the rates from the United States established on at least as low a basis as those from Europe, and in this we have been successful, not because of any right we possess, but on account of the attitude we have consistently followed.

The rates from the United States to the west coast of South America have always been higher than those from Europe, but as a result of our efforts they were finally lowered to the European basis, notwithstanding the fact that the most important of these lines is controlled by a company largely interested in the traffic from Europe on the Atlantic Ocean.

On the local traffic between New York and the Canal Zone we have no understanding or agreement with any of the lines that run from Europe or from the United States. The basic rate of $8 per ton that was in effect between New York and Colon prior to the time the Government assumed control of our company was shortly thereafter reduced by us to $3.50, so as to enable the Government to have the material required in the construction of the canal carried at a low rate in its steamships of American registry. The other lines running to the Canal Zone, none of which operate steamers of American registry, can establish any rate they consider necessary, but it is not likely they will quote lower than the one we have established, because the principal complaint they have always made is that our rate should be advanced to the basis of rates charged by them to West Indian ports, some 600 miles nearer to New York than is the Canal Zone, ranging from $4.40 to $6 per ton.

CARGO CAPACITY OF STEAMERS.

Our steamships usually sail from New York either "down to their marks" or filled to their capacity.

The steamship *Advance*, of 1,650 tons net register and 2,605 tons gross, can not carry more than 1,950 tons.

The steamship *Allianca*, of 2,364 tons net register and 3,905 tons gross, is fully loaded with 2,500 tons.

The steamships *Colon* and *Panama*, of 4,193 tons net register and 5,667 tons gross, are fully loaded with 4,500 tons.

The *Ancon* and *Cristobal*, of 6,195 tons net register and 9,606 tons gross, are "down to their marks" with 11,200 tons.

The foreign colliers that we secure from the Earn Line Steamship Co. for the carriage of our coal from Norfolk and Newport News to Colon carry about two and one-half times their net registered tonnage; for instance, the steamship *Clearpool*, of 2,714 tons net register, left Norfolk with 6,354½ tons of Pocahontas coal and had 598½ tons in the bunkers. The steamship *Tabor*, of 2,392 tons net register, left Norfolk with 5,463½ tons of Pocahontas coal and 526 tons in the bunkers.

Our experience is that combined passenger and freight steamers such as the four first above mentioned are able to carry very little in excess of their net registered tonnage, because of the space that is required for the accommodation of passengers and crew and the supplies that must be carried. The *Ancon* and *Cristobal* were originally built as cargo steamers, and the small passenger accommodations with which they are now supplied were constructed after the vessels had been in service for some time. If these accommodations were removed and the crew proportionately reduced in number, we figure the vessels would carry from 1,000 to 1,300 tons more than at present.

We trust this satisfactorily answers the inquiries you have made, but we shall be glad to furnish any additional information that you require.

Yours, respectfully,

T. H. ROSSBOTTOM,
Assistant to Vice President.

MIGRATORY-BIRD LAW.

Mr. THOMPSON. Mr. President, I have received a number of telegrams in the nature of memorials from prominent citizens of Kansas, protesting against the proposed reduction in the appropriation in the Agricultural bill for the enforcement of the migratory-bird law. As the Senate knows, Secretary Houston has asked for $100,000 for the support and enforcement of this law. The appropriation was reduced to $50,000 by the House, and the Senate committee has further reduced it to only $10,000, which renders it practically inoperative. I should like to have the telegrams read.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. THOMPSON. Yes.

Mr. REED. I desire to ask the Senator from Kansas if he is aware of the fact that various departments of the Government have absolutely refused to test this law in the courts? There are responsible citizens who will plead guilty of having shot game contrary to the law and the regulations thereunder, and yet the departments of the Government have absolutely declined to bring suit. I will ask the Senator if he does not know further that there is not a respectable lawyer in the United States who believes that this law is constitutional, and, therefore, the waste of $100,000 would be more than ordinarily ridiculous?

Mr. THOMPSON. Mr. President, in answer to the question propounded by the Senator from Missouri I will simply say that this is the first time in my knowledge of public affairs that I have ever heard that it was necessary for the Government which passed a law to prosecute an action to determine whether the law which was passed by Congress was constitutional. I have always understood that it was the right of any citizen under the law to test any law passed by Congress or by a State; but it is hardly within the province of the Government to institute a suit to try to discredit the action of the Congress itself, the lawmaking power. It is, as I have said, the right of every citizen to determine this question, and every court which has passed upon the law thus far has held it to be constitutional. No court has, at any rate, held it unconstitutional. The law is upon the statute books and is presumed to be constitutional. So long as it is the law it is our duty to see that it is enforced and to make a sufficient appropriation to enforce it. It is for the courts to determine its constitutionality.

Mr. REED. Mr. President, will the Senator from Kansas tell me how a citizen is to determine the constitutionality of this law if the Government will not make an arrest?

Mr. THOMPSON. There are already in the RECORD letters from the Secretary of Agriculture showing that there have been various prosecutions under this law and that men have been convicted and have stood the penalty. Evidently, in the minds of those who were prosecuted, the law was constitutional. They at least failed to take an appeal.

Mr. THOMAS. Mr. President, I do not like——

Mr. REED. I should like to ask the Senator from Kansas one further question while he has the floor. I will ask him if he does not know that every time any man has gone to his defense the suit has been dismissed?

Mr. THOMPSON. No; under the statement from the Secretary of Agriculture that is not correct. He states that they have all paid the penalty and have refused to prosecute an appeal. He also states that there is one case in Arkansas still pending. The defendant could no doubt test the law in this case if he desires to do so.

Mr. REED. Those are the ones who would not go to their defense. I want to say to the Senator and to the Senate that I have tendered to the Attorney General on three different occasions the name of a reputable man who desires to know whether or not this law is constitutional, and who represents a large body of men. I have been unable to get that man arrested. The information I have is that the officers are directed not to make arrests. I asked this to be done in order that Congress might know before the appropriation bill came up whether the law was a valid law, because, if it was a valid law, it was one thing to vote an appropriation to enforce it, and, if it was an invalid law, one that was certain to be stricken down, then, of course, the money ought not to be appropriated. But I have been unable to get the warrant issued, and I believe, from all the information I have, that neither the Secretary of Agriculture——

Mr. OLIVER. I rise to a parliamentary inquiry.

Mr. REED. Nor the Attorney General has the slightest idea that this law will stand the test of the courts.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania will state his parliamentary inquiry.

Mr. OLIVER. I ask, What is the order before the Senate?

Mr. THOMPSON. I should like to have the telegrams read.

The VICE PRESIDENT. The order seems to be a discussion of the migratory-bird law, which is not in order.

Mr. OLIVER. I ask if debate is in order?

The VICE PRESIDENT. It is not in order.

Mr. OLIVER. Then I call for the regular order.

Mr. THOMAS. That is the purpose for which I rose, Mr. President.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

Mr. THOMPSON. I made the request that the telegrams be read, and I do not understand that there was any objection.

The VICE PRESIDENT. The Chair thought the request of the Senator from Kansas was to have the telegrams printed in the RECORD. Is there any objection to reading the telegrams?

Mr. THOMAS. I object to the request that the telegrams be read.

The VICE PRESIDENT. The question is, then, Shall the telegrams be read?

Mr. THOMAS. Mr. President, I object, to save time.

Mr. THOMPSON. A number of documents have been read here this morning. I desire to have the telegrams read which were sent by me to the desk; and if they are not read, I will read them myself at my first opportunity.

The VICE PRESIDENT. There being an objection, the question is, Shall the telegrams be read? [Putting the question.] The ayes have it. The Secretary will read the telegrams.

The Secretary read the telegrams, as follows:

ATCHISON, KANS., *May 2, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Best citizens in northeastern Kansas stand for Weeks-McLean migratory-bird law. Farmers, sportsmen, out-of-door enthusiasts, and citizens in general believe it is important, and this section of Kansas has never opposed it. Your own observance have undoubtedly taught you that State laws are inadequate and that effective Federal control is only remedy that will save many species from extermination.

SHEFFIELD INGALLS,
Lieutenant Governor.

—

ATCHISON, KANS., *May 4, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Federal protection of migratory birds meets hearty approval of citizens in this community. Value of insectivorous birds to agricultural interests in Kansas is more important than the question of whether greedy hunters shall be permitted to murder mating wild fowl in spring of year. As a citizen of Kansas I indorse $100,000 appropriation for its effective enforcement.

W. J. BAILEY, *Ex-Governor.*

—

ATCHISON, KANS., *May 4, 1914.*

Hon. W. H. THOMPSON,
United States Senate, Washington, D. C.:

Sportsmen's Association, in Kansas City, claims several hundred members scattered through Middle West. This association was formed to fight Federal migratory law. There are more than a million and half of people in Kansas, and the bird destroyers, who are determined to nullify the law, number less than one in a thousand compared to those who indorse Federal protection. There is only one opinion in northeast and northern Kansas, and that is the law should be upheld and rigidly enforced. All sportsmen I have talked to are red-headed, and want one hundred thousand appropriation for enforcement. I think the people of Kansas should have say as to whether their robins and song birds should be slaughtered when winter drives them to Southern States.

T. A. MOXEY,
County Attorney, Atchison County.

—

VERMILLION, KANS., *May 5, 1914.*

W. H. THOMPSON,
United States Senate, Washington, D. C.:

Sentiment of Vermillion and northern Kansas strong for $100,000 appropriation enforcement Weeks-McLean law. Farmers, sportsmen, practically all citizens who are informed about law, indorse it. Behalf hundreds citizens respectfully urge you to give law fullest measure of support.

FOREST WARREN,
Editor Vermillion Times.

—

TOPEKA, KANS., *May 8, 1914.*

Senator THOMPSON, *Washington, D. C.:*

Bird lovers in Topeka, Kans., indorse $100,000 appropriation for Federal migratory law enforcement. An insignificant minority of game hogs should not be permitted to rule.

J. W. HOLLINGER.

—

TROY, KANS., *May 4, 1914.*

Hon. W. H. THOMPSON, *Washington, D. C.:*

Doniphan County sportsmen and bird enthusiasts most strongly favor appropriation for enforcement of Weeks-McLean law, Federal protection, as only agency to prevent utter destruction of our wild fowl and native birds. I believe wishes of majority of citizens in Kansas should be given more consideration than the unreasonable protests of selfish shooters, whose ideas of sport is to ruthlessly slay birds in mating season.

DR. R. S. DINSMORE.

—

WICHITA, KANS., *May 4.*

Senator THOMPSON, *Washington, D. C.:*

The farmers of the country will watch with interest your activities in behalf of the proposed $100,000 appropriation in connection with the Federal migratory-bird law. This will be your opportunity to demonstrate your interest in the agricultural development of the country by assisting in saving to it its bird life.

D. H. HARRISON.

—

ATCHISON, KANS., *May 2.*

W. H. THOMPSON,
United States Senate, Washington, D. C.:

Federal migratory-bird law immensely popular here, and many persons are alarmed because $50,000 appropriation for enforcement has been stricken out. If you can support appropriation, your action will receive hearty approval of bird lovers in this section.

JAMES W. ORR.

—

ATCHISON, KANS., *May 2, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

As a sportsman who is in touch with game conditions in Kansas, I express the opinion that Federal protection of migratory birds is urgently needed, if the birds are to be saved from annihilation. I trust you will support $100,000 appropriation for its enforcement.

J. W. WAGGENER,
Superintendent Railway Light & Power Co.

—

ATCHISON, KANS., *May 2, 1914.*

Hon. W. H. THOMPSON,
United States Senate, Washington, D. C.:

Effort to hold up the $100,000 appropriation for enforcement of the Weeks-McLean law is, in my opinion, a part of a well-laid plan conceived by violators of that law, who have already laid themselves liable to prosecution. The law has the party indorsement of practically every good citizen in this vicinity, and any obstacle put in the way of its enforcement will be resented by them. I do not believe a single sportsman can be found among the men who are back of the effort to indirectly nullify this law. I have talked with many people on this subject, and all deplore the resistance that is being offered to the enforcement of the law; and I speak for them as well as myself when I ask you to use your best endeavor to see that the appropriation carries.

Z. E. JACKSON,
Superintendent of Park.

—

ATCHISON, KANS., *May 1, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Wild-life conservationists, sportsmen in northeastern Kansas, believe time has come to fight for square deal for our song and wild birds. Hundreds and hundreds of citizens in this locality are bitter over attempts to kill appropriation of $100,000 for Weeks-McLean law, and as citizens and not politicians they seek your aid. Sentiment here unanimous for appropriation, and, if it is not made, will consider it triumph of greedy, merciless game hunters who would exterminate all our wild life in their selfish thirst for slaughter. We want your help.

RAY HOLLARD,
MAVA CLAPP,
Secretary of Atchison Gun Club.

ATCHISON, KANS., *May 1, 1914.*

Senator THOMPSON, *Washington, D. C.:*

Bird lovers of northeastern Kansas overwhelmingly favor $100,000 appropriation for Weeks-McLean migratory-bird law, and as you are a member of the Committee on Agriculture and have much influence with party leaders, they most earnestly petition your support for this important appropriation. Personally acquainted with hundreds of Kansas hunters, and ninety-nine out of one hundred favor law. Farmers to a man almost want it, and scores of persons in this locality are aroused over attempts made to defeat appropriation. Bird lovers here believe the majority of American citizens are entitled to your support over minority composed of market hunters and selfish individuals who want to continue unrestricted massacre of our wild birds in mating season. If you can, conscientiously, support and secure this meritorious, necessary measure.

EUGENE HOWE, *Editor Atchison Globe.*

Mr. REED. Mr. President, I would like to ask the Senator from Kansas a question. Is there——

Mr. OLIVER. I call for the regular order.

Mr. REED. I am delighted to see the Senator from Pennsylvania is so regular and so much in order this morning. It is not characteristic of him. I shall ask the question later.

PANAMA CANAL TOLLS.

Mr. OWEN. Mr. President, I send to the desk resolutions adopted by the tariff reform committee of the Reform Club of New York City, relative to the Panama Canal, and would like to have them read.

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

The Secretary read as follows:

REFORM CLUB,
TARIFF REFORM COMMITTEE,
26 Beaver Street, New York City.

REFORM CLUB TARIFF COMMITTEE FAVORS REPEAL OF PANAMA CANAL FREE-TOLLS BILL.

At a meeting of the tariff reform committee of the Reform Club held May 8, 1914, the following resolutions were unanimously adopted:

"Whereas the tariff reform committee of the Reform Club is opposed to bounties and subsidies in any form; and

"Whereas the exemption of, or remission from, tolls in the Panama Canal of American vessels plying in the coastwise trade operates as a subsidy to a trade that is already heavily subsidized by the monopoly granted by our present repressive and antiquated navigation laws; and

"Whereas the history of shipping subsidies in the United States shows that they have not only failed to build up our merchant marine but have always been a source of public corruption; and

"Whereas the Panama Canal was paid for by and belongs to all of the people of this country, and it should not therefore be used mainly or largely for the benefit of the special few who by virtue of our narrow and exclusive navigation laws now monopolize our coastwise shipping; and

"Whereas the remission of tolls for American vessels would not, probably, for many years have any perceptible effect in lowering freight rates, and would therefore result in the payment of a Panama Canal tax by all of the people for the benefit of the coastwise shipping interests—mainly the transcontinental railroads and the Atlantic shipping consolidations; and

"Whereas our ships now go through the Suez, the Welland, and the Canadian Soo Canal on the same terms as do British-owned ships; and

"Whereas a discriminating policy as to tolls, apart from any and all other considerations, will provoke retaliation in some form: Therefore be it

"*Resolved*, That the tariff reform committee of the Reform Club requests Congress to repeal the act permitting the free passage through the Panama Canal of vessels plying in the coastwise trade of the United States; and

"*Be it further resolved*, That copies of these resolutions be sent to the President of the United States and to all Members of the Senate and the House of Representatives."

BYRON W. HOLT, *Chairman.*

Mr. BORAH. Mr. President, I desire to ask the Senator from Oklahoma who constitute the tariff reform committee of the Reform Club? Do the names appear upon the paper?

Mr. OWEN. I should be pleased to have the Secretary read the list of names of the committee.

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

The Secretary read as follows:

Byron W. Holt (chairman), Everett V. Abbot, John G. Agar, Henry De Forest Baldwin, Wesley E. Barker, B. H. Inness Brown, Frederic R. Coudert, Julius J. Frank, Henry George, jr., Bert Hanson, John J. Hopper, George S. Hornblower, Charles H. Ingersoll, Albert B. Kerr, Frederick C. Leubuscher, William Lustgarten, Robert Grier Monroe, John J. Murphy, Sidney Newborg, Franklin Pierce, Albert Plaut, Francis D. Pollak, Charles Johnson Post, Lawson Purdy, John Jerome Rooney, Lawrence E. Sexton, Edward J. Shriver, Louis Sternberger, N. I. Stone, Edward B. Swinney, Calvin Tomkins, and H. Parker Willis.

THE TELEPOST.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads I report back favorably without amendment Senate resolution 216, authorizing the appointment of a committee to investigate and report upon the telepost as to word-carrying capacity, accuracy, economy, and general efficiency, submitted by the Senator from Oklahoma [Mr. OWEN] on November 17, 1913, and I ask for its immediate consideration.

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

Mr. GALLINGER. Mr. President, I object.

The VICE PRESIDENT. Objection being made, the resolution will go to the calendar.

NAVAL APPROPRIATIONS.

Mr. THORNTON. By direction of the Committee on Naval Affairs I report back favorably with amendments the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 505) thereon. I desire to give notice that I shall call up the bill for consideration at the earliest practicable moment, and I shall endeavor at that time to press it to its final passage as rapidly as is consistent with its proper consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 4500) to place certain officers of the Army on the retired list, reported it without amendment and submitted a report (No. 506) thereon.

Mr. HITCHCOCK (for Mr. LEA of Tennessee), from the Committee on Military Affairs, to which was referred the bill (H. R. 8688) for the relief of Lucien P. Rogers, reported it with an amendment and submitted a report (No. 507) thereon.

He also (for Mr. LEA of Tennessee), from the same committee, to which was referred the bill (S. 1543) for the relief of Richard Hogan, reported adversely thereon, and the bill was postponed indefinitely.

Mr. PITTMAN, from the Committee on Territories, to which was referred the bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain, reported it without amendment and submitted a report (No. 508) thereon.

Mr. BRADY, from the Committee on Military Affairs, to which was referred the bill (S. 2656) to correct the military record of Thomas Smith, reported it without amendment and submitted a report (No. 510) thereon.

He also, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1220) to increase the limit of cost of the public building authorized to be constructed at Durango, Colo., reported it without amendment and submitted a report (No. 509) thereon.

Mr. WEST, from the Committee on Military Affairs, to which was referred the bill (S. 2694) for the relief of Joshua Hawkes, reported adversely thereon, and the bill was postponed indefinitely.

BILLS INTRODUCED.

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

By Mr. BRANDEGEE:

A bill (S. 5523) to correct the military record of David Cromwell; to the Committee on Military Affairs.

By Mr. THOMAS:

A bill (S. 5524) granting a pension to George W. McKelvey; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 5525) restoring Maj. William O. Owen to the active list of the Army; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 5526) to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes"; to the Committee on Territories.

By Mr. THOMPSON:

A bill (S. 5527) granting a pension to William R. Rounera (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5528) granting an increase of pension to John C. Hotchkiss (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5529) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 5530) to amend the acts of July 1, 1862, and July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLLIS:

A bill (S. 5531) granting an increase of pension to Lurancy E. Rice (with accompanying papers); and

A bill (S. 5532) granting a pension to David Roach (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 5533) granting an increase of pension to Jesse H. Fleming; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5534) granting an increase of pension to John W. Hunter; and

A bill (S. 5535) granting a pension to Harry Jackson; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5536) granting a pension to Mary J. Wyant;

A bill (S. 5537) granting a pension to Nathan Long; and

A bill (S. 5538) granting an increase of pension to William Schallenberg; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5539) for the relief of Agnes Boone Otis; to the Committee on Claims.

A bill (S. 5540) granting a pension to Thomas A. Heard; and

A bill (S. 5541) granting an increase of pension to Henry Birdsong; to the Committee on Pensions.

RURAL CREDITS.

Mr. HOLLIS. Mr. President, I introduce a bill, the so-called rural credits bill. It has been introduced in the other House this afternoon, and I desire to introduce it here in order that it may be printed for the use of Senators to-morrow morning. I ask that the bill be referred to the Committee on Banking and Currency.

The bill (S. 5542) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal savings deposits to the promotion of the public welfare, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

Mr. HOLLIS. I ask that 1,000 additional copies of the bill may be printed for the use of the Senate document room.

The VICE PRESIDENT. Without objection, it is so ordered.

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 be printed.

PANAMA CANAL TOLLS.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BORAH 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 $500,000 toward the construction of a new dry dock at the Portsmouth Navy Yard, N. H., etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

PANAMA CANAL TOLLS.

Mr. GALLINGER. Mr. President, while I am on my feet I desire to change a notice on the calendar. It represents that I shall speak on the Panama Canal tolls bill upon Thursday, May 14. I desire to have the time changed to Tuesday, May 19.

WATER SUPPLY FOR THE ARMY.

Mr. LEE of Maryland submitted the following resolution (S. Res. 360), which was read and referred to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs be, and it is hereby, requested to prepare and bring in a bill for defining the duty and conferring the power and means upon some part of the Supply Corps of the United States Army to enlist the necessary men of proper mechanical skill and to acquire the necessary pipe, tools, pumping engines, well-boring machinery, auto trucks, and other transportation for promptly securing and distributing water supplies for drinking and washing purposes to United States troops in time of war or when war may be considered possible; and that the object of said bill should be to authorize all necessary details of officers from the Engineer Corps and Medical Corps and to use all available mechanical means in the hands of a disciplined and efficient service to create and keep a good water supply as near to the front as conditions render possible, and for which purpose the present contract system for Army water supplies is obviously inadequate; and that the said general purpose of said bill may be connected, if feasible, with increased facilities for the distribution of ammunition and food and water to advanced forces.

ADDRESS BY PRESIDENT WILSON AT BROOKLYN NAVY YARD.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by President Wilson yesterday at the Brooklyn Navy Yard in honor of the dead who fell at Vera Cruz.

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

"Mr. Secretary, I know that the feelings which characterize all who stand about me and the whole Nation at this hour are not feelings which can be suitably expressed in terms of attempted oratory or eloquence. They are things too deep for ordinary speech. For my own part, I have a singular mixture of feelings. The feeling that is uppermost is one of profound grief that these lads should have had to go to their death, and yet there is mixed with that grief a profound pride that they should have gone as they did, and, if I may say it out of my heart, a touch of envy of those who were permitted so quietly, so nobly to do their duty. Have you thought of it, men, here is the roster of the Navy, the list of the men, officers and enlisted men and marines, and suddenly there swim 19 stars out of the list—men who have suddenly gone into a firmament of memory, where we shall always see their names shine, not because they called upon us to admire them, but because they served us without asking any questions and in the performance of a duty which is laid upon us as well as upon them.

"Duty is not an uncommon thing, gentlemen. Men are performing it in the ordinary walks of life all around us all the time, and they are making great sacrifices to perform it. What gives men like these peculiar distinction is not merely that they did their duty, but that their duty had nothing to do with them or their own personal and peculiar interests. They did not give their lives for themselves. They gave their lives for us, because we called upon them as a Nation to perform an unexpected duty. That is the way in which men grow distinguished, and that is the only way, by serving somebody else than themselves. And what greater thing could you serve than a Nation such as this we love and are proud of. Are you sorry for these lads? Are you sorry for the way they will be remembered? Does it not quicken your pulses to think of the list of them? I hope to God none of you may join the list; but if you do, you will join an immortal company.

"So while we are profoundly sorrowful, and while their goes out of our heart a very deep and affectionate sympathy for the friends and relatives of those lads who for the rest of their lives shall mourn them, though with a touch of pride, we know why we do not go away from this occasion cast down, but with our heads lifted and our eyes on the future of this country, with absolute confidence of how it will be worked out. Not only upon the mere vague future of this country, but the immediate future. We have gone down to Mexico to serve mankind, if we can find out the way. We do not want to fight the Mexicans. We want to serve the Mexicans, if we can, because we know how we would like to be free and how we would like to be served if there were friends standing by ready to serve us. A war of aggression is not a war in which it is a proud thing to die, but a war of service is a thing in which it is a proud thing to die.

"Notice that these men were of our blood. I mean of our American blood, which is not drawn from any one country, which is not drawn from any one stock, which is not drawn from any one language of the modern world, but free men everywhere have sent their sons and their brothers and their daughters to this country in order to make that great compounded Nation which consists of all the sturdy elements and of all the best elements of the whole globe. I listened again to this list with a profound interest at the mixture of the names, for the names bear the marks of the several national stocks from which these men came. But they are not Irishmen or Germans or Frenchmen or Hebrews any more. They were not when they went to Vera Cruz. They were Americans, every one of them, and with no difference in their Americanism because of the stock from which they came. Therefore, they were in a peculiar sense of our blood, and they proved it by showing that they were of our spirit, that no matter what their derivation, no matter where their people came from, they thought and wished and did the things that were American; and the flag under which they served was a flag in which all the blood of mankind is united to make a free Nation.

"War, gentlemen, is only a sort of dramatic representation, a sort of dramatic symbol of a thousand forms of duty. I never went into battle. I never was under fire, but I fancy that there are some things just as hard to do as to go under fire. I fancy that it is just as hard to do your duty when men are sneering at

you as when they are shooting at you. When they shoot at you they can only take your natural life; when they sneer at you they can wound your heart, and men who are brave enough, steadfast enough, steady in their principles enough to go about their duty with regard to their fellow men, no matter whether there are hisses or cheers, men who can do what Rudyard Kipling in one of his poems wrote, 'Meet with triumph and disaster and treat those two imposters just the same,' are men for a nation to be proud of. Morally speaking, disaster and triumph are imposters. The cheers of the moment are not what a man ought to think about, but the verdict of his conscience and of the consciences of mankind.

"So when I look at you I feel as if I also and we all were enlisted men. Not enlisted in your particular branch of the service, but enlisted to serve the country, no matter what may come, what though we may waste our lives in the arduous endeavor. We are expected to put the utmost energy of every power that we have into the service of our fellow men, never sparing ourselves, not condescending to think of what is going to happen to ourselves, but ready, if need be, to go to the utter length of complete self-sacrifice.

"As I stand and look at you to-day and think of these spirits that have gone from us I know that the road is clearer for the future. These boys have shown us the way, and it is easier to walk on it because they have gone before and shown us how. May God grant to all of us that vision of patriotic service which here in solemnity and grief and pride is borne in upon our hearts and consciences."

QUESTION OF CANAL TOLLS.

Mr. SUTHERLAND. I have a very brief communication on the subject of Panama Canal tolls exemption, written by Joseph C. Clayton, an able lawyer of Brooklyn, N. Y., and printed in the Brooklyn Eagle of a day or two ago. I ask that it may be printed in the RECORD.

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

QUESTION OF CANAL TOLLS—A VERY BROAD VIEW OF A SUBJECT VERY MUCH DISCUSSED.

BROOKLYN, N. Y., *May 1, 1914.*

EDITOR BROOKLYN DAILY EAGLE:

Both under international and statute law "the coasting trade"—that is, commercial navigation between the ports of a country—has long been restricted to her own shipping, flying her own flag. And that, too, whether or not the ports are both on the continent or on the continent and on a territory or other possession.

Whether or not in the future we or other nations should change this ancient rule one can not now say. But until there is such a change the old custom stands and rules the question of canal tolls.

I am unable to see that the effect of the Clayton-Bulwer and the Hay-Pauncefote treaties is to cancel this ancient law of the coasting trade.

Unquestionably the two treaties, construed together, forbid the creation of any new discriminations between nations in respect to the general use of the Panama Canal.

But as there already exists the old and well-recognized international custom that every country should discriminate in favor of its own ships in its coasting trade, it follows that adherence to that rule, in respect to United States ships using the canal between United States ports, was merely a continuance of an ancient practice which forbade foreign ships from trading between such ports.

The use of a canal instead of an open sea wrought no change in the "rule." Foreign ships can not use the canal in trade between United States ports, and so it follows that no injury can be done to them by exempting American vessels. Whether we collect or do not collect tolls on our ships which use the canal for trade between American ports can work no possible injury to foreign shippers; it can not concern them.

They do not and can not share in our coasting trade, and whether or not that trade be exempt from canal tolls is solely a domestic question and has no discriminating force against foreign shippers. And for these reasons I am unable to see that any treaty rights would be infringed by a statute or rule permitting the free use of the canal for American trade between American ports.

Of course, outside of anything in the treaties, the question may be raised, Is it expedient to exercise this restricted power of exemption for our coasting vessels, or to give it up?

Will the giving up of that exemption tend to the betterment of international relations to any extent substantial enough to warrant collection of tolls from our coasting vessels? I think not.

The canal has been built with no "penny wisdom," and that kind of wisdom is so apt to be "folly" that the United States can afford to act in either way, with or without tolls, on our coasting trade, as may in our mature judgment be "wisest, best, and most discreet."

We have the clear "power" either to tax or leave untaxed our coasting trade, and its use is determinable by high "policy" and not by the construction of treaty rights.

JOSEPH CULBERTSON CLAYTON.

PRODUCTION OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to the resolutions which I am about to read, which I think are of very great importance to the country as well as to the State of Oklahoma. The resolutions were passed at a meeting of the Independent Development League of Oklahoma, held at Oklahoma City, Okla., on the 23d day of April, 1914. They are as follows:

Resolutions.

At a meeting of the Independent Development League of Oklahoma held at Oklahoma City, Okla., on the 23d day of April, 1914, the following resolutions were unanimously adopted:

"*Resolved*, That we urge upon the President and Congress of the United States the pressing necessity and importance for immediate legislation to protect the oil industry from the monopoly which now controls prices to both the producer and consumer, and we suggest and recommend the following legislation:

"First. That all interstate pipe lines be made common carriers, subject to the supervision of the Interstate Commerce Commission under the same laws that now regulate railways.

"Second. That no interstate pipe line company be permitted to engage directly or indirectly in the production, refining, or sale of oil or the by-products thereof.

"Third. That the Government construct and own a pipe line from some point in Oklahoma to the Gulf of Mexico for the purposes: (a) Of procuring oil at reasonable prices for the use of the Government; (b) to enable the Indian wards of the Government to dispose of their oil at reasonable prices; (c) to compete with and thereby compel monopolistic pipe line companies to carry and transport oil at a reasonable price.

"Fourth. Believing the time propitious for the entrance of the Federal Government into the oil fields of Oklahoma for the purchase of crude petroleum as a basis of fuel supply for its Navy we do now urge that negotiations for the acquiring of such supply be opened at once to the end that 10,000,000 barrels of privately stored oil be taken over. The opportunity for the purchase of steel storage now is present for the first time in more than seven years, and may not recur within another seven years.

"Fifth. The necessity for immediate and effective action is becoming more and more apparent from the large consumption of oil and gasoline throughout the country, with the astounding fact existing that a few men fix the price both to the consumer and producer; furnish the transportation at their own arbitrary price, without regulation or reference to the interests of either, and out of all just proportion maintain prices to the consumer unwarranted by the cost or price paid the producer.

"Sixth. That we request the active and immediate cooperation of the various departments of our National and State Governments and suppress discrimination on storage transportation and price of oil, both to producer and consumer, and to use the criminal laws, if necessary, to effect this result.

"Seventh. *Be it further resolved*, That the President be, and is hereby, respectfully requested to cause to be established a petroleum bureau for the prompt and efficient analysis of the commercial and comparative values of the various crude oils in the numerous fields of the United States, and to provide a thorough and comprehensive statistical bureau to promptly and independently acquire and publish statistical information showing the amount of stocks, pipe-line runs, and petroleum production in the United States, together with the relative supply and demand thereof, instead of the present system of relying upon the statistics furnished by the subsidized press of the monopolistic interests."

We believe such legislation as we have recommended will, in large measure, equalize prices, prevent unjust discrimination between producers and refiners not engaged in the pipe-line business, and afford the public the benefits of a cheaper fuel now furnished without regard to the welfare of any save those who fix the prices, and will thereby reestablish the conditions which the elimination of rebating by railroads to the oil monopoly brought about, and which condition was again overridden by the construction and use of uncontrolled pipe lines.

W. B. JOHNSON,
M. C. FRENCH,
C. J. WRIGHTSMAN,
B. B. JONES,
J. J. MARONEY,
A. E. WATTS,
H. G. BEARD,
JOHN H. REBOLD,
Committee on Resolutions.

OKLAHOMA CITY, OKLA., *April 25, 1914.*

SECRETARY OF THE INTERIOR,
Washington, D. C.

DEAR SIR: We have been instructed by the Independent Development League to forward to you the inclosed resolutions which were unanimously adopted at a meeting of the league held in Oklahoma City April 23, 1914.

Respectfully,

C. F. COLCORD, *President.*
ELMER E. BROWN, *Secretary.*

I am not going to discuss this matter at all. I only pause to say that in Oklahoma our people are digging out of the ground between sixty and seventy million barrels of oil per annum, and that the price has been cut down in some of the fields from $1.05 a barrel, which they were receiving—less than half the price of oil in Pennsylvania—to 50 cents a barrel. Those who control transportation control absolutely the commerce of the country, control therefore the price of oil, control the people who produce the oil, and control the land that produces it.

Mr. OLIVER. Mr. President, the Senator refers to the difference between the price of Oklahoma oil and the price of Pennsylvania oil. I should like to ask him what proportion the price of Oklahoma oil bears to the price of Ohio oil, Indiana oil, or Illinois oil.

Mr. OWEN. The prices vary as you go west; but they do not vary according to the real value of the oil as determined by its chemical analysis, as determined by its distilling qualities as to the quantity of the higher and the lower products of the oil, nor as measured by transportation. They are arbitrarily controlled.

Mr. OLIVER. Mr. President, I wish to take direct issue with the accuracy of that statement. I say that the difference in the prices of oil is regulated solely upon the basis of its light-giving and heat-giving qualities.

Mr. REED. Mr. President, I call for the regular order. [Laughter].

Mr. OLIVER. I second the call.

PANAMA CANAL TOLLS.

Mr. McLEAN. Mr. President, I desire to give notice that on Friday next, the 15th instant, following the morning business, I shall address the Senate briefly on the tolls question.

Mr. BURTON. Mr. President, I desire to give notice that on Friday, May 15, at the close of the routine morning business, I shall address the Senate on the Panama Canal tolls issue.

Mr. WALSH. Mr. President, I desire to give notice that on Saturday next, the 16th instant, after the conclusion of the routine morning business, I shall address the Senate on the tolls question.

Mr. SUTHERLAND. Mr. President, I desire to give notice that on Monday next, immediately after the conclusion of the routine morning business, with the permission of the Senate, I shall submit some observations on the Panama Canal tolls bill.

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 and joint resolution:

On May 9, 1914:

S. 1808. An act for the relief of Joseph L. Donovan;

S. 1922. An act for the relief of Margaret McQuade;

S. 3997. An act to waive for one year the age limit for the appointment as assistant paymaster in the United States Navy in the case of Landsman for Electrician Richard C. Reed, United States Navy;

S. 5445. An act for the relief of Gordon W. Nelson; and

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists.

On May 12, 1914:

S. 5031. An act quieting the title to lot 44, in square 172, in the city of Washington.

HOUSE BILL REFERRED.

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, was read twice by its title and referred to the Committee on Pensions.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The morning business is closed.

Mr. THORNTON. Mr. President, at the request of the chairman of the Committee on Interoceanic Canals, the junior Senator from New York [Mr. O'GORMAN], who is unavoidably absent, as I have already noted, I ask unanimous consent that House bill 14385, the Panama Canal tolls bill, being the unfinished business, be now laid before the Senate, the Senator from Georgia [Mr. SMITH] having previously given notice that at this time he would desire to address the Senate on the bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. SMITH of Georgia. Mr. President, in the presentation of the views which I shall make, as the Senators who have preceded me, I would prefer to be permitted to continue uninterrupted until I close my remarks.

I shall also desire to use a number of letters and extracts from Senate and House documents. I may be able to state more briefly their contents at times than the reading would require, and when I do so I ask the unanimous consent of the Senate that I may place in the RECORD the exact language of these documents, even though I have not read them. I ask the consent now so as to avoid asking it at the various times when I reach those parts of my speech.

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

Mr. SMITH of Georgia. Mr. President, the bill we are considering will repeal the provision of the Panama Canal act which permits vessels engaged in the United States coastwise transportation to pass through the Panama Canal without paying tolls.

I will vote for the bill on account of our treaties with Great Britain and Panama, and because, in my opinion, it is right that the owners of these vessels should bear, for using the canal, a fair part of the cost to our Government of building and operating it.

FORMER ATTITUDE OF SENATORS.

My distinguished friend, the junior Senator from New York, opened his address upon this subject a few days ago by having read the list of Senators who in 1912 voted against striking the provision of the canal bill which permitted coastwise vessels to pass through the canal free, and he seemed deeply concerned lest Senators now may vote for the repeal due to undue influence, and he seemed to think that by so voting they would yield a proper service of their own country to a service of Great Britain.

Mr. President, I have no fear that any Senator will fail to express by his vote his honest conviction of duty to his own country, and I trust the distinguished Senator will pardon me for observing that his great mind does not possess all of its usual judicial qualities where Great Britain is involved.

Referring to the votes cast two years ago, let me remind the Senate that the House of Representatives passed a bill at that time requiring all foreign-owned vessels and vessels owned by citizens of the United States engaged in foreign trade, to pay tolls when passing through the Panama Canal, but permitting vessels engaged in our coastwise trade to be taken through without payment of tolls.

This bill came to the Senate and was reported back by the Committee on Interoceanic Canals with a recommendation that all vessels owned by citizens of the United States should go through the canal without paying tolls.

It was perfectly clear to many of us that the Hay-Pauncefote treaty would be violated if vessels owned by citizens of the United States engaged in foreign trade were permitted to go through the canal free of tolls while vessels owned by citizens of Great Britain were required to pay tolls. Many of us inclined to the belief at that time that we could defend the free passage of vessels engaged in the United States coastwise trade, and our efforts were concentrated upon defeating the flagrant violation of the treaty.

I may be justified in stating that during the debate in the summer of 1912 upon the Panama Canal bill I twice stated my doubt as to the passage even of the provision exempting our coastwise vessels from tolls, and added that the consequence might be that we should under the treaty permit vessels engaged in the Canadian coastwise trade to pass through the canal without paying tolls.

I also offered, and the Senate adopted, an amendment to restrict the provision as to coastwise vessels by adding the word "exclusively," so that the bill would read "vessels engaged exclusively in the coastwise trade of the United States," and I further sought to amend the provision by requiring the vessels engaged in our coastwise transportation to pay the cost to the United States of carrying them through the canal.

I am sure that other Senators also voted then to permit our coastwise trade to be carried through the canal free, with great hesitation. After the declaration of Secretary Knox, that the plan by which President Taft fixed the tolls was based upon the theory that a failure to charge tolls against vessels engaged in the coastwise traffic was a subsidy, and the declaration of President Taft to the same effect, coupled with a further study and a broader study of the treaty, we were satisfied the provision ought never to have been inserted in the original act, and we are gratified now to have an opportunity to repeal it. Many of us reached this conclusion months ago, and are delighted that the President has brought the subject to the attention of the Congress by a special message.

PRESIDENT TAFT AND SECRETARY KNOX ADMIT IT IS A SUBSIDY.

The statement of Secretary Knox is found in his letter of January 17, 1913, to Irwin B. Loughlin, Esq., American Chargé d'Affaires, London, England, and in part is as follows:

> "The exemption of coastwise trade from tolls, or the refunding of tolls collected from coastwise trade, is merely a subsidy granted by the United States to that trade, and the loss resulting from not collecting, or refunding these tolls, will fall solely upon the United States."

The declaration from President Taft is found in his speech delivered January 31, 1914, in Ontario, Canada, in which he says, in part:

> "The idea of Congress in passing the bill, and my idea in signing it, was that we were thus giving a subsidy to our coastwise ships between New York and San Francisco, Boston and Seattle. * * * The tolls have been fixed on the canal for all the world on the assumption that the coastwise traffic is to pay tolls. Our giving it immunity from tolls does not in our judgment affect the traffic of other countries in any other way than it would affect it if we had voted a subsidy equal to the tolls remitted to our ships."

Mr. Taft was wrong in supposing that the idea of Democratic Senators and Congressmen in voting to free the coastwise trade from tolls was to give a subsidy to our coastwise ships. Had they known that he considered it necessary under the treaty to fix the tolls at a rate which estimated payment of tolls by

the coastwise vessels, thus making the freedom of the coastwise vessels from paying tolls a clear subsidy, Democrats would not have disregarded their party platform and the established principles of their party by voting for this subsidy.

Our Republican friends need not be worried about Democrats keeping faith with the country. They are pledged against subsidies. A vote now to repeal this subsidy complies with party promises. If the plan adopted by President Taft for fixing tolls, clearly making free passage of coastwise vessels a subsidy, had been adopted before the Baltimore convention, even an officer of the corporations controlling the coastwise vessels could not have secured their exemption in the platform.

Action upon the bill before us requires the consideration of two questions:

First. Do we violate the agreement made between our Government and Great Britain by permitting coastwise vessels of the United States to be carried through the canal free of charge, while we require all other vessels to pay tolls for being carried through the canal?

Second. Is it economically sound to give a subsidy by free passage through the canal to the coastwise vessels of the United States?

IMPORTANCE OF TREATIES.

Before proceeding to the consideration of the first of these questions let me call attention to the vast importance to the people of the United States of our business relations with the balance of the world.

We sell to them; we buy from them.

If our commercial relations with other countries should cease, the agricultural and manufacturing industries of this country would be almost paralyzed, and thousands of families would be brought to want.

We make treaties with other nations for our mutual benefit just as individuals make contracts for their benefit.

It is essential to the prosperity of our people that treaties with foreign countries should be made.

We expect other nations to perform the obligations they owe to the United States as a result of treaties made with us.

As a matter of selfish interest, it is important to the people of the United States that the United States should perform the obligations it incurs as the result of treaties with other nations.

The standard of honor of a nation should be as precious as the standard of honor of an individual, and not only as a matter of interest, but as a matter of national character we should live up to our agreements.

No specious plea for standing up to our own country against Great Britain should blind us.

We do not serve our country when we aid our country to break its contracts and be false to its obligations.

Our agreement with Great Britain with reference to carrying vessels through the Panama Canal is continued in the Hay-Pauncefote treaty, ratified by the Senate of the United States December 16, 1901. The paragraph of the treaty about which the contentions centers is clause 1 of article 3, and reads as follows:

> "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

I ask unanimous consent at this point to print as an appendix to my remarks the second Hay-Pauncefote treaty.

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

Mr. SMITH of Georgia. Those who insist that the free passage of coastwise vessels of the United States through the canal does not violate the terms of the treaty support their contention upon some one of the following four propositions:

First. Vessels of commerce in international law, when used in treaties, apply strictly to vessels engaged in international or oversea commerce.

Second. The canal has been constructed upon territory over which the United States exercises the power of sovereignty, while the canal contemplated by the treaty was to be built on alien soil, and, therefore, the Hay-Pauncefote treaty is inapplicable.

Third. The words "all nations," included in the foregoing clause, do not include the United States, and therefore do not require freedom of discrimination as to the conditions or charges of traffic as between citizens of the United States and subjects of Great Britain.

Fourth. There is no discrimination against other ships when we relieve coastwise trade from tolls, as no ships but our own can engage in coastwise traffic. For this reason freeing coastwise traffic of the United States from tolls does not interfere with the rights of any other nation.

Let us seek to find what is the true meaning of the clause of the treaty referred to, in view of the contentions named.

The rules for the interpretation of a treaty differ little from the rules applicable to the construction of ordinary contracts. Words are to be given their ordinary meaning. All parts of the contract may be considered to aid in finding the meaning of a particular portion of the contract. Perhaps a more liberal use of cotemporaneous writings is permitted in the interpretation of a treaty than in the interpretation of an ordinary contract. Finally, the meaning intended by the nations is the true test for construction of a treaty.

HISTORY OF THE TREATY.

From the earliest period of our history the United States has insisted upon equality of treatment for her citizens in waterways controlled by other countries, and has always been ready to concede to the vessels owned by citizens of other countries equality of treatment with vessels owned by citizens of the United States in the waters controlled by the United States. This had been the traditional policy of the United States for more than a century before the Hay-Pauncefote treaty was made, and the representatives of the United States and of Great Britain were thoroughly familiar with this policy at the time the Hay-Pauncefote treaty was made.

The Hay-Pauncefote treaty superseded the Clayton-Bulwer treaty. The Clayton-Bulwer treaty was made in 1850. The Clayton-Bulwer treaty was not sought by Great Britain but by the United States. Great Britain in 1850 held a protectorate over the Mosquito coast. This protectorate covered the eastern port of the canal through Nicaragua, and this was the only route then considered practicable for a canal connecting the Atlantic and Pacific Oceans.

The United States was deeply interested in a waterway between these two oceans, and a waterway in the control of which the United States would have an equal voice. The Clayton-Bulwer treaty was sought by the United States to obtain this result.

CLAYTON-BULWER TREATY.

Great Britain yielded her advantage and agreed by the Clayton-Bulwer treaty that—

> "the Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself an exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify or colonize or assume or exercise dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America. * * * Nor will the United States or Great Britain take advantage of any intimacy or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, rights or advantages in regard to commerce or navigation through said canal which shall not be offered on the same terms to the citizens or subjects of the other."

I ask permission to insert as an appendix to my remarks the Clayton-Bulwer treaty.

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

Mr. SMITH of Georgia. The United States and Great Britain in this treaty agreed jointly to protect the canal, and to protect any builder of the canal, subject, however, to the condition that this protection could be withdrawn—

> "if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereon as are contrary to the spirit and intention of this convention, either by making unfair discrimination in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares or merchandise, or other articles"—

And so forth.

They furthermore agreed to extend their protection to any other practical communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications should the same prove practical, which were proposed to be established by way of Tehauntepec or Panama.

The Clayton-Bulwer treaty did not except Panama from its provisions. It expressly named Panama.

In article 8, it was declared to be—

"understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereon than the aforesaid Governments shall approve as just and equitable, and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

It must therefore be admitted that before the Clayton-Bulwer treaty Great Britain had the advantage of a protectorate over the eastern port, the use of which was considered necessary for the canal. By the Clayton-Bulwer treaty the United States obtained from Great Britain concessions that any canal to be built should be open to the citizens and subjects of the United States and Great Britain on equal terms, and that there should be no unfair discriminations in favor of commerce of either of the two over the commerce of the other.

From the first to the last of the Clayton-Bulwer treaty, the traditional policy of the United States to insist upon equality of treatment of the citizens and subjects of the United States and Great Britain in the waters of each country was expressed. Every safeguard was observed to insure that the citizens of each of these countries should use the canal without any advantage in regard to commerce or navigation over the citizens and subjects of the other.

Article 8 set forth this general principle of neutralization in clear terms, for it provided that any and all canals or railways built across the Isthmus connecting North and South America are to be open to the citizens and subjects of the United States and Great Britain on equal terms, and that only such charges or conditions of traffic shall be fixed which the Governments of Great Britain and the United States will approve as just and equitable.

THE REJECTED TREATY.

Fifty years passed.

The Clayton-Bulwer treaty was still in force.

The United States had grown rich.

The importance of a canal across the Isthmus had increased, and the United States desired to be freed from the contract which made Great Britain a complete partner in the canal and wished to promote the project by itself.

After extended negotiations, a treaty was agreed upon and signed by Secretary Hay and Lord Pauncefote. By this treaty Great Britain gave up the right to a partnership in the canal and agreed to the construction of the canal under the auspices of the Government of the United States alone, but expressly declared that this was to be done "without impairing the 'general principle' of neutralization" established in article 8 of the Clayton-Bulwer treaty.

The treaty furthermore provided that—

"The canal shall be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise."

The Senate of the United States amended this treaty by inserting a provision that the Clayton-Bulwer treaty was superseded, and, furthermore, by inserting a provision declaring that the conditions and stipulations shall not apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

Great Britain declined to accede to these amendments, and our representatives began the preparation of a new treaty between Great Britain and the United States.

It will be observed that the objections made in the Senate did not apply to those provisions of the treaty which neutralized the canal and required it open on terms of entire equality, so that there would be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

THE PRESENT HAY-PAUNCEFOTE TREATY.

The new treaty contained again the preamble declaring that it was to be made "without impairing the general principle of neutralization established in article 8 of that convention (the Clayton-Bulwer treaty)."

The term "neutralization" has been used in modern times with reference to impartial treatment of the citizens of nations without any reference whatever to conditions of war. An examination of article 8 of the Clayton-Bulwer treaty shows that it has no reference to war, but provides for neutralization or impartial treatment of the citizens of the United States and Great Britain by declaring that—

"the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms shall also be open on like terms to the citizens and subjects of other states,"

And so forth.

Thus the preamble of the treaty expressly declares its application to citizens of Great Britain and citizens of the United States, and that the canals or railways built across the Isthmus are to be open to each on equal terms.

Article 3 begins with the declaration that—

"The United States adopts as the basis of the neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople for the free navigation of the Suez Canal, i. e.:

"First. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

Clause 1 must be construed in connection with the preamble, which declares that the citizens of the United States and the subjects of Great Britain are to use the canal or railway built across the Isthmus on equal terms.

It must also be construed in connection with the declaration that the rules are substantially as embodied in the rules covering the free navigation of the Suez Canal. While the United States adopts the rules, they were adopted as part of a treaty which makes them binding upon Great Britain and the United States.

These two provisions in the treaty make it impossible to put upon clause 1 any construction which does not place citizens of the United States and subjects of Great Britain upon equal terms. The preamble expressly names them as being entitled to equal terms in the use of the canal. The vessels of citizens of the United States and of subjects of Great Britain use the Suez Canal on equal terms, paying exactly the same rates of tolls.

THE MEANING OF "ALL NATIONS"

The contention that the words "all nations" mean "all other nations," and therefore do not include the United States, is based upon a rule of construction which might have been applicable if the United States at that time had owned the canal and the territory through which the canal was built and was simply granting a privilege to some other nation.

The contention, even then, would have had no force under the present treaty, because the treaty in its preamble declared that the general principle of neutralization of article 8 of the Clayton-Bulwer treaty should not be impaired, and the treaty declared that the rules adopted are substantially those embodied in the convention of Constantinople for the free navigation of the Suez Canal.

These provisions of the treaty prevented discrimination against citizens or subjects of any nation in respect to the conditions or charges of traffic, or otherwise, and required that the term "all nations" should include the United States.

In point of fact, the United States at that time owned nothing. It had not been settled that it would own the canal. The treaty provided that—

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost or by gift or loan of money to individuals or corporations or through subscriptions to or purchase of stock or shares, subject to the provisions of the present treaty."

So the language of clause 1 was drawn to cover conditions as they existed; to cover a canal in which the United States might have a majority of the stock, a part of the stock, or no stock; to cover a canal built by some corporation backed by the United States in a country foreign to the United States. The language was intended to cover the canal whether the United States built it on land owned or not owned by the United States, and in either event there was to be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise.

The provisions in clause 2, article 3, of the treaty, permitting the United States to maintain "such military police along the canal as may be necessary to protect it against lawlessness and disorder," could only have been placed in the treaty upon the

theory that the United States might not own the territory upon which the canal was built.

Article 4 of the Hay-Pauncefote treaty provided that a change of sovereignty; that is, the acquirement of sovereignty over the Canal Zone by the United States, should not affect "the general principle of neutralization." These are the words used in article 8 of the Clayton-Bulwer treaty to preserve commercial equality.

Article 4 preserved to the citizens of Great Britain and the United States their equality in commercial matters, but did not seek in any other respect to limit the power of the United States over the Canal Zone if the United States should become the owner of the Canal Zone.

The acquirement of the Canal Zone by the United States gave the United States the right, even without treaty provision, to maintain a military police upon the canal. It gave the right to embark and disembark troops. It gave the right to fortify the canal, and Great Britain promptly agreed that the right of fortification, under the treaty, existed when the United States became the owner of the zone.

The term "vessels of commerce and war of all nations" is used, vessels of commerce and war being treated in the same way, for the reason that the United States might not be the owner of the canal, but might be dealing with a corporation owning the canal, just as Great Britain controls the majority of the stock of the Suez Canal.

If the United States should own alone the canal, of course the vessels of war of the United States would not be charged tolls, for to charge them tolls would be to take the money out of the Treasury of the United States simply to put it back; but, without regard to the question as to whether the United States owned a part of the stock of the canal or all of the stock and the land on which it was located, the canal was to be free and open to the vessels of commerce owned by citizens of the United States and Great Britain on terms of entire equality.

The effort to take the United States out of the operation of the words "all nations," is to take from the words their ordinary meaning in utter disregard of other provisions of the treaty which expressly declare that the equality of treatment with reference to the use of the canal was to be between citizens of the United States and subjects of Great Britain.

It is an effort to pick out single words, and place upon them forced and false construction.

VESSELS OF COMMERCE.

What I have said with reference to the term "all nations" is equally applicable to the suggestion that "vessels of commerce" should be construed to apply alone to vessels engaged in international trade.

Wharton's Law Dictionary has been cited in support of this construction. The definition there given is:

> "Commerce relates to our dealings with foreign nations, colonies,"

And so forth.

The Standard Dictionary defines "commerce" as follows:

> "The exchange of goods, productions, or property of any kind, especially exchange on a large scale as between States or nations; extended trade."

Webster's New International Dictionary gives this definition of "commerce":

> "Business intercourse; the exchange or buying and selling of commodities, and particularly the exchange of merchandise on a large scale between different places and communities; extended trade or traffic."

The Cyclopedia of Law and Procedure, volume 7, page 412, defines "commerce" as follows:

> "Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including transportation, purchase, sale, and exchange of commodities between the citizens of one country and the citizens or subjects of other countries, and between the citizens of different States."

So, it will be seen that when Wharton, in his law dictionary, was defining commerce as relating to dealings with foreign nations, colonies, and so forth, he simply meant that it was extended trade.

The term "vessels of commerce" has no distinctive title in law dictionaries or other works so far as I have been able to find. The suggestion of an international definition for vessels of commerce must depend for its origin upon the genius of the junior Senator from New York.

While Wharton gives a more restricted definition of commerce than the other authorities I quote, even his definition would make trading with Hawaii, the Philippines, Porto Rico, and from the Atlantic to the Pacific coasts, commerce.

Those who seek to restrict the meaning of the Hay-Pauncefote treaty by picking here a word and there a word in disregard of the entire tenor of the treaty, merely disclose the unshakable fact that the treaty intended to provide for the use of the canal by the citizens of the United States and the subjects of Great Britain, and of other nations, observing the rules prescribed, so that there would be no discrimination against any of the citizens with respect to the conditions or charges of traffic for passing their commerce through the canal.

CHANGE OF SOVEREIGNTY NOT TO AFFECT THE RIGHTS OF SUBJECTS OF GREAT BRITAIN.

But it has been insisted that the canal contemplated by the treaty was to be built on alien soil, and now that it has been constructed upon territory over which the United States exercises the power of sovereignty, the Hay-Pauncefote treaty is inapplicable.

How such a contention can seriously be presented I can not understand, in view of article 4 of the Hay-Pauncefote treaty, which reads as follows:

> "It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

It is well known that pending the negotiation of this treaty it was suggested that the United States might purchase a strip of land contiguous to the canal, if the canal was built; and article 4 of the treaty was prepared by Secretary Hay to meet the demand of the British Government, that the equality of treatment of the citizens of Great Britain and the citizens of the United States, in respect to their commerce passing through the canal, might be preserved, even though the United States became sole owner of the territory through which the canal was built.

Secretary Hay used the exact language found in the preamble, viz, "the general principle of neutralization," the preamble having declared that the new treaty was made without impairing "the general principle of neutralization" established in article 8 of the Clayton-Bulwer treaty, and, as I have before stated, that general principle of neutralization was that the canal "shall be open to the citizens and subjects of the United States and of Great Britain on equal terms."

It will be observed that article 4, in utilizing the term "principle of neutralization," used the language of article 8 of the Clayton-Bulwer treaty, which does not carry an objection to the fortification of the canal by the United States and does not exclude other uses incident to ownership connected with the defense of the territory or the defense of the Nation.

Article 18 of our treaty with Panama, under which we obtained title to the zone, couples with that title the following provision:

> "The canal when constructed and the entrances thereto shall be neutral in perpetuity and shall be open upon the terms provided by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Government of the United States and Great Britain on November 18, 1901."

The Hay-Pauncefote treaty is made a part of the title to the property in the treaty of conveyance from Panama which gives our country the title.

Talk of terminating the Hay-Pauncefote treaty from a legal standpoint is absurd.

It would terminate our right legally to possession of the canal itself.

It would compel us to give up the canal, unless we abandoned our attitude as a law-abiding Nation and resorted alone to battleships and brute force to keep the property.

Our right to fortify and use the canal as a national defense followed ownership of the zone, and Great Britain by promptly conceding this fact conformed to the terms of the treaty.

Mr. Henry White and Mr. Choate are the two living Americans who represented the United States in these negotiations. Mr. White, referring to this subject before the Interoceanic Committee, said:

> "It was always assumed by those carrying on the negotiations—it certainly was by me in my interview with Lord Lansdowne—that we meant our ships should be considered, or, rather, that the United States should be considered as included in the term "all nations."

How can any rational man, in view of the terms of the treaty and the declaration of Mr. White, believe that the passage of

this bill compromises the dignity and the honor of our country?

I enter my protest against the suggestion that it is a betrayal of the American people to live up to our treaty agreements.

The dishonor would come from their breach.

CORRESPONDENCE BETWEEN MR. WHITE, MR. CHOATE, AND REPRESENTATIVES OF GREAT BRITAIN.

I have carefully examined all of the correspondence furnished by the State Department, and it covers the subject from the earliest letter written, December 7, 1898, by Mr. Hay to Mr. White down to the present time.

I invite those who seek to construe the term "all nations" in clause 1 of article 3 of the treaty as meaning all nations other than the United States to find a single word in the entire correspondence which would justify such a construction. On the contrary, over and over again in this correspondence is disclosed the fact that the parties to this treaty intended that citizens and subjects of the United States, in respect to conditions or charges of traffic through this canal, should be placed upon an entire equality with citizens and subjects of Great Britain.

As far back as December 22, 1898, Mr. White, in a telegram to Mr. Hay from London at the very opening of the negotiations, looking toward relieving the United States from the Clayton-Bulwer treaty, wrote with reference to the attitude of the British Government on the construction of the canal:

> "I do not believe, if it is opened to all nations on equal terms, there will be any serious difficulty in effecting an agreement satisfactory to both nations."

Clearly here he was including the United States in the term "all nations."

A letter written by him on the same day to Mr. Hay contained the following statement:

> "Lord Salisbury said nothing to lead me to think he is unfavorably disposed, much less hostile, to the construction of the canal under our auspices, provided it is to be open to the ships of all countries on equal terms."

In the same letter he wrote:

> "In this connection, I inclose an article which appeared in the London Spectator of the 10th, and which embodies the opinion, I think, of a very considerable majority of those who have given this matter attention in this country."

The following are some extracts from that editorial:

> "The Times says most reasonably that if the freedom of the waterways are secured to the ships of all nations as in the case of the Suez Canal, we do not see what object we should have in standing strictly upon claims which originated when circumstances were altogether different."
>
> "All we want is that the canal shall be made and that when it is made it shall be open and available to our merchant ships and ships of war as freely as to those of the United States and all other powers."
>
> "Supposing the canal ours, or merely the property of Nicaragua, a hostile power might block it in the first instance as our property, and in the second in defiance of the weak State. If, however, it is controlled by America we need have no fear of being unable to use it, for it will be in hands strong enough to defend it."
>
> "We fail then to see why we should make ourselves disagreeable to the Americans by vetoing the canal."
>
> "What answer are we to make to America if, or rather when, she asks us to agree to the abrogation of the Clayton-Bulwer treaty? It has been suggested that we should ask for compensation or try to make a bargain for trade vessels."
>
> "We would rather abrogate the treaty out of good will and good feeling than for any direct quid pro quo. Let us show the world that though in a case of foreigners we shall be tenacious of our treaty rights to the last iota, we can in the case of our own kith and kin think of their interests and wishes as well as of our own."
>
> "We would abrogate the treaty on the following terms:
>
> "'* * * That the duties charged should be the same in the case of American and other vessels.'"

Copies of many of the letters written by Mr. Choate to Secretary Hay are now printed for the use of the Senate.

Lord Pauncefote was insisting that the treaty should apply not only to the first canal built, but any subsequent canal. Mr. Choate was objecting to such a provision. On August 20, 1901, Mr. Choate wrote Secretary Hay:

> "As article 8 stands, in the Clayton-Bulwer treaty, it undoubtedly contemplates further treaty stipulations—not these treaty stipulations, in case any other interoceanic route, either by land or by water, should 'prove to be practicable,' and it proceeds to state that the general principle to be applied is to be no other charges or conditions of traffic thereon 'than are just and equitable,' and that said 'canals or railways' being open to the subjects and citizens of Great Britain and the United States on equal terms shall also be open on like terms to the subjects and citizens of other States, which I believe to be the real general principle of neutralization (if you choose to call it so) intended to be asserted by this eighth article of the Clayton-Bulwer treaty."

The importance of this statement from Mr. Choate will be appreciated if we keep in mind the fact that the treaty finally ratified declares that the general principle of neutralization in article 8 of the Clayton-Bulwer treaty is not to be impaired by this new treaty, and Mr. Choate wrote, pending the negotiations of the treaty, that the general principle of neutralization intended to be inserted was that the canals or railways were to be open to subjects of Great Britain and the United States on equal terms.

Further on in the same letter Mr. Choate suggested that if Great Britain insisted upon extending the treaty to future canals it might be provided "in view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer treaty is reaffirmed, the United States hereby declares that it will impose no other charges or conditions of traffic upon any other canal that may be built across the Isthmus than are just and equitable, and that such canals shall be open to the subjects and citizens of the United States and of all other nations on equal terms."

The additional clause became unnecessary because Great Britain did not insist that the treaty should apply to more than the one canal.

Mr. Hay, in replying, said:

> "Your views are so clear and definite and so entirely in accord with my own that I find it unnecessary to give you any extended instructions as to this very important matter."

In a letter of September 21 Mr. Choate explains that Lord Pauncefote wished an additional clause to preserve more specifically the protection of Great Britain in the event the United States acquired territory on both sides of the canal, and lest the United States might then claim that "a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal that ran through American territory only."

Mr. Choate said:

> "I insisted that these ideas were already included in your 4, that is, within the words 'the general principle of neutralization,' especially in the light of that phrase as used in the preamble, where it is 'neutralization established in article 8 of the Clayton-Bulwer treaty'; that if not included within that it certainly was in the phrase 'obligations of the high contracting parties under this treaty.'"

Mr. Choate proceeded:

> "He still insisted that it should not be left to the construction of general clauses, but should be explicitly stated. Believing as I do that you had no thought of escaping from the obligations of article 3, clause 1, in any such contingency as change of territorial sovereignty, and that you had intended it to be included in your language in 4, I wrote down the words 'or the freedom of passage of the canal to the vessels of commerce and of war of all nations on terms of entire equality and without discrimination, as provided by article 3,' and asked him if those words were added to your 4 it would satisfy him as a substitute for Lord Lansdowne's 3-A."

On September 31 Secretary Hay telegraphed Mr. Choate:

> "The President cordially approves draft of canal treaty and your instructions. I do not consider the proposed addition to article 4 as necessary or as improving the article, but if the British Government strongly insists you may accept it."

In the further discussion of this subject it appears that Mr. Choate satisfied Lord Pauncefote that this additional clause was unnecessary and that article 4, even in case the Government of the United States became owner of the land on which the canal was dug, still preserved to Great Britain the neutrali-

zation clause of article 8 of the Clayton-Bulwer treaty, by which citizens of the United States and citizens of Great Britain would use the canal on terms of equality.

On September 25 Mr. Choate wrote Secretary Hay:

"I judged from your cable that you agreed with me that the words proposed to be added did not really alter the meaning of your 4, but only added a specification of what was there included in general terms."

In a letter of October 2, 1901, Mr. Choate concluded with the statement, referring to Lord Lansdowne:

"In substance he abrogates the Clayton-Bulwer treaty, gives us an American canal—ours to build as and where we like, to own, control, and govern—on the sole condition of its being always neutral and free for the passage of the ships of all nations on equal terms, except that if we get into a war with any nation we can shut its ships out and take care of ourselves."

SECRETARY HAY TO SENATOR CULLOM.

Secretary Hay on December 12, 1901, wrote Senator Cullom of the treaty which had then been sent to the Senate, among other things, as follows:

"The draft of the new treaty was transmitted by Lord Pauncefote to Lord Lansdowne, and its treatment by him manifested a most conciliatory spirit and an earnest desire to reach a conclusion which should be satisfactory to the United States, if this could be done without departing from the great principle of neutrality, including the use of the canal by all nations on equal terms, for which Great Britain had always contended."

It will be observed that this language used by Secretary Hay is not the language of a grant by the United States to some other country, but a general expression with reference to the purposes of the negotiation, and certainly no one will question that it included the United States in the term "all nations."

Quoting further from the letter above referred to from Secretary Hay to Senator Cullom:

"He considered that the abrogation of the Clayton-Bulwer treaty, which had been inserted by way of an amendment in the former treaty without any previous opportunity for consideration of the matter by Great Britain, would not now be regarded as inadmissible, if sufficient provision were made in the new treaty for anything in the Clayton-Bulwer treaty which it was any longer of material interest to Great Britain to preserve."

"The President considered * * * that for the present a convention for the building of one canal at the cost of the United States, for the equal benefit of them all, was all that could be wisely attempted. He not only was willing, but earnestly desired, that the general principle of neutralization, referred to in the preamble of this treaty, and in the eighth article of the Clayton-Bulwer treaty, should be perpetually applied to this canal. * * * He recognized the entire justice and propriety of the demand of Great Britain, that if she was asked to surrender the material interest secured by the first article of that treaty, which might result at some indefinite future time in a change of sovereignty in the territory traversed by the canal, the general principle of neutralization as applied to the canal should be absolutely secured, and that a clause should be added to the draft treaty by which the parties should agree that no change of sovereignty or of international relations of the territory traversed by the canal should affect this general principle or the obligations of the parties under this treaty."

When Secretary Hay submitted to the President for transmission to the Senate the agreement covering the Hay-Pauncefote treaty, he called attention to the fact that the construction of such canal under the auspices of the Government of the United States was to be "without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer convention."

President Roosevelt, in sending the treaty to the Senate, closed his letter with the statement that the "new treaty was made without impairing the general principle of neutralization established in article 8 of the Clayton-Bulwer convention."

Senator Cushman K. Davis, chairman of the Senate Committee on Foreign Relations, presented to the Senate the first Hay-Pauncefote treaty. He declared that in building the canal there was to be "no exclusive privilege or preferential right of any kind, but perfect equality for all, with no privilege to the United States," and that the United States could not take an attitude in opposition to equal use of the canal by all nations without discrimination. I quote the following extracts from his report:

"That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practical, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality of all.

"That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belongs to all mankind. * * *

"As to neutrality and the exclusive control of the canal and its dedication to universal use, the suggestions that were incorporated in the Clayton-Bulwer treaty came from the United States and were concurred in by Great Britain. In no instance has the Government of the United States intimated an objection to this treaty on account of the features of neutrality, its equal and impartial use by all other nations. * * *

"No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open on terms of impartial equity to the ships and commerce of the world.

"Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the two great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

"The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe and not of Great Britain alone. Whenever a canal is built in the Isthmus of Darien, it will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal as a part of the laws of nations, and no single power will be able to resist its control. * * *

"The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations without discrimination. * * *

"That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost we are not called on to divide the profits with other nations. If it is worth less, and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration.

"The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment."

Nobody can read the correspondence between our representatives and the representatives of Great Britain or the correspondence between Mr. Choate and Mr. Hay, carried on while this treaty was being made, and doubt that the "all nations" in clause 1 of article 3 was intended to include the United States, and that the preamble to the treaty was meant to fix upon the treaty the general principle of neutralization contained in article 8 of the Clayton-Bulwer treaty to the effect that the canal was to be open to the citizens and subjects of the United States and of Great Britain on equal terms.

An appeal to our love of country should always find ready response, but no love of country should influence us to seek to escape from the plain purposes of an agreement with another country by hair-splitting and technical refinements of construction, especially when the possibility of such a course was suggested by the representatives of the other country when the negotiations were being conducted and when our representatives assured the representatives of the other country that the construction now being sought to be placed upon this treaty by

those who deny its application to citizens of the United States could not possibly be made.

WILL FREE PASSAGE OF COASTWISE VESSELS VIOLATE THE TREATY?

But it is contended that even if the Hay-Pauncefote treaty prevents a discrimination from being made between vessels of Great Britain and vessels of the United States engaged in foreign trade which pass through the Panama Canal, still, as our coastwise transportation is limited entirely to American vessels, to permit the free passage of these vessels would be no discrimination against the vessels owned by British citizens.

The case is well put by Mr. Roosevelt, on January 18, 1913, in the Outlook, when he said:

"I believe the position of the United States is proper as regards coastwise traffic. I think we have the right to free bona fide coastwise traffic from tolls. I think this does not interfere with the rights of any other nation, because no ships but our own can engage in coastwise traffic. There is no discrimination against other ships when we relieve the coastwise trade from tolls."

If the treaty applied alone to the owners of ships, the conclusion of President Roosevelt would be sound. It would be fortified by the opinion of the Supreme Court of the United States in the case of Olesen against Smith. This case arose out of a treaty with Great Britain containing the following language:

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

Passing upon the case, Mr. Justice White said:

"Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and therefore any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of vessels of the United States in such trade."

When the Panama Canal bill was before the Senate in 1912 I called attention to this decision of the Supreme Court of the United States and justified the provision permitting free passage for vessels engaged in the United States coastwise traffic. I, however, added at that time that the effect might be to require the United States also to permit vessels engaged in Canadian coastwise traffic to pass through the canal free. The treaty considered in the Olesen case is limited to vessels. It does not apply to discriminations against citizens other than vessel owners.

During the debate upon this subject, in 1912, I do not think the attention of Senators was called to the fact that the language of clause 1, article 3, of the Hay-Pauncefote treaty might be construed to apply to the commerce of citizens of the United States, and all other North American and South American countries similarly situated as to coastwise trade. Since then I have made a careful investigation of this view of the question. It will be observed that the clause not only provides that the canal shall be free and open to the vessels of commerce, but it shall be so open and so used "that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise."

It is now contended that this language is broad enough to prevent rates of tolls which would discriminate against the commerce of citizens of Canada. In other words, the provision is broad enough to require that a vessel sailing from New York to Vancouver, carrying a cargo of goods to citizens of Vancouver, should pass through the canal with the same rates of tolls as a vessel sailing from New York to Seattle, carrying goods to citizens of the State of Washington. We can not deny that to permit vessels to pass through the canal without paying tolls when goods are carried from New York to Seattle, while a vessel going through the canal from New York to Vancouver was required to pay tolls, would be a discrimination against the commerce of the citizens of Vancouver.

Was the treaty intended to be applied to such a case?

THE LAKE CANAL TREATY.

I wish to call the attention of the Senate to the treaty made in 1871 between the United States and Great Britain applicable to the tolls of the Welland and other Canadian canals. This treaty reads:

"The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

Under this treaty Canada fixed the tolls for vessels passing through the Welland Canal at 20 cents per ton and made the charge equally applicable to vessels owned by citizens of the United States and to vessels owned by citizens of Canada, but subsequently a rebate of 18 cents per ton was allowed upon the merchandise going to Montreal, while a similar rebate was denied to merchandise going to cities on the American side of Lake Ontario.

It was claimed that the effect of this treaty was to give an advantage to the commerce of citizens of the Dominion over the commerce of citizens of the United States. On August 23, 1888, President Cleveland sent a message to Congress protesting against what he claimed to be a violation of treaty rights of citizens of the United States by the Government of Canada:

In this message he said:

"The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens—producers and consumers, as well as vessel owners—were to enjoy the equality promised.

"And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

"To promise equality and then in practice make it conditioned upon our vessels doing Canadian business instead of their own is to fulfill a promise with the shadow of performance."

After this message from President Cleveland to Congress the State Department took up with the state department of Great Britain the complaint of our Nation on account of the rebate given by Canada to her coastwise business. Great Britain contended, representing the views of Canada, that the treaty only applied to owners of vessels and did not apply to a discrimination between the rates charged vessels going to cities of the United States and Canada. Nothing was accomplished at that time.

On June 20, 1892, in response to a Senate resolution asking for information, President Harrison reviewed the entire subject. He called attention to the report of Mr. Partridge, the Solicitor of the Department of State, and to a letter from Mr. Blaine. He condemned the rebate of 18 cents a ton upon goods going to Montreal. He said:

"That these orders as to canal tolls and rebates are in direct violation of article 27 of the treaty of 1871 seems to be clear. It is wholly evasive to say that there is no discrimination between Canadian and American vessels; that the rebate is allowed to both without favor upon grain carried through to Montreal or transshipped at a Canadian port to Montreal. The treaty runs: 'To secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.'

"It was intended to give to consumers in the United States, to our people engaged in railroad transportation, and to those exporting from our ports equal terms in passing their merchandise through these canals. This absolute equality of treatment was the consideration for concession on the part of this Government made in the same article of the treaty, and which have been faithfully kept.

"It is a matter of regret that the Canadian Government has not responded promptly to our request for the removal of these discriminating tolls. * * * In view of the fact that the Canadian commissioners still contest with us the claim that these tolls are discriminating and insist that they constitute no violation of the letter or spirit of article 27 of the treaty, it would seem appropriate that Congress, if the view held by the Executive is approved, should with deliberation and yet with promptness take such steps as may be necessary to secure the just rights of our citizens."

On July 1 following he again brought this subject to the attention of Congress, and declared:

"There can be no doubt that a serious discrimination against our citizens and our commerce exists, and quite as little doubt that this discrimination is not the incident but the purpose of the Canadian regulation."

He accompanied his message with an elaborate review of the subject by Assistant Secretary of State Adee. Thereupon the House of Representatives brought in an act authorizing the President to put into effect retaliatory duties. The report was presented by Mr. Blount, who called attention to the treaty between Great Britain and the United States of 1871, which provided for terms of equality between citizens of the United States and Great Britain as to the use of the Welland Canal, and further said:

"It was claimed on the part of the Canadian Government that as the rebate applied to 'vessels,' and our vessels were covered by its terms provided their cargoes took the lines indicated by the order, there was absolute equality; but the language of the treaty shows that it had relation not to vessels but to citizens.

"It was intended for the benefit of the consumers in our own country; it was intended to give advantage to our ports; it was intended to give advantage to our transportation companies. The Canadians have sought, by this technical construction, to evade the spirit of the treaty."

Mr. Hitt also, in advocating the legislation which authorized retaliation by the United States, said:

"By our treaty with Great Britain, the words of which have just been read to the House, we are entitled to 'the use of that canal on terms of equality with the inhabitants of the Dominion of Canada.' * * * Uncover all the masks of words and equivocations in this voluminous correspondence and there stands out the bald fact that American trade is subjected to just ten times the burden to which Canadian trade is subjected in passing through the canal. * * * This burden is laid on the commerce of the North and Northwest and the citizens of the ports of the United States entitled to enjoy this export trade and by treaty to equality in the use of the Welland Canal."

Congress passed the bill, and the President of the United States, on August 18, issued a proclamation putting the retaliatory provision into execution. Thereupon Canada receded. It abandoned the rebate, and by proclamation February 20, 1893, the retaliatory duties were withdrawn.

If, under the treaty applicable to the Welland and other canals in Canada, the commerce of the cities of the two countries, so far as the canal was concerned, were to receive equality, if our Government was right in the contention which it then made, how can we avoid the conclusion that our Government is wrong now?

If we permit vessels from New York City to Seattle, carrying the commerce of the people of Washington, to pass through the canal without the payment of tolls and require a vessel carrying from New York to Vancouver cargoes of goods for the people of that coast to pay tolls, we would be taxing the commerce of the citizens of the Dominion of Canada, while we would not be taxing the commerce of the citizens of the United States similarly situated.

If, under our Panama Canal act, we provided that vessels sailing from eastern or western coasts of the United States to the opposite coast of the United States should receive a rebate of 90 per cent of their tolls, if they landed their cargoes on our own coast, and that the same vessels or Canadian vessels sailing from one coast to the other coast, and landing their cargoes at Canadian ports, should have no such rebate, we would be doing, under the present treaty, just what Canada did under the treaty which applied to their lake canals.

If giving a rebate of 90 per cent of the tolls to vessels landing their cargoes in ports of the United States would be a discrimination against the commerce of the citizens of the Dominion of Canada, how much more would the discrimination exist if the rebate amounted to all of the tolls, or if the vessels were carried through the canal without paying any tolls?

Let us place the language of the two treaties side by side.

The Welland Canal treaty undertook to secure "to the citizens of the United States use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion."

The Hay-Pauncefote treaty provides that "the canal shall be free and open on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise."

If the Welland Canal treaty extended beyond the owners of vessels to the commerce of the citizens, the Hay-Pauncefote treaty certainly does the same thing; and if it does, we can not charge one rate at the canal for the commerce of the cities on the United States coast and another rate at the canal for commerce of citizens on the coast of the Dominion of Canada.

If we were right then, we are wrong now. If we are right now, we were wrong then.

Will anyone claim that the British Government in urging Canada to yield to our construction of the lake treaty in 1892 improperly yielded to the United States, or that the conduct of Great Britain in this matter showed a lack of proper courage or assertion of national rights?

Yet the concession was made to us by Great Britain and Canada in 1892, and the discrimination against the commerce of the citizens in the ports of the United States, in favor of the commerce of the citizens of the ports of Canada, was abandoned. Canada may again assert her right to follow the construction she then placed upon the treaty, but she has yielded to the extent of abolishing the rebates.

It is generally understood that in the summer of 1912 the home Government at London was not aggressive in its objection to the claim of the United States with reference to passing coastwise vessels through the canal free, but that representatives of Canada and British America brought their complaint to the attention of the Government in London and asserted their rights. Can we complain that they should not have done so?

Had not the offices of the home Government in London helped induce them to yield to us in 1892 upon a similar treaty and a similar issue? How could the Government in London fail to respond under the circumstances and assert that we ought to follow in our construction of the Panama Canal treaty the construction we ourselves had placed upon the lake canal treaty?

For the present argument it is not necessary to express an opinion as to the meaning of this part of the language of the treaty, but if we insist upon our present construction, I do say that we ought promptly to notify Canada that we were wrong in 1892, and that Canada is at perfect liberty to grant such rebates as that Government might desire for the cities of the Dominion of Canada as against the cities of the United States.

Do we realize the enormous volume of this trade, and what it would mean to our northeastern facilities of transportation? It is understood that Canada is deepening these canals; that she is taking steps to greatly improve their value, and that an abandonment of our former contention with reference to these treaties would be injurious not alone to the State of New York and the New England States, but to the Middle Western States whose products are served at least in considerable part by the use of the Canadian canals.

Mr. Choate, in his letter of April 13, 1914, transmitting his correspondence while he was acting as ambassador to the Court of St. James, with Secretary Hay, makes the following statement:

"These, if carefully perused, will, I think, be found to confirm my view that the clause in the Panama Canal act exempting our coastwise shipping from tolls is a clear violation of the treaty."

ALL COUNTRIES IN NORTH AND SOUTH AMERICA INTERESTED.

But the Dominion of Canada is not the only one of our neighbors interested in this question. All of North and South America is interested. Mexico, the countries of Central America, and the countries of South America. We are seeking to cultivate trade with our North and South American neighbors. We are seeking to build up our commerce with them. Shall we say to them that we will make treaties promising equality, which they may justly consider extending to the commerce of their people, and yet seek to discriminate in favor of the commerce of the citizens of the United States? Our citizens are interested in the entire commerce of America, not alone in trading with each other, and it would be a mistake in policy for us to injure our trade relations with our neighbors by causing them to feel that we were seeking to enforce a construction of a treaty in our favor just contrary to a construction which we placed upon a similar treaty when the different construction was in our favor.

And when the President in his message referred to other difficulties to be caused by the passage of our coastwise vessels through the canal without charge, while I do not speak ex cathedra, I may well conceive that he had in view our general relations with all of our neighbors in America, and not what many have suggested, some ulterior purpose in connection with the Government of Great Britain.

We have treaties with all the nations of the world. They were made to protect the interests of our people. It is essential

that other nations should live up to those treaties. How can we ask them to do so if our Government fails to live up to the obligations it has assumed in those treaties?

The objections under the treaty to permitting the coastwise traffic of the United States to pass through the canal without paying tolls may be summed up in the following propositions:

First. Clause 1, article 3, of the treaty applies not only to the owners of vessels, but to the citizens and subjects of the respective countries and, together with the balance of the treaty, requires that no discrimination as to such citizens and subjects shall be made in respect of the conditions or charges of traffic through the canal.

Second. The coastwise vessels will naturally stop at the ports of Cuba, Mexico, Central America, Panama and, perhaps, elsewhere. Their cargoes will not be limited exclusively to bona fide coastwise traffic of the United States.

Third. Traffic from foreign countries will be unloaded at ports of the United States to be immediately reloaded in a coastwise vessel for passage through the canal to the opposite coast of the United States, thus in reality carrying through the canal foreign traffic in coastwise vessels without paying tolls.

It has been claimed that Chargé d'Affaires Innes, the representative of Great Britain, in a letter dated July 8, 1912, admitted to Secretary Knox the right of the United States to give an exemption from tolls to vessels engaged in the coastwise trade. This is not a correct statement of his attitude. The language which he used was this:

> "As to the proposal that examption shall be given to vessels engaged in coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it might be that no objection could be taken. But it appears to our Government that it will be impossible to frame regulations which will prevent the exemption from resulting in a preference to United States shipping and, consequently, in an infraction of the treaty."

SIR EDWARD GREY'S LETTER.

In a letter dated November 14, 1912, handed to the Secretary of State by the British ambassador December 9, Sir Edward Grey called the attention of our Government to the terms of the Hay-Pauncefote treaty. Referring to the Hay-Pauncefote treaty, he wrote:

> "So long as the Clayton-Bulwer treaty was in force, therefore, the position was that both parties to it had given up their power of independent action, because neither was at liberty to construct the canal and thereby obtain the exclusive control which construction would confer. It is also clear that if the canal had been constructed while the Clayton-Bulwer treaty was in force it would have been open in accordance with article 8 to British and United States ships on equal terms, and equally clear, therefore, that the tolls leviable on such ships would have been identical.
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> "The purpose of the United States in negotiating the Hay-Pauncefote treaty was to recover their freedom of action and obtain the right which they had surrendered to construct the canal themselves; this is expressed in the preamble to the treaty, but the complete liberty of action consequential upon such construction was to be limited by the maintenance of the general principle embodied in article 8 of the earlier treaty. That principle, as shown above, was one of equal treatment for both British and United States ships, and a study of the language of article 4 shows that the word 'neutralization' in the preamble of the latter treaty is not there confined to belligerent operations, but refers to the system of equal rights for which article 8 provided. * * *
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> "* * * I notice that in the course of the debate in the Senate on the Panama Canal bill the argument was used by one of the speakers that the third, fourth, and fifth rules embodied in article 3 of the treaty shows that the words 'all nations' can not include the United States, because if the United States were at war it is impossible to believe it could be intended to be debarred by the treaty from using its own territory for revictualing its warships or landing troops.
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> "The same point may strike others who read nothing but the text of the Hay-Pauncefote treaty itself, and I think it therefore worth while that I should briefly show that this
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> "The Hay-Pauncefote treaty of 1901 aimed at carrying out the principle of the neutralization of the Panama Canal by subjecting it to the same régime as the Suez Canal. Rules 3, 4, and 5 of article 3 of the treaty are taken almost textually from articles 4, 5, and 6 of the Suez Canal convention of 1888. At the date of the signature of the Hay-Pauncefote treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States. Consequently, there was no need to insert in the draft treaty provisions corresponding to those in articles 10 and 13 of the Suez Canal convention, which preserved the sovereign rights of Turkey. * * *
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> "Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection. * * *
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> "It has been argued that, as the coastwise trade of the United States is confined to United States vessels, the exemption of vessels engaged in it from the payment of tolls can not injure the interests of foreign nations. It is clear, however, that the interests of foreign nations will be seriously injured in two material respects. * * *
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> "* * * The exemption will, in the opinion of His Majesty's Government, be a violation of the equal treatment secured by the treaty, as it will put the coastwise trade in a preferential position as regards other shipping. Coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. To take an example, if cargo intended for a United States port beyond the canal, either from the east or west, and shipped on board a foreign ship, could be sent to its destination more cheaply through the operation of the proposed exemption by being landed at a United States port before reaching the canal and then sent on as a coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination on board a foreign vessel. * * *
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> "Again, although certain privileges are granted to vessels engaged exclusively in the coastwise trade, His Majesty's Government are given to understand that there is nothing in the laws of the United States which prevents any United States ship from combining foreign commerce with coastwise trade and, consequently, from entering into direct competition with foreign vessels while remaining prima facie entitled to the privilege of free passage through the canal. * * *
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> "His Majesty's Government feel no doubt as to the correctness of their interpretation of the treaties of 1850 and 1901 and as to the validity of the rights they claim under them for British shipping. Nor does there seem to them to be any room for doubt that the provisions of the Panama Canal act as to tolls conflict with the rights secured to their shipping by the treaty. But they recognize that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they desire to state their perfect readiness to submit the question to arbitration if the Government of the United States would prefer to take that course.
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> "* * * I wish to add before closing this dispatch that it is only with great reluctance that His Majesty's Government have felt bound to raise objections on the ground of treaty rights to the provisions of the act. Animated by an earnest desire to avoid points which might in any way prove embarrassing to the United States, His Majesty's Government have confined their objections in the narrowest possible limits and have recognized in the fullest manner the right of the United States to control the canal * * *."

Can anyone complain of either the substance or tone of this letter? It is a friendly and courteous presentation of a claim by Great Britain under the treaty we sought and largely prepared.

Even those who may not agree with the conclusions expressed by Sir Edward Grey must admit that at least he has ground for the views he expresses, and he presents them in a manner in no way offensive.

I must confess some impatience at the manner in which at times this subject has been presented by the opponents of repeal.

The suggestion that any Senator would surrender the rights of the people of the United States to any country may be effective when presented with highly colored rhetoric to the less thoughtful of our citizens; but the great body of our people are too intelligent to become seriously disturbed by such statements. I can see no occasion for anyone to become excited unless he is a large stockholder in one of the corporations which was expected to receive a subsidy.

The United States Government is really surrendering nothing by the repeal.

The surrender is only made if we fail to make the corporations owning these vessels pay their just part of the expense of the Panama Canal.

Their gain, through the subsidy now allowed, is the loss of all the people.

DEMOCRATIC PLATFORM AGAINST SUBSIDIES.

Entirely independent of the provisions of the treaty heretofore discussed, the vessels engaged in coastwise traffic should pay tolls at the canal. We will not be frightened because a few conflicting words were slipped into the Democratic platform. The Democratic platform unqualifiedly condemns a subsidy. The policy of the Democratic Party has been fixed for years against ship subsidies. As this will be the consequence of free passage of coastwise traffic through the canal, the provision in the Democratic platform with reference to coastwise vessels should yield to the other provision against subsidies, and the established policy of the party on this subject should prevail. We must select between two conflicting provisions, and may justly conclude that the provision freeing coastwise vessels from paying tolls would not have been placed in the platform if it had been understood that the canal would be opened on a plan which would make such action a subsidy to the corporations owning the coastwise vessels.

The canal belongs to all the people of the United States. The money of all of the people constructed it, and all the people must contribute to pay the interest on the bonds issued for construction and the expenses of maintaining the canal. It is conceded that the interest on the investment, together with the cost of operation and maintenance, will amount to more than $20,000,000 each year. The rates fixed for tolls upon vessels is based upon the theory that by the end of the present decade the tolls will be meeting the interest upon the investment and the expenses of operation. After that time they will furnish a fund to begin paying off the debt and eventually leave the canal owned by the United States with the debt paid. After that time the United States will have the privilege of receiving a profit from the operation of the canal, or by reduced tolls make almost nominal the charges for the passage of vessels through the canal.

THE VALUE OF THE CANAL.

When the question is asked, Why did we build the canal, if we were not to give special advantage to our coastwise vessels? The reply is easy. The canal is a great measure of defense to the United States and to the interests of our people. It will make it practicable to consolidate the Navy of the United States on the Pacific or the Atlantic Ocean. It will reduce the cost of transportation. It will facilitate trade, not alone between the coasts of the United States, but between the coasts of the United States and all parts of America. It will contribute to the growth of all of America outside of the United States by the facilities it affords for ready communication from coast to coast. It can be made self-supporting, and finally a source of profit, and yet bring all these benefits to the United States.

The rates of tolls are fixed at $1.20 per net ton. This is a nautical phrase and comprises a mode of measurement of each vessel. With the rate at $1.20 per net ton nautical measurement the charge per cargo ton upon our coastwise traffic will be from 40 to 80 cents a ton. After paying this charge for passing through the canal, experts have pointed out that the owners of these vessels will still save from $2 to $3 per cargo ton in the cost of transportation from the Atlantic to the Pacific, besides deriving a great benefit from added convenience and time saved.

The canal will thus contribute greatly to the opportunity for coastwise traffic and lessen the expense of coastwise traffic, even though the small charge of from 40 to 80 cents per cargo ton is paid by the owners of the coastwise vessels for being carried through the canal by the Government. It must be borne in mind that in operating the canal it is necessary for officers of the United States to take charge of each vessel, and to carry it through the canal with a crew and with power furnished by the United States. All of this expense attaches to our Government each time a vessel is carried through the canal.

All of the people of the United States have made a great contribution to the owners of the coastwise vessels by the construction of the canal. Why should a further subsidy be given to the owners of these vessels by relieving them of or returning to them the 40 to 80 cents per cargo ton which otherwise they would pay for having their vessels carried through the canal?

It is said that as to all of our other waterways we permit vessels to go through free. The Panama Canal stands in a class to itself. The United States has spent about 700 millions of dollars upon all rivers and harbors and canals, outside of the Panama Canal. The Panama Canal alone will cost over $400,000,000. The money spent in rivers and harbors scatters so generally throughout the entire United States that it is justly claimed all the people receive a benefit, and it would be almost impossible to reach any system of charge.

The Panama Canal, in connection with coastwise traffic, is so situated that the benefits which it will bring will be more peculiarly local, and it will be easy to fix a just plan of charges. Of course, in this I refer to the commercial traffic, not to the benefit to the entire country from the use of the canal as a mode of defense.

We permit foreign-owned vessels to use our harbors and our rivers without charge. We differentiate the Panama Canal from our rivers and harbors by charging tolls against all foreign-owned vessels and by charging all vessels owned by the citizens of the United States engaged in foreign trade, so that we clearly differentiate it from our ports and rivers.

ECONOMICALLY SOUND TO CHARGE COASTWISE VESSELS.

Why should not the owners of the vessels engaged in coastwise traffic bear also their part of the expense of constructing and operating this enterprise? Our coastwise trade is limited by law to vessels owned by citizens of the United States. Foreign-owned or foreign-made vessels can not compete with them for our coastwise traffic. They are already enjoying a great degree of prosperity.

If a suggestion were made to pass a bill to carry the coastwise traffic of the United States over the Panama Railroad without charge, the public would resent it, and yet such a suggestion does not differ greatly from what would be allowed unless we pass the pending bill.

COASTWISE VESSELS ENJOY A MONOPOLY AND NEED NO GOVERNMENT AID.

A recent investigation by the House Committee on the Merchant Marine and Fisheries, together with the report of that committee, goes fully into this subject. Referring to the Atlantic and Gulf coasts, the report shows that on this leading waterway of American commerce practically all the large regular steamship lines are either controlled by railroads or are subsidiaries of two large ship consolidations—the Eastern Steamship Corporation or the Atlantic, Gulf & West Indies Steamship Lines. The report shows that the railroad-controlled lines combined with the lines of these two companies do 93.9 per cent of the total gross tonnage. The report furthermore points out that very few of the principal routes of our entire Atlantic and Gulf coasts are served by more than one regular steamship line.

The report shows clearly that the mode of operating the coastwise traffic of the Atlantic coast leaves no substantial competition between vessel owners. The same is shown to be true, perhaps to a less extent, on the Pacific coast.

Much interesting information has been gathered in this report with reference to the way in which the owners of vessels engaged in coastwise traffic avoid competition between themselves and take advantage of our legislation which excludes them from competition with foreign-owned vessels or foreign-built vessels.

It is perfectly clear that the large corporations engaged in this business are prosperous. They need no subsidy; they are fully able to bear their part of the expense incident to the construction and operation of the Panama Canal. There is no reason why all the people of the United States should pay taxes to put money into the treasuries of these corporations. Those who insist that it is our canal, and we should have the right to let our coastwise vessels go through free, forget that the canal is ours and the money of all the people must pay for it, while the dividends paid by the corporations owning the coastwise vessels are not ours, but go alone to the very small number of men who own stock in them.

But it is claimed that the free passage of these vessels will help commerce from coast to coast, and furnish competition with the transcontinental railroads. If the coastwise vessels will save from $2 to $3 a ton by the use of the canal, even though they pay tolls, this would seem to be a sufficient contribution toward the coastwise trade, and it is hardly possible that the transcontinental railroads will be able to compete with them in the carriage of the class of goods suited to steamboat transportation. Besides, the transcontinental railroads can be regulated and their rates fixed by the Interstate Commerce Commission.

The more I investigate this branch of the subject the less am I impressed with the view that the public will receive benefit, through less transcontinental transportation charges, as a result of giving to the corporations engaged in coastwise traffic the part they should contribute toward the expense and operation of the canal.

Experts who have studied the effect of the canal upon coastwise trade show that little, if any, of the 40 to 80 cents per cargo ton to be charged the coastwise vessels for going through the canal would reach, if remitted, the ultimate consumer, but

even if this were not true, the ultimate consumer of cargoes carried by these vessels would make a very small part of the people of our entire country, and it is difficult to justify a tax upon all the people for the benefit of these few.

All of the people of the United States are interested in the commerce with all of the countries of North and South America, and the ultimate consumer of products is concerned with the effect of the canal upon our trade relations with the neighboring countries.

An effort has been made to attract the interest of those zealous for a merchant marine. They should understand that ample vessels are engaged in the coastwise trade, all flying the flag of the United States.

We are short in vessels doing foreign business, where they must compete with the vessels of the world. If a subsidy is to be given to any vessels, it should be given to those engaged in the foreign trade, which need help, not to those engaged in the coastwise trade already protected from foreign competition, already rich and prosperous.

Mr. President, the bill before us, if adopted, only requires the corporations owning vessels engaged in coastwise trade of the United States to pay for having their vessels carried through the canal, just as citizens of the United States must pay for their vessels when engaged in foreign trade and citizens of other countries must pay for their vessels.

The bill carries a proviso that neither the passage of this act nor anything therein contained shall be construed or held as modifying or impairing or affecting any treaty or other right possessed by the United States. The sovereign rights of the United States in the canal zone will be in no way affected.

We have been told that by voting for this bill we are surrendering to British diplomacy. Let us remember the history of British and American diplomacy with reference to the canal.

From no control, by diplomacy we advanced to entire control, only conceding equality of treatment to the subjects of each country. Surely, the United States was not overreached in these negotiations.

When we passed an act granting discriminations in favor of citizens of the United States against subjects of Great Britain, Great Britain called our attention to the treaty and asked for equality of treatment. And added further that as many able men in the United States seemed to doubt that the subjects of Great Britain are entitled to equality of treatment in the use of the canal, Great Britain is ready to submit the construction of this part of the treaty to arbitration. Sir Edward Grey does not suggest The Hague. He suggests arbitration broadly.

In my opinion if two judges of our Supreme Court and two judges of English courts passed upon the subject the probabilities all are that the unanimous verdict would be under the treaty that citizens of Great Britain and citizens of the United States are to receive equal treatment.

The question of the sovereignty of the United States over the Canal Zone is in no way involved. With complete sovereignty and without a treaty obligation, according to the fixed policy heretofore of the United States, there should be no discrimination against the citizens of either country.

The construction of the canal does rank among the world's wonders, but if in connection with its construction we should seek to violate the terms of a treaty made at our own instance, we would subject our country to the just suspicion of all other nations, and commit a colossal blunder.

Well might the President of the United States feel that for this country to disregard its obligation of equality of treatment to citizens of other countries passing their commerce through the canal would create a general distrust of the United States and hinder him in dealing "with matters of even greater delicacy."

No matter how serious the consequences, we should live up to our treaties.

It is fortunate in the present instance that we can live up to the fullest measure of this treaty and cause no loss to the United States or her citizens. By every rule of sound diplomacy and common sense we should extend the doctrine of equality of treatment to citizens of all countries at the canal, and we should make the coastwise vessels pay their part of the expense of building and operating the canal. By following in this instance the tradition.' policy of the United States we will at the same time show our regard for agreements, add to the prosperity of our people at home and to the standing of our country among the nations of the world.

The appendix is as follows:

[Senate Document No. 85, Fifty-seventh Congress, first session.]

CLAYTON-BULWER TREATY OF APRIL 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Hon. Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

"ARTICLE 1.

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

"ARTICLE 2.

"Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

"ARTICLE 3.

"In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used or to be used for that object shall be protected from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

"ARTICLE 4.

"The contracting parties will use whatever influence they respectively exercise with any State, States, or governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

"ARTICLE 5.

"The contracting parties further engage that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof so that the said canal may forever be open and free and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments or either Government, if both Governments or either Government should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

"ARTICLE 6.

"The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

"ARTICLE 7.

"It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encourage-

ment to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

"ARTICLE 8.

"The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

"ARTICLE 9.

"The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

"In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

"Done at Washington the 19th day of April, A. D. 1850.

"JOHN M. CLAYTON. [L. S.]
"HENRY LYTTON BULWER. [L. S.]"

HAY-PAUNCEFOTE TREATY.

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

"Done in duplicate at Washington the 18th day of November, A. D. 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

Mr. THORNTON. Mr. President, if no other Senator desires to address the Senate on this subject at this time, I ask that the unfinished business be temporarily laid aside in order that the Agricultural appropriation bill may be taken up.

Mr. BORAH. Mr. President, I should like to address the Senate upon this subject for about 20 minutes. My remarks will be short; they will only bear on one particular matter; and if it will not inconvenience the Senator from Oklahoma [Mr. GORE], I would prefer not to have the unfinished business laid aside at this time. However, if it will inconvenience him for me to proceed now, I can speak on some other day.

Mr. GORE. Mr. President, I am very anxious to press the Agricultural appropriation bill, as the naval appropriation bill, I believe, has come in, and the legislative appropriation bill will soon be reported from the committee; but, as the Senator limits his time to 20 or 30 minutes, of course I would not feel like denying the Senate the pleasure of hearing him at this juncture.

Mr. BORAH. Mr. President, I have no desire at this time to enter upon an extended discussion of the subject which has been so thoroughly discussed from time to time, but only to call attention to one particular matter to which reference has been had in almost all of the speeches which thus far have been made, and that is to the Welland Canal—the terms of the Welland Canal treaty—and the light a discussion of it may throw upon the vital portions of the treaty which is up for construction. I am led to discuss this particular matter at this time, particularly because the Senator who has just taken his seat has referred to it.

The Welland Canal treaty in article 27 provides as follows:

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States.

It will be observed at once how plain and distinct, how specific the language of article 27 is with reference to insuring equality of treatment and equality of use between the inhabitants of the respective countries. There seems to be really no room for construction; and it has always been somewhat a matter of surprise to me that Hay and Pauncefote, having this treaty before them and, of course, both being familiar with it, if they designed to accomplish beyond question and in unmistakable terms the same equality of treatment in connection with the Panama Canal, did not use the language which was used here, because there can be no possible room for construction when you come to analyze its language. It says "on terms of equality with the inhabitants of the Dominion" and "on terms of equality with the inhabitants of the United States." It would seem to leave no room for a fair difference of opinion. The language is quite different from the general terms or language used in the Hay-Pauncefote treaty.

If we had in the Hay-Pauncefote treaty the provision of this article, that the Panama Canal should be open upon terms of equality to the inhabitants of the United States and to the inhabitants of Great Britain, naming the two countries, we would unquestionably not be here discussing this subject matter.

It is an entirely different proposition to have a provision in a treaty which provides for the free and equal use to all nations observing certain rules, which certain rules are incapable of observance by one of the signatory powers, as we claim, and providing specifically that it should be free and open to the inhabitants of the respective countries, and naming the countries.

It was not that particular phase of it, however, to which I was going to call attention. It was to the construction which Great Britain placed upon the language of the Welland Canal treaty, and which Great Britain still continues to place upon the language of the Welland Canal treaty. The Welland Canal treaty or the treaty of 1871, neither in its language nor in the construction which the British Government placed upon it, can offer any comfort to those advocating repeal. The language is infinitely more specific than the language of the Hay-Pauncefote treaty, and yet the British Government contended and now contends that she had a right under it to discriminate in favor of her own trade and commerce.

The Senator from New York [Mr. ROOT], when discussing this subject upon the 21st day of January, 1913, in the speech which has since become famous in this discussion, after reading Mr. Cleveland's message under date of August 23, 1888, said:

> Upon the representations of the United States embodying that view, Canada retired from the position which she had taken, rescinded the provision for differential tolls, and put American trade going to American markets on the same basis of tolls as Canadian trade going to Canadian markets. She did not base her action upon any idea that there was no competition between trade to American ports and trade to Canadian ports, but she recognized the law of equality in good faith and honor; and to this day that law is being accorded to us and by each great nation to the other.

As a matter of fact, historically speaking, England and Canada did not yield upon the deliverance of the message of President Cleveland. It was not upon the occasion of the matter being thus called to the attention of England and Canada that they finally conceded the position which we now claim is the right position. The British Government never recognized, and has not until this hour recognized, the law of equality in good faith and honor with reference to that canal treaty. I call attention also to the language of Sir Edward Grey, which is quite similar in its import to the language used by the Senator from New York in regard to this same subject matter:

> Your excellency will no doubt remember how strenuously the United States protested, as a violation of equal rights, against a system which Canada had introduced of a rebate of a large portion of the tolls on certain freight on the Welland Canal, provided that such freight was taken as far as Montreal, and how, in the face of that protest, the system was abondoned.

The inference fairly to be drawn from both of those statements is that upon the filing of the protest Great Britain and Canada, seeing the error of their construction of the treaty, yielded their position and, as a matter of equity and as a matter of national honor, conceded the position which we had taken with regard to it. But such is not true, and no such inference can be drawn from the real facts.

What are the real facts in regard to the matter? In the first place, Mr. Cleveland delivered his message on the 23d day of August, 1888, in which he said:

> By article 27 of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.
>
> The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers as well as vessel owners, were to enjoy the equality promised.
>
> And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports—
>
> Their coastwise trade—
>
> are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.
>
> To promise equality and then in practice make it conditional upon our vessels doing Canadian business instead of their own, is to fulfill a promise with the shadow of performance.

Nothing was done during Mr. Cleveland's administration on the part of Canada and Great Britain, and no consideration, further than the mere promise upon their part to consider it, was ever given to this message which was supposed to have brought about the change. The matter remained precisely the same, Great Britain contending all the time that the plain language of the treaty to which I have called attention was not being violated. When Mr. Harrison came into the presidency he again called attention to the plain terms of the treaty, and again there was no response on the part of Canada or Great Britain in the matter of yielding the construction for which we contended. Finally the United States passed what is known as the retaliatory statute, through and by means of which we imposed certain charges upon her vessels passing through our canals, and in that way retaliated for the charges which Canada was making. Never until that retaliatory statute was passed—and it became a matter of pecuniary concern and protection to her own commerce—did she yield upon the proposition, and not then as to the construction of the treaty.

When they finally yielded upon this proposition they said—and this now remains upon the files as part of the archives of the State Department:

> Every obligation of the treaty has been fully and unreservedly met.

The contention that they were not justified in adopting the tolls rebate was met by the proposition that they were entitled to do so under the terms of the treaty. They further say:

> The difference of opinion which exists as to the treaty rights of the two countries is to be regretted, but it forms no ground for a charge that either country in maintaining its own views proceeds with a disregard of solemn obligations.

Now, place the language of the treaty of 1871, article 27, alongside the language of the treaty of 1901, article 3, rule 1, and then take the British construction and her final protest and it will be seen that under that specific language she claimed for herself the right of discrimination, while now, under language, to say the least, far more general, far more favorable to the United States she contends against discrimination.

Why did Canada yield upon this proposition? Certainly as a matter of business, to protect her commerce, leaving upon file with the Secretary of State the asseveration that her construction of the treaty was right and is right; and that contention stands upon the part of Great Britain and Canada to-day. In the face of the claim that we are construing this language of the Hay-Pauncefote treaty unfairly, we have the declaration upon the part of Great Britain, now on file and not withdrawn, that the plain, unmistakable language of the Welland treaty was correctly construed in a way which enabled her to favor her coastwise traffic.

I simply desire to put in the RECORD the facts, because the construction of the Welland Canal treaty, if it is to be received at all, must be received as a construction unfavorable to the contention which Great Britain at this time is making.

Mr. HUGHES. Mr. President, will the Senator yield for a question?

Mr. BORAH. Certainly.

Mr. HUGHES. I understood the Senator to say that Canada attempted to favor her coastwise traffic. My understanding of her position in the matter was that she favored any traffic going to a certain port. Is that correct, or not?

Mr. BORAH. My understanding is that Canada charged the same toll for all traffic, and then rebated to her——

Mr. HUGHES. And then rebated, not to her people, but to anybody that carried the traffic to a certain port?

Mr. BORAH. To a Canadian port.

Mr. HUGHES. To a certain port, regardless of whose traffic it was?

Mr. BORAH. Exactly; but there was a rebate when the vessel was carrying commerce to her ports.

Mr. HUGHES. To certain of her ports?

Mr. BORAH. Any ports.

Mr. HUGHES. And that rebate was given to any vessel that carried it, as I understand. I ask for information.

Mr. BORAH. That is not my understanding.

Mr. HUGHES. That any vessel, whether a Canadian vessel or American vessel or other vessel, that carried commerce to this port received the same treatment. In other words, it was an attempt to discriminate in favor of a port, and not an attempt to discriminate in favor of the commerce, as I understand—her own commerce or anybody else's.

Mr. BORAH. No; I do not so understand it.

Mr. HUGHES. That is my understanding from every statement that I have heard made here, and I wanted to get it cleared up if I could.

Mr. BORAH. I have a different understanding, but I may be in error about it.

Mr. WILLIAMS. I think it was certain ports.

Mr. THOMAS. Mr. President——

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

Mr. BORAH. I yield.

Mr. THOMAS. I wish to inquire of the Senator whether the threat of retaliatory legislation was not made, and to some ex-

tent carried into effect, before Great Britain yielded her position as a matter of practice, and gave the actual operation of the treaty the construction that was contended for by our Government?

Mr. BORAH. That is correct. On June 20, 1892, President Harrison sent a message to Congress stating that nothing had been done by Canada in response to our request in connection with the treaty, and recommending legislation. An act was passed July 26, 1892, allowing tolls to be placed upon Canadian commerce passing through the American canal at the Soo. A proclamation was issued by the President August 20, 1892, fixing the tolls. By Canadian order in council, issued February 13, 1893, the tolls were removed from American traffic; and on February 21, 1893, our order fixing tolls on Canadian traffic was suspended. It is plainly to be seen that the only thing that brought about the settlement was the retaliatory legislation.

Mr. HUGHES. Mr. President, will the Senator yield again?

Mr. BORAH. I will.

Mr. HUGHES. Is it not true that there is a great disproportion of favors in any comparison between American and Canadian traffic? Does the Senator think we are in any shape to retaliate against a nation which has so little traffic, as compared with our own traffic, both being affected?

Mr. BORAH. I do not understand that there is a great difference.

Mr. HUGHES. I understand that there is a tremendous disproportion between the amount of Canadian traffic going through these canals and the amount of our own traffic.

Mr. BORAH. I will say to the Senator from New Jersey that if he will examine the records in regard to this matter and the correspondence and the negotiations which followed the passage of this retaliatory legislation, I am satisfied that he will arrive at the conclusion that the concession came as a result of the legislation, and that when Canada receded the United States suspended the operation of the statute which had been passed for the purpose of enforcing the retaliation.

I will conclude by putting in the RECORD, in order that it be there for purposes of comparison, the provision of the treaty which we are now asked to construe. I have read the provision from the Welland Canal treaty. The portion to which I wish to call attention, of article 3 of the Hay-Pauncefote treaty, is as follows:

> The canal shall be free and open to the vessels of commerce and war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Mr. WILLIAMS. Mr. President, in some respects I am afraid the argument of the Senator from Idaho [Mr. BORAH] is an illustration of the truth of the old couplet from Samuel Butler's Hudibras concerning people who—

> Compound for sins they are inclined to,
> By damning those they have no mind to.

After denouncing the bad faith of Canada, the Senator insinuates that as an argument for our making a like interpretation based on the bare letter of a treaty in our own favor. It is true he says that the language of the Welland Canal treaty was much more specific and unmistakable than the language of the Hay-Pauncefote treaty. In that, however, he is mistaken again, because the Hay-Pauncefote treaty brings forward article 8 of the Clayton-Bulwer treaty and by reference makes it a part of the Hay-Pauncefote treaty; and the language of the Clayton-Bulwer treaty in article 8 is even more specific than the language of the Welland Canal treaty.

The Welland Canal treaty uses the language "inhabitants of Canada and of the United States." Article 8 of the Clayton-Bulwer treaty, brought forward by reference and made a part of the Hay-Pauncefote treaty as much as if literally repeated, uses the language "the subjects of Great Britain and the citizens of the United States," and demand equal treatment of both by forbidding discrimination. It could not be any more specific.

As to the trouble we had with Canada about the Welland Canal treaty, the Senator from Idaho is historically accurate in every statement he has made. We took the position at that time that Canada was interpreting a treaty in a totally unjustifiable way for the purpose of making a discrimination in favor of her own commerce as against American commerce. While she and Great Britain did not admit that that was the case, the final upshot of the whole thing—after diplomacy, threats, retaliatory legislation, and all—was that Canada withdrew from an untenable position—it makes no difference why it was untenable—and the two nations fixed a modus vivendi whereby each extended to the other freedom from tolls.

Mr. President, Canada's attempted bad faith, keeping of an agreement, the letter which kills and violating the spirit which saves, can not possibly be an argument in connection with this matter, unless, indeed, it be an argument against our imitating her example by waiting for retaliatory measures before voluntarily undoing our own wrong. My interpretation of the Welland Canal treaty, if I had been called upon to give one at the time, the interpretation of the treaty by the American Government, the interpretation of its terms by the Senator from Idaho, all tend to the conclusion that Canada was acting in bad faith and was trying to evade the provisions of the treaty—keeping it to the eye and violating it to the faith. In other words, she was complying literally with the treaty, complying with the letter of the treaty, and violating its spirit. In yet other words, she was not making a discrimination against American vessels and vessel owners, and therefore she contended that a rebate upon freight carried to a Canadian port was not a violation of the letter of the treaty, although it was a discrimination against American ports, and therefore against commerce; and, therefore, as Cleveland said, fulfilling a solemn promise by a shadow of performance. She was doing just what is sought to have us do here.

We have done by legislation a certain thing that is not a violation of the letter of this Hay-Pauncefote treaty, according to my interpretation of it; but when we go back and examine the res gestæ, if I may use that phrase, by analogy we find out that the minds of the American diplomats and the minds of the British diplomats came to a common understanding, and that common understanding we are now asked to violate. That common understanding is vouched for by White, vouched for by Choate, vouched for by Lansdowne, vouched for by Hay in a communication sent and read to the Senate and in conversation with Senator LODGE—vouched for by everybody who then represented us—and that understanding is the interpretation now contended for by Great Britain. A majority of the Senators who voted upon this question two years ago did not know all this contemporaneous correspondence—this res gestæ. I, for one, did not.

Mr. President, if I through my agent and you through your agent effect a contract with one another, and if those agents have an understanding—an admitted coming together of minds—as to what the contract means, even though it be awkwardly or doubtfully worded, and if that understanding is communicated to you as one principal and communicated to me as another principal, and we accept the contract as written with the understanding of its meaning thus held by both agents at the time, and thus communicated to both principals, then I understand that either you or I might go into a court subsequently and might say, "This contract is susceptible of a different interpretation. I choose to give it that interpretation. I stand upon the letter right in the case." I can understand that, but I can not understand how any man in the world would ever have any confidence in whichever one of us did it. If you had done that, I never would enter into another contract with you where anything was left to your honor or where anything was left to your observance of good faith, independently of the very letter of the contract, enforceable in the courts of law. I would go further; and fearing, even in such a case, that you might dispute, if you could, I would provide that you should pay damages and attorneys' fees in case of litigation, so much would I distrust you. Moreover, from my justified distrust, all your other neighbors would learn to distrust you and thereafter to treat you accordingly.

Mr. BORAH. Mr. President——

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

Mr. WILLIAMS. I do.

Mr. BORAH. Did I understand the Senator to take the position that the agents negotiating the treaty could communicate to one another their views of what the treaty was, and that their views would govern rather than the language of the treaty?

Mr. WILLIAMS. No, no. I did not say that, nor did I say anything upon that subject; but what I said and will say now is this: Where there is room for misunderstanding concerning a treaty, it is perfectly permissible to take up the letters exchanged between the diplomats, the foreign office in Great Britain and the Secretary of State here, and the diplomats who were representing them and their communications to each other and to their respective principals, as things shedding light upon the real understanding, the real thing intended to be agreed to—the real coming together of minds contemporaneous with the event. I say that White and Choate and Lansdowne and all of them have agreed that what this treaty was meant to do was to bring about an equality of treatment between British subjects and

American citizens and British ships and American and other ships, and that that was their understanding of what the language used meant, and that Secretary Hay, in a communication which was read to the Senate, put the Senate as well upon notice of it.

Mr. BORAH. Mr. President, I did not think I was mistaken as to what the Senator said. The Senator contends that by reason of the understanding which Hay and White and Lansdowne and Innes and a few others had this treaty should be construed in the light of their understanding?

Mr. WILLIAMS. Yes; where doubt exists. Where no doubt exists from the language, of course that is different.

Mr. BORAH. But suppose I have no doubt about it. Suppose I entertain no doubt about it. I am not bound to accept their view of it, then?

Mr. WILLIAMS. Of course, if the Senator entertains no doubt about it, and if he thinks the language of the treaty is such that no doubt can be entertained, the Senator votes here in the Senate upon his honor and upon his responsibility to his own sense of intellectual integrity, and nobody would have the slightest right in the world to criticize him. It would seem queer to assert, however, that language concerning the meaning of which all of us are debating can be a subject of no doubt as to the proper interpretation. That is not the point, however.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. In a moment. I am talking about what the treaty meant to those who made it at the time it was concluded; and I have just called attention to the fact that a certain interpretation of the language which our free-tolls law violates is reenforced by the fact that it was so understood and admitted by all the participating parties at the time, and further reenforced by the fact that article 8 of the Clayton-Bulwer treaty is brought forward by reference and incorporated as a part of the Hay-Pauncefote treaty, and that the language of article 8 is specific and indubitable.

I now yield to the Senator from Missouri.

Mr. REED. Mr. President, if the position of the Senator is correct, that in construing treaties we must take into consideration the understanding of the negotiators, as evidenced by the correspondence between them, does it not follow that the Senate never should approve any treaty until it has examined the correspondence and has found from the correspondence what the real treaty is?

Mr. WILLIAMS. Mr. President, what I said, I thought, was plain enough—that where there was a doubt, or where language used by the contracting parties was subject to a double construction, it was permissible, in order to find out what the real coming together of minds was, as intended by the language, to consider the diplomatic negotiations and the letters of our Secretary of State and the letters of the head of the British foreign office in the archives in our State Department relating to the negotiation itself, and especially such as discusses the meaning of the debated language itself. Of course that does not apply where the language is so plain that there is no doubt of its meaning as written, whether it was written by mistake or not; but where a double construction is possible that rule of interpretation does apply. By the way, the Senate has the right always to call for all the diplomatic correspondence leading up to the completion of a treaty, and if it does not do so and any misunderstanding or mistake is entailed by the omission to do so it is its own fault.

Mr. REED. Mr. President, if the Senator will permit me further, I do not know how that rule could be safely applied. A treaty is submitted here to the Senate. A Senator upon the floor reads the language and arrives at a conclusion as to its meaning. He has no doubt as to his conclusion, because he deals alone with the language before him.

Mr. WILLIAMS. I yielded for a question. I do not care to be kept upon the floor.

Mr. REED. He leans alone upon the language before him. Now, if every time a doubt thereafter arises we are to settle it by the correspondence which the Senator I am using in the illustration never saw, does it not follow that the only safe thing to do is for everybody to read all the correspondence?

Mr. WILLIAMS. Why, of course that is a good rule. If you can get it—and you always can where you have any doubt—very well. In this particular case, however, our Secretary of State sent the information to the Senate upon an inquiry directed to him and the Senate got it, and those Senators who chose to listen heard it read in executive session; and there is no pretense that the Senate was ignorant of just what the Secretary of State, Mr. Hay, thought was meant by the treaty.

Now, of course if the Senator and I would enter into a written contract and expressed something which neither one of us intended to express and expressed it so plainly it could not be denied, that is another proposition; but wherever there is a doubt patent upon the face of the record that doubt can be settled only by appealing to the understanding of time. That is a familiar rule of construction even in constitutional questions. The Supreme Court several times has resorted to it. Where some phrase of the Constitution was capable of a doubtful construction the Supreme Court has gone back to the contemporaneous debates of the time in the constitutional convention and the State conventions, where was discussed the particular point at issue in order to determine what the men who used the debated language meant by it.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. WILLIAMS. I yield.

Mr. CLARK of Wyoming. Following the line of thought which the Senator last expressed, the Senate was a party to this treaty. Would the Senator follow it so far as to say that the understanding of Senators when they voted upon the treaty should also be taken into consideration in determining what the treaty meant?

Mr. WILLIAMS. Yes; I would. The understanding of all parties at the time ought to be taken into consideration, and the understanding of each in proportion to his opportunity to know and his intimacy with the negotiation and his participation in it given due weight.

Mr. CLARK of Wyoming. Of course, the understanding of some Members of the Senate does not bear out the understanding which seems to have been developed in the Senator's mind by the correspondence to which he refers.

Mr. WILLIAMS. Of course, wherever you come to examine the res gestæ, as I called it by analogy; and you honestly draw one inference from it and I another. That raises a different question.

Mr. CLARK of Wyoming. It is not an inference; it is a fact.

Mr. WILLIAMS. It is not a fact at all. It is an inference, after all, as to what the meaning of the language is and what the understanding was. I draw from it the thought that we agreed at that time to abide by the language of article 8 of the Clayton-Bulwer treaty; and that that language has none of the ambiguity in it which the expressed language of this treaty would have had without referring to it, because article 8 says that there shall be no discrimination between "the subjects of Great Britain and the citizens of the United States."

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Will the Senator from Mississippi yield to the Senator from Connecticut?

Mr. WILLIAMS. Yes.

Mr. BRANDEGEE. In view of what the Senator from Mississippi has said about the treaty as to the Welland Canal and the attempted evasion of it, although keeping the letter of the treaty—evading the intent—what would the Senator say about the proposition that has been stated, at least informally, several times that, while we might not have the right to exempt from tolls a coastwise vessel of the United States passing through the canal, we might have the right to pay as a subsidy to that vessel at stated periods the amount of the tolls which it had paid to the Government for passage?

Mr. WILLIAMS. I am glad the Senator mentioned that. I believe that, if done with the intent and with the effect of relieving our vessels and our commerce from the tolls paid by others, would be a mere evasion, a violation by indirection; and that would meet my approval no more than a violation by direction. In that connection I want to say that during the course of this argument it has been said that many of the countries of Europe now make appropriations out of their treasuries to pay the tolls for the ships passing through the Suez Canal, and that we may look forward to their doing something of that kind in connection with the tolls of the ships passing through the Panama Canal. If they do, they will be attempting to evade and, by indirection, to violate our rules for the management of the canal under this treaty, and they will be showing bad faith to us as nonobservers of the spirit and intent of those rules made in accordance with the requirements of the treaty. If they do that, it will be time enough for us to handle the question when they do it; and whenever that difficulty shall present itself to the Congress of the United States, I think there will be no doubt about our handling it sufficiently. A sufficient way to handle it would be to add to the tolls paid by any ship the amount contributed to it by its Government in payment or repayment of tolls.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. And in that way we would restore the equality of treatment of all, so that no foreign power could destroy our right and our treaty obligation to prevent discrimination in the use of the canal in favor of any.

The VICE PRESIDENT. Will the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Yes.

Mr. BORAH. What obligation has Italy or Germany or any of those nations not to return the tolls which their ships pay in the way of rebate or a refund?

Mr. WILLIAMS. They have no treaty obligation at all; but when they pass through that canal which we have been given the right to construct under certain conditions by Panama, under which we have agreed and they promised to observe our rules for the use of the canal, as a condition of its use by them they become a party consenting to our rules and bound in good faith by them as much as if they had formally agreed to abide by whatever we did in connection with it. They know that it is our object and our duty under the treaty, subject to which our rules are made, to treat the commerce of all countries equally and without discrimination, and if they attempt by legislation of their own to destroy that equality of treatment and equality of benefit so far as their own vessels are concerned, then we will have the right, although they are not parties to the treaty, to restore the equality by making the tolls amount to the ordinary tolls plus whatever any Government appropriates to its vessels, with hope of special and exceptional benefit and with intent to secure it in violation of our treaty obligation both to Panama and to Great Britain. I think I may go further and say that we would have the right, if that was the only way to secure equality of treatment to "all nations," to cut off from the use of the canal any nation refusing to "observe" in letter and substantially in practical effect and spirit the rules laid down by us, chief of which always is the rule of equal use for all and special or discriminating benefit to none.

Mr. BORAH. Neither England signing the treaty nor any other Government is under any obligation to treat the United States fairly in this matter at all. This is a unilateral contract, so far as the question of equal treatment is concerned. England could go to work and build a canal across another portion of the Isthmus to-day and charge the United States all she might see fit to charge. There is no obligation upon her part to treat the commerce of the United States with equality, and she promises nothing—she is free; we are bound.

Mr. WILLIAMS. If she built another canal? Yes; in that event.

Mr. BORAH. Certainly.

Mr. WILLIAMS. But there is a contract as to this canal and an obligation on her part to help us when we treat the commerce of the world equally, and there is an obligation, although not a treaty obligation, upon every nation which uses that canal to use it in good faith, "observing" our rules.

Mr. BORAH. Exactly. Now we are dealing with the treaty before us, and there is nothing in the treaty—no language, no phrase—which would obligate England or any other nation not to refund her tolls or treat us fairly in that respect.

Mr. WILLIAMS. To do what?

Mr. BORAH. To treat us with fairness, equality, and so forth. They can refund every dollar of the tolls which their ships pay.

Mr. WILLIAMS. And if they do, we can increase the amount of tolls so as to restore the equality.

Mr. BORAH. We can not do it under the terms of the treaty.

Mr. WILLIAMS. I contend that we can and ought. That brings me to another matter before I take my seat. This is not a unilateral contract, as the Senator from Idaho calls it, but it is a trilateral contract, to say the very least of it. We took the very strip of land in Panama by treaty as a conditional grant from Panama, and we can not morally and in good faith use it, and we have no title to it, except subject to the conditions of the grant, and the Panama treaty with us made the Hay-Pauncefote treaty a part of itself.

Mr. BORAH. But not a consideration, which affects the title.

Mr. WILLIAMS. But, yes. It goes to the very root and initiative of our title. So the trilateral contract exists between Great Britain, Panama, and the United States. It is true that Great Britain is not in any way responsible for the management of the canal, because she has no part or parcel in its management, but she is bound by the terms of the treaty. So is Panama. So are we.

Mr. SUTHERLAND. Before the Senator from Mississippi takes his seat, do I understand it to be the position of the Senator from Mississippi that under the Hay-Pauncefote treaty, if Germany or France or England paid a subsidy to its ships of commerce equivalent to the tolls which were exacted by the United States, that would be a violation of the treaty?

Mr. WILLIAMS. Of course, it would not be a violation on their part of the treaty if they were not parties to it. No party can violate a treaty who is not a party to it. But it might under certain circumstances be a violation of the treaty on our part to submit and consent to their act.

Now, what is done in the Suez Canal situation? We will get things down to the real point. The Austrian Government, for example, makes an appropriation to pay its ships what they have paid as tolls in the Suez Canal. If any country does that as to the Panama Canal, then we, under our treaty with Great Britain, are compelled, or it is our duty, as I see it, not only to our own people and to our own commerce but a duty to Great Britain and her commerce under the treaty, to restore the real equality by making the tolls such that a discrimination thus caused shall not continue, and the only way we can do that is by adding to the tolls in a case like that just what Austria pays or agrees by law to repay to her ships.

Mr. SUTHERLAND. But the Senator's position would be, nevertheless, that Germany or France would be perfectly at liberty to give these subsidies, while the United States, if it undertook to give a subsidy to its own ships equivalent to the amount of tolls, would be violating the treaty.

Mr. WILLIAMS. Mr. President, the Senator has gone back to his original language. Of course I must take his statement upon that ground. There is nothing in this treaty that prevents the United States or anybody else from passing a law to give a ship subsidy; in other words, a general ship subsidy. But I was talking about a special case, where they remitted the canal tolls. That is the contention suggested by the Senator from Connecticut [Mr. BRANDEGEE], with which he did not agree. When you come to the question whether there is anything in the treaty to keep Austria or Italy or Great Britain or the United States themselves, even, or any nation, from passing a ship-subsidy law, of course there is not.

Mr. SUTHERLAND. But what I am asking the Senator now is whether, in his opinion, it would be a violation of the treaty upon the part of the United States if the United States granted a subsidy equivalent in amount to the amount of toll that these American ships paid?

Mr. WILLIAMS. With the intention and with the effect of giving free passage to our ships, or a part of them? The Senator means that?

Mr. SUTHERLAND. Well, the Senator puts it that way.

Mr. WILLIAMS. That undoubtedly would be an evasion, in my opinion, of the spirit of the treaty, and an indirect violation of it as reprehensible as any direct violation.

Mr. SUTHERLAND. Then the United States has tied its hands in such a way that it can not encourage its merchant marine so far as that would be an encouragement, while it has left every other nation in the world free to encourage its merchant marine hereafter.

Mr. WILLIAMS. If the Senator means that the United States has tied its hands so that it can not encourage its merchant marine, it has tied its hands only against subsidizing its ships in a specified way—that is, by remission of canal tolls, or what is in spirit the same thing—repayment of them. Just that far, too, and no farther, have we the right, as the manager and owner of this canal, to "tie the hands" of any other nation.

Mr. SUTHERLAND. Every other nation can.

Mr. WILLIAMS. It can subsidize its merchant marine and build it up in any other way—in any way, in fact—which is not violative of this or some other treaty.

Mr. BORAH. In other words, under the Hay-Pauncefote treaty the United States has surrendered a part of its sovereign power?

Mr. WILLIAMS. Mr. President, I do not intend to make a speech. I will just say a few words about that since the Senator has brought it in. Of all the enfantillage that has been uttered in connection with this debate that stands easily chief. It is not even original with the Senator from Idaho.

Mr. BORAH. I would not claim originality in a Chamber where the Senator from Mississippi sits.

Mr. WILLIAMS. Oh, pshaw! You might just as well say that when the United States enters into a treaty with Great Britain about its fisheries or about fisheries generally, or when it enters into a treaty with some country about aliens from that country, it has surrendered a part of its sovereignty. There never was a treaty made since the world began, not even a reciprocity treaty, that did not surrender some natural right of both nations entering into the treaty. Now, a natural right in

international relations is the right to have your own way, to announce your own purpose, and to get it by war if necessary.

Mr. SUTHERLAND. Mr. President——

Mr. WILLIAMS. One moment. Every treaty of commerce ever entered into from the Jay treaty down to now, if kept in good faith, in some way shackled and limited the power of free action of our own Government; and in that very remote way was a limitation upon our sovereignty and upon that of the other high contracting powers. Every time you make a treaty of peace at the end of a war, as far as that is concerned, you agree not to do something which without the treaty you could have done; and if you wish to be numbered among the faith-keeping nations of the earth you must to that extent frequently limit your activities, and in that remote sense, and in that only, "surrender your sovereignty," if you choose to call what you have done by so absurdly inapplicable a phrase. In other words, every time a nation of the earth says to another, "I will agree to this, provided you agree to that," both nations have surrendered something which without the treaty they would not have surrendered. But as entering into a treaty is also an act of sovereignty, you exchange your freedom of sovereign action, as to what you surrender, in consideration of the benefit which, by the exercise of sovereignty in making the treaty, you acquire.

One might as well say that if I agree to quit smoking I surrender my individual liberty and independence. I only exercise the former and assert the latter.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. Wait a minute. Another thought. You speak as if at the time of this treaty we were the grantors. We are not.

Mr. BORAH. Will the Senator permit me?

Mr. WILLIAMS. You speak of it as if we had had a certain limited territory down there in Panama which belonged to us in fee simple, without any conditions of any description, when, as a fact, the very deed, which was the treaty which transferred the strip to us, did it under the most solemn conditions with which you must comply if we regard the sanctity of international faith.

Now, nations that do not respect inviolate the sanctity of their treaties invite the aggressions, as well as the contempt, of all the world. In that certain sense, of course, when we entered into the Hay-Pauncefote treaty we did surrender a part of our sovereignty, by asserting another part of it, if you mean by sovereignty unrestrained freedom of national action without international obligation by voluntary treaty limitation of action.

Mr. BORAH. That is what I want to have the Senator admit.

Mr. WILLIAMS. As a matter of fact, we have surrendered no real sovereignty at all. You intend the American people to believe that somehow or other we have surrendered that which is a part of our independence and of our national life. We have done nothing of the sort, and nobody believes that we have.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. So far as the courts are concerned, so far as legislation is concerned, we are just as fully sovereign upon the Panama Canal as we are anywhere else in any other territory of the United States; but so far as the use of the canal is concerned, we are not free and untrammeled and independent of the balance of the world, because we have voluntarily contracted by solemn treaty to manage and control it without discrimination.

Mr. BORAH. Yet, Mr. President, what——

Mr. WILLIAMS. The title rests on treaty and is an international title and not a national title at all. Yet what? [Laughter in the galleries.]

The VICE PRESIDENT. The Chair will continue to warn the occupants of the galleries as to the rules of the Senate. Manifestations are not permitted.

Mr. BORAH. Yet, Mr. President, that country over which the sovereignty of the United States has been extended is one of the most vital and important pieces of territory that the United States owns. Now, if our sovereignty over that territory is limited in any respect whatever, to the extent that it is limited we have parted with that sovereignty, have we not?

Mr. WILLIAMS. It is not limited in any respect except as to our management of the canal, and in that respect only by our voluntary contractual act, which was itself an act of sovereignty, and it is limited especially in this respect, that in managing it we shall so manage it that there shall be equal treatment for all nations, and so that we shall comply with article 8 of the Clayton-Bulwer treaty, which promises no discrimination between vessels and commerce of British subjects and American citizens; and by article 4, I believe it is, of the Hay-Pauncefote treaty, which extends this obligation of non-discrimination to the vessels "of all nations observing the rules" laid down by us.

Mr. BORAH. Now, Mr. President, just a moment. If we had no treaty with Great Britain and had built that canal upon the territory as it there exists at this time, there would be no doubt that we could send our vessels through that canal free if we desired?

Mr. WILLIAMS. Oh, yes; if we had no treaty with Great Britain, or Panama either, and owned the strip unconditionally.

Mr. BORAH. Both our local commerce and our over-sea commerce. Now, the power to control the commerce of the country is an exercise of sovereignty. If we have parted with our right to control that commerce we have parted with a most essential and vital portion of our national sovereignty.

Mr. WILLIAMS. Yes; if that is sovereignty and if the case of no treaty supposed by you existed in fact. If you entered into a commercial treaty with Great Britain, you would have parted with certain rights.

Mr. BORAH. I submit to the Senator that if we parted with the right we parted with a portion of our sovereignty, and I understood the Senator to say that that position was the most puerile ever uttered in the Senate of the United States, or something to that effect. Yet the Senator will admit that we have parted with a portion of our sovereignty if the construction of the treaty which the Senator makes be correct.

Mr. WILLIAMS. I used the word "enfantillage" in connection with that argument. I was using it because there was intended to be conveyed by argument the impression that we surrendered a part of our real sovereignty, not a mere freedom to act. The people at large, when you talk about "surrendering" a part of "the sovereignty of the United States," think we have somehow or other crippled the United States as an independent, free nation upon the surface of the earth. I said that of course this treaty, like all treaties, does to a certain extent hamper the free and independent activity of both contracting parties. Now, undoubtedly if the United States had owned the strip at Panama just as it owns the Florida Peninsula and had cut a canal across it, it would have had the right to have charged whatever it pleased and to refuse to charge anything to whomsoever it pleased. It would have had a right to treat the matter as of purely domestic concern, which it would have been. But the fallacy is that you insist on treating the Panama Canal as a purely domestic concern, when your very title is international and not national, and when the very grant by which you hold this strip is a grant with conditions, and an international grant and international conditions at that.

Mr. BORAH. Mr. President, I disagree with the Senator entirely.

Mr. WILLIAMS. The canal strip could not have been unconditionally acquired and the canal built, except at the end of a war, without entering into an international agreement with international conditions. Undoubtedly we could not have taken it away from Panama or from Colombia without a war; possibly, though not probably, war also with Great Britain for violation of another treaty. The only way we had to get the strip at all was to get it under an international agreement with conditions, and the conditions are written in the agreement, which was the treaty.

Do not forget all the time that the Panama Canal makes the Hay-Pauncefote treaty a part of itself and its observance a part of the Panama grant. Panama is the grantor, we only the grantee. Another Senator said something about abrogating the Hay-Pauncefote treaty. The Senator from Georgia has very properly stated this morning that if you did you would abrogate your title to the canal strip.

Mr. BORAH. I disagree with both the Senator from Mississippi and the Senator from Georgia on that proposition. It is no part of the consideration of the transfer of the canal property. It never was and never was intended to be. The abrogation of the Hay-Pauncefote treaty upon any proper grounds would not affect our title.

Mr. HUGHES. Mr. President, I wish to call the Senator's attention to the fact that to follow his line of reasoning with reference to the impairment of American sovereignty because of the fact that we have parted with our rights to let our ships go through the canal free, the Senator will admit that if his construction of the canal treaty is a correct one we are still bound to make equal charges against all other nations but ourselves. If the Senator's construction of the treaty is correct, it compels us to hold the scales equally between all other nations except ourselves.

Mr. BORAH. Observing the rules which we established.

Mr. HUGHES. All nations observing the rules. Is it not parting with sovereignty to admit that we have not the right

to let any ships go through free? I do not suppose the Senator concedes it.

Mr. BORAH. We look upon the question of sovereignty in an entirely different way.

As the Senator from Oklahoma [Mr. GORE] is anxious to proceed with the appropriation bill, I will not take up further time.

Mr. GORE. I ask that the unfinished business be temporarily laid aside.

Mr. JONES. Has the unfinished business been laid aside?

The VICE PRESIDENT. It has not.

Mr. GORE. The Senator from Louisiana [Mr. THORNTON] asked that it be laid aside.

Mr. THORNTON. I will say to the Senator from Oklahoma that it was coupled with the statement if no other Senator wished to address the Senate at that time, but other Senators did take the floor, and the moment it is concluded I wish to renew my request.

Mr. JONES. I simply wish to make a request before the unfinished business is laid aside.

Mr. HUGHES. Mr. President, before the unfinished business is temporarily laid aside I wish to make a brief statement.

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Jersey?

Mr. GORE. I yield.

Mr. HUGHES. I will say to the Senator from Oklahoma that I will not occupy more than five or six minutes.

Mr. GORE. I yield.

Mr. HUGHES. I wish to call the attention of the Senate to some figures in connection with the argument made by the Senator from Idaho [Mr. BORAH] that the reason why Great Britain yielded in the Welland Canal controversy is because of the retaliatory measures put into effect by the United States. An examination of the records shows that the traffic even through the Canadian canals is exceedingly disproportionate and that any retaliatory measures the United States could possibly contemplate or put into effect would not operate to the injury of the Canadian traffic nearly so much as it would operate to the injury and damage of American traffic.

The figures show that in 1908 through the Canadian canals the percentage of Canadian commerce was 28.7 per cent and of American 71.3 per cent.

In 1909 the Canadian traffic was 21.8 per cent and the American traffic 78.2 per cent.

In 1910 the Canadian traffic was 18.3 per cent and the American traffic 81.7 per cent.

In 1911 the Canadian traffic was 20.5 per cent and the American traffic 79.5 per cent.

In 1912 the Canadian traffic was 19.7 per cent and the American traffic 80.3 per cent.

In 1913 the Canadian traffic was 21.3 per cent and the American traffic 78.7 per cent.

It seems to me that that disposes conclusively of the argument of the Senator from Idaho that it was not because England came to the conclusion that she had been wrong about her treaty that she yielded, but because of the threatened retaliatory measures on the part of the United States.

I will state that the figures which I have read were given by a gentleman from whose argument the Senator also was quoting, I think, although the gentleman arrives at a different conclusion than the Senator from Idaho.

Mr. BORAH. From whom was the Senator reading?

Mr. HUGHES. I was reading from the speech of Representative STEVENS of Minnesota.

Mr. BORAH. I want to ask the Senator before he concludes if he thinks Great Britain was actuated by commercial interests and moved by reason of retaliatory legislation, why it was that Great Britain contended at the time she yielded upon this proposition, notwithstanding her contention as to the construction of the treaty was a correct one, that she did not yield her construction of the treaty, but simply abandoned for the time the rebating of the tolls.

Mr. HUGHES. I confess I do not see that the language the Senator quotes from the treaty applies.

Mr. BORAH. It says every obligation of the treaty has been fully and unreservedly met.

Mr. HUGHES. I am speaking of the language of the treaty itself. The Senator goes too far, I think, when he puts it beyond the power of the Members of the Senate to read more than one meaning in the language of the treaty.

I can conceive of one or two other constructions which can be put upon that language. For instance, there is nothing said in that treaty about merchandise.

Mr. JONES. Mr. President, I desire to ask unanimous consent to have inserted in the RECORD an article from the Washington Post of Monday, May 11, containing a statement made by Hon. Philander C. Knox, formerly Secretary of State.

The VICE PRESIDENT. Is there objection?

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

FORMER PREMIER KNOX RIDDLES REPEAL CLAIMS IN A CLEAR ANALYSIS OF TREATY—RIGHT TO PROTECT CANAL IN TIME OF WAR, WHICH GREAT BRITAIN CONCEDES, CARRIES WITH IT PREROGATIVE OF PROTECTING OUR DOMESTIC COMMERCE, HE SAYS—TOO MANY IRRELEVANT MATTERS CLOUD THE ISSUE, SAYS STATESMAN WHO HELD STATE PORTFOLIO UNDER PRESIDENT TAFT.

Philander C. Knox, Secretary of State in President Taft's administration, who rejected Great Britain's protest against the right of the United States to exempt its coastwise vessels from the payment of tolls for passage through the Panama Canal, when asked to give his views on the question of repealing the free-tolls provision of the present act and to define the exact issue involved in the controversy, said:

"In the discussion of the canal question now, as in the past, too much consideration has been given to treaties, correspondence, documents, opinions, beliefs, and imaginings that are wholly foreign to the simple issue involved. This issue arises out of one tremendous fact and one brief treaty affecting that fact. The fact is our canal at Panama and the treaty is the one negotiated in 1901 by John Hay and Lord Pauncefote. This is the only treaty affecting the issue, as it in explicit terms abrogates the Clayton-Bulwer treaty—the only other one we ever had with Great Britain upon the subject of an isthmian canal. It is true that in the preamble of the later treaty it is recited that one of the things the negotiators intended to do was to include in its terms a provision for the neutrality of the canal, as was contemplated by the earlier treaty, and this they did in its third article.

"The present controversy arises out of Great Britain's challenge of our right to exempt American coastwise vessels from the payment of tolls. The challenge is predicated upon the claim that by the Hay-Pauncefote treaty we bargained away that right incident to our ownership.

DEFINITION OF THE ISSUE.

"I am willing to accept the definition of the nature of the issue thus raised given by two eminent gentlemen, one of whom openly favors the repeal of the tolls exemption to American coastwise ships, and the other, it is known, while not asking, would not object to its repeal. Mr. Richard Olney has put in two sentences the nature of Great Britain's claim upon the canal. 'The claim of Great Britain,' said Mr. Olney, 'is, in effect, a territorial claim. The United States possesses no more costly and perhaps no more valuable piece of territory than the Panama Canal, and Great Britain's claim is that the Hay-Pauncefote treaty not only encumbers that territory with equal rights of use by all other nations, but impresses upon it a servitude by which the United States loses the free use of its own canal for its own vessels.'

"Sir Edward Grey's protest states the same proposition in different words, 'the treaty,' says Sir Edward, 'imposes limitations upon the freedom of action of the United States' in respect to the canal. In other words, he claims the treaty imposes limitations upon American sovereignty. From these premises it is easily deduced that the patriotism and good faith of those who maintain as an earnest conviction either side of this disputed legal question should not be challenged. It is just as praiseworthy to defend the American right to deal with our own in accordance with our own convictions of true national interest, if we believe we have not parted with that right, as it is to insist that we should fully comply with our international engagements if we have contracted away our full liberty of action.

"In any discussion of the President's statement that the tolls act violates our treaty, or of Sir Edward Grey's more specific claim that our freedom of action in respect to the canal is limited by the Hay-Pauncefote treaty, it is important to carry in mind that such limitation must either be found in the words of the treaty or arise by necessary and irresistible implication from the facts defining the relation of the parties of the treaty and to its subject.

"The principle of international law governing a claim in derogation of sovereignty being that no treaty can be taken to restrict the exercise or rights of sovereignty unless effected in a clear and distinct manner.

ANALYSIS OF SOVEREIGN RIGHT.

"First, let us look at the facts. The United States paid to Panama $10,000,000 for the zone itself; we have agreed to pay to Panama a yearly annuity of $250,000 forever; we paid to the French Panama Canal Co. $40,000,000 for its rights in the Isthmus; we are building the canal at a total expenditure of about $400,000,000; we alone are to meet the $25,000,000 which it appears to be now proposed to pay Colombia; we alone are expending untold millions necessary to fortify and protect the canal so that some belligerent, eager to secure the resulting advantage, may not destroy it; we alone are bearing the risk of losing all this investment as the result of some natural cataclysm, such as an earthquake, against which no human agency can secure us; we alone have stood for whatever of criticism has come from the manner of acquiring the Canal Zone—a criticism encouraged and fostered by the very class which now seeks to turn over to Europe, as a gratuity, the benefits of our action; we alone have put the lives of the flower of our Army engineers and of thousands of American citizens through all the hazards and dangers of fatal tropic maladies, and finally no other country has shared and does not propose to share one penny of this expenditure or any phase of any risk, connected with our stupendous undertaking. Surely upon these facts there arises no necessary implication that Great Britain is entitled to the benefits of this colossal work on the same and identical terms as we, the owners, the builders, the operators, the protectors, and the insurers of the canal, or that she shall dictate how we shall treat matters of purely local national trade and commerce, or that we shall be denied the very rights in respect to our domestic commerce which she herself claims and exercises and which every other nation in the world possesses.

GRANT OF PRIVILEGE.

"If the limitation which Sir Edward Grey says is imposed upon our freedom of action in respect to the canal does not arise by necessary implication from these facts, let us see if we can find it in the language of the treaty. In short, let us seek the words of limitation.

"They are found, according to the British contention, in article 3. This article is a declaration by the owner of the canal of the terms upon which it is to be used. There are, all told, six rules. The first grants a privilege, the other five specify the conditions upon which that privilege is to be enjoyed. 'The canal shall be free and open to the

vessels of commerce and of war of all nations observing these rules' is the language of the grant.

"The conditions to be observed set out in these rules not only all relate to war, but all have reference to imposing the least inconvenience to the owner of the canal arising out of a state of war between the powers using it. * * *

"Of course it must be admitted that by applying a childish logical formula to this text it can be claimed that the United States is included within the words 'all nations,' but a consideration of the relation of the parties to the subject of the treaty shows that the United States, the grantor of conditional privileges in the canal to all nations, parted with no particle of its rights of ownership in the property or subjected its own use of the canal to the conditions it imposed upon the beneficiaries of its generosity.

"Has the United States bound itself not to use the canal if it should exercise a right of war or act of hostility within it; if it should revictual its ships or take stores in the canal; if it should embark or disembark troops within the canal; if its vessels of war should remain within the waters longer than 24 hours; and, if so, who is going to enforce these rules upon the United States, and will our obedience to them be compelled by the guns we are planting there for the protection of the canal? Does not such a view of our rights invite all other nations to war with us, if we, during an actual state of war, use the canal for any military purpose? In short, would we not thus make all nations the allies of our immediate adversary if we have agreed with all nations through Great Britain that the rules we prescribe for the use of the canal apply to ourselves, the grantors of the use?

UNITED STATES AUTOMATICALLY EXEMPT.

"Let us see how Great Britain meets this embarrassment. Sir Edward Grey seeks to avoid the application to the United States of all the rules in article 3 except rule 1 by saying: 'Now that the United States has become practical sovereign of the canal, His Majesty's Government does not question its title to exercise belligerent rights for its protection.' That is to say, our subsequently acquired sovereignty automatically exempts us from the application of five of the rules to be observed by all nations as a condition for the use of the canal, but our ownership plus our sovereignty does not exempt us from the other one.

"Now, if the right to protect the canal and the right to protect ourselves by exercising privileges in and about the canal denied to other nations by our rules is an incident to our sovereignty, and thus takes the United States out of the meaning of the general words 'all nations,' the right to promote our domestic commerce in a field exclusively its own is an incident of sovereignty and ownership having the same effect. To deny the free use of our own canal for our own vessels is just as much an impairment of our sovereignty as to deny our right to exercise acts of belligerency in and for its protection. And the implication that we have not surrendered one of these sovereign powers by the use of the words 'all nations' is just as strong under the first rule, which is our contention, as it is under the other five, which is Sir Edward Grey's contention.

"'Practical sovereignty,' which, as Great Britain claims, permits us at our own expense and risk to defend the canal, to maintain its neutrality, and to exclusively exercise belligerent rights within its boundaries in time of war imports to its possessor no higher title or privilege than does sovereignty and ownership in time of peace. Our rights in peace bear a just relation to our obligations in war. The benefits of sovereignty go hand in hand with its burdens.

OUR RIGHTS CONCEDED.

"In further illustration of this point it is very interesting to note and consider the admitted effect of another statement in the British protest. It reads, 'At the date of the signature of the Hay-Pauncefote treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States, and consequently there was no need to insert in the draft treaty' articles preserving sovereignty rights. In fine, the fact that we were not sovereign over the canal when the treaty was made excuses us for not reserving sovereign rights. But in the very next sentence the protest states the effect of our subsequently acquired sovereignty was to read into the treaty sovereign powers, and thereby exempted the United States from the conditions prescribed to govern the use of the canal by all nations.

"The perfectly sound principle involved in all this, and so frankly admitted by Sir Edward, is that where sovereignty exists the exercise of its attributes need not be reserved; they are implied; and this is the reason why John Hay, scholar and statesman, familiar with and guided by accepted principles, felt under no compulsion to reserve the rights incident to what he characterized as our complete ownership of the canal.

"It was never contemplated at any period in the history of the Isthmian undertaking that Great Britain should be on terms of equality with the owner of a canal or even with the other users of the canal, except as compensation for her protection of the canal. She never had any treaty with any nation contemplating building a canal until the Hay-Pauncefote treaty, her previous efforts having been confined to declaring the extent of her intentions in respect to some one else's canal to which she proposed to extend her powerful protection.

"How is the United States assured that Great Britain or any other nation will observe the rules we have prescribed for the use of the canal? They have not agreed to do so. The Hay-Pauncefote treaty contains no such an obligation on their part. We refused to accept language proposed by Great Britain that would make the right to use the canal by other nations a contractual right.

IN RIDICULOUS ATTITUDE.

"The failure of other nations to comply with our rules only debars them from the use upon equal terms with such nations as do comply with them, and how are we to know whether they will comply with the rules, which all relate to war, until war exists?

"We find ourselves in rather a ridiculous situation under the British interpretation of the treaty. We are to curtail the rights flowing from sovereignty and absolute ownership of the canal upon the hypothesis that the beneficiaries of our generosity will be so good, even when quarreling with each other, as to comply with the rules we prescribe for its neutrality. The neutrality of the canal will most likely be respected if and only as we, its sovereign, are able to enforce it. * * *

"As Great Britain only claimed that the canal act impaired her treaty rights if it extended the exemption to trade other than legitimate coastwise trade, or if the tolls were computed without taking into account that trade why should we repeal the act when neither of these causes of offense exists?

"What Great Britain really claims is that the Hay-Pauncefote treaty 'imposes limitations upon our freedom of action,' and what she originally asked was, 'in view of the President's memorandum' attached to the canal act, that the question thus raised should be submitted to arbitration.

"Mr. Bryce very truly said in his note of February 27, 1913, submitted after a bill had been introduced to repeal the exemption, 'that a reference to arbitration would be rendered superfluous if steps were taken by the United States to remove the objection entertained by His Majesty's Government to the act.' It certainly would. To repeal the act on the ground that it violates the treaty would be to sanction by act of Congress all that Great Britain could claim before an arbitral tribunal, and so far as the Senate is concerned, confirm the British claim by a majority vote, whereas it would require a two-thirds vote to refer it to arbitration.

"As Great Britain has no interest in the canal itself, but only in the use of the canal, the United States should not admit that the Hay-Pauncefote treaty 'imposes limitations upon the freedom of action of the United States' to legislate upon matters not affecting Great Britain's use or the terms upon which her use is to be enjoyed. And in the absence of allegation or proof that the canal act itself or the President under authority of the act has, as a fact, by exempting coastwise vessels from paying tolls or otherwise, imposed terms upon the British use or charges for such use that otherwise British vessels would not have been compelled to meet or to pay the freedom of action of the United States in legislating respecting its own coastwise trade is not restrained.

"This was the position taken by President Taft, written into our laws by an act of Congress, indorsed by the three great political parties, and supported by all the presidential candidates in the last national campaign.

"It is as sound now as then; indeed, time confirms its wisdom, its patriotism, and its strength."

Mr. THORNTON. Mr. President, if no other Senator wishes to speak on the unfinished business, I renew the request which I previously made that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask unanimous consent that the Agricultural appropriation bill may now be proceeded with.

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

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment reported by the Committee on Agriculture and Forestry on page 53, line 22, in the appropriation for the purpose of carrying out the provisions of the act relative to the protection of migratory game and insectivorous birds, to strike out "$50,000," the sum appropriated by the House, and in lieu thereof to insert "$10,000."

The VICE PRESIDENT. The question is on the amendment reported by the committee.

Mr. McLEAN. I ask for the yeas and nays on the amendment.

The VICE PRESIDENT. The yeas and nays have been heretofore ordered. The Secretary will call the roll.

Mr. McLEAN. A parliamentary inquiry, Mr. President. I do not think Senators understand precisely the shape in which the question is now pending before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 53, reported by the committee, proposing to strike out "$50,000" and to insert in lieu thereof "$10,000."

The Secretary proceeded to call the roll.

Mr. KERN (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. BRADLEY]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], who is not in the Chamber. I therefore withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. In his absence I withhold my vote.

I will also state that my colleague [Mr. MYERS] is detained from the Senate by illness. He is paired with the Senator from Connecticut [Mr. McLEAN].

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER], and therefore withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the senior Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am informed by a messenger from his colleague [Mr. OLIVER] that the senior Senator from Pennsylvania, if

present, would vote "nay." As I intend to vote in the negative, I ask to be recorded. I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I wish to announce that my colleague [Mr. SIMMONS] is sick at home and unable to be in the Senate to-day.

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL]. If the Senator from New Mexico were present I do not know how he would vote, and therefore I withhold my vote.

Mr. SMITH of Georgia. I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. Were he present, he would vote "nay" and I would vote "yea."

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. GALLINGER. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and vote. I vote "nay."

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON], but on this particular question I am released from the obligation to my pair, and I therefore vote. I vote "nay."

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. There is no one to whom I can transfer my pair for the present. I shall therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. DILLINGHAM (after having voted in the negative). When I voted I was not aware of the absence from the Chamber of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair. I therefore withdraw my vote.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY]. As has been stated, he has a general pair with the Senator from Indiana [Mr. KERN].

I also desire to announce the necessary absence of the junior Senator from Wisconsin [Mr. STEPHENSON] who has a general pair with the Senator from South Carolina [Mr. TILLMAN].

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Ohio [Mr. POMERENE] and vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Illinois [Mr. LEWIS] and the Senator from New Mexico [Mr. CATRON].

Mr. TILLMAN. I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "yea."

Mr. DILLINGHAM. I find that I can make a transfer of my pair with the Senator from Maryland [Mr. SMITH] to the Senator from Michigan [Mr. SMITH]. I will therefore let my vote in the negative stand.

The result was announced—yeas 17, nays 45, as follows:

YEAS—17.

Bankhead	Overman	Shafroth	Vardaman
Bryan	Ransdell	Smith, Ga.	West
Gore	Reed	Smith, S. C.	
Martin, Va.	Robinson	Stone	
Newlands	Saulsbury	Tillman	

NAYS—45.

Ashurst	du Pont	McCumber	Smith, Ariz.
Brady	Gallinger	McLean	Smoot
Brandegee	Gronna	Martine, N. J.	Sterling
Bristow	Hitchcock	Norris	Thompson
Burleigh	Hollis	Oliver	Thornton
Burton	Hughes	Owen	Townsend
Chamberlain	Johnson	Page	Weeks.
Clapp	Jones	Perkins	Williams
Clark, Wyo.	Kenyon	Poindexter	Works
Colt	La Follette	Sheppard	
Cummins	Lane	Sherman	
Dillingham	Lee, Md.	Shively	

NOT VOTING—33.

Borah	Goff	O'Gorman	Stephenson
Bradley	James	Penrose	Sutherland
Catron	Kern	Pittman	Swanson
Chilton	Lea, Tenn.	Pomerene	Thomas
Clarke, Ark.	Lewis	Root	Walsh
Crawford	Lippitt	Shields	Warren
Culberson	Lodge	Simmons	
Fall	Myers	Smith, Md.	
Fletcher	Nelson	Smith, Mich.	

So the amendment reported by the committee was rejected.

Mr. GORE. Mr. President, I feel that I ought to say for myself and for several members of the committee that we did not draw in question the policy of the migratory-bird law. For my own part, I favor the conservation of migratory and insectivorous birds. They render a public and private service. They render a service to agriculture. There were many Senators, however, who challenged the constitutionality of the law. It was known of many of them that the employees engaged in the enforcement of this act were to be placed under the civil-service law on April 20. There were many who were unwilling to have an army of civil-service employees attached to the Government in case the constitutionality of the measure should fail. For that reason the committee brought in an amendment for an appropriation of $10,000, in order that the constitutionality of the law might be tested. If the measure shall be held to be constitutional, there will certainly be no disposition on the part of the committee to withhold an ample and adequate appropriation. It was felt, however, that the constitutionality of the law ought to be tried out before creating a horde of officers who would be on our hands in case the measure should miscarry in the courts. I may say that the Secretary of Agriculture stated to the committee that $20,000 would enable him to maintain his organization and to proceed with the enforcement of the law. The committee would have reported $20,000 but for the absence of the Senator from Arkansas, who had taken quite an interest in this appropriation. The measure was not again reverted to after he returned to the committee. It is my judgment that $20,000 would be an ample appropriation in view of the direct statement of the Secretary of Agriculture to the Committee on Agriculture. I therefore move to strike out "$50,000" and to insert "$20,000" as the amount of the appropriation.

Mr. McLEAN. Mr. President, I hope that amendment will not prevail. I am glad to hear from the Senator from Oklahoma [Mr. GORE] that he approves the purposes of the migratory-bird law, and that he does not think that the Creator made a mistake when he created the insectivorous and useful birds. I am glad the Senator has got so far on the journey, but I think the Senate ought to understand——

Mr. GORE. Mr. President——

Mr. McLEAN. I decline to be interrupted at present, for I want to get this question disposed of this afternoon. I do not care to discuss it at any length, but I do think that the Senate of the United States ought to bear in mind that there is pending to-day, at the request of the Senate of the United States, a treaty which we have every reason to assume takes this existing law into consideration. When that treaty is ratified, as I trust it will be, I can not believe that the Senate of the United States will repudiate its own offspring when it is returned here, and if that proposed treaty meets with the approval of the Senate there will be no question whatever about the right of Congress to enforce the migratory-bird law if the treaty is properly drawn. So it seems to me that if we at this time appropriate a small sum of money, like $20,000, we are giving notice to the British Government that we do not intend to enforce the law. That would be a most unfortunate position for the United States to take at this time.

This money will be wholly in charge of the Secretary of Agriculture, and we all know that he is a man of sufficient ability to use sound discretion in a matter like this. If the treaty is ratified, as it probably will be, before another shooting season opens, every dollar of this money can be expended. I sincerely hope that the Senate will realize that situation and not at this time declare its disinclination to enforce this law. I trust that the amendment of the Senator from Oklahoma will be defeated.

Mr. REED. Mr. President, this is another exposition of constitutional law. We are now told that Congress is about to approve a treaty, and that when that treaty is approved we will have a new Constitution; that if the migratory-bird law is unconstitutional now, all doubt as to its constitutionality will be removed when we negotiate a treaty with a foreign country. That is a new way to amend the Constitution of the United States. It is another example of the fact that the authors of the migratory-bird law have utterly disregarded every fundamental of the law and every principle of constitutional construction.

Mr. President, it is a singular thing that the Senate of the United States should be swept off its feet by a lot of telegrams inspired from one source, and that about the most irresponsible source it is possible to conceive of. There is a gentleman named Hornaday, or some similar name, who has been the great promoting force back of this legislation. I do not know, sir, whether he is sane or insane; but if he be sane, then he is a common slanderer and a common scoundrel. This man has seen fit to scatter his vituperative abuse broadcast over the land. He came into my office a few weeks ago with a long written statement, in which he denounced as traitors to this country a lot of the very best citizens of the State of Missouri and of the State of Kansas, who belong to a game protective association and who are sportsmen of the highest class, because they had ventured to declare that they proposed to ascertain whether this law was constitutional or unconstitutional;

and he broadly asserted in this published statement that any man who dared to refuse to obey an alleged act of Congress upon the ground that it was unconstitutional was a traitor to his country and was guilty of an act which was criminal.

This gentleman made the remarkable request of me that I insist with these citizens of my State that they must acquiesce in the law and that they must under no circumstances test its consitutionality, saying to me that if the law were allowed to stand upon the statute books a few years without being tested people would get used to it, and probably nobody ever would test it. He did not have the temerity to claim that this law was of the slightest validity. I explained to him in the kindliest way I could that these people had legal advice, that they thought they knew their rights, that they were not bad citizens because they raised the question of the constitutionality of a statute, and that I could not advise them that they should abandon their rights; and accordingly I find that the press has been filled up with statements denouncing these gentlemen as "game hogs," and other pleasant terms are used, and my name has been coupled with the rest of the alleged "swine."

Mr. McLEAN. Mr. President——

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

Mr. REED. I yield to the Senator.

Mr. McLEAN. I did not understand the name of the person to whom the Senator referred.

Mr. REED. The man I am talking about is a gentleman named Hornaday. I hope the Senator did not think I was talking about him.

Mr. McLEAN. No; and I hope the Senator will not hold the migratory-bird law responsible for his controversy with a private citizen.

Mr. REED. I undertake to say that that private citizen had more to do with the passage of the migratory-bird law than had the Senator. I undertake to say that that gentleman is the man who put forth the propaganda, who has flooded the Senate with letters. I undertake to say that he is responsible for the denunciation that has been leveled at every man who has had the temerity to say that the Government of the United States has no right to interfere with the internal affairs of States; and every man who has been abused and mistreated and libeled and slandered in connection with this matter can count it up to the inspiration of the gentleman I am talking about.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. WEST. Where parties have been found guilty of violation of the migratory-bird law, have there not been merely nominal fines imposed in order to keep from testing its constitutionality?

Mr. REED. My understanding is that that is the case. Now, Mr. President, I claim to be as thoroughly in favor of the protection of the game of this country as is the Senator from Connecticut.

Mr. McLEAN. Mr. President——

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

Mr. REED. Certainly.

Mr. McLEAN. Right there I should like to ask the Senator if he does not think that this is a proper subject for international negotiation; that it can be covered effectively by treaty; and that if the pending treaty takes into consideration the terms of the existing law, the constitutional infirmities of that law will not be healed, if there are any?

Mr. REED. No, Mr. President; you can no more amend the Constitution of the United States by a treaty with a foreign power than you can remove the sun from its orbit——

Mr. McLEAN. That is not the point.

Mr. REED. Or the world from its course. When did it happen——

Mr. McLEAN. Mr. President——

Mr. REED. Let me put it to the Senator in this way: When did it happen that we proposed to permit a foreign country help us change the Constitution of the United States? The Senator from Connecticut can not mean that.

Mr. McLEAN. Mr. President, we are not changing the Constitution of the United States; we are simply following the course which has been laid down by our Supreme Court in its interpretation of that Constitution, which is that where a matter is a proper subject for international negotiation and a treaty follows, the provisions of that treaty may be enforced, notwithstanding the fact that prior to the existence of the treaty the States would have jurisdiction over the matter.

Mr. REED. Oh, the Senator can not mean to tell the Senate that any court has decided that a fundamental right reserved to the people of any State, or, rather, never yielded by them, can in any way be taken away by a treaty between this country and a foreign country.

Mr. McLEAN. The Senator does not answer my question.

Mr. REED. I am trying to do so, if I can understand the question.

Mr. McLEAN. I will put it so that the Senator can answer it categorically, by stating the existence of our treaties with Great Britain regarding the protection of the swimming fishes, which to-day are entirely within waters within State jurisdiction and to-morrow are in waters under foreign jurisdiction. When they are protected by treaty, I will ask him if he thinks that those treaties violate the Constitution of the United States?

Mr. GORE. Mr. President——

Mr. REED. The Senator from Oklahoma has asked me that he be allowed to ask the Senator from Connecticut a question, and I yield to him.

Mr. GORE. The treaty-making power of the Government of the United States is vested in the President and the Senate. I should like to ask the Senator from Connecticut if he thinks that the President and the Senate could enter into a treaty with Great Britain to abolish the House of Representatives, and if such a treaty would be binding on anybody, anywhere?

Mr. McLEAN. That, Mr. President, would not be a proper matter for international negotiation. The Senators upon the other side of the Chamber decline to answer my question. I ask them whether they think that negotiations between this Government and Great Britain for the protection of the migratory feræ naturæ, which to-day are in Central America, to-morrow in this country, and the next day in Canada, is a proper subject for an international agreement? That is the question.

Mr. REED. Mr. President, of course the Government of the United States can enter into treaties with other countries with relation to the waters of the high seas and the fishes and birds therein, while they remain thereon or therein, but the Government of the United States can not go into a sovereign State and itself exercise any power unless that power has been granted to the Federal Government by the Constitution of the United States; and as the Government of the United States can not itself exercise a power within a State that has not been granted by the Constitution to the Federal Government, of course it can not in concert with England or all the other nations of the world do that which it can not do itself.

Mr. McLEAN. But the Senator has not answered my question. I ask him whether he thinks that this particular question which involves the protection of migratory birds is a proper one for international negotiation?

Mr. REED. It is a proper thing for international negotiation so long as it is limited to those waters over which the United States holds exclusive jurisdiction, or a jurisdiction which is joint with the other nations of the earth.

Mr. McLEAN. But take the birds that do not touch the water, that fly through the atmosphere that covers the Western Hemisphere?

Mr. REED. Under the law, when such birds cross over a State the laws of that State govern, and not the laws of England, where they started from, or of Australia, where they may be going.

Mr. McLEAN. The Senator has not yet answered my question.

Mr. REED. Mr. President, I am trying awfully hard to do so.

Mr. McLEAN. That question is susceptible of a categorical answer. I should like to know whether the Senator thinks the protection of the migratory bird, which to-day may be in Central America, to-morrow in this country, and the next day in Canada, is a proper subject for international negotiation and treaty?

Mr. REED. It is a proper subject for international negotiation if we limit what we attempt to do to that which our Federal Government has the right to control; but it is not a proper subject of negotiation if you undertake to extend it to a point where you invade the rights of the several States under the Constitution.

Mr. McLEAN. I will put the question in another way, because I think we can save time by it. I simply want the Senate to understand my position. The Senator says that no respectable lawyer would take the views that I take with regard to this matter.

Mr. REED. I do not understand the Senator to say that the law is constitutional.

Mr. McLEAN. I call the Senator's attention to the fact that a great many lawyers, possibly as respectable as the Senator from Missouri, have in times past been as positive as he is that certain acts of Congress have clearly violated the Consti-

tution, but the Supreme Court has disagreed with them. I think discretion is the better part of valor in these matters. Now I come to another question.

Mr. REED. Mr. President, let me ask the Senator a question. Does he assert that this law is constitutional?

Mr. McLEAN. I will answer that question. I am not certain. No man is certain of the constitutionality of a law until the Supreme Court has passed upon it.

Mr. REED. Does the Senator believe it is constitutional?

Mr. McLEAN. I think there is plenty of room in the Constitution for this law if there is room for 50 per cent of the laws that we are enforcing by appropriations in the pending appropriation bill.

Mr. REED. But, Mr. President, that is not an answer. The Senator certainly can tell us whether he is willing to say to the Senate now that he believes this law is a constitutional law. He ought to be willing to state his opinion.

Mr. McLEAN. I certainly think, from my study of the question, that the Supreme Court ought to hold this law constitutional. If I were a judge upon the bench, I would so hold.

Mr. REED. But the Senator has not been willing to hazard the opinion that it is a constitutional law.

Mr. McLEAN. Oh, I certainly think so, if that is what the Senator wants to know.

Mr. REED. Upon what clause or power of the Constitution does the Senator base the exercise of this right?

Mr. McLEAN. I have at my desk a brief that I have prepared upon the subject. I will send the Senator a copy of it. The conclusion is that I believe this law is constitutional.

Mr. REED. I wish the Senator would tell us upon what clause he bases that opinion. There must be a clause.

Mr. McLEAN. Mr. President, in a word, I think that where the necessity to protection exists, where the right to protection is clear, and the State, as in this case, is absolutely incompetent to protect itself in the enjoyment of the natural right to be saved from irreparable loss by noxious insects.

Mr. REED. The Senator assumes the whole question. He says "where the right exists," by which he means that where the right exists in the Federal Government to do a thing, it may do it. Does the Senator claim that these birds are engaged in interstate commerce, for instance?

Mr. McLEAN. No; I do not.

Mr. REED. Very well. The Senator, then, does not rest it upon the interstate-commerce clause. The Senator does not claim that it comes under the clause which gives the Federal Government authority to establish courts, does he?

Mr. McLEAN. I do not.

Mr. REED. Or under the clause which gives the Federal Government authority to establish an Army and a Navy or post offices and post roads?

Mr. McLEAN. I will save the Senator the trouble of continuing the list. I think it is one of those implied attributes of sovereignty in which the Federal Government has concurrent jurisdiction with the States. It is a dormant right in the Federal Government, and where the State is thoroughly and clearly incompetent to save itself there is no help except from the Federal Government.

Mr. REED. There may be no help for many things in this world, either by State law or by national law.

Mr. McLEAN. Oh, yes; there is authority somewhere.

Mr. REED. The Senator speaks of implied powers.

Mr. McLEAN. No; an implied attribute of sovereignty.

Mr. REED. An implied attribute of sovereignty, then. What does the Senator do with the clause of the Constitution which states in express terms that all powers are reserved to the States except those expressly therein granted?

Mr. McLEAN. I do precisely what the Supreme Court did with it in the greenback cases.

Mr. REED. Wipe it out?

Mr. McLEAN. It wiped out the objection and the claim that there was not an implied attribute of sovereignty.

Mr. REED. Then the Senator wants to put the constitutional right to protect his ducks upon the same ground that the Supreme Court put its decision in the greenback case. Is that because both of them have green backs? Is that the analogy? [Laughter.]

Mr. McLEAN. Oh, I know, Mr. President, that in the opinion of the Senator from Missouri the only good bird is a dead bird.

Mr. REED. Oh, no.

Mr. McLEAN. I can not understand the Senator's antipathy toward anything that wears wings.

Mr. REED. The Senator from Connecticut is a most lovable and intelligent gentleman, and I have for him the kindest personal feeling, as he knows; but the trouble with the Senator is that he concludes that all who do not accept his remedy are enemies of the cause; that he has the only possible remedy; that if the patient does not take his physic, the patient must die——

Mr. McLEAN. No, Mr. President.

Mr. REED. And that all who protest that his particular kind of nostrum should not be taken want to murder the patient.

Mr. McLEAN. Oh, no; I take no such ground.

Mr. REED. I want the Senator to disabuse his mind of the idea that I think the only good bird is a dead bird. The Senator had no right to say that. I claim to be as good a friend of bird life as the Senator from Connecticut.

Mr. McLEAN. We will admit that.

Mr. REED. I claim to be a better friend of bird life than the Senator, because while he is fooling away—if he will pardon the expression, and I do not mean it unpleasantly—the time of the country in endeavoring to have enacted a law which ultimately must be stricken down, and which in the end will result in total failure, I would take up the plain half of the law, where you can accomplish something, where you can get a result, and I would save the years that will be wasted by attempting to do that which is unconstitutional.

Mr. McLEAN. Mr. President, will the Senator pardon another interruption?

Mr. REED. Certainly.

Mr. McLEAN. I should like to get the Senator's views upon the real question at issue, because it seems to me his personal views or mine as to the utility and beauty of the birds are not so important at this time. I should like to ask the Senator if he thinks the sovereignty of the United States with regard to its power to make treaties is not coextensive with that of other nations?

Mr. REED. Why, not at all.

Mr. McLEAN. The Senator does not think so?

Mr. REED. Not in all respects.

Mr. McLEAN. Does the Senator think it would be in this respect?

Mr. REED. No. I do not think the United States is Russia. I apprehend that the Czar of Russia, because he is an autocrat and has unlimited power, could make almost any kind of treaty he wanted to make. He could make almost any kind of treaty with another government because over his own people, who are mere subjects, he exercises almost unlimited power.

Mr. McLEAN. We will take Great Britain. We will assume that Great Britain invites us to negotiate a treaty covering this subject. We have, then, in this country 48 States and a Nation. We have 49 sovereignties in all, but we have no real sovereign if we can not deal with this question, because 14 of the nations of Europe have already entered into treaty negotiations for the protection of the migratory birds.

Mr. REED. The Senator is—oh, well, how shall I discuss this question? The Senator certainly knows that our National Government is a Government of certain restricted powers; that it has no powers except those which were granted to it by the voluntary act of the States and those powers which are necessarily involved in and a part of the powers expressly granted. The Senator certainly knows that the United States is a Government of limited powers. He certainly knows that the States of this Union are complete and absolute sovereigns except in so far as they have granted to the Federal Government certain of their sovereign attributes.

Mr. McLEAN. States can not make treaties.

Mr. REED. States can not make treaties, but the Government of the United States can not make a treaty which violates the Constitution of the United States. If it did, then the President and the Senate alone could wipe out the Constitution of the United States at any time they saw fit.

Mr. McLEAN. That is perfectly true.

Mr. REED. Does the Senator believe that?

Mr. McLEAN. What the Senator has said?

Mr. REED. Does the Senator believe that?

Mr. McLEAN. I certainly do.

Mr. REED. The Senator does? Then, if the Senate please, I submit that as the final word on the authority of the Senator as a constitutional lawyer, and I proceed to discuss the question.

Mr. McLEAN. Of course, we can not wipe out the Constitution. The Constitution gives us the power to regulate this subject by treaty, in my opinion. The Senator has said that he thinks this is not a proper subject for international negotiation.

Mr. REED. Oh, I did not say that. I said it was a proper subject for international negotiation so long as the Government of the United States limited the effect of its treaty to those waters over which it exercised complete sovereignty or over which it exercised joint sovereignty with other nations.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. REED. I do.

Mr. CLARK of Wyoming. I wish to ask the Senator a question.

We passed the law upon which this appropriation is based. So far as we are concerned, it is now the law of the land. The question of its constitutionality is not and can not be determined in this body. There is but one place in which it can be determined.

The law may or may not be constitutional. It is, however, at present the law of the land. It has been in process of administration. As I understand, an organization has been perfected by the Secretary of Agriculture under the law, and it is now at work. Whether it is working well or ill, I do not know. The Secretary of Agriculture has asked $100,000 to go on with this work. The House granted half that sum.

It has occurred to me that I would be hardly justified, even if my private and personal opinion were that the law was unconstitutional and might finally be determined to be unconstitutional, in handicapping the operating of the Government under this law while the law is upon the statute books and still in force. Even if I held the view which the Senator from Missouri holds, that as an absolute dead certainty a law passed by two bodies of Congress and signed by the President is unconstitutional, I should hesitate to withhold my approval of an appropriation upon my own individual opinion as to the constitutionality of the law. That is a consideration for my own government, of course.

Mr. REED. There are many questions upon which lawyers differ. There is always a shadow land between that which is constitutional and that which may be unconstitutional. When a question is in that shadow land, all of us would naturally say that the law having been enacted we certainly would give it the benefit of the doubt.

Even then, however, as long as a reasonable doubt exists, I put it to the Senator who asked me the question, if we ought to set up a machinery costing thousands and tens of thousands and hundreds of thousands of dollars until the constitutionality of the statute has been determined, when that constitutionality could be determined within 30 days of time without the slightest difficulty, at least so far as the decision of one of the United States courts is concerned?

We can get to a point where there can be but little, if any, doubt; and we are at that point, in my opinion, in regard to this bill. I have just stated to the Senate that the man who has preached this propaganda himself came to me begging that the law should not be tested. The Senator from Connecticut, when he advocated this bill in the first instance, did not profess to declare it constitutional, for I remember interrogating him on the floor, and his reply was that he was not a constitutional lawyer; that some lawyers had said they thought it might stand, or words to that effect. You have just heard the reasons he gives here, which amount to this, that "the law is not constitutional now, but we are going to make it constitutional by negotiating a treaty with some foreign country." Under those circumstances, should we proceed to set up an expensive and permanent machinery, or should we say to the Attorney General, "You have a general appropriation; you have your courts; you have your prosecuting attorneys. It does not require any large sum of money to try one of these cases; in fact, it does not require a 5-cent nickel to test one of them, unless a brief is written on appeal. You proceed now, and if this law is sustained, we will set up this costly and expensive machinery for you. We will get a man to go into every county of every State to interfere with the rights of the local people. We will proceed to let down the bars, and we will create this great board of national game wardens"? But until and as long as this not doubt, but certainty, in my opinion, exists that the law is unconstitutional, why proceed to create this machinery?

Mr. WEEKS. Mr. President——

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

Mr. REED. I do.

Mr. WEEKS. The proposition before the Senate is to appropriate $50,000 for this purpose. You could not obtain a decent man for the service for less than $1,500 a year. It might take a thousand dollars a year to pay his traveling expenses. If we appropriated $50,000, and it were all expended for service, that would employ 20 men. Now, what does the Senator from Missouri mean by "creating a horde of Government employees" to carry out the purposes of this act?

Mr. REED. I mean to say that when you enacted this law you only asked for $10,000 to enforce it.

Mr. WEEKS. Why, Mr. President——

Mr. REED. At the next session of Congress we are confronted with a request for $100,000, but with the statement made to the committee that $20,000 will enable them to test the law. Now, what is the use of employing 20 men, as the Senator suggests, and sending them out to enforce the law? Those 20 men, if they were all we were to have, could no more enforce this law than one township constable could preserve the peace of the United States.

The only end that can be served by this appropriation is merely to test the law. Fifty thousand dollars will not enforce it. The crack of the shotgun will go on just as in the past. The only effect will be to put some gentlemen in the civil service and to set up a permanent machinery now, and the next time they will again multiply the amount by 10, and only the Infinite One knows where their demands will cease.

I want to say to the Senator from Massachusetts that this law can be tested without the expenditure of a penny; and I want solemnly to assert that the Federal authorities have been running away from a test of this law. I am about to submit some evidence on that point.

Mr. WEEKS. Mr. President, every pothunter in the United States has been crying out against the constitutionality of this law for the past two years. If it were unconstitutional, why did he not bring a test case and take it before the courts?

Mr. REED. Mr. President, I will tell you why he did not bring a test case. This is a criminal statute. The only way you can test it to save your life is to get arrested. They have practically made no arrests except where the individual would agree to plead guilty and pay a merely nominal fine. They have refused to arrest men who proposed to test the law and who had the ability to test it.

Mr. WEEKS. Mr. President, does the Senator mean to say that there have not been arrests under this act and in every case the person arrested has plead guilty?

Mr. REED. I mean to say that every one of those arrests has been of a man who either did not want to test the law or was too poor to test the law, or, to use a somewhat slangy expression, they were "fake" arrests. I am about to show the Senate that up to this hour they have declined to make an arrest where the people were able to test the law.

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

Mr. REED. I yield.

Mr. CLARK of Wyoming. The Senator makes a somewhat startling criticism of the administration of the law within the past 12 months; but that is not what I had in mind. The committee recommends the appropriation of $20,000.

Mr. WEST. Ten thousand dollars.

Mr. CLARK of Wyoming. I understand this to be a committee amendment that is now offered by the Senator from Oklahoma, recommending the appropriation of $20,000. The House recommended the appropriation of $50,000. I wish to ask whether the Senator believes that $20,000 for this service would be constitutional and $50,000 for this service would be unconstitutional?

Mr. REED. Oh, the Senator's wit is so refined that it is absolutely unanswerable. To undertake to reply to that would be to play with a razor that not only has two edges but is nothing but edges. I would not dare touch it, lest I should commit felo de se.

Mr. CLARK of Wyoming. We are all familiar with the manner in which the Senator answers questions.

Mr. REED. The Senator did not ask that question in good faith, did he?

Mr. CLARK of Wyoming. My question was directed to the chairman of the committee, not to the Senator from Missouri. I wish to say to the Senator from Missouri, however, that there is a way to test this law, and that is to have the law itself administered by the officers of the law. I am loath to believe that under this administration or any other the officers of the law have not honestly endeavored to prosecute offenders under the law. It seems to me somewhat remarkable that the officers charged upon their oath with the administration of the criminal statutes should flee the responsibility which is placed upon them.

The Senator's startling statement is what challenged my attention. I am sorry to hear it.

Mr. REED. I am about to sustain it. The Senator is correct. He agrees with me exactly when I say that the way to test this law is for the authorities to cause somebody's arrest, and to try him, and convict him, and punish him if he does not appeal.

Mr. CLARK of Wyoming. Has the Senator, in the papers which he has there, evidence or statements to the effect that

the Department of Justice, or whoever is charged with the administration of this law, will not make an arrest and will not attempt to execute the law where they think its constitutionality is likely to be challenged? If so, I am in favor of wiping out all administrative appropriations of any nature for that department.

Mr. REED. Mr. President, if I have not been so unfortunate as to leave at my office part of this correspondence, I am about to submit it; and if I have done so, I shall ask permission to submit it to-morrow morning.

The very earliest letter or two that I wrote with regard to this law I have not with me at the present moment. The letter that I now intend to read, in my opinion, sufficiently covers the subject matter. It is as follows:

MARCH 9, 1914.

MY DEAR MR. ATTORNEY GENERAL: I am inclosing you a copy of my letter written you on February 11, 1914; also your reply of the 17th instant.

My letter requests an opinion as to the validity of the national game law. Your reply is to the effect that it will be your duty to enforce the law, and for that and other reasons you can not give an opinion as to its validity.

I agree with you fully that it is your duty to attempt to enforce the law if you believe it to be constitutional. Now, I have to request that you do enforce the law. I am inclosing herewith a telegram from Dr. S. H. Ragan, president of the Interstate Sportsmen's Protective Association, which embraces a membership of 800 citizens of Missouri and Kansas, stating that they have made application to the United States commissioner and Federal judge—

I wish the Senator would listen to this.

Mr. CLARK of Wyoming. I am listening.

Mr. REED (reading):

stating that they have made application to the United States commissioner and Federal judge for a warrant charging them, or one of the members of the club, with shooting ducks in violation of the law. The committee have offered affidavits of eyewitnesses to the offense, but a warrant has been refused.

I think these gentlemen are entitled to the privilege of being arrested. The victim they produced, who is willing to offer himself upon the altar of the Constitution, is no less than my personal friend, Ed. F. Swinney, president of the First National Bank of Kansas City. The men belonging to this organization are not lawbreakers, but they believe the Federal game law is in violation of the Constitution of the United States.

It seems to me that the people are entitled to know whether this law is or is not valid, and the only way that question can be determined, in the absence of an opinion from yourself, as the chief law officer of the Government, is to have a case tried in the courts.

The fact of the matter is that the law is being violated habitually by practically everybody who wants to shoot ducks or other game—at least, such is my information. Now, it seems to me that the Government should advise all citizens that the law is invalid or else the Government should treat the law as valid and proceed against one or more of the violators, to the end that the law may be settled.

Will you not kindly instruct the district attorney at Kansas City to cause the arrest of one of these men at Kansas City against whom conclusive evidence of shooting birds can be produced?

Liberty has, indeed, sunk to a low ebb—

He was semijocular or so intended to be—

Liberty has indeed sunk to a low ebb when a citizen of the Republic can not get himself arrested on request.

Thanking you for a reply at your earliest convenience, I am,

Yours, with great respect,

_____ _____.

That was dated March 9. I have the following reply from the Department of Justice addressed to myself:

MARCH 17, 1914.

DEAR SIR: I have the honor to acknowledge your letter of the 9th instant to the Attorney General in reference to the Federal migratory-bird law, in which you state that certain members of the Interstate Sportsmen's Protective Association have made application to the United States commissioner and the Federal judge for a warrant charging them, or one of the members of the club, with shooting ducks in violation of the law, and you desire this department to instruct the United States attorney to cause the arrest of one of them so that the constitutionality of the law may be tested.

The administration of the law is in charge of the Department of Agriculture, and this department would prefer not to act in the matter until a case has been reported to it by that department with clear evidence proving a violation of the law.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. ROBINSON. On Saturday when this subject was under discussion I read a letter from the Secretary of Agriculture. That letter was in reply to one written by me asking him as to what action had been taken concerning the enforcement of this law. He said that some prosecutions had occurred—four cases in California in which pleas of guilty were entered, one case in Oregon in which a plea of guilty was entered, and another in Arkansas in which the same thing occurred—and that a newspaper article had been called to his attention showing that in one of the Western States some one had demurred to the indictment on the ground that the act was unconstitutional and the demurrer being overruled he had pleaded guilty. But in that letter, which is in the RECORD, on page 8350, the Secretary of Agriculture stated that no case had been found which the Solicitor of the Department of Agriculture thought it advisable to present to the Department of Justice, and I make the statement that it is the policy of that department not to permit this act to be tested; that its whole course since the law was passed has been to prevent a determination of the question as to the constitutionality of the act, and that that conclusion is plainly inferable and clearly implied from the letter which I read on last Saturday and which is found on page 8350. In that letter the Secretary of Agriculture said:

The prosecution of cases arising under the law is under the jurisdiction of the Department of Justice. So far no case has been presented to this department which our solicitor has deemed it advisable to present to the Department of Justice. I can not say when such a case will be found. A number of violations of the act have been prosecuted, however, in various States in which the defendants have pleaded guilty, but these cases have not come to this department or afforded an opportunity for a test of the law.

Omitting a part of the letter, of which I have stated the substance already, it proceeds:

The department itself, so far, has not reported a case to the Attorney General, but has investigated numerous alleged violations, and in every case has found that the facts did not warrant indictments.

Mr. BRYAN. Will the Senator read in this connection a part of the letter from the Secretary of Agriculture on page 8355 of the RECORD?

Mr. ROBINSON. Yes; that letter was inserted in the RECORD by the Senator from Connecticut [Mr. MCLEAN].

Mr. BRYAN. I will read it.

As to the matter of testing the law, I personally have no desire to press the matter. The only question is whether it can be kept out of the courts. There is pressure on the Department of Justice to have the law tested.

Mr. ROBINSON. I think that confirms the statement I made, that it is the policy of the Department of Agriculture to avoid any determination of the constitutionality of this act.

Mr. THOMPSON. Mr. President, I should like to call the attention of the Senator from Arkansas to a statement also in the letter on page 8350, that another prosecution is now pending in the State of Arkansas where this question will come up.

Mr. WEEKS. Will the Senator speak louder?

Mr. ROBINSON. I understand the case will be dismissed.

Mr. WARREN. We can not hear the conversation, Mr. President.

Mr. REED. Mr. President, the significant thing is that the Secretary of Agriculture makes this statement:

As to the matter of testing the law, I personally have no desire to press the matter. The only question is whether it can be kept out of the courts.

Then the Attorney General writes me the administration of this law is in the charge of the Department of Agriculture, and the department would prefer not to act in the matter until a case has been reported to it by that department with clear evidence proving a violation of the law. The gentleman who is charged with the duty of enforcing the law says he has not any interest in enforcing it, and that the only thing he wants to do—for that is what the language means—is to keep out of the courts, if he can keep out of the courts. Then you want to give him $50,000 to do what? To spend in a case where he says he does not want to get into the court.

Mr. WEEKS. If the Senator will permit me, I will tell him one respect in which the money would be expended. It is proposed to send men into the southern fields where these birds migrate, and as far as possible make inventories of the birds, to see the effect of the law from last year to this year, and determine whether the act is going to be beneficial or not.

Mr. REED. In other words, we are going to have a man down there counting wild ducks, to find out how many of them have been kept from being killed by a law that they are afraid to enforce.

Mr. WEEKS. We are going to try to prevent the birds of this country from getting into the condition wild animals are in, where we have to go over to the zoological garden to find them.

Mr. REED. Oh, your intentions are all right. I want to say to the Senator from Massachusetts and to the Senator from Connecticut, and to every Senator upon this floor, that every moment you waste keeping upon the statute books a law that its author doubts, and that the executive branch of the Government dare not enforce, you have lost that much time in having passed laws in the various States that can be enforced, and which will protect the game. Every moment you spend traveling a wrong road you waste that much time which ought to be spent traveling the right road. Every moment you concentrate the efforts of the people of this country who love game and want to protect it along a false line, just that long you postpone the day when game can be and will be protected.

Now, I want to say to both the Senators who have spoken here that I expect that I am a better gamester than either one of

them, and I expect I have spent more time in hunting game and as much effort in protecting game as either of them, if we except the misdirected but very humane efforts that have been put forward by the Senator in passing this unconstitutional law.

But I proceed with this letter. Mark now, this is a game of battledore and shuttlecock. My friend from Arkansas went to the Department of Agriculture to get the enforcement, and they told him they did not care to get into the courts, and that what generally the violator of the law wants to do is to keep out of the courts. I go to the Attorney General, and the Attorney General pushes me up to the Department of Agriculture. I presume that my friend ROBINSON and I passed each other as we were being kicked from one department over to the other. We were birds of passage, and there was no game law to protect us, not even the subject of a treaty. I read on:

The administration of the law is in charge of the Department of Agriculture, and this department would prefer not to act in the matter until a case has been reported to it by that department with clear evidence proving a violation of the law. The evidence must be very clear.

Mr. President, a few weeks ago, all over the West and South, you could hear the crack of the shotgun from morning until night. The pothunter was abroad in the land and laughing at this foolish law. There was no more difficulty in finding a man who was guilty of shooting game within that sacred limit, that had been fixed not by Congress but by the Secretary of Agriculture, than there would have been to have gone on the streets of the city and find a white man. Yet they could not get a case with evidence. It had to be very clear evidence. When men were going upon the trains every day with their guns in their cases and their hunting clothes; when they were camping out along rivers and lakes; when they were boldly carrying their game over their backs through the streets of the city, the Government could not get a case strong enough to prosecute. The reason is, as stated by the Secretary of Agriculture, in effect, that they wanted to keep out of court. I will read on:

Inquiry at the Department of Agriculture has developed the fact that that department intends within a few days to report to this department several cases for prosecution, in which the constitutionality of the law can be properly raised.

Of course, you go out here and arrest some hunter who has $5 or $2 in his pocket and has an old muzzle-loading shotgun, the kind of men they pick out. Such a man would plead guilty; he could not test the constitutionality of the act; but you could not go down and arrest men who were able to defend themselves.

You will easily see—

And I call attention to this—

the impropriety of this department's attempting to prosecute cases which are in reality collusive, and to issue warrants of arrest for persons who themselves come forward and claim to have been guilty of violating a Federal statute.

They were hunting with a vengeance for somebody to prosecute; they were keen upon the scent, indeed, when they would not file a charge against the man who came in and said, "Here I am; I shot a duck. Here it is. Arrest me and I will see whether you have got a good law or a bad law."

Mr. President, I wrote in reply to that on March 23. It is addressed to Mr. Underwood:

I am replying to your March 17 letter, written in reply to mine of the 9th, in which I stated to you that the Interstate Sportsmen's Protective Association had made application to the United States commissioner and Federal judge for a warrant charging one of their members with shooting ducks in violation of the law, and in which I suggested that a case of that character ought to be brought in order to test the constitutionality of the law.

I further stated that the committee stood ready to furnish affidavits of eyewitnesses to the violation, and that these affidavits were against E. F. Swinney, president of the First National Bank of Kansas City. In a word, I stated in my letter that there was abundant evidence of an actual violation of the law.

You inform me that the administration of the law is in charge of the Department of Agriculture. It is true that the Department of Justice has not been deprived of its right to enforce the criminal features of the law against all violators.

You say: "You will easily see the impropriety of this department's attempting to prosecute cases which are in reality collusive and to issue warrants for arrest of persons who themselves come forward and claim to have been guilty of violating a Federal statute."

With all due respect to you, I see no such impropriety. It may be that your experience in the Department of Justice has given you a more exalted conception of legal ethics than is possessed by the ordinary lawyers and judges with whom I have associated, but in my humble career as a lawyer and sometime prosecutor I have always found when the constitutionality of a law was seriously questioned that it was thought highly proper to cause an arrest of some person who desired to test the law and, upon undisputed and admitted facts, bring the case to a speedy termination.

One reason I want the law tested is that now there is an item in the Agricultural appropriation bill of $50,000 to be expended in the enforcement of this law, and I am unwilling that this appropriation shall be made and a large sum of money expended thereunder if we are to find after the money has been expended that the law is not worth the paper it is written on. I do not think we are warranted in going on and making the appropriation and wasting a large part of the money therein set aside because of the supersensitive nature of the Department of Justice.

It seems to me this very practical problem ought not to fail of speedy solution because of the overscrupulosity of the department regarding the ethical proprieties.

I may add that I addressed my letter to the Attorney General, and I should like to have it laid before him.

Yours, very truly, ——— ———.

Mr. President, from that day to this there has not been any prosecution. I did get a letter saying that if I would file the affidavit they might proceed.

It seems to me that this matter ought to be met in a perfectly sane and practical way. If those who are interested in the law think they have even a remote chance to obtain a decision sustaining it as constitutional, then they ought to proceed with all vigor, because to-day, as they know and will not deny, this law is ignored substantially by everyone from the Atlantic to the Pacific, except a few men who prefer to forego their shooting to the naked possibility of the annoyance of an arrest.

They ought, therefore, to welcome the opportunity to test it. If it be a valid law and binding, then its enforcement will follow as a matter of course, and obedience to it will become well-nigh universal, without a single additional arrest being made. The only violations thereafter will be by those men who are willing to take the chances of violating a law, hoping to escape. Those men constitute a small per cent of the real hunters of the country. That method, if the law be constitutional, will preserve the game; it will put a stop almost at once to 95 per cent of the killing at least; but so long as the authors of the law and the authorities of the Government refuse to accept the challenge that is issued by these sportsmen's associations, and the law goes unenforced and untested, the result will be in the future just what it has been in the past, that the slaughter of game will go on uninterrupted and unchecked. Every day you delay the testing of this law you increase the slaughter of the game in this country.

Mr. McLEAN rose.

Mr. REED. The Senator will ask me if the law is declared unconstitutional whether we really lose anything, for, if it is declared unconstitutional, we have all the law left after it is declared unconstitutional that we had before, and I grant that proposition.

Mr. McLEAN. No. If the Senator will pardon me, I wish to say that I should agree with him in his position but for the fact that the enforcement of the law will not be required now until the opening of another shooting season, as the shooting seasons now are closed throughout the United States under State laws.

Mr. REED. Yes. Then—if the Senator will pardon me for making this merely a personal colloquy—why not test this law now?

Mr. McLEAN. I was about to reply to the Senator. I should agree with him that the only thing to do is to test this law, and to test it at once, but for the fact which I have tried to make plain to the Senator, that not only in my opinion, but in the opinion of the senior Senator from New York [Mr. ROOT], who first introduced the resolution requesting the President to negotiate treaties with foreign nations; in the opinion of the late Senator from Georgia, Mr. Bacon, with whom I discussed this subject at length; in the opinion of the late Senator from Idaho, Mr. Heyburn, and of others who were interested in the matter when it was under discussion and they were in the Senate—but especially Senator Bacon insisted upon it—the treaty with Great Britain and the treaties with other countries were the only means that would effectively protect the migratory birds; that even a constitutional amendment would only in a measure cover the subject; that it was not merely a State question; that it was not merely a Federal question, but that it was a question which interested the entire Western Hemisphere.

It was my belief then, and it is my belief now—though I do not undertake to prophesy—that the nations of the Western Hemisphere sooner or later—and the sooner the better—if they wish to preserve the good opinion of posterity, will follow the example of the nations of Europe and will protect the migratory birds of this hemisphere by international agreement, for that is the only way in which it can be done.

Mr. REED. Well, if that be so——

Mr. McLEAN. If the Senator will pardon me until I have finished——

Mr. REED. Certainly.

Mr. McLEAN. That treaty is pending; it has been submitted by the British ambassador to his Government; and we have every reason to believe that it will be returned to the Senate for a decision. If that treaty is ratified by the Senate and takes into consideration the terms of the existing law——

Mr. REED. Which is unconstitutional.

Mr. McLEAN. No; there is where the Senator and I differ. Suppose we assume that it is unconstitutional without the international agreement; we will assume that——

Mr. REED. You will assume that?

Mr. McLEAN. There are plenty of instances where jurisdiction remains with the State until by treaty it is assumed by the Federal Government. The Senator from Missouri will not dispute that.

Mr. REED. I think I should have to do so.

Mr. McLEAN. I can refer to five or six cases, from Ware against Hylton down to Griggs against Geofrys, where the Supreme Court has clearly announced the principle which I maintain.

Now, when we come to discuss the treaty, if the Senator from Missouri is right, we must look for some other way; there is no question about that; but in my opinion, if the Senator will give the subject his careful study, he will by the time that treaty is presented to the Senate entirely agree, I will not say with me, but with the constitutional lawyers of the Senate, who agree with me.

Mr. REED. I wish the Senator from Connecticut would file an opinion of a constitutional lawyer of the Senate which will state that if the United States makes a treaty with England in regard to migratory birds, thereupon its constitutional powers will be extended over the various States, and that that subject matter will be taken away from the purview of their legislative authority. I should like to see that kind of an opinion of a constitutional lawyer of the Senate or of any other body.

Mr. McLEAN. I can show the Senator the opinions of the Supreme Court of the United States, which would be better than my opinion.

Mr. REED. Well, really, I suppose the Senator and I will disagree when we come to reading such an opinion.

Mr. President, if what the Senator from Connecticut says is true—and what he said was not apropos to anything I was arguing when he rose to his feet; but that was entirely satisfactory to me—then, the first thing to do would be to repeal this law and get it out of the way, because if there was such a thing as a right to regulate by treaty, we would have to depend upon the treaty and subsequent legislation, and not upon a law which had been already passed, which was dead when it was born, and into which you would undertake the hopeless task of breathing life by virtue of a subsequent act.

Mr. McLEAN. Mr. President, not at all, because the treaty should take into consideration the existence of this very law. That is the reason I want this appropriation.

Mr. REED. Mr. President, I think the line of difference between the Senator from Connecticut and myself is so wide that we hardly need to pursue the subject. If it be true that the Federal Government can take over to itself powers to control the internal affairs of the States, or, to state it differently—for it can not take them over, and if it attempts to do so its law is invalid—if that law can be made valid by negotiating a treaty with England or with some other country, then there is no use in my discussing the question of the Constitution at all. I suppose the Senator now would have the Department of Agriculture wait to institute prosecutions until the treaty to which he has referred has been negotiated.

Mr. McLEAN. I will say frankly to the Senator that if the treaty fails the next thing is to test the constitutionality of the law.

Mr. REED. First, however, we must spend $50,000, and then we must try to negotiate a treaty with England, and after all that has been done, we are going finally to submit to arresting somebody who will test the law, and that is what you want $50,000 of the taxpayers' money for.

Mr. McLEAN. There will be no occasion to spend a dollar of the money until after we have had an opportunity to ratify the treaty.

Mr. REED. I understood some Senator to say a little while ago that you were going to use this money, not to enforce the law but to count the ducks in the swamps down South.

Mr. McLEAN. The Senator from Missouri understands that every dollar which may be appropriated for the Department of Justice is subject to the command of that department to enforce this law.

Mr. REED. Then why make this appropriation? Why not let the Department of Justice make use of such money as it has available, and go ahead and enforce the law? Here as a proposition——

Mr. McLEAN. I mean to test it in the courts.

Mr. REED. Let us put it in plain, simple language. You have a law that the Department of Agriculture is afraid to try to enforce, that the Department of Justice is afraid to try to enforce, and the Senator, as the author of that law, asks that we shall appropriate $50,000, but that $50,000 is not to be expended until we have negotiated a treaty with England; and if that treaty with England is finally accepted, then, and in that event, and only in that event, we will expend some money trying to enforce the statute, hoping that the treaty may have injected constitutionality into that which was unconstitutional. As suggested by the Senator from Oklahoma [Mr. GORE], it is a sort of legal naturalization.

In the meantime, however, we will have this $50,000, which the Senator from Massachusetts [Mr. WEEKS] says will be used to inventory birds to ascertain what effect the enactment of a law which is not enforced will have upon migratory birds. I submit that that is not a question of law at all; that is a sort of psychological proposition—what effect an unenforced law will have upon the number of birds. I do not know to what department of the Government such a matter ought to go—possibly to the astronomical observatory. [Laughter.]

Mr. McLEAN. Mr. President, I wish Senators would confine this debate to questions at issue. I would like to call the Senator's attention to the fact that my reason for desiring an appropriation is that if we do ratify the treaty and do not appropriate any money, then next fall, when we need the money and Congress is not in session, we will not be able to get it.

Mr. REED. Why, Mr. President, we are not going to ratify any such treaty at this session of Congress; the treaty is not made. I do not know whether it will ever be made; but if it is ever made it certainly can not be submitted until the next session of Congress, and when it is submitted and approved Congress will be in session. If it is then discovered that by making a treaty you have made that constitutional which was previously unconstitutional, or have extended the Constitution and amended it by virtue of a treaty—if you have done that, then two things follow: First, you do not need any treaty if you have made the law constitutional; and, second, even if you did need an appropriation, all you would have to do would be to make the appropriation at that session of Congress, the same session of Congress at which you adopt the treaty that is going to amend the Constitution of the United States.

The truth is that there is not the slightest excuse in the world for appropriating one penny for this purpose at this time. Why? Because we have all the machinery of justice; we have our United States marshals; we have our United States district attorneys; we have our United States courts; we have our juries; and all of them are in good working order. Furthermore, the Department of Justice has a general appropriation, and all that is necessary is simply to get the evidence in one case. Such evidence has been tendered, and I now in open Senate tender the evidence to the Department of Justice. I agree to make it good and to produce a man who will walk into court and say over his own signature that he shot the birds and that he shot them on a given day in the State of Missouri; but with that sort of a case they do not dare to go to trial.

It is absurd to ask for money to enforce a law when the man who is named to enforce it says himself he wants to keep out of court. The migratory-bird law does not need a special appropriation. If it is a valid law, it can be enforced under the general appropriations. The truth is there has been a campaign made here by telegrams; Senators have been flooded with them; they have been told that a lot of men wanted to destroy the game, that such men are "game hogs," and you have been led to believe that certain men are the enemies of bird protection. The fact of the matter is that the men in my State who have been so characterized by Mr. Hornaday have been the men who have spent their time and their money in having put upon the statutes of the State of Missouri valid and binding game laws of a very stringent character. They are men who were instrumental in passing a law there which absolutely prohibited the killing of game for, I think, some three or four years; they are the men who are ready to stand back of an honest enforcement of any valid law that can be brought forward; but they recognize the fact that if you have an unconstitutional law upon the statute books it will be disregarded, and the result will be that you break down the respect of the people for the game laws.

These men recognize another fact, that if you are properly to protect the migratory birds you must proceed within the limits of the States, and that a State, having no jurisdiction beyond its borders, can only protect the game when that game comes within its borders; but at the same time these men who want to protect bird life and who belong to associations interested in the protection of bird life can easily secure, and have indeed to a large extent secured, the enactment of laws in States that lie within the same general zone, which give protection at the proper season of the year to migratory birds which pass over that zone.

These men are not game hogs. These men want to pursue the right path. These men rise to protest and say that every day you waste with a law upon the statute books that will ultimately be stricken down is that much time lost in the proper prosecution of a plan which will result in the protection of game.

Mr. President, I insist that the utmost that ought to be granted is $20,000; and so far as I am concerned, I think the item ought to be stricken out altogether. It is a strange thing to be asking Congress to appropriate $50,000 of the people's money when both of the factions charged with the enforcement of this law refuse to move. It is a strange thing to ask for the appropriation of $50,000 for a purpose of this kind, when the best the author of the bill himself can say is that he thinks now the bill will be constitutional provided we negotiate a treaty with foreign powers and in some mysterious way breathe the life of constitutionality into the dead form of a statute that was born dead.

If the desire is to enact a statute of this kind, it ought to be preceded, not by a treaty, but by an amendment to the Constitution of the United States.

So far as I am concerned, I am looking at this question from a broader standpoint, and I hope with a clearer light, than is involved in even the question of constitutionality. We have come to this sort of situation in our country—that every man who wants to have any kind of legislation or accomplish any kind of result comes here to Congress. We have a government of boards and of commissions that have taken over to themselves the powers that were formerly exercised by Congress or by some one of the several States. We undertake, or are asked to undertake, to prescribe the qualifications for voters. We are asked now to undertake to regulate, if not the habit and flight of the birds, at least the habit of the citizen of the State. Then, when you ask a learned Senator, who has given the bill months of his time and consideration, to put his finger on the clause of the Constitution of the United States which gives us that power, he answers that he can not put it upon any clause, but just in a general way he puts his hands upon the whole of the Constitution and upon the treaty-making power of the Government. We are now asked to conclude that a sovereign State can no longer regulate the killing of game within its borders, because we are about to give the Constitution some new construction or new meaning or new extension by making a treaty with Great Britain. If we will just make enough treaties, after a while we will not have any Constitution left.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I do.

Mr. WEST. Might we not take away the rights of a State, as in California, by making treaties in reference to citizenship?

Mr. REED. Mr. President, that opens up a rather broad field; but as far as I am concerned I have not the slightest doubt in the world that the State of California had the right to say to the Japanese, to the Chinaman, or to any other alien: "You can not vote and you can not exercise other rights which our citizens possess." I never had any doubt of that. I hope the day will never come when the Senate of the United States and the President can make a treaty that will take away the sovereign rights of the good old State of Georgia, or the rights of the State of Missouri, or the rights of any other State.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma [Mr. GORE].

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

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

Mr. CHILTON (when his name was called). I announce my pair as on the previous vote, and withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair, and withhold my vote.

Mr. WALSH (when his name was called). I again announce my pair with the senior Senator from Rhode Island [Mr. LIPPITT] and, in view of his absence, withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WEEKS (when his name was called). I transfer my general pair with the junior Senator from Kentucky [Mr. JAMES] to the senior Senator from Ohio [Mr. BURTON] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made by me upon the last roll call, I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I wish to announce again the fact that my colleague [Mr. SIMMONS] is absent on account of sickness.

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Michigan [Mr. SMITH] and will vote. I vote "nay."

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON], but on this vote our obligations are canceled. I therefore vote "nay."

Mr. STERLING. I announce the absence of my colleague [Mr. CRAWFORD] and that he is paired with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. KERN. I transfer my pair with the senior Senator from Kentucky [Mr. BRADLEY] to the senior Senator from New Jersey [Mr. MARTINE] and will vote. I vote "yea."

Mr. BANKHEAD (after having voted in the affirmative). I announce my pair as on the last vote, and will let my vote stand.

Mr. TILLMAN. I transfer my pair with the junior Senator from Wisconsin [Mr. STEPHENSON] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. GALLINGER. I desire to announce a pair existing between the junior Senator from New Mexico [Mr. CATRON] and the junior Senator from Illinois [Mr. LEWIS].

Mr. BRISTOW. I desire to announce that the senior Senator from Kentucky [Mr. BRADLEY] has been called to that State on important business and can not be here to-day.

The result was announced—yeas 16, nays 34, as follows:

YEAS—16.

Bankhead	Martin, Va.	Robinson	Smith, S. C.
Bryan	Overman	Saulsbury	Tillman
Gore	Ransdell	Shafroth	Vardaman
Kern	Reed	Smith, Ga.	West

NAYS—34.

Ashurst	du Pont	Lee, Md.	Sherman
Brady	Gallinger	McCumber	Smoot
Brandegee	Gronna	McLean	Sterling
Bristow	Hollis	Norris	Thompson
Burleigh	Johnson	Oliver	Townsend
Chamberlain	Jones	Page	Weeks
Clapp	Kenyon	Perkins	Williams
Cummins	La Follette	Poindexter	
Dillingham	Lane	Sheppard	

NOT VOTING—45.

Borah	Goff	O'Gorman	Stephenson
Bradley	Hitchcock	Owen	Stone
Burton	Hughes	Penrose	Sutherland
Catron	James	Pittman	Swanson
Chilton	Lea, Tenn.	Pomerene	Thomas
Clark, Wyo.	Lewis	Root	Thornton
Clarke, Ark.	Lippitt	Shields	Walsh
Colt	Lodge	Shively	Warren
Crawford	Martine, N. J.	Simmons	Works
Culberson	Myers	Smith, Ariz.	
Fall	Nelson	Smith, Md.	
Fletcher	Newlands	Smith, Mich.	

So Mr. GORE's amendment was rejected.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 13, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 12, 1914.*

The House met at 12 o'clock noon.

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

We bless Thee, our Father in heaven, for the disclosures Thou hast made of Thyself in the great book of nature, in the written word, in the marvelous progress of the race toward the higher civilization. Continue, we beseech Thee, Thy providence, a potent influence in the affairs of men, that evil may diminish, good increase, till all the world shall know Thee, worship Thee, and praise Thy holy name. That Thy kingdom may come and Thy will be done on earth as it is in heaven. In His name. Amen.

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

TAXATION IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The unfinished business coming over from yesterday is the District of Columbia tax bill, H. R. 12873, on which the previous question was ordered yesterday.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The parliamentary inquiry I wish to make is whether there is one amendment or whether there are two amendments?

The SPEAKER. The Chair understood the chairman of the Committee of the Whole House on the state of the Union to report that there was one.

Mr. MANN. As a matter of fact, there were two amendments, but I have no objection to their being considered as one if it is so understood.

Mr. ADAIR. Mr. Speaker, there was only one amendment to the substitute offered by the gentleman from Ohio [Mr. CROSSER]. The amendment to the substitute was agreed to and the substitute as amended was agreed to.

Mr. MANN. There was also an amendment striking out the remainder of the bill.

Mr. ADAIR. I beg the gentleman's pardon, that was done by unanimous consent.

Mr. MANN. It was nevertheless an amendment. However, I am perfectly willing that it should be considered as one amendment. There was an amendment striking out all after section 1.

The SPEAKER. The Chair does not quite understand.

Mr. MANN. As a matter of fact, there was an amendment agreed to in the nature of a substitute for the entire bill on the reading of section 1. After that, by unanimous consent, there was another amendment agreed to, striking out the rest of the bill, beginning with section 2.

Mr. ADAIR. The gentleman from Illinois is correct.

The SPEAKER. Then there are two amendments. Is a separate vote demanded on any amendment?

Mr. MANN. I ask for a separate vote on the amendment adopting the substitute.

Mr. LEVY. Mr. Speaker, is it in order to move to recommit the bill?

The SPEAKER. It is not now in order.

Mr. JOHNSON of Kentucky. Mr. Speaker, in order that the Speaker may correctly understand the situation, it is this: The bill as originally introduced was reported back to the House with sundry amendments. As soon as the first section of the bill was read the gentleman from Ohio [Mr. CROSSER] offered a substitute by striking out all after the enacting clause and inserting certain matter thereafter. After the gentleman from Ohio had offered his substitute I offered an amendment to that substitute, striking out all except the first word thereof and inserting other matter in lieu of that in the substitute. My amendment to the substitute was adopted in Committee of the Whole, and then that substitute as amended was adopted. That is the situation. Then the remainder of the bill was stricken out by unanimous consent.

The SPEAKER. What was the Crosser substitute for—the whole bill or a part of it?

Mr. JOHNSON of Kentucky. It was a substitute for the whole bill.

The SPEAKER. Does the amendment of the gentleman from Kentucky go to the whole bill, too?

Mr. JOHNSON of Kentucky. All except one word.

The SPEAKER. What was the reason for the amendment striking out certain parts of the bill?

Mr. MANN. These provisions were offered when section 1 was read, and notice was given that if agreed to the gentleman would move to strike out the rest of the bill section by section, and then, by unanimous consent, it was stricken out as one amendment. It does not make a particle of difference, except to have it straight on the record.

The SPEAKER. The Chair is inclined to the opinion that there is only one amendment. After the Johnson substitute was agreed to, if that covered the whole bill, the Chair does not see what the necessity was of a motion to strike out any other section, because it had all been swallowed up in the substitute.

Mr. MANN. But, Mr. Speaker, the bill had not been read.

The SPEAKER. Then there are two amendments pending here.

Mr. JOHNSON of Kentucky. The Speaker will please bear in mind that the Crosser substitute as amended is a substitute for the whole bill.

Mr. MANN. I am quite willing, if the gentleman asks unanimous consent, that it shall be considered as an amendment to the entire bill.

Mr. JOHNSON of Kentucky. I am putting the proposition to the Chair for his ruling thereon.

The SPEAKER. If the Johnson amendment to the Crosser substitute was adopted, that is one thing. If another amendment was offered to strike out certain sections of the bill, that is another thing.

Mr. JOHNSON of Kentucky. The other sections necessarily went out.

The SPEAKER. What was the use or propriety of making a motion to strike them out. It was a complete surplusage, if the gentleman's amendment and the Crosser substitute covered the whole bill.

Mr. MANN. Mr. Speaker, the situation would be identically as suggested if the House should agree to the Johnson amendment; but suppose the House should not agree to the Johnson amendment, then it would be for the House to determine whether it would strike out the rest of the bill.

Mr. GARNER. Mr. Speaker, in order to get the thing straight on the record, I ask unanimous consent that the Johnson amendment be considered as an entire substitute for the bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that the Johnson amendment be considered as one amendment to the bill. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

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

Mr. CROSSER. Mr. Speaker, on that I demand a division.

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

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] demands a division, and the gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present.

Mr. CROSSER. Mr. Speaker, I withdraw the demand for a division.

Mr. JOHNSON of Kentucky. Mr. Speaker, I object to the gentleman withdrawing the demand for a division.

Mr. UNDERWOOD. Mr. Speaker, I understand the gentleman from Ohio [Mr. CROSSER] desires a vote. If he withdraws his demand for a division, we will have to have two votes. If he lets the House divide, we will get the automatic roll, and the House will vote when the roll is called.

Mr. MANN. It will in any event, because the question has been submitted.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. Mr. Speaker, the question has been submitted to the House, and upon that it appeared evident that a quorum did not answer. Thereupon the gentleman from Ohio [Mr. CROSSER] asked for a division in continuation of the vote which had been partially taken. Then the gentleman from Illinois [Mr. MANN] made the point of no quorum.

The SPEAKER. Yes.

Mr. JOHNSON of Kentucky. The question that arises in my mind now is this: Is the status such that whenever this vote is now taken, it will be taken by a call of the yeas and nays?

Mr. GARNER. Assuredly.

Mr. MANN. Undoubtedly. It is an automatic call.

The SPEAKER. That is correct.

Mr. JOHNSON of Kentucky. That is what I am after.

The SPEAKER. The Chair will count to determine if there is a quorum present. The Chair will ask the gentleman from Illinois a question. Suppose the gentleman from Ohio withdraws his demand for a division, will the gentleman from Illinois withdraw his point of order?

Mr. MANN. No; because I want an automatic roll call.

The SPEAKER (after counting). One hundred and sixty-five Members present; not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. When the roll is called those in favor of the amendment which was agreed to in the Committee of the Whole as a substitute will, when their names are called, answer "yea," and those opposed will answer "nay." The Clerk will call the roll.

The Clerk called the roll; and there were—yeas 131, nays 165, answered "present" 9, not voting 128, as follows:

YEAS—131.

Abercrombie	Borchers	Cary	Dent
Adair	Borland	Church	Dickinson
Adamson	Buchanan, Tex.	Claypool	Dies
Alexander	Burgess	Cline	Dixon
Aswell	Burke, Wis.	Collier	Donovan
Barkley	Burnett	Connelly, Kans.	Doolittle
Barnhart	Byrns, Tenn.	Cox	Doughton
Barton	Cantrill	Cramton	Eagle
Bathrick	Caraway	Cullop	Edwards
Beall, Tex.	Carr	Davenport	Falson
Blackmon	Carter	Decker	Fergusson

Ferris	Houston	Morgan, Okla.	Sinnott
Fields	Howard	Moss, Ind.	Sisson
Fowler	Hughes, Ga.	Murdock	Sloan
Francis	Hull	Murray, Okla.	Smith, J. M. C.
Gard	Jacoway	Neeley, Kans.	Stedman
Garner	Johnson, Ky.	Nolan, J. I.	Stephens, Cal.
Garrett, Tenn.	Jones	Norton	Stephens, Tex.
Garrett, Tex.	Kelley, Mich.	Oldfield	Sumners
Godwin, N. C.	Key, Ohio	Page, N. C.	Taylor, Ark.
Goeke	Kinkaid, Nebr.	Park	Taylor, Colo.
Gray	Kitchin	Peterson	Thomas
Green, Iowa	Konop	Post	Thompson, Okla.
Gregg	Korbly	Prouty	Tribble
Hamlin	Lieb	Quin	Weaver
Hammond	Lindbergh	Rayburn	Webb
Harrison	Lobeck	Reed	Whitacre
Haugen	McGillicuddy	Reilly, Wis.	White
Hayden	McKellar	Rouse	Wilson, Fla.
Heflin	MacDonald	Rubey	Wingo
Helm	Maguire, Nebr.	Rucker	Witherspoon
Helvering	Mapes	Russell	Young, Tex.
Henry	Moon	Sims	

NAYS—165.

Ainey	Evans	Kindel	Roberts, Nev.
Allen	Falconer	Kinkead, N. J.	Scully
Anderson	Fess	Knowland, J. R.	Seldomridge
Anthony	Finley	Kreider	Sells
Austin	FitzHenry	La Follette	Sharp
Avis	Flood, Va.	Lazaro	Sherwood
Bailey	Fordney	Lee, Ga.	Shreve
Baker	Foster	Lever	Small
Baltz	Frear	Levy	Smith, Idaho
Beakes	French	Lewis, Pa.	Smith, Minn.
Bell, Cal.	Gallagher	Linthicum	Smith, N. Y.
Booher	Gallivan	Lloyd	Smith, Saml. W.
Bowdle	Gerry	Lonergan	Steenerson
Britten	Gillett	McAndrews	Stephens, Nebr.
Brockson	Gilmore	McCoy	Stevens, Minn
Broussard	Good	McDermott	Stone
Brown, N. Y.	Gordon	McGuire, Okla.	Stout
Browne, Wis.	Gorman	McLaughlin	Sutherland
Browning	Graham, Ill.	Madden	Tavenner
Bryan	Greene, Mass.	Mann	Ten Eyck
Buchanan, Ill.	Greene, Vt.	Metz	Thacher
Bulkley	Hamilton, Mich.	Mitchell	Thomson, Ill.
Burke, S. Dak.	Hawley	Mondell	Towner
Byrnes, S. C.	Hay	Montague	Underhill
Campbell	Helgesen	Morgan, La.	Underwood
Cantor	Hensley	Moss, W. Va.	Vaughan
Chandler, N. Y.	Hill	Neely, W. Va.	Vollmer
Coady	Hinebaugh	Padgett	Volstead
Conry	Holland	Paige, Mass.	Wallin
Cooper	Howell	Parker	Walsh
Copley	Hulings	Patten, N. Y.	Walters
Covington	Humphrey, Wash.	Patton, Pa.	Watson
Crosser	Humphreys, Miss.	Payne	Whaley
Curry	Igoe	Peters, Mass.	Williams
Danforth	Johnson, Utah	Phelan	Willis
Dillon	Johnson, Wash.	Platt	Wilson, N. Y.
Drukker	Keating	Plumley	Winslow
Dunn	Keister	Powers	Woodruff
Dupré	Kennedy, Conn.	Ragsdale	Young, N. Dak.
Edmonds	Kennedy, Iowa	Rainey	
Esch	Kennedy, R. I.	Raker	
Estopinal	Kiess, Pa.	Reilly, Conn.	

ANSWERED "PRESENT"—9.

Clancy	Hardy	Oglesby	Slemp
Guernsey	Morrison	Pou	Taylor, Ala.
Hamilton, N. Y.			

NOT VOTING—128.

Aiken	Dyer	Lafferty	Riordan
Ansberry	Eagan	Langham	Roberts, Mass.
Ashbrook	Elder	Langley	Rogers
Barchfeld	Fairchild	Lee, Pa.	Rothermel
Bartholdt	Farr	L'Engle	Rupley
Bartlett	Fitzgerald	Lenroot	Sabath
Bell, Ga.	Floyd, Ark.	Lesher	Saunders
Brodbeck	Gardner	Lewis, Md.	Scott
Brown, W. Va.	George	Lindquist	Shackleford
Bruckner	Gittins	Loft	Sherley
Brumbaugh	Glass	Logue	Slayden
Burke, Pa.	Goldfogle	McClellan	Smith, Md.
Butler	Goodwin, Ark.	McKenzie	Smith, Tex.
Calder	Goulden	Mahan	Sparkman
Callaway	Graham, Pa.	Maher	Stafford
Candler, Miss.	Griest	Manahan	Stanley
Carew	Griffin	Martin	Stephens, Miss.
Carlin	Gudger	Merritt	Stevens, N. H.
Casey	Hamill	Miller	Stringer
Clark, Fla.	Hardwick	Moore	Switzer
Clayton	Hart	Morin	Taggart
Connolly, Iowa	Hayes	Mott	Talbott, Md.
Crisp	Hinds	Murray, Mass.	Talcott, N. Y.
Dale	Hobson	Nelson	Taylor, N. Y.
Davis	Hoxworth	O'Brien	Temple
Deitrick	Hughes, W. Va.	O'Hair	Townsend
Dershem	Johnson, S. C.	O'Leary	Treadway
Difenderfer	Kahn	O'Shaunessy	Tuttle
Donohoe	Kelly, Pa.	Palmer	Vare
Dooling	Kent	Peters, Me.	Walker
Doremus	Kettner	Porter	Watkins
Driscoll	Kirkpatrick	Rauch	Woods

So the amendment in the nature of a substitute was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. BELL of Georgia with Mr. HAYES.

For the balance of the day:

Mr. DAVIS with Mr. HINDS.

Until further notice:

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr McCLELLAN with Mr. MILLER.

Mr. MORRISON with Mr. PETERS of Maine.

Mr. DALE with Mr. MARTIN.

Mr. GLASS with Mr. SLEMP.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GUDGER with Mr. GUERNSEY.

Mr. STEPHENS of Mississippi with Mr. SCOTT.

Mr. AIKEN with Mr. BARTHOLDT.

Mr. ANSBERRY with Mr. DYER.

Mr. ASHBROOK with Mr. FARR.

Mr. BROWN of West Virginia with Mr. GRAHAM of Pennsylvania.

Mr. CANDLER of Mississippi with Mr. GRIEST.

Mr. CALLAWAY with Mr. KAHN.

Mr. CARLIN with Mr. LANGLEY.

Mr. CLARK of Florida with Mr. LANGHAM.

Mr. DONOHOE with Mr. LAFFERTY.

Mr. DRISCOLL with Mr. MOTT.

Mr. FITZGERALD with Mr. CALDER.

Mr. GEORGE with Mr. LINDQUIST.

Mr. GOLDFOGLE with Mr. MCKENZIE.

Mr. HARDWICK with Mr. MANAHAN.

Mr. JOHNSON of South Carolina with Mr. MOORE.

Mr. LEE of Pennsylvania with Mr. PORTER.

Mr. MURRAY of Massachusetts with Mr. ROGERS.

Mr. O'HAIR with Mr. MORIN.

Mr. PALMER with Mr. VARE.

Mr. ROTHERMEL with Mr. TEMPLE.

Mr. SABATH with Mr. RUPLEY.

Mr. SHACKLEFORD with Mr. NELSON.

Mr. SHERLEY with Mr. SWITZER.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. TALCOTT of New York with Mr. WOODS.

Mr. WALKER with Mr. TREADWAY.

Mr. WATKINS with Mr. ROBERTS of Massachusetts.

Mr. DEITRICK with Mr. KELLY of Pennsylvania.

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. HARDY. Mr. Speaker, I voted "aye" when my name was called. Under Rule VIII I am inclined to think I ought not to vote, and I wish to withdraw that vote and answer "present."

The name of Mr. HARDY was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Mr. JOHNSON of Kentucky. Mr. Speaker, is a motion in order now to recommit?

The SPEAKER. It is not. The question is on the engrossment and third reading.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What is to be the third reading? What is the bill now as it stands?

The SPEAKER. The Chair did not understand what the gentleman from Illinois said.

Mr. MANN. What is it we are going to vote upon now?

The SPEAKER. Why, upon the original bill.

Mr. MANN. A further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The original bill was reported to the House by the committee with sundry amendments. Those amendments were not agreed to in the Committee of the Whole House on the state of the Union. Now, is the vote upon the original bill without those amendments?

The SPEAKER. It seems to the Chair that is the situation.

Mr. MANN. Well, I agree with the Chair, although that is not important.

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. The House having voted down the substitute of the gentleman from Kentucky, does the vote now come upon the Crosser amendment?

The SPEAKER. Why, the vote comes on the original George bill.

Mr. FOSTER. With the amendments reported by the committee?

The SPEAKER. The amendments were not agreed to, and the House on the report of the Committee of the Whole House

on the state of the Union has to do only with amendments which were agreed to.

Mr. FOSTER. Well, does this vote which has just been taken dispose of both the Johnson and Crosser amendments?

The SPEAKER. Of course it does; it knocks them clear out of existence.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the House should adopt the bill as reported from the committee, it would not include the committee amendments, and on the third reading of the bill, if the House desired to adopt the committee amendments, it could recommit the bill with instructions to bring in the committee amendments.

The SPEAKER. Of course it could.

Mr. MANN. Ah, but I take it, if the gentleman from Kentucky or anybody else opposed to the George bill should move to recommit the bill to the District Committee, that would be in order.

The SPEAKER. Of course it would; there is no question on earth about it. The question is on the engrossment and third reading——

Mr. OGLESBY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OGLESBY. The proposition now being the original bill, is it in order to vote on that when it has never been read? The original bill was never read.

The SPEAKER. The Chair has nothing to do with what was done in the Committee of the Whole House on the state of the Union. All of the rest of the bill is stricken out by unanimous consent and the Chairman of the Committee of the Whole House on the state of the Union makes a report here that certain transactions occurred in the committee, and he reported that the committee had had under consideration this bill and had directed him to report it back with an amendment or amendments, as the case may have been, with the recommendation that the amendment be agreed to and the bill do pass. A vote has been taken on the amendment, and it has been voted down, and that clears out the Johnson amendment, clears out the Crosser substitute, clears out the committee amendments, and leaves the naked original George bill to be voted on.

Mr. OGLESBY. The original George bill has never been read.

The SPEAKER. It does not make a bit of difference whether it has or not. The first paragraph of it was read. The question is on the engrossment and third reading.

The question was taken, and the Speaker announced the noes seemed to have it; the noes had it.

So the third reading was rejected.

The SPEAKER. That ends this absolutely. [Laughter and applause.]

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the third reading was refused, was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CALLAWAY, indefinitely, on account of important business.

ELECTION OF SENATORS.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

Mr. HENRY of Texas. Mr. Speaker, I offer a privileged resolution from the Committee on Rules.

EXTENSION OF REMARKS.

Mr. CARY. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. On what?

Mr. CARY. On the District bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the bill just voted on. Is there objection?

Mr. JOHNSON of Kentucky. What is it, Mr. Speaker?

The SPEAKER. The gentleman from Wisconsin asks to extend his remarks.

Mr. JOHNSON of Kentucky. I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PROHIBITION AMENDMENT.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to file minority views (H. Rept. 652, pt. 2) on House joint resolution No. 168. The majority report was filed some days ago, and I was not informed of that fact. I would like to have the privilege of submitting my views.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent to file his views on House joint resolution No. 168. Is there objection?

Mr. MURDOCK. Reserving the right to object, I would like to ask the gentleman what the resolution is.

Mr. DUPRÉ. It is a resolution introduced by the gentleman from Alabama [Mr. HOBSON] on the subject of prohibition.

Mr. MURDOCK. Did the majority make a report?

Mr. DUPRÉ. I am not in a position to answer that question. They have submitted the bill to the House without recommendation.

Mr. MANN. The report was made to the House and is in print. It contains only three or four lines.

Mr. DUPRÉ. I do not know whether it is a report or not.

The SPEAKER. They made a report and it has been printed.

Mr. MURDOCK. Will the gentleman from Louisiana yield further?

Mr. DUPRÉ. Yes.

Mr. MURDOCK. There is a good deal of mystery about what occurred in the committee. Did the gentleman take a position——

The SPEAKER. That is against the rules of the House.

Mr. DUPRÉ. The "gentleman from Louisiana" will protect himself against an inquiry of that kind.

Mr. MURDOCK. What is the gentleman's report?

Mr. DUPRÉ. If the gentleman will look at it, he will know what it is.

Mr. MURDOCK. Is it for or against the resolution?

Mr. DUPRÉ. I do not think that is a matter of concern. I simply ask the privilege of submitting these views, and I do not propose to tell the gentleman from Kansas what they are.

Mr. MURDOCK. I will read the report and find out, I suppose. [Laughter.]

Mr. DUPRÉ. If you will allow it to be printed, you will find out.

Mr. MURDOCK. I do not object. I am anxious to see the report.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. DUPRÉ]? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Harter Act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just disposed of—the District tax bill.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent to extend his remarks in the RECORD on the District tax bill, which has just been disposed of. Is there objection? [After a pause.] The Chair hears none.

ADDRESS OF THE PRESIDENT AT BROOKLYN.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD the address delivered by the President of the United States at the Brooklyn Navy Yard on yesterday relative to the memory of the sailor dead.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent to incorporate in the RECORD the speech made by the President of the United States yesterday in New York at the funeral of the sailors and marines. Is there objection? [After a pause.] The Chair hears none.

[The President's address appears in the Senate proceedings of to-day.]

PUBLIC BUILDING, SALISBURY, MD.

Mr. COVINGTON. Mr. Speaker, I move to take from the Speaker's table and pass the bill S. 4158, a similar House bill, H. R. 13611, being on the House Calendar.

The SPEAKER. Does the gentleman from Texas [Mr. HENRY] yield?

Mr. HENRY. I will yield. The gentleman states it will take only five minutes or less to dispose of that, and he will agree to withdrawing it if it takes more than five minutes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4158) to reduce the fire limit required by the act approved March 4, 1913, in respect to the proposed Federal Building at Salisbury, Md.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to disregard the provisions contained in the public building act approved March 4, 1913, requiring 40 feet open space for fire protection about the proposed Federal building at Salisbury, Md., or to reduce the space required thereby to such an extent as he may deem necessary.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this bill on the House Calendar?

Mr. COVINGTON. It is. A similar bill is on the House Calendar, with a favorable report from the Committee on Public Buildings and Grounds.

Mr. MANN. Is it on the House Calendar or the Union Calendar?

Mr. COVINGTON. It is on the House Calendar.

Mr. MANN. That is not where it belongs.

Mr. COVINGTON. I think the gentleman is mistaken. It is properly on the House Calendar.

The SPEAKER. The question is on the third reading of the bill.

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

The SPEAKER. Without objection, the House bill, H. R. 13611, of similar tenor, will be laid on the table.

There was no objection.

ELECTION OF SENATORS.

Mr. HENRY. Now, Mr. Speaker, I ask that the privileged resolution which I offered be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 503, House report 666.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of Senate bill 2860, and the same shall be the continuing order of the House until disposed of; that there shall be not exceeding one hour's general debate on the bill, to be equally divided between those supporting and those opposing the bill, one-half of such time to be controlled by the gentleman from Missouri [Mr. RUCKER], and the other half to be controlled by any Member opposing. At the end of such general debate the bill shall be read for amendment.

Mr. HENRY. Now, Mr. Speaker, does the gentleman desire any time for discussing the rule? I can explain it.

Mr. CARY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARY. I would like to be informed what this bill is.

The SPEAKER. This bill provides for the election of United States Senators in the States.

Mr. HENRY. I was just going to explain. This bill provides for the election of United States Senators only until various States can pass laws on the subject. It is a temporary expedient, to serve only until the legislatures convene in regular order and take action. The bill to be considered is the Senate bill, which was passed on February 11, 1914. If this bill is not passed at this session of Congress, it will be necessary for the governors in many States to call their legislatures in special sessions in order to provide election laws to select United States Senators under the new constitutional amendment which was proclaimed on May 31, 1913, as having been ratified.

It is necessary for Congress to act now in order to avoid a great deal of inconvenience, and this rule simply brings before the House the Senate measure for consideration. It provides one hour for general debate, and provides for reading the bill under the five-minute rule, and of course under that the time is not limited and the opportunity of amendment is thrown wide open, so that any gentleman may offer an amendment to the measure.

That explains fully all there is in the proposition, and therefore I move the previous question on the resolution.

Mr. MURDOCK. Will not the gentleman wait?

Mr. HENRY. I withhold my motion for a moment, Mr. Speaker.

Mr. MANN. What time is to be given on the rule?

Mr. HENRY. How much time do you want?

Mr. MANN. Ten minutes.

Mr. MURDOCK. I would want about seven minutes.

Mr. HENRY. I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 10 minutes.

Mr. CAMPBELL. Mr. Speaker, the rule is as stated by the gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, and is reported for the purpose of enabling the House at the earliest date possible to provide for the election of United States Senators in certain States where the laws do not now provide for election of Senators by a direct vote of the people. It is one question on which I am glad to say to the House there is no difference in the committee as to the wisdom of the legislation proposed.

I regret, however, that it becomes necessary to appeal to the Committee on Rules for special rules to enable the House to legislate upon matters of grave importance. It was thought a few years ago that we had put the House in possession of rules that would enable it automatically to do the people's will. That has not been done, and in order that the matter may be elaborated in due form, I yield the remainder of my time to my colleague, the gentleman from Kansas [Mr. MURDOCK].

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is recognized.

Mr. MURDOCK. Mr. Speaker, I will ask how much time was yielded to me?

The SPEAKER. Eight minutes.

Mr. MURDOCK. Mr. Speaker, I am for this bill, and I think it should pass. But the manner in which it comes before the House gives rise to some thoughts in me which I am going to undertake to express in the next eight minutes.

This is a new departure—the proposal of this rule—for the consideration of a bill of this character, for this bill is on the calendar and normally should be reached without the aid of a special rule. But the rule is invoked. What a difference there is on the majority side of this House in conditions now and a year ago. Probably 100 Democrats came into the new Congress a year ago determined upon a career of independent, free political thinking. But you are no longer free. You are bound and gagged. A year ago there were 100 or more independent Democrats—mostly young—on that side who were eager for public service. Now they are helpless creatures of a machine. A year ago there were scores of Democrats across this aisle who were willing when the people asked them to go a mile to go with them twain. Now these forward-looking, independent men find themselves negligible in the conduct of public affairs.

You permitted yourselves as individual Representatives to be bound a year ago by a caucus, and you are paying the penalty to-day as individuals by a loss of your freedom. You permitted yourselves to be bound then on the theory that a great legislative program was to be put through. You passed a tariff act which has not so much as pried loose a single finger tip of the strangle hold the special interests have upon this country. You passed a currency bill that has not and will not remove from private and selfish control the credits of this land. You are about to take up trust legislation—trust legislation which will make this Nation travel the old circle, the old futile circle of legal delay, over again.

Now, you have reached this point: Your calendars are clogged. You have got 66 bills on the Calendar for Discharge Motions. There is no individual in this body who can reach the Discharge Calendar. You have a Unanimous Consent Calendar, under which twice every month we see gentlemen here rise and propose to put needed measures through, and after long and often useless discussions, are beaten by the whim of some single objecting Member. In this situation you are at the mercy of your leadership. You have no power left in the individual on the majority side. There is not one individual who can now reach, of his own motion, any bill on the calendar unless it is privileged, save by unanimous consent. You can not get it out of committee by discharging the committee. You can not reach the Discharge Calendar. By a majority vote and under your leadership, you, of the majority, clogged up Calendar Wednesday with an unimportant but voluminous bill, and you are going to occupy it by that useless measure for the rest of this session. You have practically nullified the call of committees in this House; that is, you have shut yourselves off from the Discharge Calendar; you have crippled Calendar Wednesday; and you have left yourselves the pitiable recourse of unanimous consent; virtually no recourse at all.

Now, what about it? Is it of any moment to you or your country that you have surrendered your freedom? Look at it concretely. What about the national prohibition amendment? It is on the calendar. Can you reach it? Is there a single individual here who can reach that proposition by motion? No. You are dependent upon the Committee on Rules. You can act only by its grace. If the Committee on Rules does not give you a rule for the consideration of the prohibition amendment, it will not be considered.

Do you young Democrats who came here a year ago, filled with the fire of political independence, arrogate to yourselves the function of standing between the people of this country and their right to vote to change their Constitution? Well, you have done it by your surrender of independence.

What about the presidential primary? Do you remember that the President of the United States came here in December last and asked for prompt action upon the proposition of the national presidential primary? Where is the bill providing for it? Is there a single member of the majority that can reach the matter of a presidential primary? Can you discharge the committee to which it was referred and which has not reported upon it? No. And if you had it on the calendar you could not reach it.

You have hog-tied yourselves. You have become parts of a machine that has cut each of you off to a Procrustean length, made you all of equal futility in helplessness. You have surrendered your individual rights as Representatives, and you have surrendered along with them the rights of the people.

You have called a caucus to decide on the program on the Democratic side for to-night. It is for the ostensible purpose of forming a program. It is, in fact, for no such purpose at all. It is for the old, old purpose of putting the gag in your mouth and of binding you about with the whipcords by which leadership controls you. I would like to see a sufficient number of the independent thinking Democrats in this House enter that caucus to-night and start a revolt against it. I devoutly wish some one in the Democratic caucus to-night, in behalf of the people of the United States, would rise up and offer a motion again to open that caucus to the people, making it a free, an open caucus, and then we would know what the caucus does—whether it is called merely for the purpose of gagging and binding you or whether it is called for the purpose of giving the people of the United States, through their Representatives, the right to reach remedial legislation. A gentleman sitting by me here says, "And do not forget suffrage." I do not forget suffrage; and I do not forget the seamen's bill, the presidential primary bill, and a score of meritorious measures which you, through the surrender of your independence, have withdrawn from the right of consideration by the Representatives of the people. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY. Mr. Speaker, I hardly know how to account for the outburst of the distinguished gentleman from Kansas. I do not understand it. When he was elected leader of his small minority, I looked forward to some great work on the floor of this House, and congratulated myself that the people would have a real leader here; but as the issues have come up, and the Democratic administration and the Democratic Party have presented matters for the benefit of the people, I have been grieved to see the gentleman sometimes line up on the side of the special interests and play politics. I was sorry to see those things. Now, if he will cease playing politics, if he will follow his conscience and vote as he should on all occasions, we will not lose confidence in him. [Applause on the Democratic side.]

Mr. MURDOCK. Will the gentleman yield?

Mr. HENRY. I will yield for a moment.

Mr. MURDOCK. If the gentleman, as chairman of the Committee on Rules, will report out the Hobson amendment, I will continue my confidence in him. If he will report out the amendment for suffrage, I will continue my confidence in him. I have always subscribed to the progressive qualities of the gentleman from Texas. He is one of the independent Democrats to whom I have alluded, and I hope to God that he will throw off his party shackles and get down to business for the people. [Applause.]

Mr. HENRY. Mr. Speaker, the gentleman need not be alarmed about suffrage, or prohibition, or any other question. The Committee on Rules, as the agent of the Democratic Party and the caucus, will bring in rules whenever it is properly directed to do so.

Mr. MURDOCK rose.

Mr. HENRY. Wait a moment. When we have finished the program, the record of the Democratic Party will be so good that instead of the gentleman from Kansas [Mr. MURDOCK] or some other Republican coming to the Senate of the United States from Kansas, the people will elect a man like GEORGE A. NEELEY from that State. [Applause on the Democratic side.]

Mr. MURDOCK. Will the gentleman yield?

Mr. HENRY. Sit down for just a little while. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY. We want you to behave a little better than you have been behaving lately. You started out all right, and seemed to be patriotic, but you have played too much politics, and you will not get anywhere in that way. The trouble with you is that, like some of the players out at the ball games, you keep your head in the grandstand too much. [Applause and laughter.] Mr. Speaker, personally, I think a great deal of the gentleman from Kansas. He need not be alarmed about what the Democratic Party are going to do. We are going to carry out our program, and we are going to do it in due season. We are not going to gag or throttle anyone. We are going to bring into this House every matter that should come before it, and give the Democrats a chance to vote, and let your side have an opportunity to vote, and to put you on record. [Applause on the Democratic side.] You are not as anxious to go on record about these things as you indicate.

Mr. MURDOCK. Oh, we always vote for a record vote, and we do not have to go into a secret caucus to be directed how to do it.

Mr. HENRY. I know; but you have made some records that you will wish you could blot out before the next election has passed. [Applause on the Democratic side.]

Mr. Speaker, this is a very simple proposition, and I have not said anything about it to arouse the gentleman. He bucks like a broncho with a cockle burr under the saddle blanket. [Laughter.] We throw this bill wide open to amendment. You have unlimited time to speak on those amendments, and I hope you will offer your amendments, provided you do not offer one to elect yourself to the Senate from the State of Kansas. [Laughter.] Of course, that would not be in order, but you can talk as long as you want to, and offer as many amendments as you wish. Now, I am going to watch you closely hereafter and hope you will vote on the side of the people. I do not want to see men like you get away from the people.

Mr. MURDOCK. Will the gentleman yield?

Mr. HENRY. I yield for a question.

Mr. MURDOCK. Will not the gentleman oblige me and live up to his lights by leading a revolt in the Democratic caucus and vote for an open caucus? That would gratify me greatly.

Mr. HENRY. I will stand on the side of the people every time, and will stand with this administration. [Applause on the Democratic side.] It is the best administration that this country has had since the Civil War. [Applause on the Democratic side.]

Mr. MURDOCK again rose.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. HENRY. I yield.

Mr. MURDOCK. If there is a conflict between the caucus and the people, with whom does the gentleman stand?

Mr. HENRY. Why, there can never be any conflict between the Democratic caucus and the people. [Applause on the Democratic side.]

Mr. MURDOCK. If the gentleman will yield again, I should like to say that a majority of the people of the United States would like the Democratic caucus to-night to request the Committee on Rules to bring in the Hobson amendment. How will the gentleman stand on that?

Mr. HENRY. The trouble about the gentleman from Kansas is that he speaks for too many parties. He speaks for the Republican Party, for the discoverer of rivers in South America——

Mr. MURDOCK. Yes; I do, for him.

Mr. HENRY. He speaks for the Democratic Party, and he assumes to speak for every party, even the suffrage and prohibition factions in all parties.

Mr. MURDOCK. I speak for the independent Democrats and the independent Republicans and the Progressives, who in time will amalgamate in this country and clean out the Democrats and their secret caucus and the Rules Committee. Just give us time.

Mr. HENRY. I will say that as amalgamators you did not succeed very well in the last election, and I do not think you will amalgamate much with any one in 1914 or 1916.

Mr. MURDOCK. We are not attempting to amalgamate either the stand-pat Democrats or the stand-pat Republicans. We want the independent element of all parties, and I will say to the gentleman that we are going to get that element North and South.

Mr. HENRY. The disparity between what the gentleman wants and what he will get is so great that it is hardly worth while to discuss it further here to-day. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The gentleman from Texas moves the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the resolution.

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

NOMINATION AND ELECTION OF UNITED STATES SENATORS.

Mr. RUCKER. Mr. Speaker, I call up the bill S. 2860, providing a temporary method of conducting the nomination and election of United States Senators.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That at the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States

Senator from said State shall be elected by the people thereof for the term commencing on the 4th day of March next thereafter.

SEC. 2. That in any State wherein a United States Senator is hereafter to be elected either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office shall be made, the election to fill the same conducted, and the result thereof determined, as near as may be in accordance with the laws of such State regulating the nomination of candidates for and election of Members at Large of the National House of Representatives: *Provided*, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State: *And provided further*, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

With the following committee amendments:

Amend, in line 10, page 2, by striking out the words "the case of."

Amend, in lines 11, 12, 13, and 14, page 2, by striking out the words "in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State," and insert in lieu thereof the words, "the same as that provided for the nomination and election of governor of such State."

Mr. RUCKER. Mr. Speaker, the rule provides that one-half of the time shall be controlled by some one opposed to the bill.

The SPEAKER. Is any member of the committee opposed to the bill?

Mr. RUCKER. I think not.

The SPEAKER. Under the rule 30 minutes of this time is to be controlled by the gentleman from Missouri [Mr. RUCKER], and 30 minutes by some gentleman opposed to the bill.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent that the ranking minority member of the committee, the gentleman from Pennsylvania [Mr. AINEY], may control one-half of the time.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the gentleman from Pennsylvania [Mr. AINEY], ranking Republican member on the committee, control one-half the time. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Speaker, I am going to consume but a very few minutes in explaining this bill. Let me say to the House that it is a Senate bill and relates solely to the election of United States Senators. The Senate passed the bill, and with one or two verbal changes the House has reported it. The bill on its face was intended and does propose a purely temporary measure.

Mr. MONDELL. Does the gentleman desire to yield for a question at this point?

Mr. RUCKER. I will.

Mr. MONDELL. The bill as indicated by the title seems to be a temporary measure, and yet the first section of the bill would seem to be permanent law.

Mr. RUCKER. I will get to that.

Mr. COOPER rose.

Mr. RUCKER. Let me say to the gentleman from Wisconsin that I believe I will answer the question that he is going to ask.

Mr. COOPER. I wanted to ask a different question from that suggested by the gentleman from Wyoming. It seems to me there may be danger of very serious complication growing out of the proviso beginning on line 9, page 2, which provides that if there is no election in the State for Representative at Large the procedure shall be the same as that provided for the nomination and election of the governor of the State, and, provided further, that in any case the candidate for Senator receiving the highest number of votes shall be deemed elected. Now, I asked the gentleman from Vermont [Mr. GREENE] if the law in that State did not provide that if at an election the candidate for governor did not receive a clear majority the election of governor was thrown into the legislature, and he said yes. Now, the second proviso provides that in case a candidate for Senator receives the highest number of votes he shall be deemed elected. Does that mean votes in the legislature? If you are going to regulate it in the State of Vermont by the present law of the State, the Senator would be elected as the present governor is elected. The gentleman from Vermont states that the present governor, if he does not have a majority, is elected by the legislature.

Mr. RUCKER. This bill would adopt the laws of the State and make them applicable to the election of a Senator until the legislature passes a law which would put into operation the seventeenth amendment to the Constitution.

Mr. COOPER. Would that be constitutional; would it be in accordance with the amendment to the Federal Constitution providing that Senators shall be elected by direct vote of the people? You put in the bill one or two provisos which, in the State of Vermont, would throw the election into the legislature.

Mr. RUCKER. I do not think so; I think the construction necessarily is that they would be elected under the law with reference to the qualification of voters, election returns, and, in brief, all things connected with such election would be in accordance with State law, but under no circumstances would the election go into the legislature.

Mr. MANN. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. MANN. As I understand, in Vermont the people vote for governor and it takes a majority vote to elect. If there is no majority, the election is thrown into the legislature. Does the gentleman remember what the constitutional provision is as to that? Does the constitutional provision require a majority or a plurality to elect a Senator?

Mr. RUCKER. It does not say.

Mr. MANN. I thought it did not. This provision as it is in the bill, as suggested by the gentleman from Wisconsin, might be in violation of the constitutional amendment which requires the election to be by a vote of the people. This bill requires that the election shall be conducted in the same manner as elections of other officials or the governor. In Vermont it requires a majority to elect a governor, and there being no majority the legislature elects the governor. That could not be done in reference to a United States Senator.

Mr. RUCKER. This bill has a proviso that in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

Mr. MANN. This bill provides for the election of a Senator by plurality.

Mr. RUCKER. Yes; and it was carefully considered by distinguished lawyers in the Senate.

Mr. MANN. I think that is correct, and I think that would end that contention.

Mr. MONDELL. Will the gentleman yield?

Mr. RUCKER. I will, although I hope the gentleman will be brief.

Mr. MONDELL. It occurs to me that the suggestion made by the gentleman from Wisconsin could hardly follow under this bill, for the reason that, in lines 3, 4, and 5, on page 2 of the bill, provides that the nomination for candidates for such offices shall be made and the election to follow the same shall be conducted and the result be determined in accordance with the laws of the State, and then follows the provision that the Senator receiving the highest number of votes shall be declared elected. In other words, the provisions following the State law are provisions in regard to the character of the nomination and in regard to the manner of having the election and the manner of declaring the result.

Mr. RUCKER. It merely makes the State law control in that matter.

Mr. MONDELL. But it would not permit the State law to throw the election into the legislature.

Mr. RUCKER. Not at all.

Mr. GALLAGHER. Would the Senator in any State be elected by the old method of procedure by the legislature?

Mr. RUCKER. Oh, no; if this bill passes, no Senator can be elected by a legislature. But let me say, before I take my seat—and I will not be able to discuss the question at length, because there are some gentlemen in the House now who have been nominated for Senator in their States, and some question has arisen as to whether or not this bill might not complicate the nominations which have already taken place.

In order to make it clear that it will not do so, at the proper time I propose to offer an amendment in line 4, page 2, so as to make the bill read:

The nomination of candidates for such office not heretofore made shall be made—

And so forth.

A question has arisen in the minds of some gentlemen again as to whether or not the first section would not become permanent law, and in order to avoid any possible confusion, and responding to what I believe is the wish of the Senate in doing so, I propose at the proper time to offer as an amendment a new section, to be numbered 3, to provide that this act shall expire by limitation at the end of three years from the date of its approval, so as to make it absolutely certain that it is a temporary measure and that no provision in it is to become permanent law.

Unless some gentleman desires to ask me a question, I merely repeat that this is a Senate bill in which every Senator is profoundly interested and to which the Senate has given careful consideration. I hope that it will pass the House without dissent.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield for a question before he takes his seat?

Mr. RUCKER. Yes.

Mr. MURDOCK. In the first section of the bill the bill is made to apply, apparently, to only those elections at which a Representative in Congress is to be chosen. Are there any elections for Senators that are not coincident with the election of Representatives in Congress?

Mr. RUCKER. I think not. If this act passes, it will fix the time of election the same as the time when the election of Representatives in Congress is held. Of course every Congressman has to be elected this year.

Mr. MURDOCK. The gentleman does not think that Senators in any case are elected in off years?

Mr. RUCKER. I think not.

Mr. MURDOCK. I think not, either, but the matter just occurred to me.

Mr. RUCKER. I yield five minutes to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Mr. Chairman, I received this morning a copy of the Seattle Sun, of May 7, in which appeared the following statement:

A telegram has been received from ROBERT L. HENRY, chairman of the House Rules Committee, saying he will do all in his power to advance the legislations needed for the direct election. However, officials here doubt if action will be taken soon enough.

The governor has but little time and writs of election to fill the three vacancies in the legislature will probably be issued soon. Senator White, of Whatcom County, and Representatives Brislawn, of Lincoln, and Langford, of Pierce, having resigned since the last session.

I send to the Clerk's desk to be read a letter and a copy of two telegrams from the governor of the State of Washington.

The Clerk read as follows:

OLYMPIA, WASH., *April 27, 1914.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.:

Is there anything new in relation to bill covering election of United States Senators by direct vote of the people? The time is approaching when it will be necessary to call the special session of our legislature unless bill is passed by Congress. Thanking you for reply.

ERNEST LISTER, *Governor.*

STATE OF WASHINGTON,
OFFICE OF GOVERNOR,
Olympia, April 30, 1914.

Hon. J. A. FALCONER, M. C.,
Washington, D. C.

MY DEAR MR. FALCONER: I am wiring you to-night as now confirmed herewith:

"Unless bill providing method for direct election of United States Senators is passed by Congress within a short time, our State will be under necessity of calling special session of legislature to make proper provision. Will it be possible to get early action?"

Sincerely, yours,

ERNEST LISTER, *Governor.*

Mr. FALCONER. Mr. Speaker, the Legislature of the State of Washington adjourned upon or about the same day that the last State necessary to adopt this amendment agreed to it, and it will cost our State over $30,000 to call a special session of the legislature. As suggested in the press article, a number of members of the legislature have resigned, and that will necessitate special elections to fill legislative vacancies, besides the inconvenience of calling a special session of the legislature. The people in our State at this time of the year are too busy with business matters to give much time to State legislation, and it is the general sentiment of the entire people of our State that the Congress should pass this bill. It should be done immediately, because the time for filing nominations for United States Senator in our State, under the provisions of our laws, opens this year on the 8th day of July and closes on the 8th day of August, so the time now is somewhat limited.

Mr. Speaker, we stand for the direct election of United States Senators. For many years our people demanded popular government, and the advanced legislation now on the statute books indicate that our State is alert and active in forcing progressive legislation.

In 1907 a direct-primary law for the election of public officers was enacted, and if we pass this bill—Senate 2860, by Senator MILES POINDEXTER—which came to this House early in February, we will take advantage of our direct-primary bill to elect a United States Senator this year—1914.

Mr. Speaker, I have given considerable time to the consideration of this bill. Since it passed the Senate it has been considered in a general way by gentlemen for and against. The imaginary infringement on State rights feature has been urged by gentlemen, but I here want to thank those gentlemen for their eminent fairness in not insisting on opposing the passage of this bill to-day. And, sir, in behalf of the people of my State, I want to thank Judge RUCKER, Mr. HENRY, and the Rules Committee in advancing the bill for consideration and aiding in its final passage.

Mr. J. R. KNOWLAND. Mr. Speaker, on behalf of the gentleman from Pennsylvania [Mr. AINEY], I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this bill is an illustration, it seems to me, of the value of the contest which this side waged for some time on the adoption of the constitutional amendment. Gentlemen will recall that when the constitutional amendment resolution was reported to the House it provided for the elimination entirely of the control of Congress over the election of Senators, Congress then having control under the Constitution to a certain extent over the election of Senators and Representatives in Congress. The constitutional amendment proposed by the committee and as it passed the House proposed to eliminate entirely the control of Congress over the election of Senators. Fortunately the Senate did not agree to that proposition, and for a long time that constitutional amendment resolution was pending in the conference committee in a deadlock, the Democratic House maintaining the position that it would not permit the resolution to pass unless it included an amendment removing the control of Congress over the election of Senators and the Republican Senate maintaining the position that it was necessary that Congress should retain control.

I think the gentleman from Missouri [Mr. RUCKER], now in charge of this bill, is deserving of a compliment for the position which he took in reference to that senatorial amendment resolution. After the two Houses had been in disagreement for a considerable length of time, and while his side of the House—I believe the majority of it—was still in favor of refusing to pass the resolution as it passed the Senate, the gentleman from Missouri [Mr. RUCKER] rose above ordinary partisanship and said that he was in favor of the amendment to the Constitution as it came from the Senate, and the result was that the House yielded upon that matter through the influence of the gentleman from Missouri. We then passed the resolution, and the amendment is now a part of the Constitution.

After several contests growing out of that constitutional amendment we have now before us a bill to enact a law by Congress regulating the manner and method of electing Senators under that constitutional amendment. This bill of itself, unopposed, favored practically by everybody in this House, is proof that the Republican side of the House was right when it insisted upon keeping in the Constitution the provision giving Congress the control over the election of Senators, and the passage of this bill is not only proof of the justice of the position taken by the Republican Senate and by the Republican side of the House, but is also a justification of the final position taken by our distinguished friend from Missouri, who caused the resolution to pass the House and who is now in charge of this bill. I take off my hat to the gentleman from Missouri. [Applause.]

Mr. J. R. KNOWLAND. Mr. Speaker, although my State has already enacted the necessary legislation, I am glad to support the pending bill, Senate 2860, which provides a temporary method of conducting the nomination and election of United States Senators in those States whose legislatures have not convened since the ratification of the constitutional amendment providing that Senators should hereafter be chosen by the people of the several States.

I have always strongly favored the election of United States Senators by a direct vote of the people, supporting the joint resolution which passed this House on April 13, 1911. [Applause.] Since this amendment has been in effect Senators have been chosen in the States of Maryland and Georgia and nominated in Alabama and South Dakota, and in each instance this new method of allowing the people a voice in selecting Members of the upper branch of Congress has worked most satisfactorily. It has been demonstrated that the people are as capable of choosing United States Senators as the members of the various legislatures.

We no longer read of deadlocks in the various States to the detriment of public business. I was a member of the California Legislature during one of the bitterest senatorial contests in the history of that State, extending through a regular and extra session, and seriously interfering with public business. In many of the States there have been scandals which caused the people to lose faith in the legislative method of selection.

Candidates for this high office must not only face the people at a primary election but at a general election as well. This affords the electorate of every State the opportunity of becoming thoroughly familiar with the public records and qualifications of candidates. The Senator chosen is now directly responsible to the individual citizen. Candidates must take the people into their confidence. Under the old method the voter frequently felt that he did not have sufficient voice in the selection, and that in too many instances those chosen represented special interests. Of course there were many exceptions.

No candidate whose record is clean, who is independent, and whose sole ambition is to render faithful public service need

fear to face the intelligent, honest, and patriotic voters of any State in the Union. [Applause.] When a selection is made greater satisfaction will be manifested, because the people will feel, whether the candidate of their choice is selected or not, that the will of the majority has prevailed. [Applause.]

I ask, Mr. Speaker, unanimous consent to extend my remarks by inserting in the RECORD the California law governing the election and nomination of United States Senators.

The SPEAKER pro tempore (Mr. WEAVER). The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. SLOAN. Mr. Speaker, will the gentleman yield for a question?

Mr. J. R. KNOWLAND. I will.

Mr. SLOAN. I will ask the gentleman if the State of California has provided by its legislature the means of electing United States Senators?

Mr. J. R. KNOWLAND. It has, both as to the general and primary elections.

Mr. SLOAN. I am very much pleased to hear that, because I understand the senior Senator from the State of California has announced that he will not be a candidate for reelection; and combined with that fact is an opportunity for the Golden State to elect a man who will become a great Senator from the State of California [applause] and whom I now address.

We know that the gentleman from California [Mr. J. R. KNOWLAND] in his 10 years' service in this House has distinguished himself among his colleagues, who admire and honor him as a faithful and forceful Representative and wise lawmaker. His ability, age, and experience peculiarly fit him for the high office which he seeks, and I know the Pacific Coast State could make no better selection. [Applause.]

Mr. J. R. KNOWLAND. Would the gentleman like any more time? [Laughter and applause.]

Mr. Speaker, I herewith insert the California law governing the election of United States Senators by the people:

(Approved May 20, 1913; in effect Aug. 10, 1913.)

The people of the State of California do enact as follows:

SECTION 1. Section 1332 and section 1333 of the Political Code of the State of California are hereby amended so as to read as follows:

"SEC. 1332. Elections for Senators in Congress for full terms must be held at the general election, at which members of the legislature are elected, next preceding the commencement of the term to be filled.

"SEC. 1333. Elections to fill a vacancy in the term of a United States Senator must be held at the general election or any special election held throughout the State next succeeding the occurrence of such vacancy."

SEC. 2. Four new sections are hereby added to the Political Code of the State of California, to be numbered 1334, 1335, 1336, and 1337, and to read as follows:

"SEC. 1334. The clerk of each county, as soon as the statement of the vote of his county at such election is made out and entered on the records of the board of supervisors, must make a certified abstract of so much thereof as relates to the vote given for persons for Senators in Congress.

"SEC. 1335. The clerk must seal up such abstract, indorse it 'Congressional election returns for Senators in Congress,' and without delay transmit it by mail to the secretary of state.

"SEC. 1336. On the sixtieth day after the day of election, or as soon as the returns have been received from all of the counties of the State, if received within that time, the secretary of state must compare and estimate the votes given or cast for such persons for Senator and certify to the governor the person having the highest number of votes in the State as duly elected.

"SEC. 1337. The governor must, upon the receipt of such certificate, transmit to such person a certificate of his election, sealed with the great seal and attested by the secretary of state."

SEC. 3. An act entitled "An act providing for placing the names of candidates for United States Senator in Congress upon the official ballot at general elections, for counting, canvassing, and making returns of the votes therefor, providing the method of notifying the legislature of the results of such election, and defining the duties of certain officers in relation thereto," approved April 7, 1911, is hereby repealed.

I also give an extract from section 2 of the direct-primary law of California, approved June 16, 1913, which provides:

Party candidates for the office of United States Senator shall have their names placed on the official primary election ballots of their respective parties and shall be in all respects nominated in the manner herein provided for State officers.

Section 23 of the same act also provides:

The name of the person in each political party who receives at a primary election the highest number of votes for United States Senator shall also be placed on the official ballot under the heading "United States Senator."

Mr. Speaker, I now yield five minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, we are all, of course, for the direct election of United States Senators and for this bill; there is no question about that. The development of sentiment for the injecting of democracy into the United States Senate has been very pronounced and has been very emphatically approved by the people of this country, and no intelligent man would say he was opposed to that principle at this time. So far back as 1908 the gentleman from Wisconsin [Mr. COOPER], who might, with great unanimity of approval, be termed the dean of a large body of Progressive men here on this floor, introduced into the national Republican convention at Chicago a resolution providing for the incorporation into the Republican platform of a plank providing for the direct election of United States Senators. It received about 100 votes. It was not so very popular then, but later on it became popular enough to be adopted, and, as I said before, no one would think for a moment of opposing that method at this time.

Our fathers were not so particular about building the Constitution out of Democratic timber. They would have built it more after the fashion of a constitutional monarchy if they had been able to put over that kind of an instrument. They were more afraid of the people in those days than the Republican Party from Hanna to Hadley have been afraid of Theodore Roosevelt. They built the Constitution so electors would name the President, legislatures would name the Senators, Presidents would name the judges, and, finally, so the judges would have the divine (inherent) right to veto all that the President, the Senate, the legislatures, and the people might do, with the power to fine and jail for contempt without jury trial, indictment, or other safeguard, and on top of that judges were to serve for life without ever accounting to the people for their stewardship. After crawling into the hole they pulled the hole in after them by making it almost impossible to amend the Constitution. To encourage the people to adopt the Constitution they left State rights and local self-government as markers to designate the place where.

An awful war shot State rights out of the Constitution, and all of a sudden democracy, which is immortal in the human breast and can never die, began to resurrect itself from its temporary oblivion. Presidential electors became figureheads, and the people voted for the President and Vice President direct. The people are now prodding the party in power for presidential primaries. They will have presidential primaries, and there is no power conceivable that can stop them.

The people are revising the laws as to the judiciary, and the power of the court over all other branches of Government is sure to fall before the supreme and unconquerable power of real democracy. Legislatures have been compelled to give up their power to name United States Senators, so that the Senate is to become a palladium of democracy instead of a special-interest club.

There is another matter I wish to speak of here during the few minutes I have left. The gentleman from Kansas [Mr. MURDOCK] awhile ago spoke about matters that had to be brought up before the Democratic caucus to-night in order to have them considered by this Congress. I want to speak of one proposition that must be brought up, and which must be considered, in my opinion, in that caucus and put on the emergency roll, if it is to be considered by this House, and that is the seamen's bill. I am a member of the Committee on Merchant Marine and Fisheries, and I have watched the progress of this bill, and I have been very deeply interested in it. Back in 1912, on August 3, a bill known as the seaman's bill passed this House and went over to the Senate. The Senate practically destroyed the bill by substituting the Burton subcommittee report and enacting what was not satisfactory to anybody; yet the House approved the Burton substitute, notwithstanding that fact, under the then circumstances. Even with that, President Taft vetoed it, or at least killed it by pocket veto. Then came the Democratic convention at Baltimore that stated that it was in favor of a seaman's bill that meant something—"not molasses to catch flies; our platform means business"—and this is the plank in that platform which they passed on this subject:

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws, and the abrogation of so much of our treaties with other nations, as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

Senator LA FOLLETTE then took the original bill as it originally passed this House and introduced it in the Senate, and, with two or three minor amendments, caused it to be passed and sent over to the Democratic Committee on Merchant Marine and Fisheries. No Democratic committee, or Republican committee either, gave the matter enough consideration to report a bill. Instead of the Democratic committee of this House reporting the bill, we find that here, on the 12th of May, approaching adjournment, that bill which was passed by the Senate and is before that committee has not been yet reported. It sleeps in a slumber which I fear will know no waking. I favor amending the bill so as to place Puget Sound, San Francisco Bay, and

New York Harbor on the same footing as to lifeboats and other matters, but I believe that there is an emergency involved in this matter. I believe if the committee pursues its course, which seems to be somewhat governed by the international treaty or agreement that has been framed at London, we are not going to have any seamen's bill at this session, and that, I say, rather than to permit that, this House should demand a report from the committee; that some steps should be taken by the House, if not by the Democratic caucus, to bring that bill to the front. It looks to me as if the bill is to be sidetracked; and as one on the inside, as a member of this committee who knows what is going on, I warn the friends of the bill, the friends of the seamen of the country; I warn the friends of labor, the friends of legislation for safety at sea, and all those who are interested in the bill; I warn them all, as one who knows how certainly that bill is being pocketed, how slowly it is being considered, that if public sentiment does not make itself felt and force action by that committee, no timely or adequate action will be taken, and the Democratic Party will again be convicted of violating its platform because of some English suggestion, some English convention, some English get-together of men who have different views about shipping than those which we have. The rights of the seamen ought to be respected. They ought to be considered in this matter, and as there are a great many things involved in this English shipping agreement that ought to be considered, they ought to be brought in in a separate bill. I want to warn the people of the country that something must be done to save the seamen's bill. The Democratic constitution said the seamen's rights were enshrined in the Constitution. We have about given away our property rights as to ships in the Panama Canal to English whims, but in the name of real Democracy, which I declare is immortal, we shall not allow England to tell us how to enforce human rights protected by our Constitution here on our own shores and in our own ports.

ANTITRUST LEGISLATION.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent to present and file views of some of the minority of the House Committee on the Judiciary with reference to the antitrust legislation bill. (H. Rept. 627, pt. 2.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GRAHAM] asks unanimous consent to file minority views. Is there objection? [After a pause.] The Chair hears none.

ELECTION OF SENATORS.

Mr. RUCKER. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Fifteen minutes.

Mr. RUCKER. How much time has the other side remaining?

The SPEAKER pro tempore. Fifteen minutes on the other side.

Mr. RUCKER. I yield five minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I almost feel like apologizing to the House for answering the suggestions made by the gentleman from Washington [Mr. BRYAN]. I was chairman of the Committee on the Merchant Marine and Fisheries in the last Congress and I am chairman of that committee in this Congress. That committee has under consideration what is known as the seamen's bill. In the last Congress I gave consideration to that bill, as did the members of my committee. It was reported to the House and passed. Subsequently it passed the Senate with amendments. The amendments were agreed to in the House, but the bill was pocketed by the President, much to my regret, although it was not in the form in which I wished to see it passed. I introduced a bill in the House in the present Congress, and Senator LA FOLLETTE introduced a copy of my bill in the Senate. So far as the seamen are concerned, the gentleman from Washington [Mr. BRYAN] may be their friend. I think I need not state to this House, as I think they have the evidence of the fact, that I have shown my friendship for the seamen, but I am not willing simply because of my friendship for the seamen to enact into law everything they want.

The bill introduced in the Senate at the first session of this Congress, which was a counterpart of the bill introduced in the House at the first session of this Congress, was reported to the Senate, and on the 23d day of October last passed the Senate. In December, and while I was absent in Europe attending the International Conference on Safety of Life at Sea, the House committee, Judge HARDY, of Texas, being acting chairman, had hearings on that bill, simply on the one feature of it, namely, the lifeboat provision. They found that that provision as it passed the Senate was in conflict with the sentiment on both coasts and on the Great Lakes. And I do not hesitate to say that it was unreasonable and unjust to the shipping interests of this country.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. ALEXANDER. Not at present. I have only five minutes. The committee was kind enough to postpone further hearings on the bill until I came home. I returned on the 29th of January. We immediately thereafter took up the bill and had hearings on the different features of it, and when those hearings were closed we took the bill up for consideration in the committee and day after day discussed its various features. There are only five members of the committee who served in the last Congress on the committee in this Congress. We have given the bill most patient consideration. The bill is now pending before a subcommittee, and the subcommittee is considering the bill with the utmost care, and have before them the proposition of whether or not they will accept the provision with reference to lifeboats and lifeboat men, as provided in the International Convention on Safety of Life, adopted at London. What they may do with it I do not know, but so far as any effort to smother that bill is concerned, it is untrue, and it is unworthy of the gentleman from Washington [Mr. BRYAN] to even intimate such a thing. He was so impatient this morning that he did not want to even consider that proposition.

Now, the Senate Committee on Foreign Relations is considering the London convention on safety of life at sea. I had a request from that committee not to report out the seamen's bill until they had considered the London convention. But notwithstanding their request, we are going ahead to consider the bill, and we expect to report it out at an early date. Whether we report it in the form already passed by the Senate, I do not care to prophesy, as I do not wish to anticipate the action of the committee, but I wish to say this, that it is being given thorough consideration. And if the gentleman from Washington [Mr. BRYAN] will just open his mind and look at the provisions of the bill, and not from a political and local standpoint undertake to square himself with the seamen's union on the Pacific coast, maybe we will get a bill that will harmonize with common sense and justice toward every interest, the seamen included.

Mr. BRYAN. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. BRYAN. The gentleman will admit that the subcommittee never had a session until this morning—this 12th day of May—will he not?

Mr. ALEXANDER. The subcommittee was appointed a week ago, and I undertook to group the provisions of the London convention on safety of life at sea for their consideration when the subcommittee met. I did so, and had them printed, and before the committee this morning, and I could hardly get the gentleman to remain to read them.

Mr. BRYAN. We have got to handle the whole concern yet.

Mr. ALEXANDER. We will handle it, too, if the gentleman will have patience.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] is recognized.

Mr. RUCKER. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] is recognized for three minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I think this country owes a debt of gratitude to the distinguished chairman of the Committee on the Merchant Marine and Fisheries, Judge ALEXANDER, on account of the fact that he has kept the seamen's bill in committee and is still considering it and having changes made in it from what it was when it came over to the House.

The seamen's bill, if it were passed as it came from the Senate, would largely destroy the shipping interests of this country, and would benefit no one except a few so-called sailors who do not think enough of this country to become naturalized. So far as I am concerned, I have reached a point where I refuse to shed tears for a class of men who do not think enough of this country to become citizens before they come and ask its protection and assistance.

And I want to say this much in regard to the chairman of the Committee on the Merchant Marine and Fisheries: I have served with him for many years. I have never known a fairer-minded man. There is no man in Congress in either House that knows as much about the subjects involved in the seamen's bill as that distinguished chairman; and there is no man in Congress who is more worthy of the confidence and the esteem of this body than that gentleman. [Applause.]

Now, Mr. Chairman, just a word upon the bill under consideration while I am upon my feet. I am one who has been in favor of electing United States Senators by a direct vote of the people for many years, long before I became a Member of this body. Perhaps certain transactions which occurred in my own State many years ago impressed it on my attention. I have always voted, every time I had an opportunity, for a law looking to that end, and I am very glad that the little incipient filibuster that started the other day on that side of the House to prevent the consideration of this bill has evaporated; and I am very glad not only on account of my own State but also on account of others that that filibuster has ended and that the bill is now before the House. I want to extend my congratulations to the distinguished gentleman from Missouri [Mr. RUCKER] who has had it in charge, for to him belongs great credit. [Applause.]

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] has seven minutes remaining.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield to the gentleman from Michigan [Mr. MAPES].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. MAPES] is recognized.

Mr. MAPES. Mr. Speaker, this bill comes before the House with the unanimous report of the Committee on Election of President, Vice President, and Members of Congress, and no doubt will pass the House by a practically unanimous vote. The special rule which was brought in this morning to make the bill in order was made necessary on account of the condition of the calendar and on account of the action of the House a few weeks ago, as referred to by the gentleman from Washington, in voting to consider on Calendar Wednesday the bill to codify the laws relating to the judiciary.

It was necessary to adopt a special rule in order to pass the bill in the House at this session of Congress and have the law in operation before the fall election, when one-third of the membership of the Senate is to be elected. The bill to codify the laws relating to the judiciary contains 198 pages, and when the House voted to consider it on Calendar Wednesday it was generally recognized that that action would, in all probability, prevent the consideration of all other legislation on Calendar Wednesday for the remainder of the session. Of course it was well understood that there were some who hoped that that action would prevent the consideration altogether of this particular bill, providing for the election of United States Senators by the people, and after that action the only way that it could be brought up at this session was by the adoption of the special rule making it in order.

The way in which this amendment was adopted and the delay in having it incorporated into the Constitution serves as a striking illustration of how tardy Congress is at times in keeping up with the public sentiment of the country. There has been a law on the statute books of the State of Michigan for several years, as there has been in many other States of the Union, for the nomination and election of Senators by direct vote of the people. These laws were, of course, only advisory, and for many years before the passage of this amendment there had been an agitation all over the country for an amendment of this kind to the Constitution.

Several attempts were made in Congress to secure the passage of a resolution proposing such an amendment, but without success. After the resolution was passed by Congress, however, it was speedily adopted by the necessary three-fourths of the legislatures of the several States to make it a part of the Constitution. Only one year elapsed from the time the Clerk of the House deposited the resolution with the Secretary of State notifying that official of the action of Congress in passing it to the time when the Secretary of State certified that the amendment had been ratified by the legislatures of three-fourths of the 48 States of the Union, and had become a part of the Constitution of the United States.

I hold in my hand the certificate of the Secretary of State to that effect, dated the 31st day of May, 1913, and the original resolution was deposited with the Secretary of State on the 15th day of May, 1912. Taking into consideration the fact that most, if not all, of the legislatures of the different States do not meet until January, it will be seen that as a matter of fact the proposed amendment was ratified by the necessary number of States in much less than a year. This shows how readily the States adopt a resolution proposing an amendment to the Constitution, when backed by urgent public sentiment. The States which ratified the resolution, according to the certificate of the Secretary of State, are as follows:

Massachusetts, Arizona, Minnesota, New York, Kansas, Oregon, North Carolina, California, Michigan, Idaho, West Virginia, Nebraska, Iowa, Montana, Texas, Washington, Wyoming, Colorado, Illinois, North Dakota, Nevada, Vermont, Maine, New Hampshire, Oklahoma, Ohio, South Dakota, Indiana, Missouri, New Mexico, New Jersey, Tennessee, Arkansas, Connecticut, Pennsylvania, and Wisconsin.

There is no question but what the overwhelming sentiment of the people of the country is in favor of this legislation. It carries out the purpose of the recent amendment to the Constitution, and I trust that it will pass without a dissenting vote.

Mr. J. R. KNOWLAND. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, we are all in favor of legislation along the lines of the bill now before us. It is not necessary for those of us who have been here a considerable length of time to say that we are greatly pleased that the plan of electing United States Senators by direct vote of the people has been adopted as a part of the National Constitution.

As a Member of this body, I had the pleasure of voting on quite a number of occasions for an amendment of this character, and in common with others who held that view I was delighted when the constitutional amendment was adopted, and it seems very important that we should have legislation to meet the situation in States that have not legislated since the passage of the constitutional amendment.

It does seem to me, however, Mr. Speaker, that this legislation is not in the happiest form. I do not know but that it is presumptuous to say it, in view of the fact that the gentleman from Missouri [Mr. RUCKER] assured us that the Senate had given it very careful consideration and that his committee had given it very careful consideration. However, I desire to call attention to the fact—and I do this because the gentleman from Missouri has some time remaining and can perhaps remove my doubts in regard to the legislation—that the constitutional amendment provides "when vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies," and so forth. All that is necessary for Congress to do in the absence of State legislation is to provide some method whereby the election contemplated by the Constitution may be had.

That provision is made in section 2 of this bill; and section 2 of the bill, it seems to me, does all that it is necessary to do. It provides that "in any State wherein a United States Senator is hereafter to be elected, either at a general election or at a special election called by the executive authority thereof to fill that vacancy, until or unless otherwise specially provided by the legislature thereof the nomination of candidates for such office," and so forth.

The bill itself is presumed to be temporary in character, and yet section 1 of the bill is clearly in the form of permanent law. The chairman has suggested that he proposes to offer an amendment which will make that clearly temporary. Even so, I do not understand the necessity for the first section, and it seems to me that complications may arise under it. The constitutional amendment clearly contemplated that Senators might be elected either at general or special elections, and so provides. This first section provides for elections only at certain general elections.

Not being a lawyer, I do not hazard a guess as to whether this provision providing for the election of Senators only at general elections would preclude the election of a Senator at a special election, as contemplated by the constitutional amendment, in the absence of any action by the legislature; but at least there is a question there, and a question that ought, it seems to me, to be clarified. Then this is also true: Under the first section a vacancy occurring in the senatorial delegation of a State after a congressional election could not be filled until the next congressional election. Furthermore, do not sections 1 and 2 conflict, in that one relates to general elections only and the other to general and special elections? Assuming that this provision in section 1 for the election of a Senator at a regular election precludes the election of a Senator at a special election, are not the two sections in conflict?

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

Mr. J. R. KNOWLAND. I yield 10 minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, I trust that this bill will be passed by the House this afternoon and that it will, without further unnecessary delay, be enacted into law within a few days. The State which I have the honor in part to represent is very greatly interested in the enactment of the legislation proposed by this bill. A primary election for county, State, and congressional offices is to be held in my State on the 24th day of June. At the general election to be held in November a United States Senator is to be elected. A number of candi-

dates have already announced themselves for this office. The 25th of this month is, under the laws of my State, the last day for the filing of nomination petitions by candidates for State and congressional offices. The amendment to the Constitution of the United States providing for the election of United States Senators by direct vote of the people was adopted and became a part of the Constitution after the adjournment of our last legislative assembly. The beginning of the next regular session of our legislative assembly does not occur until January, 1915. There is serious question as to whether under the present laws of my State any definite procedure is prescribed for the nomination and election of United States Senators by direct vote of the people. Considerable discussion has taken place in the State relative to the necessity of calling a special session of our legislative assembly to enact a special statute for the nomination and election of United States Senators in the manner now required by the Constitution of the United States. The calling of this special session would, of course, involve a large expense to the people of my State. Naturally, the people of my State desire that this bill be enacted into law at an early date. They have been for several months awaiting anxiously in the hope that this bill might become a law before the 25th of this month and by its terms remove all doubt as to the proper procedure to be followed for the election of a United States Senator this year.

In this connection it might be well to call the attention of the House to the fact that the two Senators in this Congress now representing my State have as a matter of fact been elected to their present positions by the direct vote of the people. As provided for in our primary and general-election laws, they were first duly nominated at a primary election. Then at the general election following they were voted for with other candidates, and receiving the highest number of votes cast were recommended to our legislative assembly for election. The legislative assembly formally carried out the wishes of the people as expressed at the general election. So practically we have had in North Dakota for several years the election of United States Senators by direct vote of the people. Even this somewhat complicated method of electing United States Senators by a vote of the people has proven highly satisfactory to the people of my State. The sentiment of all parties and all the people in my State is unanimously in favor of the amendment to the Federal Constitution providing for election of Senators by direct vote of the people.

It may be interesting to some gentlemen on that side to know that there was enacted in North Dakota four years ago a preferential primary election law to apply to candidates for the offices of President and Vice President of the United States. I had the honor of assisting in drafting the law as it is now in our statutes. Under this law at the primaries held in the spring of 1912 the people of my State indicated by their votes their preference as to the candidates they wished to have as the nominees of the different political parties for the offices of President and Vice President. I trust that a similar primary-election law may soon be enacted by this Congress for all the States of the Nation. [Applause.]

Mr. J. R. KNOWLAND. I yield four minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the presentation of this bill and the knowledge that it is to become a law without opposition are calculated to awaken interesting memories in the minds of those of us who recall the many times the House of Representatives voted for a constitutional amendment to provide for the election of United States Senators by the people, only to have that amendment defeated in the Senate. This we did session after session, as the gentleman from Illinois has said, but always in vain.

However, I did not intend to say anything on the pending bill, and should not now do so were it not for the remarks made by the gentleman from Washington [Mr. BRYAN], in which he alluded to the fact that in the national convention of 1908, at Chicago, I introduced a plank for the election of Senators by the people, which was overwhelmingly defeated. It may be well enough, in this connection, to remember, also, that in the same convention I introduced a plank for the physical valuation of railroads, and that it also was defeated and by an even greater vote. I refer to these things now only to show the astonishing rapidity with which public opinion in the United States does change. The law for the physical valuation of railroads has been on the statute books for three or four years. It went through this House by a practically unanimous vote. And yet when I presented that plank in that convention it was greeted with jeers and cries of "Socialist" and "Take it to Denver." So was the plank for the election of Senators by the people. Verily, the world does move!

Mr. Speaker, everybody who has read the history of the convention which drafted the Constitution of the United States knows that the provision for the election of Senators by the legislatures of the respective States was the result of the profound distrust which many of the members of the convention entertained of the capacity of the people for self-government. But more and more the world has grown to realize that the safest and really the most conservative government is government by the people, where the people enjoy the blessings of a generally diffused education and an enlightened public opinion, as is the case in this Republic. And public opinion, the greatest force in the world, rarely, if ever, has done a more beneficent work for the United States than when it compelled Congress to pass the constitutional amendment providing for the election of Senators by the people. It has added greatly to the people's responsibilities, but it has also added immeasurably to the strength of the Republic. I congratulate the House and the country on the legislation. [Applause.]

Mr. RUCKER. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MITCHELL] one minute.

Mr. MITCHELL. Mr. Speaker, I did not intend to speak on this question, and only do so now in view of the remarks made by the gentleman from Wisconsin [Mr. COOPER]. My memory goes back to the time when, in 1907, as a member of the upper branch of the State Legislature in Massachusetts, for the first time in the history of that State, a committee reported favorably on a proposition for an amendment to the Constitution, providing for the election of United States Senators by direct vote of the people. I had been a member of that senate for four years, and up to that time we had been unable frequently to get votes enough for the proposition to demand a roll call in either branch of the legislature. And I, too, with the gentleman from Wisconsin [Mr. COOPER], am impressed with the tremendous progress which popular government is making in this country, and I am happy to have this opportunity of voting for this measure and in assisting to put upon the statute books this additional provision for the promotion of popular Government.

It is the culminating measure in writing into the law of the land the election of United States Senators by the people.

I rejoice that an opportunity has been afforded me of being present to vote for this measure. Some years ago, as a member of the Massachusetts Legislature, I introduced such legislation into the house, but it did not make very much progress; in fact, it was extremely difficult to obtain a roll call upon this measure. Afterwards, as a member of the senate, I introduced such a bill, and it had the distinction of being the first measure tending to bring about a change in the election of United States Senators to be favorably reported by the committee on constitutional amendments. It was reported in the senate, but was overwhelmingly defeated. That was only a brief seven years ago.

Since that time, from one end of the Union to the other, popular sentiment has developed to such an extent that now we find this beneficial measure the law of the land. It shows the tremendous growth in recent years of popular government and speaks well for the future of our country. We have seen with this corresponding increase in the active participation by all of the citizens in the selection of their candidates a growing and ever-widening interest in public affairs, and with this growth and development of the public, brought about by measures of this character, we have seen the diminution of the influence of special interests in legislation.

When we stop to contemplate the wonderful development and growth of popular government in recent years, can we not feel encouraged to believe that it will continue, and that in the years to come contemplated laws that are now scoffed at and sneered at, looking to the protection of the health and the lives, the happiness of the great mass of our people, will be overwhelmingly adopted?

I am for this measure heart and soul, because I have always believed that the popular election of United States Senators was the great gateway through which all reform legislation would eventually pass. The Senate has been the reactionary body. Much of the good legislation which in former years so frequently passed the House always fell in the Senate. Senators will now have to go upon the hustings and defend their course in legislation and their actions and their votes upon measures that come before them, and they will be mighty careful to make that action accord with the sane, reasonable, progressive ideas of the people. In the past they have been responsible to no one. The legislature that elected them was dissolved many times—in our State at least—before their term expired. Now they will be real servants of the people, and I believe that their ears will be attuned to catch the popular impulses and that

they will respond more quickly, more effectively, and, I trust, more beneficially than ever before.

Mr. RUCKER. Mr. Speaker, just briefly replying to the suggestion made by the gentleman from Wyoming [Mr. MONDELL], let me call his attention to the fact that the language he read from the seventeenth amendment to the Constitution refers to the filling of a vacancy, which, of course, can not be done until after a vacancy has ocurred. Then the executive authority of a State may do the things authorized. The first section of the bill, while in my opinion it is not absolutely necessary, is a wise provision to retain, for the reason that this language determines when the first election under this amendment shall take place. Mark you, the first section relates to something that occurs before a vacancy can occur, the election being in November in most of the States for the term beginning in March after that. I think the language is necessary.

Mr. MONDELL. Will the gentleman yield for one question?

Mr. RUCKER. Make it very brief, because my time is short.

Mr. MONDELL. In case a vacancy should occur immediately after the congressional election this fall and before the State legislature has acted, would there be any way under this legislation whereby that vacancy could be filled for two years?

Mr. RUCKER. Oh, I think so; beyond a question. You can have your legislature meet——

Mr. MONDELL. By convening the legislature, yes; but without convening the legislature?

Mr. RUCKER. Let me say to the gentleman that I am not trying to perfect this so as to meet every possible contingency. I am content to rest with confidence on the action of the Senate. I believe they have prepared a bill which will cover all reasonable conditions and emergencies.

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

Mr. RUCKER. I always yield to the gentleman.

Mr. MANN. The gentleman knows that there has been some question raised with reference to two nominations of Members of the House for Senator, one from Alabama——

Mr. RUCKER. I anticipate the gentleman's question, and if he will permit me, I will say that I announced a while ago, probably during the gentleman's temporary absence from the floor, and I say "temporary" because he is always here, many times when I wish he was not [laughter]—that I had it in mind to offer an amendment to line 4, page 2, after the word "office," so as to read "the nomination for such office not heretofore made," shall be made, and so forth, referring to the time when nominations shall be made for the regular election. I think that would meet the point.

Mr. COOPER. Will the gentleman yield?

Mr. RUCKER. I will yield, yes; but I want to say that my time is now very short.

Mr. COOPER. Is it not within the power of the committee to give the gentleman more time?

Mr. MANN. You can get more time under the five-minute rule.

Mr. RUCKER. Let me say, Mr. Speaker, to the membership of the House that I believe this is the final act, so far as Congress is concerned, in the consummation of the greatest reform that has been accomplished in this country since the Civil War. I do not believe there has been any great measure enacted into law which has given more universal satisfaction, which has ignored party lines and divisions, and received more general approval than has this measure. The gentleman from Illinois, the distinguished minority leader, becoming reminiscent awhile ago, spoke of occurrences in the House some time ago, and in the course of his remarks paid me a tribute much more complimentary than any action of mine fairly construed warrants. I appreciate the nice things the gentleman said, and thank him for saying them. I want to say that I fully concur in most the gentleman said in relation to the history of the constitutional amendment providing for the popular election of Senators. It is true that at one time I resisted for months the action of the Senate in forcing upon us the amendment in its present form. I believed then, and believe now, that the election of Senators ought to be controlled by the people of the States to be represented. I did at one time hope the Senate would recede, but the gentleman quoted me correctly when he said that failing to secure the recession of the Senate, I accepted the Senate attitude because my purpose always was, if possible, to secure this reform along lines which met with my approval and best judgment, if possible, and if not, then along any line that would give the people of this country a chance to vote directly for Senators from their States. The gentleman from Illinois [Mr. MANN] did quite as much as any Member to secure the submission and adoption of the resolution proposing the seventeenth amendment.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The time of the gentleman has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 2. That in any State wherein a United States Senator is hereafter to be elected either at a general election or at any special election called by the executive authority thereof to fill a vacancy, until or unless otherwise specially provided by the legislature thereof, the nomination of candidates for such office shall be made, the election to fill the same conducted, and the result thereof determined as near as may be in accordance with the laws of such State regulating the nomination of candidates for and election of Members at Large of the National House of Representatives: *Provided*, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State: *And provided further*, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, in line 10, page 2, by striking out the words "the case of."

Mr. MANN. Mr. Speaker, I would like to be recognized on the amendment. A parliamentary inquiry. Under the rule, how much time am I entitled to?

The SPEAKER pro tempore. To one hour.

Mr. MANN. It is needless to say, Mr. Speaker, that I shall not take that much time, but I suggest to my friend from Missouri that the next time he prepares a rule to hasten debate in the House, where he fixes the length of time for general debate, he should also fix the time for debate under amendment. I shall not consume the time, but in this case the gentleman could not move the previous question very well while I have the floor. I could use an hour very easily discussing this question.

Mr. RUCKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RUCKER. I will say to the gentleman that the resolution was expressly framed in this way, so as not to limit debate or limit amendment, but to throw it wide open in hope that the gentleman from Kansas would not deliver a lecture on gag rule.

Mr. MANN. I was not speaking about limiting debate on the amendment, but the gentleman's rule did limit general debate to one hour. But under the rule here is an amendment which involves the entire question, and I have an hour if I want to use it. I shall not use the time. There are two amendments here upon which we might easily take the rest of the afternoon.

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

The committee amendment was agreed to.

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

The Clerk read as follows:

Amend, in lines 11, 12, 13, and 14, page 2, by striking out the words "in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State," and insert in lieu thereof the words "the same as that provided for the nomination and election of governor of such State."

Mr. COOPER. Mr. Speaker, I would like to call the attention of the gentleman from Missouri to the question I attempted to ask at the outset of general debate. The gentleman will observe that in the bill as it came from the Senate the proviso beginning on line 9, page 2, read as follows:

Provided, That in case no provision is made in any State for the case of the nomination or election of Representatives at Large, the procedure shall be in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State.

Then followed the proviso beginning on line 16:

Provided, That in any case the candidate for Senator receiving the highest number of votes shall be deemed elected.

That, of course, meant the highest number of the votes of the entire State. But in the bill as reported by the House committee, and now before us, the words—

in accordance with the laws of such State respecting the ordinary executive and administrative officers thereof who are elected by the vote of the people of the entire State—

have been stricken out, and in lieu thereof the words—

the same as that provided for the governor of a State—

have been inserted, thus making an entirely different requirement, because under certain circumstances in the State of Vermont the governor is not elected by vote of the people of the entire State. If no candidate for governor at the general election in the State of Vermont has a clear majority of the entire vote of the State, then the election of a governor is thrown into the legislature, and the legislature may elect a

governor without regard to the vote of the people of the entire State.

The last proviso of the Senate bill, especially the words in line 17—

The candidate for Senator receiving the highest number of votes—

related to the election by the people of the entire State—that is, to the highest number of the votes cast in the entire State—but if the election of Senator in the State of Vermont should be thrown into the legislature does not the gentleman from Missouri think there is ambiguity or contradiction in the language of the bill as amended?

Mr. RUCKER. Mr. Speaker, I am frank to say to the gentleman that he has suggested some things that were not discussed by the committee and that possibly might have some danger in them, but I will say to him that this measure, with the discussion that has taken place here, will go to the Senate, and if there is danger in those lines he can rest assured that it will be settled so there will be no trouble about it. The amendment the committee made was made at the suggestion of one member of the committee by reason of conditions existing in the State in which the member lives. We thought the language was better than the language prepared in the original bill.

Mr. COOPER. Mr. Speaker, the gentleman sees, of course, that line 14, when connected up with the proviso as it originally read, provides that the Senators shall be elected by a vote of the entire State, and that a plurality shall elect.

Mr. RUCKER. Of course the gentleman well understands that this is an act relating solely to the election of Senators, and that under the universal rule, recognized everywhere, the entire act would be construed together, and the first section makes it clear and plain that the election with which we are dealing is the election of United States Senators by the people of the State. I think there is no trouble about that at all. If I thought there was any danger along these lines, I would be glad to change the language of the bill.

Mr. GREEN of Iowa. Mr. Speaker, I wish to make a suggestion for the consideration of the gentleman from Wisconsin [Mr. COOPER], on the point on which he was just speaking. It seems to me that the last proviso might be taken up in this way as applying particularly to the exigency which might arise in Vermont. If it be found that no candidate has a majority for election, then the proviso supplies a way out of the difficulty by stating that in any event the candidate for Senator who receives the highest number of votes shall be deemed elected; in other words, making the proviso apply to a case of that kind as well as to the matter of the number of votes.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The question is on agreeing to the second committee amendment.

The amendment was agreed to.

Mr. RUCKER. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 4, after the word "office," insert the words "not theretofore made."

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

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

Mr. RUCKER. Yes.

Mr. WILLIS. Is the gentleman sure that the word "theretofore" is the proper word to use in that amendment?

Mr. RUCKER. I was not quite sure whether the word should be "theretofore" or "heretofore."

Mr. WILLIS. If he uses the word "theretofore," the gentleman will see that will take it back to the general time referred to in the preceding language. As I understand the gentleman, what he wants to cure is the possible defect that would be applicable to certain Members of the House who have already been nominated for Senator.

Mr. RUCKER. Mr. Speaker, recognizing the gentleman's ability, I will gladly accept his suggestion.

Mr. WILLIS. It seems to me that the word ought to be "heretofore."

Mr. RUCKER. Mr. Speaker, I ask unanimous consent to modify the amendment by changing the word "theretofore" to "heretofore."

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Speaker, I desire to say this, that the word does not have reference to the date of the passage of the bill, but has reference to the date of the election under the bill.

Mr. WILLIS. I think it is clearer to make it read "heretofore."

Mr. MANN. Mr. Speaker, I do not think it is clear either way, myself. I went over this bill, examining that question as best I could, and personally I do not believe that the bill would affect at all the nominations made in Alabama and South Dakota. I believe those are the only two places where nominations have been made or are likely to be made before the bill becomes a law. I suggest to the gentleman from Missouri [Mr. RUCKER] that if this amendment be inserted in the bill, with these other amendments which have been agreed to, the bill ought to be considered in conference, if he has suggestions to make to the Senate, instead of having the Senate agree to these various amendments, so that these things can be very carefully considered. When this legislation is enacted, it ought not to give rise to a lot more controversies which the constitutional amendment has given rise to already.

Mr. RUCKER. Mr. Speaker, I will say to the gentleman that I have conferred with the author of the bill and some other gentlemen on both sides of the Senate Chamber who are very much interested in the speedy passage of the bill, and I am quite certain Senators will welcome prompt action by the House, and if there is anything in it that needs changing, it will be done before final action in the Senate, perhaps in conference. I think that that is the expectation.

Mr. MANN. I suggested conference. Whether it is done in conference or by the Senate, I do not care, so long as these things are carefully considered.

Mr. BRYAN. Mr. Speaker, I attempted a moment ago to receive recognition in reference to the amendment already passed, basing this election on the method of electing a governor, which is absolutely right. The committee has shown good judgment in cutting out the provision for the election in the same manner as other administrative officers are elected, because there are all kinds of differences in State statutes as to how various administrative officers of the State shall be elected, but when we say that Senators shall be nominated and elected in the way the governor is elected we have something definite. Second-choice provisions apply as to some offices and do not apply as to others.

I introduced the first bill upon this subject, and based it upon that theory, and I take some pride in seeing, while my bill was not accepted on the other side, that the committee did put my view of that particular feature into the bill. The bill would be much better now if all reference to the manner of electing Congressmen at Large were eliminated and the whole procedure were based on the manner of electing a governor as in my bill, introduced over a year ago—April 21, 1913—provided. In our own State we had considerable difficulty determining whether the second-choice provisions of our primary law referred to Congressmen at Large, but there is no indefiniteness as to the manner of electing and nominating a governor.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

Mr. RUCKER. Let me suggest to the gentleman that I am not more timid than other men, but if we want to pass this bill we had better get at it.

Mr. HAMILTON of Michigan. I was merely going to call the gentleman's attention to the word "near" at the end of line 5 on page 2. The gentleman from Missouri is an eminent grammarian, a man of high authority on the use of language, and I would inquire of him whether he thinks the word "near" ought to be employed there or the word "nearly"—simply in the interest of good form?

Mr. RUCKER. The gentleman from Michigan has complimented the gentleman from Missouri and criticized some Senator of the United States. I did not write the language.

Mr. HAMILTON of Michigan. I am glad to compliment the gentleman from Missouri and am perfectly willing to criticize the Senator.

Mr. RUCKER. Mr. Speaker, I ask for a vote.

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

Mr. RUCKER. Mr. Speaker, I offer another amendment.

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

The Clerk read as follows:

Amend by inserting a new section at the end of the bill, to be numbered section 3 and to read as follows:

"SEC. 3. That this act shall expire by limitation at the end of three years from the date of its approval."

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

Mr. RUCKER. Mr. Speaker, I demand the previous question on the bill and amendments to final passage.

The SPEAKER pro tempore. The gentleman from Missouri moves the previous question on the bill and amendments to final passage.

The question was taken, and the previous question was ordered.

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

On motion of Mr. RUCKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FALCONER. Mr. Speaker, I would also ask unanimous consent for leave to print an address made by Mr. Elwood Mead, at Denver, Colo., on April 9, on farm loans and credit extensions and reclamation practices in Australia. This is a matter of much interest to the people of my State and the country generally.

The SPEAKER. Who made the speech?

Mr. FALCONER. Mr. Elwood Mead. This gentleman was invited to make this address by Secretary Lane, of the Interior Department, and——

The SPEAKER. The gentleman from Washington asks unanimous consent to print in the RECORD a speech made by Mr. Mead at Denver, Colo., on the subject of irrigation and reclamation. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I did not understand it was on the subject——

Mr. FALCONER. It was on reclamation projects in Australia.

Mr. MANN. The gentleman said farm credits.

Mr. FALCONER. It also treats of methods of loans for farm improvements.

Mr. MANN. There is a committee that is having hearings on this subject and innumerable documents on the subject. Are we going to print all in the RECORD?

Mr. FALCONER. I should not have said farm credits so much as methods of handling funds in connection with irrigation and reclamation, and in this way dealing with the farm-loan feature of the financial system of Australia.

Mr. MANN. As I understand, the speech is on the subject of irrigation bonds?

Mr. FALCONER. It covers the question of bonds issued against irrigation and loans on lands in process of improvement.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, we have had so many reclamation-project bonds sold by bond houses of the United States where failures have been made by the concerns that have issued the bonds, and so many of our people have been fooled by that sort of investment and have lost every dollar they put into them that it is a serious question whether we ought to take the dictum of somebody as to what is being done in Australia, and it seems to me that the irrigation-bond proposition in this country has been so overdone that there is serious danger of adding to the troubles that have already existed and now exist as to the investment of our people, and I really think it is a question whether we ought to let this be printed and sent out. However, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

AMBASSADORS TO ARGENTINA AND CHILE.

Mr. GARRETT of Tennessee. Mr. Speaker, I offer the following privileged report (No. 667) from the Committee on Rules.

The SPEAKER. The gentleman from Tennessee offers a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

The Committee on Rules, to whom were referred the resolutions (H. Res. 507 and H. Res. 508) providing, respectively, for the consideration of H. R. 15503 and H. R. 13667, having considered the same, beg to report in lieu thereof the following substitute and recommend that it be adopted:

"*Resolved*, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 4553 and H. R. 15503; that the first reading of the bills be dispensed with, and that there shall be one hour's general debate on both bills, to be divided equally between those favoring and those opposing the measures. At the expiration of said one hour's general debate the bills shall be considered in the order named under the five-minute rule, and the Committee of the Whole House on the state of the Union shall perfect and report the measures to the House, whereupon the previous question shall be considered as ordered upon the bills and all amendments adopted in the Committee of the Whole House on the state of the Union to final passage without intervening motion, except one motion to recommit."

Mr. GARRETT of Tennessee. Mr. Speaker, the bills which this rule seeks to make in order are Senate bill 4553 and House bill 15503, respectively. The bill S. 4553 is to authorize the appointment of an ambassador to Argentina, and H. R. 15503 is a bill authorizing the appointment of an ambassador to the Republic of Chile. These bills have been unanimously reported from the Committee on Foreign Affairs. They have the approval of those who are directly responsible for the conduct of our foreign affairs—not only the approval, but a request, supported by those in the best position to know what the foreign relations of our country are—and therefore it seemed to the Committee on Rules that it was very proper to bring these matters in, and hence it has made this report.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. MANN. I did not catch the reading of the rule entirely. How much time is allowed for general debate?

Mr. GARRETT of Tennessee. An hour for general debate on both bills.

Mr. MANN. On each bill?

Mr. GARRETT of Tennessee. On both bills; one hour to the two bills.

Mr. MANN. How can you have general debate at the same time upon two bills? You can not consider them at the same time.

Mr. GARRETT of Tennessee. It can be done by unanimous consent. Anyone who should get the floor, of course, would have half an hour. Half of the time is controlled by gentlemen in favor of the bill, and one-half of the time is controlled by anyone opposed to the bills, and during that time the person having the floor can talk on either one or both of the bills or can yield to any person to speak on any one or both.

Mr. MANN. I suppose the Committee on Rules can do almost anything in the way of a rule, if it is backed up by the House.

Mr. GARRETT of Tennessee. It can not do anything unless it is backed up.

Mr. MANN. I understand; but the novelty to me is to provide for general debate on a number of bills at the same time.

Mr. GARRETT of Tennessee. This provides for the control of the time; that the time shall be controlled——

Mr. MANN. You can not have both bills up for consideration at the same time. Each bill must have a first reading.

Mr. GARRETT of Tennessee. The rule dispenses with the first reading.

Mr. MANN. Well, the bill has to be reported to the committee or to the House, in any event. I suppose next we shall have a rule to have general debate one day and then no further general debate during the entire session of Congress. [Laughter.]

Mr. GARRETT of Tennessee. Would not the gentleman approve of something of that sort?

Mr. MANN. Well, so far as concerns the debate that comes from that side of the House I would. I think we could profitably dispense with most of that. But you gain light when it comes to general debate from this side of the House. [Laughter.]

Mr. BARKLEY. Does the gentleman from Illinois mean light debate? [Laughter.]

Mr. CAMPBELL. Mr. Speaker, I simply suggest to the gentleman from Illinois that general debate for one hour precedes the consideration of these two bills in their order, at which time they shall be taken up and considered under the five-minute rule for amendment and debate. I think the rule specifically provides the method by which this is to be done, and that there is no great difficulty about it. One hour is allowed for general debate, and then the bills shall be taken up in the order named in the rule for amendment and debate.

Mr. MANN. Mr. Speaker, will the gentleman yield? Does the gentleman think that the House can consider two bills at the same time?

Mr. CAMPBELL. If it agrees to the rule, it can.

Mr. MANN. It will be considering them; but can it, as a matter of fact? You can not pass two bills at the same roll call.

Mr. CAMPBELL. The two bills are to be debated. The general debate is one thing. The consideration of the bills is another thing. There is to be one hour of general debate, in which you can discuss Argentina or Chile or the general dilapidated condition of the Democratic Party. [Laughter.]

Mr. WILLIS. There would not be enough time for that. [Renewed laughter.]

Mr. MANN. The bills are under consideration. That is what the rule provides. And it is proposed to have two measures, entirely distinct, under consideration at the same time. You might as well try to put one man in two places at the same time.

Mr. OGLESBY. You mean you can not have two men in one place. [Laughter.]

Mr. CAMPBELL. The bill can be taken up for amendment,

Mr. MANN. The bill is under consideration just as much during the general debate, theoretically, as it is at any other time.

Mr. GARRETT of Tennessee. Has the gentleman concluded?

Mr. CAMPBELL. I do not care to use any time.

Mr. GARRETT of Tennessee. Mr. Speaker, I think we might as well put this to a practical test, to see whether we can debate two bills at the same time; and I therefore move the previous question.

The previous question was ordered.

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

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

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

The House divided; and there were—ayes 42, noes 27.

So the resolution was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is recognized for 30 minutes.

Mr. MANN. Is this in the House as in Committee of the Whole? I think the House automatically goes into Committee of the Whole.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. MOON] 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 (S. 4553) to authorize the appointment of an ambassador to Argentina and of the bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile, with Mr. MOON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate bill 4553 and House bill 15503. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD of Virginia. Mr. Chairman, the growing importance, politically and commercially, of the two Republics of Argentina and Chile has led their Governments to suggest to our State Department the propriety of accrediting diplomatic representatives of the highest character to those countries. Our executive department is most favorably inclined to this suggestion. Recognizing the greatness of these two South American countries, their commercial importance, and the great part they will play in the world's politics in the years to come, the President and the State Department are desirous that we accredit to these two Republics ambassadors instead of envoys extraordinary and ministers plenipotentiary.

It is needless for me to go into a very lengthy discussion of the commercial and political importance of these two countries. I will therefore give my reasons for advocating this bill as briefly as possible.

ARGENTINA.

The United States is just entering upon a great Pan American era and it can not afford to neglect any worthy opportunity and responsibility which will make and keep it a leader in the progress of the American Republics. It is no exaggeration, speaking from the Latin-American, as well as the United States standpoint, to state that the United States may now be facing a critical period in the future of the western continent. What it does now and during the next few years in its Pan American policy will determine whether its sister Republics of the south are to follow it and cooperate with it for the good of all American nations, or are to follow Europe and cooperate with her in the development of international commerce and comity and of that international interdependence which has such vast significance.

The majority of the people and of the newspapers of the United States have been so occupied with home affairs or with foreign questions involving Europe and Asia and the near-by States of Latin America that they have not had time to study and appreciate the wonderful material development and political progress of Argentina and Chile in southern South America. If they knew the situation as they know that of the States of the United States, they would wonder why we had not already voted that the legations in Buenos Aires, the capital of Argentina, and Santiago, the capital of Chile, should be raised to the rank of embassies. The small additional cost to the United States Government of a few thousand dollars is a mere bagatelle compared to the value of the commerce, the prestige, and the influence involved. Take the consensus of opinion of a thousand Americans who have visited Argentina and Chile during the past three years and they will almost unanimously declare that this step should now be voted in unanimous acclamation by the United States Congress. These are not terms of exaggeration or enthusiasm. They are simple facts which are absolutely true and which can not be disputed except by those who are unfamiliar with the situation.

Some years ago the United States raised its legation in Brazil to an embassy, and every student of international relations will tell you that it was a wise, deserved, and well-rewarded action. Now let the United States take similar action in Argentina and Chile, the other two great countries of the so-called "A B C" relationship. If the United States delays such action, the honors of this distinction will go to Spain, and may soon be followed by France and possibly Great Britain and Germany. Spain has already acted in Argentina, and it is indeed significant that Germany has recently sent Prince Henry on a special mission of courtesy and recognition to both Argentina and Chile, which may be a preparatory step to following the example of Spain.

Possibly a bird's-eye view of some of the remarkable features of Argentina and Chile may help Members of Congress to appreciate the importance of these Republics.

Looking first at Argentina, we note that it is located almost entirely in the South Temperate Zone. It has a greater reach from north to south—2,700 miles—than has the connected area of the United States. It has an area of 1,135,000 square miles, which is equal to that section of the United States east of the Mississippi River and part of the first tier of States west of it. It has a greater proportion of productive agricultural area than has the corresponding area of the United States. It has a population exceeding 9,000,000, according to latest estimates, and could support in prosperity 70,000,000. It conducts a foreign commerce valued at the immense total of $900,000,000, which gives it the largest per capita trade of any important nation in the world. It conducts, with this population of 9,000,000, a greater foreign trade than mighty Japan, which has a population of 50,000,000, or of great China, which has 300,000,000. It bought last year from the United States products valued at $60,000,000, and it sold to the United States products valued at $22,000,000, or a total exchange of products valued at $82,000,000. This represents a greater increase in the last decade than the trade of any European country with Argentina, and yet the United States has only begun to open up its trade possibilities in that land.

Buenos Aires, the capital of Argentina, is the fourth city of the Western Hemisphere, ranking after New York, Chicago, and Philadelphia. It is the second Latin city in the world, ranking next to Paris. It is the largest city of the world south of the Equator. It has to-day a population of 1,500,000, which represents an increase of 600,000 in the last 10 years. As evidence of Buenos Aires' greatness as a world capital, it should be realized that it has spent $50,000,000 in providing itself with an unsurpassed system of concrete docks and wharves and with two channels, each 30 miles long and 30 feet deep, to deep water in the River Plate. It has just expended $25,000,000 on a great subway system of transportation. It has recently completed a capitol building, second only to our own among the capitols of the world. It possesses the finest newspaper building and plant in the world; it possesses the finest opera house in the world, except possibly those of Paris and Vienna, and, finally, it possesses the finest array of public-school buildings of any city in the world.

Argentina is gridironed with a system of railroads that reach from Patagonia 2,000 miles to Paraguay, and is constructing now many thousands of additional miles. It is now shipping abroad vast quantities of wheat and beef. It has two transcontinental systems of railways connecting its Atlantic seaboard with the Pacific seaboard of Chile and successfully crossing the Andes en route. It is building great irrigation systems in the arid sections, it is harnessing the water powers of the Andes, and it is making navigable the channels of the Parana and Uruguay Rivers far into the interior.

Looking, in conclusion, at the sentimental side of the question, it should be remembered that the great liberator of Argentina, San Martin, fought successfully for the independence of his country under the inspiration of George Washington; that the constitution of Argentina in many respects is written upon the Constitution of the United States; that Sarmiento, its great President of later years, who founded and built up Argentina's educational system upon knowledge he acquired in the United States, was always a true friend of the United States; and that to-day Minister Naon, who ably represents Argentina in the United States, is a great student of the institutions of the United States, and ranks not only as one of the leading statesmen but foremost educators of his country, will make a most worthy and distinguished ambassador in the foreign diplomatic colony of Washington.

And so I might go on giving reasons upon reasons why the United States Legation in Buenos Aires should be raised to an

embassy, but I will conclude with only one more observation regarding that country. The Argentine Congress is this week just beginning its annual regular session. It is a distinguished and representative body, like the Congress of the United States. The newspapers of Argentina have been discussing the movement of the United States to raise the rank of its legation in Buenos Aires to an embassy, and these Congressmen can not fail to note that up to now, many months after the introduction of the bill in the United States, it has not been passed. They are also well aware that the King of Spain has just signed a decree raising the Spanish Legation to an embassy. If the United States Congress should now fail to pass unanimously this important bill, such action might naturally inspire unfavorable and unfortunate comment among the sensitive, high-strung, forceful, and ambitious peoples and Congressmen of this sister Republic. On the other hand, now that the question is brought for the first time to a determining vote, immediate and favorable action will produce a profoundly favorable impression on the Argentine people and Congress, which can not fail to have a permanent and good effect upon the relations of the United States and Argentina. [Applause.]

CHILE.

Now, let us consider Chile. While much that I have said about Argentina will apply equally well to Chile and need not, therefore, be repeated, there is much which is striking and impressive regarding the latter country that should be borne carefully in mind. In view of the fact that the Panama Canal is about to be opened to commerce and that the attention and hopes of the American people are centered in that waterway, Chile has a unique and extraordinary importance in the foreign, political, and commercial relations of the United States. Although it may not have as extensive population, area, and foreign trade as Argentina and Brazil, it has a strategical, commercial, and political position of great significance and power which must not be forgotten or underestimated. Chile holds in South America a place of peculiar strength which gives it a remarkable influence in the diplomatic councils of that continent, and especially in the so-called A B C relationship. Following the completion of the Panama Canal and having in mind the great fifth Pan American conference, which is to meet at Santiago, the capital of Chile, in November of this year, it would seem unfortunate not to raise the United States Legation at Santiago to the rank of an embassy. What Chile may lack in actual area, population, and foreign commerce, it more than makes up in international influence, in stability and quality of government, in vigor of race, in pride of achievement, and in exceptional geographical position. And yet, though Chile may not equal Brazil and Argentina in square miles, number of inhabitants, and in value of foreign trade, it is still remarkable in these respects and worthy of special consideration and study. Chile has an area of nearly 300,000 square miles, which is nearly equal to that of Spain and France combined. It has a population of about 4,000,000, but these are 4,000,000 of energetic, high-class people. It conducted last year a foreign trade valued, approximately, at $400,000,000, which is almost as great as the foreign trade of China and which may soon equal that of Japan. Its per capita trade is nearly $100, or twice that of the United States, ten times more than that of Japan, and twenty times that of China. Although the United States has only just begun, as it were, to build up its exchange of products with Chile, the total value of this exchange last year was over $40,000,000 with prospects of enormous increase after the opening of the Panama Canal.

But the most impressive fact about Chile, viewed strategically, politically, and geographically, is its unique relationship to the Panama Canal. Almost directly south from Washington through the canal it has a coast line on the Pacific Ocean in the South Temperate Zone of nearly 3,000 miles, and varies in width from 50 to 200 miles, with an extraordinary variety of climate, products, and resources. If the southern end of Chile were placed at the Mexican-California line on the west coast of the United States, the northern end would reach beyond the line of California and Oregon, of Oregon and Washington, of Washington and British Columbia, of British Columbia and Alaska, way up into the heart of Alaska.

Santiago, its famous capital, has a population of 500,000, and is often called the "Paris of the Andes." Valparaiso, Chile's chief port, has a rapidly growing population of 250,000, and the Chilean Government is expending $15,000,000 in making the harbor of Valparaiso ready for the Panama Canal and the best artificial port on the entire coast line of the Pacific Ocean. Chile is already well provided with railways, running from different coast points into the interior, and is now completing a longitudinal line with numerous branches.

To make the Panama Canal of the greatest possible usefulness, strategic and commercial, to the United States, no legitimate steps should be neglected which would promote and cement good understanding between Chile and the United States. At this moment the wise and reasonable step for the United States to take is to raise its legation at Santiago to the rank of an embassy and give the United States the distinction of sending the first foreign ambassador to that progressive and powerful country of the southern and western portion of South America.

Correspondingly, Chile will undoubtedly reciprocate and honor the United States by raising its legation in Washington to an embassy, and if the present able minister, Mr. Eduardo Suárez, is promoted, a man of notable statesmanship and achievement in the public affairs of Chile will be that Republic's first ambassador to the United States. [Applause.]

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

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

Mr. FLOOD of Virginia. Certainly.

Mr. MADDEN. Are those countries sending ambassadors here now?

Mr. FLOOD of Virginia. Each of them will send an ambassador here just as soon as this Congress and their Congress act upon the proposition.

Mr. MADDEN. How much difference does it make in the cost?

Mr. FLOOD of Virginia. Between seven and eight thousand dollars a year.

Mr. MADDEN. In each case?

Mr. FLOOD of Virginia. Yes; in each case. We have passed a law prohibiting the President from raising the rank of an envoy extraordinary and minister plenipotentiary to that of an ambassador, so that an act of Congress is necessary. The same, I am informed, is true in Argentina, and as soon as we act upon this bill it is believed that the Congress of Argentina will act upon a similar bill, and an interchange of ambassadors will take place. [Applause.]

Mr. HULINGS. Mr. Chairman, will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. FLOOD of Virginia. Yes.

Mr. HULINGS. Does the gentleman think it is a proper time now to take this action just at a time when representatives of those two countries are acting as mediators in this Mexican affair?

Mr. FLOOD of Virginia. I will call the attention of the gentleman to the fact that both of these bills, providing for embassies in Argentina and Chile, were introduced in Congress before this mediation proposition was made. The Argentina bill had passed the Senate before that date, and both of them had been favorably reported from the Committee on Foreign Affairs of this House. I think, in view of these facts, that no possible criticism could arise by reason of our passing bills that we had already reported, and one of which had already passed one branch of Congress. [Applause.]

Mr. Chairman, I call for the reading of the bill S. 4553 under the five-minute rule.

The CHAIRMAN. If there is no further desire for general debate, the Clerk will read for amendment the bill (S. 4553) to authorize the appointment of an ambassador to Argentina.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to Argentina, who shall receive as his compensation the sum of $17,500 per annum.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Clerk will next report the bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, as the representative of the United States, an ambassador to the Republic of Chile, who shall receive as his compensation the sum of $17,500 per annum.

The CHAIRMAN. Is there any amendment to be offered to this bill?

Mr. FLOOD of Virginia. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation, and that the committee do now rise and report these bills to the House.

Mr. CAMPBELL. Mr. Chairman, I suggest that it requires two motions to do both those things.

The CHAIRMAN. The Chair will put first the motion that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. FLOOD of Virginia. Now, Mr. Chairman, I move that the committee rise and report these bills to the House.

The question was taken; and on a division (demanded by Mr. FLOOD of Virginia) there were—ayes 31, noes 5.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4553) to authorize the appointment of an ambassador to Argentina and the bill (H. R. 15503) to authorize the appointment of an ambassador to the Republic of Chile, and had directed him to report the same back to the House without amendment and with the recommendation that they do pass.

The SPEAKER. The Clerk will report the bill (S. 4553) to authorize the appointment of an ambassador to Argentina.

The Clerk read the title of the bill.

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

The SPEAKER. The question is on the passage.

Mr. WINGO. On that I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 35, noes 7.

Accordingly the bill was passed.

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

The SPEAKER. The Clerk will next report the bill (H. R. 15503) authorizing the appointment of an ambassador to the Republic of Chile.

The Clerk read the title of the bill.

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

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

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HENRY, Mr. FLOOD of Virginia, and Mr. WINGO demanded a division.

The House divided; and there were—ayes 33, noes 7.

Accordingly the bill was passed.

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

REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, Senate bill 4377 is on the Speaker's table, and a House bill in identical terms has been reported and is on the calendar. I ask that Senate bill 4377 be laid before the House for present consideration.

The Clerk read the bill (S. 4377) to provide for the construction of four revenue cutters, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct one steam revenue cutter of the first class for service in the waters of southern California, at a cost not to exceed the sum of $350,000; one steam revenue cutter of the first class for service in the Gulf of Mexico, at a cost not to exceed the sum of $250,000; one steam revenue cutter of the second class for service on the coast of Maine, at a cost not to exceed the sum of $225,000; and one steam revenue cutter of the third class for service as anchorage patrol boat in New York Harbor, at a cost not to exceed the sum of $100,000.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON].

Mr. MADDEN. Mr. Speaker, does this require unanimous consent?

The SPEAKER. It does not.

Mr. MADDEN. Is it a matter of privilege?

The SPEAKER. It is one of the things that the rules provide may be called up from the Speaker's table at any time.

Mr. MADDEN. Has this matter been considered by the Committee on Interstate and Foreign Commerce?

Mr. ADAMSON. Yes; and an identical bill is on the calendar, and I have authority to call up this bill from the Speaker's table.

Mr. MADDEN. May I ask the gentleman a question?

Mr. ADAMSON. Certainly.

Mr. MADDEN. What is the necessity for the construction of all these revenue cutters? In what shape is the Revenue-Cutter Service now?

Mr. ADAMSON. It is very badly in need of being replenished. We have had no new authorization since 1910. Several of the cutters are almost entirely out of business, and we are compelled to have some new ones.

Mr. MADDEN. Where are the revenue cutters located at present, and how many have we?

Mr. ADAMSON. They are so expeditious in their movements, and they are running around doing so much good, that I can not state their present exact location at a moment's notice. There are about 37 of them, and I will put into the RECORD the data desired by the gentleman. About 29 of these cutters are almost worthless, through antiquity and decay.

Mr. MADDEN. It seems to me that an important matter like this ought to be considered at a time when the House has a pretty large membership present. We are proposing to spend about a million dollars here.

Mr. ADAMSON. I will first beg the gentleman's pardon for not regarding him as one of the parliamentarians with whom I must reckon. I saw all of those who usually watch the Treasury, and worthily win their appellation of watchdogs of the Treasury, including the leader of the minority [Mr. MANN], and I confess that in order to be sure to get a vote on this bill without opposition I consented to some amendments making reductions in this program. I intend to offer those amendments.

Mr. MADDEN. How much does this bill propose to expend?

Mr. ADAMSON. A total of $925,000; and I expect to move to cut that in half by amendments.

Mr. MADDEN. I do not wish to embarrass the gentleman from Georgia by asking unnecessary questions, but it seems to me the subject is one which it is desirable to explain. There is a revenue cutter provided for the harbor of New York, to cost $100,000. Revenue cutters are provided for other sections of the country to cost $350,000. I would like to know from the gentleman what is the necessity for a difference in the cost of the revenue cutters?

Mr. ADAMSON. The one at New York is chiefly for local use, and it is not necessary to be so large and expensive.

Mr. MADDEN. Are they not all for local use?

Mr. ADAMSON. No; some of them have to go to sea. The one in the Gulf has a tempestuous course, and so has the one on the coast of Maine. Both of these are old. I think the one on the coast of Maine is between 40 and 50 years old. It could not stand another season perhaps, and the one on the Gulf is a little bit of a thing, never intended for sea service before it grew old.

Mr. MADDEN. In view of the fact that the Democratic Members of Congress so recently passed a tariff law which does away with the necessity of revenue cutters, does not the gentleman from Georgia think it is extravagant to expend a million dollars to build revenue cutters to look after business that does not exist?

Mr. ADAMSON. I wish to say to the gentleman that the revenue cutters will be kept busy all the time, even if they do not have to collect enough revenue to run the Government. They are busy saving ships and saving lives, also hunting and destroying derelicts, wrecks that endanger commerce, and patroling for icebergs in northern seas; and in time of war they are busy whipping our enemies, for in the history of the United States they have done more effective fighting than any other force. Ship for ship, the revenue cutter has been of more value than the battleship.

Mr. MADDEN. I am glad, Mr. Speaker, that I interrupted the gentleman, because his information is most valuable.

Mr. ADAMSON. Oh, I could give gentlemen a lot more if I had to, but I did not want to give it all just now.

Mr. MADDEN. If I had not asked the question, we would not have got the information which the gentleman has seen fit to enlighten us with. I wish the gentleman from Georgia would enlighten the House on the importance of this legislation.

Mr. ADAMSON. There is a very full report on the House bill which I would like to have read.

The SPEAKER. The Chair will suggest to the gentleman from Georgia that the House bill is on the Union Calendar, and the Senate bill would be referred to that calendar, too, if the Chair referred it.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that this Senate bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to ask if the report of the Committee on Interstate and Foreign Commerce can not be read for the information of the House in connection with the consideration of this question?

Mr. ADAMSON. I would be glad to have it read. In the meantime I wish to yield to the gentleman from Wisconsin [Mr. ESCH] for a question.

Mr. ESCH. I wanted to ask the gentleman whether or not the first revenue cutter provided for in this bill is not to take the place of the revenue cutter that was wrecked in Alaskan

waters two years ago, and if it is not necessary to build a large revenue cutter on account of her having to serve in Alaskan waters and assist in matters like pelagic sealing and the supply of coal to coast points?

Mr. ADAMSON. Yes; it requires a large and strong ship up in those waters. The waters are stormy and the coast is long.

Mr. ALEXANDER. Will the gentleman permit me to say that two of the best revenue cutters in the service are employed and have been since the sinking of the *Titanic* during the ice season in patrolling the north Atlantic and also in the destruction of derelicts, and the fact that they are so engaged now makes the necessity much greater for having new revenue cutters.

The SPEAKER. The Clerk will read the report.

The Clerk read the report (by Mr. COVINGTON), as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 3328) to provide for the construction of four revenue cutters, having considered the same, recommend that it pass.

The bill as amended has the approval of the Treasury Department, as will appear by the letter attached, and which is made a part of this report.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 12, 1913.

The CHAIRMAN COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

SIR: The department is in receipt of your letter of the 7th instant, inclosing copy of a bill (H. R. 3328) to provide for the construction of four revenue cutters, and asking for the views of the department concerning the bill.

In reply, I have the honor to state that the subject of new vessels for the Revenue-Cutter Service is at the present time a most vital one, inasmuch as there is the most urgent need of replacing several of the vessels comprising the fleet, with new and efficient craft for the proper performance of the severe duties with which they are charged by law.

A fleet of 37 revenue cutters is indispensable for the proper performance of the various duties placed upon this service by Congress. Up to the summer of 1910 the fleet comprised a total of 37 vessels of the several classes, but the loss of the *Perry* in the Bering Sea during that season reduced the number to 36, divided as follows:

First class	17
Second class	6
Third class	11
First-class seagoing tugs	2
Total	36

There are in addition seven small launches in harbors and rivers, together with one old vessel which is practically a hulk, used as a station ship at the Revenue-Cutter Service depot at Arundel Cove, Md., and these can be disregarded in considering the subject of new vessels.

The average efficient life of a revenue cutter, and in fact of all vessels of that type, is about 20 years. After that length of service the vessel and her machinery become obsolete, and she is unable to perform efficiently the duties required of her. In addition, it is found that extensive repairs are needed frequently, and the cost of these repairs amounts to such a high percentage of the value of an old vessel that it is not economical from any standpoint to continue her in service. To show the ages of the several vessels comprising the fleet of revenue cutters the following table, arranged chronologically, is submitted:

Name.	When built.	Present age.	Name.	When built.	Present age.
		Years.			*Years.*
Woodbury	1864	49	Onondaga	1898	15
Manhattan	1873	40	Seminole	1900	13
Bear	1874	39	Mohawk	1902	11
Hartley	1875	38	Tuscarora	1902	11
Thetis	1881	32	Arcata	1903	10
Morrill	1889	24	Mackinac	1903	10
Winona	1890	23	Winnisimmet	1903	10
Apache	1891	22	Wissahickon	1904	9
Itasca	1893	20	Pamlico	1907	6
Hudson	1893	20	Androscoggin	1908	5
Calumet	1894	19	Seneca	1908	5
Guthrie	1895	18	Davey	1908	5
Windom	1896	17	Acushnet	1908	5
Golden Gate	1896	17	Snohomish	1908	5
Gresham	1897	16	Yamacraw	1909	4
Manning	1897	16	Tahoma	1909	4
McCulloch	1898	15	Unalga	1912	1
Algonquin	1898	15	Miami	1912	1

It will thus be seen that 10 of the vessels now in the fleet have been in service for a period of 20 years or over.

With a fleet of 37 vessels, the average efficient life of each being about 20 years, there should be provided 2 new vessels annually in order to keep the fleet in efficient condition, and that the authorization of new vessels during the past 8 years has not been in keeping with the necessities is shown by the following list of vessels appropriated for since 1905:

	Vessels.
1905	1
1906	2
1907	4
1908	0
1909	0
1910	2
1911	0
1912	0
Total, 8 years	9

Nine new vessels in 8 years is not sufficient to properly maintain the efficiency of the fleet, and in consequence the existing fleet of 36 vessels is not in the condition it should be. The service is therefore compelled to perform such duties as it can with 1 vessel 49 years old, 4 vessels between 32 and 40, and 5 vessels 20 years old or over.

There can be no question, therefore, as to the absolute necessity for the immediate construction of the four new revenue cutters contemplated in bill H. R. 3328. An itemized statement of the necessity for each of these vessels follows:

(1) The first-class vessel called for in the bill for the waters of southern California, at a cost of $350,000, is to replace the *Perry*, which was lost during the summer of 1910 in a dense fog off the Pribilof Islands while engaged in the seal patrol. The present Alaskan fleet is consequently one vessel short. The *Perry* was built in 1884 and transferred from the Atlantic to the Pacific coast in 1894, when the need for additional vessels for service in Alaska became urgent. At best she was too small; her bunker and hold capacity entirely too limited. Vessels on duty in Alaskan waters must carry six months' stores and provisions, which necessitates ample storage room, and being obliged to cruise actively for two weeks or more at a time ample coal bunker space is needed. The *Perry*, 161 feet long, with a displacement of but 451 tons, carried only 90 tons of coal. Being obliged to carry most of her stores on deck and having a cruising radius of but 1,500 miles, she was ofttimes unable to meet the duties demanded of her. The vessel to replace the *Perry* should be of sufficient size to enable her to carry six months' stores and provisions, together with a coal supply that will give her a radius of at least 4,500 miles of economical steaming. Such a vessel can not be constructed for less than the amount named.

(2) The first-class vessel for service in the Gulf of Mexico, at a cost of $250,000, is to replace the *Winona*, whose headquarters are at Mobile, Ala. The *Winona* was built in 1890 and is at present doing duty on the Mississippi Sound. She is old and of a type entirely unfitted for the present demands upon the service. Having been built for interior waters, she has a very light draft and is unable to proceed to sea at any distance and withstand the storms of the Gulf. In 1910, when a serious storm did much damage to shipping in the Gulf and many appeals for assistance reached the department, it was necessary to send the *Yamacraw* from the Atlantic coast to the Gulf for this purpose, thereby losing much time when quick work was needed. The new vessel asked for to replace the *Winona* will provide a suitable vessel for the Gulf and the service be enabled to promptly and efficiently meet the demands upon it.

(3) The second-class vessel, at a cost of $225,000, is to replace the *Woodbury* on the coast of Maine. This is the oldest craft now in use by any branch of the Government and is the only vessel extant which saw service both in the Civil War and the Spanish War. She is now 49 years old; her hull is rotten, her boiler leaky, and the whole ship of an obsolete type.

(4) The $100,000 vessel of the third class, for service as anchorage patrol boat in New York Harbor, is to replace the *Manhattan*. This vessel is 40 years old; her iron hull is about rusted out; her boiler and machinery are obsolete in type and nearly worn out. It is with great difficulty that this craft is kept patched up for service, which, at the best, she performs very inefficiently.

With the authorization of these four vessels so urgently needed at the present time, two new vessels annually in the future will suffice to maintain the present revenue-cutter fleet.

The total cost of these four new vessels will amount to $925,000, and in this connection the following tabular statement of the regular operations of the Revenue-Cutter Service since 1907 is submitted for the purpose of showing the value of these operations to the maritime interests of the country, particularly in the matter of lives and money saved, and as indicating that from a business standpoint it is a good investment to provide the new vessels so urgently needed in order to maintain the revenue-cutter fleet on an efficient basis to continue this work required by law:

Lives and property saved by the operations of the Revenue-Cutter Service.

Fiscal year.	Lives saved from drowning (actually rescued).	Fines and penalties incurred by vessels reported.	Value of vessels assisted and their cargoes.	Derelicts and obstructions to navigation removed or destroyed.
1907	41	$53,732	$9,196,097	17
1908	50	54,700	6,858,918	18
1909	56	39,175	13,940,709	25
1910	25	160,569	10,247,535	24
1911	55	185,701	9,488,562	21
1912	106	224,210	10,545,573	45
Total for 6 years	333	718,087	60,277,394	150
Average for 6 years	55	119,681	10,046,232	25

The SPEAKER. Is there objection to the request of the gentleman from Georgia that this bill be considered in the House as in Committee of the Whole?

There was no objection.

Mr. ADAMSON. Mr. Speaker, the reference in that report two or three times to two ships a year was intended to be begun by building four revenue cutters, and after that two a year. The leaders of the House fell upon the two ships a year and left off the four ships to begin with, and compelled me to make the motion to have two every year without the prefatory four ships catching up to begin with. I promised on my part if they kept the promise on their part of the agreement, and if I continue as chairman of the commtitee I expect to demand the other two next winter.

Mr. MADDEN. Who was this contract made with?

Mr. ADAMSON. Many leaders of the House. I am sorry that I can not give the gentleman their names and I am sorry the gentleman was not consulted as one of them.

Mr. MADDEN. There may be some Members who do not consider themselves as leaders, or of so much importance in the House, who may want to say something about it.

Mr. ADAMSON. If anyone can outlead as leader, I hope he will outlead as leader, but my conversation was with those gentlemen who by their positions are entitled to participate in directing the affairs of the House. I am compelled to acknowledge them here as leaders, but I will gladly acknowledge the leadership of any other gentleman who either shows it or claims it.

Mr. MADDEN. I do not think it was wise to enter into a contract of that kind and demand that the House should carry that contract out.

Mr. ADAMSON. I do not demand it of the House; I say I am going to keep my part of the contract or agreement.

Mr. MADDEN. I think it is not only unwise for three or four men, or a combination, to make a contract or agreement of that kind, I think it is an assumption on the part of any number of men less than a majority.

Mr. ADAMSON. I do not think the gentleman is bound by any understanding, nor did I make any contract or combination, but whenever I found anybody who objected to it I asked him what his objection was and then I tried to remove or avoid it, and a great many of the able leaders of the House asked me to offer amendments, and I am going to do so in good faith, and one is to strike out, in lines 4, 5, and 6, the language—

One steam revenue cutter of the first class for service in the waters of southern California, at a cost not exceeding the sum of $350,000.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out, in lines 4, 5, and 6, page 1, the following: "One steam revenue cutter of the first class for service in the waters of southern California, at a cost not to exceed the sum of $350,000."

Mr. LEVY. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. LEVY. Is it not highly important that we should have more revenue cutters on the Pacific coast?

Mr. ADAMSON. I think we ought to have six. If I live until next winter, I will see that you have this one and one in the North Pacific, too.

Mr. LEVY. There is nothing more deserving than the Revenue-Cutter Service of the United States.

Mr. ADAMSON. The gentleman is right about that. The two I propose to leave in the bill are to replace cutters entirely out of commission from dilapidation.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. HUMPHREY of Washington. Mr. Speaker, I was called from the Chamber to the telephone just as the gentleman started to state what the agreement was.

Mr. ADAMSON. Mr. Speaker, I will state to the gentleman that I was notified by numerous of the great leaders of the House that I could not get through this bill for four revenue cutters, but I could get it through for two, and take the other two for next year, and then two annually thereafter. I then referred the matter to the Treasury Department, and the department indicated the two that they were most compelled to have at this time.

Mr. HUMPHREY of Washington. Mr. Speaker, I am glad to know the gentleman did not yield except under coercion.

Mr. ADAMSON. I did not, and I tell the gentleman now that I wish they had three or four on the Pacific coast, and if I live until next winter he shall have this one if I can help him secure it.

Mr. BELL of California. Mr. Speaker, do I understand the gentleman to say that the department advised the cutting out of these vessels?

Mr. ADAMSON. Oh, no. The department told me the two it most needed at this time.

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

The question was taken; and on a division (demanded by Mr. HUMPHREY of Washington and Mr. BELL of California) there were—ayes 27, noes 13.

So the amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I now move to insert the word "and," in line 8, just before the word "one."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 8, by inserting before the word "one" the word "and."

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

Mr. MADDEN. Mr. Speaker, how will that make the language of the bill read?

Mr. ADAMSON. Mr. Speaker, I will withhold that until I make another motion.

The SPEAKER. The gentleman withdraws his amendment.

Mr. ADAMSON. Mr. Speaker, I move to strike out lines 11, 12, and 13.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 11, 12, and 13, being the following language: "And one steam revenue cutter of the third class for service as anchorage patrol boat in New York Harbor, at a cost not to exceed the sum of $100,000."

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

Mr. ADAMSON. Yes.

Mr. CONRY. What is the necessity for this?

Mr. ADAMSON. The necessity to get the bill through, in order to secure anything at all. I have been advised I could not get any if I did not strike out two, and I asked the Treasury Department to advise me which two were most needed, and they advised me they had to have the one on the Gulf and the one on the Maine coast. I will say to the gentleman that he will get his next winter.

Mr. CONRY. I am not seeking any personally at all. I simply wanted to make this inquiry. Originally there must have been some necessity for the insertion of this provision for the anchorage patrol boat in New York Harbor.

Mr. ADAMSON. Yes.

Mr. CONRY. Will the gentleman please set forth that necessity?

Mr. ADAMSON. I took it from the department, and it is set out in the report which has just been read; but I also take it that the necessity is not as great as it is for the cutters at the Gulf and on the Maine coast, and when we have to eliminate two we eliminate those which are needed the least at the present time.

Mr. CONRY. Does that necessity still exist?

Mr. ADAMSON. I think it does. I do not know. The department says it does.

Mr. CONRY. If that necessity still exists, upon what authority does the gentleman proceed to eliminate two?

Mr. ADAMSON. I have repeated three or four times to the House that I was advised by numerous gentlemen that this bill could not be passed at this time if it provided for four revenue cutters; that it could be passed if it provided for two, and I would rather have two now and two next year than none at all.

Mr. CONRY. Mr. Speaker, will the gentleman yield further?

Mr. ADAMSON. Certainly.

Mr. CONRY. Has the gentleman made any effort to pass this legislation through the House in the form in which it was presented here?

Mr. ADAMSON. I am making motions, and if the gentleman can outvote me he is at liberty to do so.

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

Mr. ADAMSON. Certainly.

Mr. COOPER. How did the gentlemen who practically threatened the gentleman from Georgia propose to defeat these two propositions?

Mr. ADAMSON. I think they thought they could get more votes against it than I could for it. That is what they seemed to think. I will say to the gentleman from Wisconsin if that is untrue he can demonstrate it right here by voting down my motion to amend, and I will not get mad with him.

Mr. COOPER. That is not the point. I wondered why the gentleman yielded to what was tantamount to a threat—that if he did not strike out those two he could not get any?

Mr. ADAMSON. I do not call it a threat. I was trying to make an arrangement to consider and pass this bill.

Mr. COOPER. It amounted to a threat. The gentleman was told that unless he struck out two of those ships, which the Government declared to be necessary originally and which the Senate provided for, he could not get any. That is what the statement amounts to—a threat.

Mr. ADAMSON. If the gentleman would state to me that he thought it looked like rain and that I had better carry my umbrella, I would not call that a threat. I would carry the umbrella or I would stay home.

Mr. COOPER. That is not a parallel case. There are no gentlemen in this House who can make it rain.

Mr. ADAMSON. But they can bring on a storm. [Laughter.]

Mr. COOPER. I wanted to know what parliamentary tactics were to be invoked.

Mr. ADAMSON. I do not know a thing in the world to prevent the gentleman from Wisconsin defeating my motion if he can get votes enough to do it.

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

Mr. ADAMSON. Certainly.

Mr. PLATT. The report says, with respect to the vessel for New York Harbor:

(4) The $100,000 vessel of the third class, for service as anchorage patrol boat in New York Harbor, is to replace the *Manhattan*. This vessel is 40 years old; her iron hull is about rusted out; her boiler and machinery are obsolete in type, and nearly worn out. It is with great difficulty that this craft is kept patched up for service, which, at the best, she performs very inefficiently.

Mr. ADAMSON. Mr. Speaker, I recognize that; but it is also true that New York is so close to town that there are lots of floating craft around there which they can make arrangements to get quickly if they get in distress, something they could not do on the Gulf or on the Maine coast or on the Pacific coast. If the gentleman thought he needed an overcoat and a pair of shoes and he did not have enough money to buy both at once, he would decide which he needed the most.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. HUMPHREY of Washington. Mr. Speaker, I have a great deal of confidence in the distinguished chairman of the Committee on Interstate and Foreign Commerce and in his judgment in relation to what he is able to do with relation to this bill. I think it is wrong and a great mistake to strike out two of these vessels. We need them on the Pacific coast, and we need some in Alaska; and if I did not believe that the gentleman knew what he was talking about I would make the point of no quorum now and do everything I could to prevent the passage of this bill if it is so amended, because I do not think that these two vessels ought to be stricken out; but I realize the fact that sometimes you have to take what you can get.

Mr. ADAMSON. I thoroughly agree with the gentleman from Washington, and I believe the quickest way for us to get them on the Pacific coast is to provide these two now and get two next winter—and I believe we can get them next winter.

Mr. HUMPHREY of Washington. I have confidence in what the gentleman says, and under those circumstances I will not make the point of no quorum. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks by inserting a copy of a letter I have received from the steamboat companies of Puget Sound, showing the necessity for action to make less hazardous the navigation of the waters of Alaska. I sent a copy of that letter to each Member of the House and Senate. Certainly the facts therein detailed tell a startling story of the Government's neglect to take necessary steps to protect life and property in Alaskan waters. The necessity for prompt action is great, for since the Government has determined to construct railroads in Alaska the traffic in these waters will largely increase.

SEATTLE, *February 12, 1914.*

Hon. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

SIR: The striking of an uncharted rock at Gambier Bay in southeastern Alaska by the steamship *State of California* on August 17, 1913, resulting in the loss of the vessel and of 32 lives, following the striking of an uncharted rock by the steamship *Mariposa* in Sumner Straits on August 13, 1912, and by the steamship *Ohio* in Tongass Narrows on July 14, 1909, emphasizes the need of a resurvey of the main ship channels of the inside passage of southeastern Alaska. The charts published by the United States Coast and Geodetic Survey show a depth of 12½ fathoms (75 feet) where the steamship *State of California* struck, a depth of 111 fathoms (666 feet) where the steamship *Mariposa* struck, and a depth of 30 fathoms (180 feet) where the steamship *Ohio* struck.

Tongass Narrows and Sumner Straits are stretches of water which have been used by vessels since the inception of trade to Alaska. Gambier Bay has been used for the past two years, since a cannery industry was established therein. The steamship *State of California* had made 16 trips in and out of this bay during that time, and there have been several other vessels employed in the trade.

These rocks are what are known as pinnacle formations, which are peculiar to the waters of southeastern Alaska, and their character is such that they frequently escape the sounding lead where the usual method of survey is followed.

The officials of the Coast Survey express the opinion that the only way in which the presence of pinnacle rocks in the main ship channels can be ascertained is by wire dragging, and in this opinion seafaring men concur. To undertake this work for the entire distance between the boundary line and the northern limits of the inside passage will require additional equipment and larger appropriations. We submit that the number of passengers traveling on vessels navigating these waters and the large increase in the number of vessels employed in the trade justify the Government in incurring whatever expense may be necessary to locate these hidden pinnacles.

If a bill for the building of railroads in Alaska passes Congress, there will be a large increase in the movement of merchandise and construction material and in the number of people traveling, and the vessels handling the increased business resulting from the opening up of Alaska will use the inside passage.

While the value of the merchandise carried by vessels plying the waters referred to, and the value of the vessel themselves, is large, we feel that the protection of human life to the greatest possible extent is of paramount importance, and should influence the granting of sufficient appropriations to enable the Department of Commerce to institute immediately the work of wire dragging the main ship channels, and to prosecute it with the utmost dispatch.

There have been and are to-day various measures under consideration for the better protection of life at sea. We submit that there is no measure of greater importance in this respect to the public of the Northwest than the resurvey of the inside passage of southeastern Alaska.

The department will require an increased appropriation for this work, and, we understand, has submitted, or will submit, to Congress its estimate of what is considered necessary for proper equipment and for field expenses, and we respectfully urge you to do everything in your power to secure this appropriation.

Respectfully, yours,

ALASKA STEAMSHIP CO.,
By R. W. BAXTER, *Vice President.*
HUMBOLDT STEAMSHIP CO.,
By M. KALISH, *Vice President.*
NORTHLAND STEAMSHIP CO.,
By H. C. BRADFORD, *President.*
PACIFIC-ALASKA NAVIGATION CO.,
By H. F. ALEXANDER, *President.*
PACIFIC COAST STEAMSHIP CO.,
By J. C. FORD, *President.*

Vessels entering and clearing at southeastern Alaska ports in 1908, number 878; tonnage, 574,262; 1913, number 1,993; tonnage, 1,161,740.

Passengers arriving at and leaving ports in southeastern Alaska and ports reached via southeastern Alaska in 1910, 44,685; 1913, 43,339.

Imports into southeastern Alaska and to ports reached via southeastern Alaska in 1908, $8,852,234; 1913, $13,704,650.

Largest passenger vessel in the regular trade to southeastern Alaska ports in 1908, 1,615 gross tons; 1913, 3,158 gross tons.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CONRY. Mr. Speaker, I see according to the report here that the vessel provided for in this bill has been unanimously recommended by the committee——

Mr. ADAMSON. And we are still unanimously for it.

Mr. CONRY (continuing). And it is to replace the *Manhattan*. The report says:

(4) The $100,000 vessel of the third class, for service as anchorage patrol boat in New York Harbor, is to replace the *Manhattan*. This vessel is 40 years old; her iron hull is about rusted out; her boiler and machinery are obsolete in type and nearly worn out. It is with great difficulty that this craft is kept patched up for service, which at the best she performs very inefficiently.

Now, that demonstrates the imperative necessity for this patrol boat in New York Harbor. Now, does the consideration which has moved the chairman of this committee to eliminate this provision seem more powerful and more paramount than the necessity that is demonstrated in the opinion of the committee in its report?

Mr. ADAMSON. I would rather have two now and two next winter than to have none at all, and that seems to me to be the alternative. The gentleman can vote me down if he can get votes enough.

Mr. CALDER. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. CALDER. As I understand, this item has been recommended by the Department of Commerce——

Mr. ADAMSON. Of course, it has over and over again, but by the Treasury Department not by the Department of Commerce.

Mr. CALDER. I recall distinctly when I was a member of the gentleman's committee this item was recommended, and it seems to me, Mr. Speaker, that we ought here to-day in this House insist upon this item staying in the bill. For one I am not willing to subscribe to any suggestion made by anybody off the floor of this House that a matter of this kind be omitted, and for one I propose that the item stay in the bill, and I hope the House will stand by me on that proposition.

Mr. ADAMSON. If the gentleman can outvote me, well and good; I have no objection.

The SPEAKER. The question is——

Mr. ADAMSON. Mr. Speaker, I desire to yield to the gentleman from New Jersey [Mr. TOWNSEND] who complimented me by saying he expected to get some information from me.

Mr. TOWNSEND. I have the greatest confidence in the amount of information which the chairman of this committee possesses.

Mr. ADAMSON. I thank the gentleman.

Mr. TOWNSEND. The gentleman has repeatedly stated on the floor of this House that unless we vote down two of these boats which he has recommended should be placed in the bill we can not get any boats of this class. Now, that is very important information, and if the gentleman is at liberty to give us the source of it I should appreciate his kindness.

Mr. ADAMSON. I suppose if the gentleman will make up a combination of his information, his intuition, and his knowledge derived from experience in this House he can answer that without my telling him anything. [Laughter.]

Mr. TOWNSEND. That is a Georgia answer.

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

Mr. ADAMSON. I will.

Mr. SLOAN. Mr. Speaker, I am confident the gentleman from Georgia did not yield except when the pressure became overmastering. I understand—not officially—that the greatest reason that was given for the reducing of these four revenue cutters to two was the fact that we have the greatest revenue cutter in this House, known to the world as the Ways and Means Committee of the House [applause], that has reduced the general fund from $123,000,000 of last October to $75,000,000 today——

Mr. ADAMSON. I object to the gentleman trifling——

Mr. SLOAN (continuing). So your Ways and Means Committee of the House takes the place of these two additional revenue cutters, and therefore I am supporting the proposition of the gentleman from Georgia. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Speaker, I object to the gentleman trifling with my young affections. He gave me an intimation of that witticism, and I told him I would object to the gentleman's perpetrating that on this House this afternoon, because it is not up to his standard, and I would not have yielded to him if I had thought he was going to inflict that upon us.

Mr. SLOAN. Will the gentleman now yield?

Mr. ADAMSON. Not at all. Let us vote.

Mr. SLOAN. I do not take orders from the gentleman, as he seems to take orders from others.

Mr. LEVY. Will the gentleman from Georgia yield?

Mr. ADAMSON If the gentleman from New York will not crack any jokes like the gentleman from Nebraska.

Mr. LEVY. I understand it is highly important to have this New York boat at the present time.

Mr. ADAMSON. No doubt of it.

Mr. LEVY. With the coming of the Panama Exposition and with all the great battleships coming, we have no boat there at all. This boat is so old it is ready to blow up at any time.

Mr. ADAMSON. The boats are so thick there you can not get across the river and get into the town hardly. You are afraid of getting run into all the time, there are so many of them in the way.

Mr. LEVY. But it is highly important to have this boat in the New York Harbor.

Mr. ADAMSON. I have said that a dozen times, Mr. Speaker. I wish we could build a hundred.

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

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

Mr. CALDER, Mr. LEVY, and Mr. HUMPHREY of Washington demanded a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 39, noes 15.

So the amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I offer the following committee amendment.

The SPEAKER. The gentleman from Georgia offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill add the following: "*Provided*, That in the discretion of the Secretary of the Treasury any of the revenue cutters provided for in this act or any other revenue cutters now or hereafter in commission may be used to extend medical aid to the crews of American vessels engaged in the deep-sea fisheries, under such regulations as the Secretary of the Treasury may from time to time prescribe; and the said Secretary is hereby authorized to detail for duty on revenue cutters such surgeons and other persons of the Public Health Service as he may deem necessary."

Mr. ADAMSON. Mr. Speaker, the Secretary advises me that this will entail no additional expense. He advises me that they have to use cutters up that way very often anyway, and he will detail surgeons of the Public Health Service, so that it will involve no additional expense.

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

The amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I would like to strike out one of those semicolons and insert a comma and insert the word "and."

Mr. SIMS. Which one?

Mr. ADAMSON. I do not care which one.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amend, in line 8, by striking out the semicolon after the figures "$250,000" and inserting a comma and the word "and."

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

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

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

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

The title was amended in conformity with the text.

The SPEAKER. Without objection, the House bill (H. R. 3328) of similar tenor will be laid on the table.

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill.

Mr. FLOOD of Virginia. Mr. Speaker, pending that motion, I ask unanimous consent that general debate on this bill be limited to four hours, two hours to be controlled by myself and two hours to be controlled by the gentleman from Wisconsin [Mr. COOPER]; and I will say to the gentleman from Kansas [Mr. MURDOCK] that out of the two hours under my control I shall take care of the gentleman.

Mr. MURDOCK. Thirty minutes is all I ask for. I ask that the gentleman from Virginia yield that time to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. FLOOD of Virginia. Very well.

Mr. COOPER. Would not the gentleman from Virginia consent to have that time increased 10 minutes on a side? I have requests for 2 hours and 40 minutes, but I will cut them down to 2 hours and 10 minutes.

Mr. FLOOD of Virginia. I hope the gentleman will withdraw that request.

Mr. COOPER. Very well, then; I withdraw it.

Mr. FLOOD of Virginia. I make that request, Mr. Speaker.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD], pending the motion to go into Committee of the Whole House on the state of the Union, asks unanimous consent that general debate be limited to 4 hours and 20 minutes.

Mr. FLOOD of Virginia. Four hours, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] just asked that 20 minutes be added.

Mr. FLOOD of Virginia. He withdrew that.

The SPEAKER. Very well. The gentleman from Virginia asks unanimous consent that general debate be limited to 4 hours, 2 hours to be controlled by the gentleman from Virginia and 2 hours by the gentleman from Wisconsin [Mr. COOPER], and that 30 minutes of the Democratic time shall go to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. COOPER. And two hours on this side under my control?

The SPEAKER. Yes. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Virginia that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15762, the Diplomatic and Consular appropriation bill, with Mr. FINLEY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15762, the Diplomatic and Consular bill. The Clerk will report the bill.

The Clerk reported the title of the bill, as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD of Virginia. Mr. Chairman, the Diplomatic and Consular appropriation bill for the fiscal year ending June 30, 1915, carries a total of $4,496,202.66. The bill carries $685,560 more than the bill for the current year. The estimates were $636,400 more than the appropriations for the current year. The bill carries $49,160 more than the estimates, but that difference is due to the fact that since the estimates were sent in the Secretary of State has asked for additional appropriations which the Committee on Foreign Affairs voted to allow.

The increase of $685,000 over the appropriations of last year consists largely of $440,000 appropriated for legation and embassy buildings and $200,000 for important international congresses. There is an appropriation of $150,000 for an embassy building at Tokyo, one of $150,000 for an embassy building at the City of Mexico, and an appropriation of $140,000 for a legation building at Berne, Switzerland. These appropriations are authorized by law, and the committee thought it wise to begin making appropriations this year for the building of our embassies. The wisdom of making these particular appropriations can be discussed when the bill is considered under the five-minute rule.

We also thought it wise to make appropriations for certain international congresses.

These international conferences, or rather the more important of them, are the fifth conference of American States, which meets in the city of Santiago, Chile, in September of this year, and for which we have provided $75,000; the second Pan American Scientific Congress, which meets in Washington in October, 1915, for which we have provided $35,000; the nineteenth conference of the Interparliamentary Union, for which we have provided $50,000; and the fifteenth International Congress against Alcoholism, which meets in 1915, and for which we have provided $40,000.

We have increased the amount available for the hire of clerks at embassies and legations from $75,000 to $100,000, in order to thoroughly Americanize our foreign missions.

The State Department has this to say on this subject:

CLERKS AT EMBASSIES AND LEGATIONS.

I have recommended an increase in the appropriation for this object from $75,000 to $100,000.

The law which requires clerks at embassies and legations to be American citizens, while praiseworthy and safeguarding, involves a much larger expenditure for clerk hire than was the case when foreigners could be appointed. It is impossible to find capable young American citizens who are willing to go abroad as clerks at embassies or legations without fair compensation, required, as they are, to pay their own traveling expenses. The appropriation of $75,000 heretofore made for this object is found to be inadequate. It is entirely apportioned among the different missions, so that when unusual conditions arise, such as have for some time existed in Mexico, the department has found itself unable to make provision from the present appropriation for the additional clerical services made necessary by the greatly increased work of the mission.

Moreover, allotments made to some of the missions are insufficiently attractive to tempt efficient American citizens. Furthermore, the establishment of a separate mission to Paraguay will require an additional expenditure for clerk hire. The department is of the opinion that it should have at its command an appropriation for clerks at embassies and legations sufficiently large to obtain for all efficient and trustworthy American clerical service, and have, in addition, a surplus fund from which it could draw to meet the additional demands which unusual conditions, possible at any of the missions, may require. It is thought that the sum of $100,000 will be sufficiently large, and this amount is asked for.

We provided for an increase in the contingent fund for foreign missions, in accordance with a request of the Secretary of State, amounting to $33,435.

The committee has done all it could to keep the appropriations down to as reasonable an amount as possible, and I trust that the appropriations as recommended by the committee will meet with the approval of the House. [Applause.]

Mr. Chairman, I reserve the balance of my time, and unless the gentleman from Wisconsin [Mr. COOPER] wants to speak now——

Mr. COOPER. I would like to yield 45 minutes to the gentleman from Ohio [Mr. FESS].

Mr. FLOOD of Virginia. Mr. Chairman, if it would be just as agreeable to the gentleman from Ohio, some members of the committee would like to speak this afternoon, and I would like to yield to them.

Mr. FESS. I had just as lief they should speak to empty seats as myself.

Mr. FLOOD of Virginia. Then I yield to the gentleman from Ohio [Mr. SHARP] 30 minutes.

Mr. SHARP. Mr. Chairman, I am very grateful to the chairman of our committee that I have this opportunity to express some thoughts upon a subject that might possibly have been more pertinent at the time the recent naval appropriation bill was under consideration, had it not gone out on a point of order. It was my intention at that time to have spoken upon that bill, as it has to do with the provision for a Government-owned and Government-operated armor-plate plant. As I have devoted some time of late to the study of this subject, I have been impressed with the fact that it is next in importance to the one concerning the strength and adequacy of our Navy and the resultant question whether it shall be increased each year by one battleship or two battleships.

I do not know how many of my colleagues have given any thought or attention to this subject, but if they have they must have been impressed with the fact that for at least 10 years of the 30 years past during which armor plate has been made and furnished for the Government, most of the time by our own manufacturers, we have been compelled to pay a price somewhat above 40 per cent more than the Government estimates of what it would cost if the manufacture of armor plate was conducted by the Government itself. Away back in 1897, I believe, a proposition was made by the Illinois Steel Co., upon certain conditions as to output, to the effect that it would supply for a term of years all the armor plate needed by the Government of the United States at the rate of about $240 a ton; that is, about half the average price paid a year previous to the manufacturers of this country by our own Government. That is even a lower figure than what the Government experts have estimated as being the cost at which they themselves could make armor plate, based upon a total capacity of 20,000 tons a year, which, I understand, the Secretary of the Navy, Mr. Daniels, has recommended as being desirable. The company's offer, however, did not specify face-hardened plates.

I want to digress here for a moment to say that I do not take the position that the privately owned and privately conducted enterprises with which the Government deals are dishonest or extortionate; and when I voted for one battleship the other day in the naval appropriation bill I did not thereby indorse some of the insinuations made by a few of those who advocated a single battleship—that there was dishonesty or collusion on the part of our Government Navy officials with shipbuilding concerns. I can not believe that. In justice to the manufacturers of armor plate in this country in years past, let it be also said that it was a new business for them. Until 25 years ago all the armor plate which we purchased was manufactured abroad. It was a new industry, and it was very expensive to make armor plate.

From the inception of the manufacture of armor plate in this country down to the present time there have been made some very marked improvements and at great expense to the manufacturers. The first improvement probably had to do more with the admixture of the metals; and, in order to make the plate hard enough to withstand the ballistic tests that were applied to it by these powerful guns of ours, a composition of nickel was used. Later on, finding that even with that composition it was not hard enough to withstand the impact and explosive force of the shells projected against it, there was developed a new process of hardening the plate called surface hardening, and known also as the Harvey process from the name of its inventor. That work was also attended with great expense. Practically all these improvements both at home and abroad were protected by patents. But in view of the fact that for the past 10 years or more there has been little, if any, decrease in the price of this material by the three great concerns that furnish it to the Government, if there is not an actual combination that absolutely controls the price of this armor plate, there is a marked coincidence in the bids, because the lowest price at which we have been able to get this armor plate in the last 10 years has been an average of about $420 a ton, and I believe $440 a ton during the past 2 years, and this, too, when there has been great fluctuation in the prices of the raw materials. Knowing something about the cost at least of pig iron, I was somewhat surprised to read in the reported hearings on this subject before the Naval Committee that in 1894, 1895, and 1896, during the panic years, when pig iron sold at the lowest rate ever known, which product contains almost all the raw materials that go into armor plate, nevertheless the price paid by this Government for armor plate was the highest, approximating an average of $625 a ton. Within a year of that time and during the period when this Government was paying upward of $550 a ton, it is a well-known fact that one of the great concerns in this country sold the same kind of armor plate to the Russian Government for $249 per ton.

Conceding that there is something in the argument that the manufacturers of this country put up when they say it does not necessarily follow in all cases that in fairness to the American consumer they should sell their products and their output at the same price at home as that at which they sell it to foreigners

abroad, yet the disparity presented in these figures could hardly be justifiable.

Every manufacturer knows that there are times when there comes a glut of his product in the market. He realizes that in order to keep the establishment operating at the fullest extent, employing the largest number of men possible, in order to make the cost of each unit as low as possible—and, I believe, in not a few instances also to keep his men employed in times of depression—he must get an outlet for the surplus product. Under such conditions there have been times when, in order to get rid of such surplus product, a part of the output has been marketed abroad and sold in open competition with foreign manufacturers at a figure below what was charged here.

But there is another reason, Mr. Chairman, why I am in favor of our armor plate being manufactured by the Government. Not alone on account of price—and it has been shown that we can almost cut it in two—but because war raises exigencies and necessities that differentiate this proposition from many others of which Government ownership is advocated and against which I would, on principle, place my vote with the conservative Members in this House.

Mr. CLINE. Will the gentleman yield?

Mr. SHARP. Yes.

Mr. CLINE. I understand the gentleman is in favor of the Government establishing an armor-plate factory, for one reason, because you can get better armor plate?

Mr. SHARP. Yes; I believe it would come to that.

Mr. CLINE. Does the gentleman expect by that to establish a competition in prices between the Government and private manufacturers, and so reduce the price?

Mr. SHARP. I am glad the gentleman has asked me that question, because I may use, in illuminating that point, the language of Secretary of the Navy Daniels when he said at the hearings recently, in answer to about the same question, that he was in favor of Government ownership of an armor-plate factory even if the Government turned the key in the door and locked it and threw the key away, because the very fact that the Government had it within its power to establish a manufacturing plant to compete against the individual or outside private enterprises would have the effect, as he said, as in all other industries, of lowering the price.

Mr. CLINE. Carrying that proposition a little further, to what extent would the gentleman go to induce the Government to manufacture all of its appliances, munitions, and supplies that enter into the construction of the Navy? Where would the gentleman draw the line if he drew it at all?

Mr. SHARP. The line where the Government should cease to engage in private enterprise must be left largely to the sound sense of Congress itself. There are limitations beyond which the Government should not go. I recognize that. In fact, my position has always been, on general principles, against the Government embarking in private enterprises unless the Government itself is in the position of consumer buying a trust-controlled product. It was in part for this reason that I recently voted in favor of the so-called Alaskan railway bill. The situation in that far-off country presented unusual conditions. Nobody doubted that there was no present promise of a speedy development of its resources, consisting of vast riches in timber, coal, and other minerals, if left to private enterprise. The decisive vote by which it carried in the House—231 to 87—however, by no means reflects the correct sentiment of the Members when applied to the subject in the abstract of Government ownership of railways.

Along this line, as in opposition to Government ownership, I wish also to refer to the argument presented by the gentleman from Texas [Mr. DIES] the other day. There is no man in this House who has a higher admiration or more kindly friendship than I for the able and plain spoken gentleman from Texas.

It was, however, rather suprising to see that gentleman, after using most of the hour allotted to him in speaking about the socialistic tendencies of the times and criticizing things in general, and especially characterizing the Progressive side of the House as being visionary and bordering on the line of socialism, finally wind up himself on horseback, with flaming sword, at the head of an army posing as a reformer in the City of Mexico. After spending much of his time in describing the scenes of disturbance in this country, and especially referring to the Rockefeller class and the striking miners in the Colorado mines as both equally responsible for the bad conditions in this country, he concluded by proclaiming his purpose to be, if given free rein, to ride at the head of a marching army into the City of Mexico and there reform conditions that certainly, according to his own testimony, could not be very much worse than we have here at home. It is true when asked the question what he would do after he got there and whether his stay would be permanent, he discreetly declined to disclose the full purpose of his quixotic expedition.

But I look with considerable doubt upon the wisdom of any course of action that will take you into trouble and then leave you there without furnishing some sort of a diagram by means of which you can get out of the difficulty. The gentleman advocated the policy of marching with his army into Mexico, and said he would make only one trip of it. To pursue that policy, if it means to permanently occupy that country, would be to post the United States upon every international highway in the world as the country of the most monumental hypocrites that ever existed. I am fully in accord with the policy of the present administration.

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

Mr. SHARP. Not at present. I do not know whether any reflection was intended upon the present policy when the gentleman said that he was with the administration in all of its policies, "whatever they may be"; but I want to say in reply to that statement that I do not believe he is with the present administration in any of its foreign policies, especially as they apply to Mexico, if he would attempt to acquire any portion of its territory by conquest. I now yield to the gentleman from Kansas.

Mr. CAMPBELL. Mr. Chairman, I ask in all sincerity, and for the purpose of ascertaining, if possible, what the foreign policy of the administration is, especially with regard to Mexico. I do not know, and I have been often asked that question.

Mr. SHARP. Mr. Chairman, in answer to that question I want frankly to say that while I am not in the close confidence of either the President or the Secretary of State, yet I do believe that the policy of the administration, the foreign policy to which the gentleman refers, as it applies to all nations, is one founded in absolute justice, good will, and friendship; and I believed, voting as I recently did for the repeal of the canal-toll exemption, that that was one of the steps taken by the administration in the interest of good will and justice to all nations. As far as I can interpret the foreign policy as it applies to Mexico, I would say that the same broad, humanitarian purpose exists there. I can not believe, I do not believe, and I never could subscribe to any policy which, under the guise of friendship—and I disclaim that there is any thought of that kind in the present administration—would demand entering with a conquering army into Mexico and there acquire and permanently annex one foot of its soil.

Mr. CAMPBELL. What is the policy of the administration in regard to Mexico? We have been told for months that in a few days Gen. Huerta would be disposed of; that he would either resign or be deposed by his enemies at home. What is the purpose of the administration when Huerta is disposed of? What is the policy of this administration as to a Government for Mexico for the immediate future?

Mr. SHARP. Mr. Chairman, in answer to that question, I will say that while it is difficult to predict with certainty the events down there of even a day in advance, yet I have such confidence in its wisdom and integrity of purpose that whatever action is taken will be entirely just and humanitarian; and I will say further, if I may assume for a moment the rôle of prophet and put my answer in the negative rather than in the affirmative form, that emphatically it is not the purpose of the administration to acquire by conquest any territory in Mexico. That the restoration of order and the establishing of stable government in that troubled country will yet come to pass—and that without war—is my hope and belief.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SHARP. For a question.

Mr. HUMPHREY of Washington. I would like to ask the gentleman whether he is in the same frame of mind as the gentleman from Texas [Mr. DIES], and is willing to follow the administration whether he knows what its purpose is or not?

Mr. SHARP. Mr. Chairman, in answer to that question I would say that I am willing to follow the administration for the reason I have just given to the gentleman from Kansas [Mr. CAMPBELL], because I have abiding faith in the wisdom and justice of its purpose.

Mr. HUMPHREY of Washington. And the gentleman is willing to do that whether he knows what its policy is or not?

Mr. SHARP. I am willing to trust to those who are in a position to know better than I the events occurring in Mexico. But, Mr. Chairman, I can not here take any more time in answering these questions. I would be very glad to answer the gentlemen out of courtesy, but I can not take all of my time in doing so.

Mr. HUMPHREY of Washington. The fact is, that nobody knows what the foreign policy of the administration is.

Mr. SHARP. Mr. Chairman, I decline to yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHARP. Mr. Chairman, if I did not have such high regard and feeling of friendship for my Texas colleagues, especially my good friends Mr. GARNER and Mr. SMITH, who represent a border line of territory of the modest length of about 800 miles, more or less, along the Rio Grande, I might say that there would be some justice in placing some of those in authority down there upon the firing line, should we have actual hostilities with Mexico, because most of the war talk has come from that direction.

Now, my colleagues, I must confess frankly to the House that I have another purpose in speaking upon the armor-plate proposition. I not only believe in, but strongly commend, the wisdom of the Secretary of the Navy, Mr. Daniels, whose record has been most admirable, in advocating Government ownership of armor-plate factories, and I know that you will excuse me if I take a few minutes of that time in saying that I have also a local interest as to where this industry shall be located.

Mr. CLINE. Will the gentleman yield for just one question before he proceeds further?

Mr. SHARP. Simply for a question.

Mr. CLINE. We all know that the gentleman has had large business experience in manufacture, and he says he has investigated the manufacture of armor plate——

Mr. SHARP. The subject of it.

Mr. CLINE. The subject of the manufacture of armor plate. I would like to inquire of the gentleman whether in his investigations he came to the conclusion that there existed an agreement or understanding between the private manufacturers of armor plate to maintain present prices; and if so, whether he believes that the Government ought to go into the manufacture of armor plate as a competitor of private concerns that now manufacture armor plate as the best method of reducing prices, or whether he thinks the Government might select some other method that would be equally conclusive and not go into business itself?

Mr. SHARP. In answer to that question, Mr. Chairman, I would say that there is only one other alternative to the Government itself embarking in the manufacture of its own armor plate, and that is to permit it to be done by private parties. The latter plan has been the practice for the last 30 years. I do not know that I can better answer that question than to refer him to the two very exhaustive reports of the Secretaries of the Navy, one in 1906, under a Republican administration, and the other in June of last year, under the Democratic administration, both of which boards of investigators advocate a Government-owned armor-plate factory. Now, as to whether there has been any collusion or combination upon the part of the competing, or supposed to be competing, concerns, these private manufacturing plants, I am not certain that there has been such an understanding or combination; but, as I stated in opening my remarks, there has been such a coincidence in prices asked, such a similarity in amounts, that one would very strongly infer, it seems to me, that there was some kind of an understanding and lack of competition between them. We do know that the Secretary of the Navy has found it necessary within the past year to adopt rather drastic means for the purpose of getting a more reasonable bid.

Mr. TAVENNER. Will the gentleman yield?

Mr. SHARP. For a question.

Mr. TAVENNER. Answering the question of the gentleman from Indiana [Mr. CLINE] as to whether competition will bring down prices, I want to call the attention of the gentleman from Ohio to the fact that the naval appropriation bill of June 7, 1900, gave the Secretary of the Navy authority to build an armor plant if he could not obtain a reasonable bid from the armor ring, and that simply the insertion of such a provision in the naval appropriation bill caused the price of armor plate to fall from $413 to $345 a ton, and the mere fact that the Secretary of the Navy had authority to build a plant if he could not get a fair bid saved the Government something like $10,000,000. Simply the threat of competition reduced the price of armor to this extent; but as time passed and the moral effect of the threat wore off, the price of armor went up, and has been going up ever since.

Mr. SHARP. I think from a reading of the reports that the gentleman's statement is fairly corroborated. Now, if I may just finish—I will not say uninterrupted by questioners ,because I must confess I am a little more at home and somewhat more firmly satisfied in my contention in what I shall say in the remainder of my talk than I may have been upon our foreign policy—I am very sure and certain, Mr. Chairman, that when it comes to considering the location for an armor-plate factory we have in Lorain, Ohio, the iron and steel city of Lake Erie, in my own fourteenth Ohio district, the best location in the United States. [Applause.]

Mr. CAMPBELL. I congratulate the gentleman from Ohio.

Mr. SHARP. I have sometimes thought that had Proctor Knott, famous as a wit, who regaled and entertained his auditors in a marked degree within the walls of this Chamber over 40 years ago when he dilated and expatiated upon the future growth and promise of Duluth—of course, in a sarcastic vein—I have often thought that had the eloquent Kentuckian been permitted to have lived and spoken 40 years later than he did, he might have found that his reputation, great even as it was as a wit, was still greater as a true prophet. For Duluth, although it is not located in my district, is nevertheless a city that to-day bears out to the fullest extent all that was so humorously predicted of it by him more than a generation ago. It is rightly called the "Zenith City of the Lakes."

I hope that I may not be considered immoderate and extravagant when, in calling attention to the claims of my own city, I say that, great as is Duluth, the city of the North, we have a city of greater promise at Lorain. Why? Because while Duluth is noted almost entirely on account of its export business as an iron-ore and grain center, garnering the grain of the fertile expanse of the Northwest and also the ore of those great iron mines of the Mesabi Range, yet my city of Lorain not only manufactures out of that raw iron ore, finished products in varied form, but she supplies the coal for the hearths and firesides and factories of Duluth, and, last of all, she furnishes and builds in her harbor the immense boats that, laden with the coal of Ohio's mines, sail northward and bring back in their holds many thousands of tons of the ore.

Mr. MADDEN. Does the gentleman think that Lorain would be the most economical place in America at which to build an armor-plate plant?

Mr. SHARP. I am glad the question is asked by the gentleman from Illinois, because it gives me the opportunity to answer yes, emphatically.

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

Mr. SHARP. Mr. Chairman, I would like to have 10 minutes more.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman.

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] is recognized for 10 minutes more.

Mr. MADDEN. Will the gentleman tell us why?

Mr. SHARP. I shall be pleased to answer that question, though I do not often assume this rôle of talking to my colleagues.

Mr. MADDEN. The gentleman talks so very well and interestingly that he ought to talk every day.

Mr. SHARP. Let me use the remainder of my time in answering the question of the gentleman from Illinois [Mr. MADDEN] and in explaining why Lorain is the place most economically adapted for the manufacture of armor plate, as he puts it, in America. Twenty years ago the late Tom L. Johnson, former mayor of Cleveland, served several terms as a Member, and a very able Member, of this House. He was great as a statesman and great as a business man. Those who knew of his political career might well have thought that all his powers had been fully used in that direction alone; but when his other side—that as a successful manufacturer and promoter of big enterprises—is considered, we might well say with Goldsmith of his schoolmaster in his "Deserted Village":

> And still they gaz'd, and still the wonder grew
> That one small head could carry all he knew.

But 20 years ago Tom L. Johnson, in looking about, went out of his home city of Cleveland over to the neighboring town of Lorain, then having but 5,000 or 6,000 people—although to-day it has 35,000—and there saw the wonderful advantages of Lorain as a place for the cheap manufacture of iron and steel. There he located a great manufacturing plant that employed in his day 4,000 or 5,000 men. Later he sold it to the United States Steel Co., and they have since more than doubled that plant. We have employed there now, when running full capacity, about 10,000 or 11,000 men. Those great furnaces, turning out 3,000 tons of pig iron a day and turning it out every day in the year, if devoted to that line of manufacture alone could produce 30 miles of track of the heaviest steel rails—or reaching nearly from here to Baltimore—every 24 hours.

Mr. MADDEN. Would it be the gentleman's idea to take this private plant over and make it a Government institution?

Mr. SHARP. Not at all. I was only calling attention to these conditions, in answer to the question of the gentleman, why it was a place where iron and steel could be economically manufactured, because the merest tyro in the business knows that the

chief ingredients used in the manufacture of those products are coke and iron ore.

Now, further, as to the advantage of that location. I am not going to take the time of the House to read at any length from the report and the recommendations of the Ordnance Board of last year, but I will quote, in part, the following observations of that board in its report as to requisites of a site for an armor-plate plant:

Several points must be considered in deciding on the site for an armor plant. The principal ones are the following:
First. Geological character of site.
Second. Facilities for securing raw material.
Third. The labor market.
Fourth. Facilities for delivering completed material.
The forging presses used in the manufacture of armor and of gun forgings are very heavy and operate under a very high hydraulic pressure. Consequently the foundations for them must be of the firmest character, and it is not thought that these machines could be properly installed except on rock bottom. It is therefore desirable and practically necessary that the site selected should offer rock bottom at a moderate depth—probably not more than 30 feet.
The labor market must be given some consideration, although it is quite probable that if the industry were established in any vicinity the necessary labor could ultimately be secured, provided there was a fair prospect of continuous work. To establish a factory, however, in a location in which no allied industry is now established would cause delays in securing the necessary labor and would undoubtedly increase the cost of manufacture for a considerable time.
As to the facilities for shipping completed material, a tidewater site would undoubtedly be best from this point of view, since water transportation is cheaper than rail transportation, and does not impose conditions as to size and weight of armor plates which are imposed by land transportation. The cost of land transportation for armor plates is not excessive, but the sizes of cars, dimensions of tunnels, bridges, etc., have placed a practical limit on the size of armor plates. If these conditions were not imposed it might be found best in the future to make larger armor plates, which would be an advantage from the point of view of the efficiency of the armor in protecting the vessels to which it was supplied.

First, as to foundations: When we dig 6 or 8 feet down below the surface we get a solid shale bed underneath almost that entire city. That is one requirement fully met.

Another is the transportation by water. From the harbor at Lorain can be shipped by water route freight to any seaport in the world. It has also become quite a railroad center.

In this connection, further, speaking about the steel rails made in Lorain, let me tell my colleagues a fact that may not be generally known. We have all heard a certain class of political economists advocate municipal ownership of about everything, especially the ownership of public utilities. They always point with pride to Glasgow as the one most successful exponent of their views. They point to the fact that the street railway systems of Glasgow are so much better managed for the interests of the people than they would be if conducted by private enterprise. Let me say to you that although that city may be far ahead of us in its civil government, yet when it came to supplying the rails for their municipally owned street car system they had to come to Lorain to get the rails, and that, too, right under the noses of the British manufacturers in full competition.

But there are other reasons. Lorain has never been plagued—and I do not use the word in any offensive sense—by conditions such as you unfortunately see out in the mines of Colorado to-day. My good friend from Illinois [Mr. MADDEN], who a few minutes ago asked me some questions, certainly knows that more than one great industry in his home city of Chicago has had to leave that city and get away from it because they could not exist in peace there on account of labor difficulties. I know that several years ago nearly all the piano manufacturers in that city had to get outside of the city limits, in the smaller towns, where they could get more healthy labor conditions. But in Lorain we have had our great manufacturing establishments, employing in the aggregate more than 12,000 men, running smoothly, without a single strike. We have there the satisfactory labor conditions that the Government should have in order to operate an armor-plate plant successfully.

Then, above all, we have the magnificent harbor at Lorain. In this connection let me take this opportunity to give my thanks not only to the House but also to the Committee on Rivers and Harbors, because I never yet went before them and asked for anything for the harbor at Lorain that they did not give it, and I have asked considerable. Why has it been given? Because the Board of Engineers have for years past recognized that that is one of the finest harbors along the Lakes, and that it has been favored by nature for the most economical transportation of raw materials as well as manufactured goods. The official figures show that during the past three years the average tonnage going in and out of that harbor aggregates about 6,500,000 tons a year. So that, assuming that our armor-plate factory is located in the city of Lorain, all these requirements set forth by the ordnance board just quoted will be met in an ideal way.

Lest I forget it, let me digress for a moment right here. I do not see the gentleman from Illinois [Mr. TAVENNER] in the Hall just now, but I will take the liberty to quote him. He is the author of a bill calling for the location of this project—which as yet I must admit is rather ethereal—at his home city of Rock Island, Ill. Meeting me to-day he said, "Why, Mr. SHARP, you have got up at Lorain, in your district, in my judgment, the best location in the United States for this plant."

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

Mr. FLOOD of Virginia. I will yield the gentleman three minutes more.

Mr. SHARP. Mr. Chairman, the gentleman from Wisconsin wanted to ask me a question and I will now yield to him.

Mr. COOPER. The gentleman speaks of the advantages of this magnificent harbor and how generous the Government has been in improving it. Does not he think, in view of the decision on the tolls question, that they ought to charge tolls there, and is it not wrong to subsidize ships going into that city?

Mr. SHARP. I only wish I had 30 minutes in which to answer the gentleman.

Mr. COOPER. The gentleman will need more than that.

Mr. SHARP. No; but I will refer the gentleman for my position on the tonnage tolls to a speech that I delivered in this House more than a year ago, in which I emphatically agreed with the gentleman. I believe that not only tonnage tolls ought to be applied to Panama, but, to be just and consistent—and I refer now only to the economical and not the international phase of the question—they ought to be applied to the tonnage on every vessel that traverses navigable harbors and waterways that are developed by Government appropriations.

Mr. COOPER. Does the gentleman think where a county or State has improved a highway that a tollgate ought to be put across it and the people compelled to pay?

Mr. SHARP. That is an entirely different proposition.

Mr. COOPER. There is absolutely no difference in principle.

Mr. SHARP. I want to say further that while the Government has been generous in improving the harbor at Lorain, yet that same city has bowed her back under the burden of bonded indebtedness, aggregating $600,000, as a further subsidy to the great vessel owners whose boats traverse those lakes and harbors. That is why I am in favor of putting tolls upon the tonnage of the Great Lakes, just as I am tolls on the tonnage that uses the Panama Canal.

Mr. SHREVE. For what purpose was the bond issue made?

Mr. SHARP. It was for deepening and widening the river that was almost exclusively used by those steamship companies. I want to further add that if I was a shipper of goods, whether by railroad over a line of steel rails or by water in those great vessels, both kinds of carriers would look just alike to me, and I do not believe in favoring either at the Government expense.

Mr. HAYES. Will the gentleman yield?

Mr. SHARP. Certainly.

Mr. HAYES. I want to ask the gentleman if he claims there is any combination or trust among the vessels on the Lakes?

Mr. SHARP. I wish I had more time to speak on that phase of the question, but I will refer the gentleman to the report of the gentleman from Missouri [Mr. ALEXANDER], as chairman of the Committee on the Merchant Marine and Fisheries. Chapter 11 of that report, on 'Steamship company affiliations on the Great Lakes," is very instructive and illuminating, as it deals with these combinations.

Mr. HAYES. I want the gentleman's opinion, because I know he is familiar with the subject.

Mr. SHARP. I know that the greatest subsidy in the last seven years is the $35,000,000 that has been given out by your constituents and mine for improvement of the harbors, channels, and locks on the Great Lakes in the form of Government appropriations. While I favor the continued improvement of our waterways by the Government, yet I believe the special beneficiaries of this great outlay of money—now amounting to nearly $50,000,000 annually—ought to be taxed for at least the upkeep of such improvements.

Mr. FLOOD of Virginia. Will the gentleman from Wisconsin use some of his time?

Mr. COOPER. I will say to the gentleman from Virginia that I was going to yield to the gentleman from Ohio, but he is out.

Mr. CAMPBELL. Mr. Chairman, it is now 5 o'clock, and we have transacted a good deal of business. I wish the gentleman would move to rise.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FINLEY, 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. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and had come to no resolution thereon.

RELIEF OF CERTAIN SETTLERS IN LOUISIANA.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5890) for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.

The SPEAKER. The Clerk will read the bill.

The Clerk read the substitute, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to immediately take up and resume the adjustment and adjudication of all rights and privileges relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railway Co., as the assignee of the New Orleans, Baton Rouge & Vicksburg Railroad Co., by the act of Congress approved February 8, 1887, and entitled "An act to declare a forfeiture of lands granted to the New Orleans, Baton Rouge & Vicksburg Railroad Co., to confirm title to certain lands, and for other purposes," subject to all the provisions and conditions therein contained for the protection of actual settlers, their heirs and assigns.

SEC. 2. That on the application of persons to make entry in accordance with the provisions of the act aforesaid, the rights only of those who were actual settlers at the date of definite location, their heirs, or other persons to whom they may have assigned their possessory rights, prior to December 1, 1913, shall be given consideration as against the outstanding patent or patents to the New Orleans Pacific Railway Co.

SEC. 3. That in determining rights asserted by or on behalf of actual settlers, their heirs or assigns, proof showing actual settlement at the date of definite location and the existence of such settlement and occupancy at the present time shall be deemed prima facie evidence of the continuity of the settlement claim.

SEC. 4. That all claims adverse to the New Orleans Pacific Railway Co., or its successors in interest, which are not asserted as herein provided within the period of two years from the passage and approval of this act shall be deemed and considered forever barred.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. CAMPBELL. Reserving the right to object, I would like to ask if this bill has been reported by a committee?

Mr. ASWELL. This bill has the unanimous and favorable report from the Public Lands Committee, representing all parties, and it is cordially indorsed by the General Land Office and the Department of the Interior.

Mr. CAMPBELL. I note that certain titles or deeds are practically confiscated by the terms of the bill. Is there any consideration given for the property taken?

Mr. ASWELL. There is no title confiscated; it is to quiet the title of the old settlers who have been on the lands for 30 or 40 years.

Mr. CAMPBELL. These titles are to be settled notwithstanding any patents that may have been heretofore issued?

Mr. ASWELL. It merely brings each case individually upon its own merits to the Land Office.

Mr. CAMPBELL. How much land is involved?

Mr. ASWELL. The original grant was three and a quarter million acres, but it has narrowed down now until it is located nearly all in my district. I do not know how many acres, but about forty or fifty thousand acres, and about 400 old settlers. I am very anxious to have something done with it before those old men pass to the beyond.

Mr. CAMPBELL. This bill was called up last Monday on the Unanimous Consent Calendar.

Mr. ASWELL. Yes; and by a mistake was objected to.

Mr. CAMPBELL. I notice when there was a larger attendance then in the House an objection was made to its consideration.

Mr. ASWELL. I will say that the objection was made through a misunderstanding, and the gentleman who made it is very anxious to have that objection withdrawn. I hope the gentleman will not object.

Mr. CAMPBELL. This bill involves a very large amount of land.

Mr. ASWELL. It puts the whole matter up to the Land Office.

Mr. CAMPBELL. It is not one of those small private bills that ought to be taken up out of its order, when there are very few Members here, and I submit to the gentleman from Louisiana that if he is not absolutely sure of his ground it is a pretty dangerous precedent.

Mr. ASWELL. I am perfectly sure. I have been working upon this for over a year. I hope the gentleman will not object, because this is one of my first bills, and he has been a new Member himself.

The SPEAKER. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I would ask the gentleman from Louisiana if this bill confirms any titles to the railroad corporation, or does it confirm the title only to the actual settlers?

Mr. ASWELL. It brings every case to the Land Office upon its merits.

Mr. BORLAND. And the cases to be adjusted are those where the land has been brought into the hands of actual settlers?

Mr. ASWELL. It does not affect any land except that in the hands of actual settlers in 1882.

Mr. BORLAND. It does not relieve the corporation from any forfeiture of its own grants?

Mr. ASWELL. No.

Mr. CAMPBELL. Has the Senate taken any action on the bill?

Mr. ASWELL. It has not. It has yet to go to the Senate.

Mr. CAMPBELL. Mr. Speaker, in view of the fact that there will be opportunity for further consideration of the bill, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Louisiana asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The gentleman also asks unanimous consent that the substitute be considered instead of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read the bill.

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

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

On motion by Mr. ASWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL SIGNED.

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

H. R. 3432. An act to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy.

ARMOR PLATE—EXTENSION OF REMARKS.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of armor plate.

The SPEAKER. Is there objection?

There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. SPARKMAN, reference of the bill (H. R. 5502) providing for the marking and protection of the battle field known as Dade's Massacre, in Sumter County, Fla., and for the erection of a monument thereon, was changed from the Committee on Military Affairs to the Committee on the Library.

ADJOURNMENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 13, 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. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (S. 4553) to authorize the appointment of an ambassador to Argentina, reported the same without amendment, accompanied by a report (No. 664), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 11745) to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien, reported the same with amendment, accompanied by a report (No. 665), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 16136) to authorize the exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, reported the same without amendment, accom-

panied by a report (No. 668), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. AINEY: A bill (H. R. 16472) to provide equipment allowance for rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. GOEKE: A bill (H. R. 16473) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAYTON: A bill (H. R. 16474) to provide for search warrants for certain kinds of property and for the disposition thereof; to the Committee on the Judiciary.

By Mr. METZ: A bill (H. R. 16475) to amend section 1754 of the Revised Statutes of the United States; to the Committee on Reform in the Civil Service.

By Mr. RAKER: A bill (H. R. 16476) authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes; to the Committee on the Public Lands.

By Mr. HINDS: A bill (H. R. 16477) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals; to the Committee on the Merchant Marine and Fisheries.

By Mr. BULKLEY: A bill (H. R. 16478) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal savings deposits to the promotion of the public welfare, and for other purposes; to the Committee on Banking and Currency.

By Mr. PETERS of Massachusetts: A bill (H. R. 16479) to amend the act of April 9, 1912, establishing in the Department of Labor a bureau to be known as the Children's Bureau; to the Committee on Labor.

By Mr. OLDFIELD: A bill (H. R. 16480) amending sections 476, 477, and 440 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. FERGUSSON: A bill (H. R. 16481) to establish the Pecos National Game Refuge, in the State of New Mexico, and for other purposes; to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 16482) to repeal the provisions of the Indian appropriation acts of June 21, 1906, and March 1, 1907, removing the restrictions as to sale, encumbrance, or taxation of allotments within the White Earth Indian Reservation, in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. FERGUSSON: A bill (H. R. 16483) to establish a fish-cultural station in the State of New Mexico; to the Committee on the Merchant Marine and Fisheries.

By Mr. WALSH: Resolution (H. Res. 513) for the installation of an electrical and mechanical system of voting; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ASHBROOK: A bill (H. R. 16484) to correct the military record of Israel Fogle; to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 16485) granting an increase of pension to Henry C. Bowers; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 16486) granting a pension to Charles M. Hambright; to the Committee on Invalid Pensions.

By Mr. CANTOR: A bill (H. R. 16487) for the relief of Charles R. Barker; to the Committee on the Post Office and Post Roads.

By Mr. CLAYPOOL: A bill (H. R. 16488) to remove the charge of desertion from the military record of David Hart; to the Committee on Military Affairs.

By Mr. EAGAN: A bill (H. R. 16489) for the relief of Thomas Nugent; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 16490) for the relief of the heirs of Andrew D. Kent, deceased; to the Committee on War Claims.

By Mr. FERGUSSON: A bill (H. R. 16491) granting an increase of pension to Robert P. Baker; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 16492) for the relief of J. J. Whitaker; to the Committee on War Claims.

By Mr. HAMILTON of New York: A bill (H. R. 16493) granting a pension to William Butts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16494) granting an increase of pension to Johnson M. May; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 16495) granting an increase of pension to Nels Anderson; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 16496) granting a pension to William T. East; to the Committee on Pensions.

By Mr. J. R. KNOWLAND: A bill (H. R. 16497) granting a pension to John E. Keyer; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 16498) granting an increase of pension to Charles R. Van Norman; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 16499) to reimburse certain employees of Alaska Coal Expedition, 1912; to the Committee on Claims.

By Mr. MOON: A bill (H. R. 16500) granting an increase of pension to John Martin; to the Committee on Invalid Pensions.

By Mr. REILLY of Wisconsin: A bill (H. R. 16501) granting an increase of pension to Anne Werner; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 16502) granting an increase of pension to John L. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16503) granting an increase of pension to William Taylor; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 16504) granting a pension to Mary E. Andrews; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 16505) for the relief of the heirs of Robert Gray; to the Committee on War Claims.

By Mr. STEVENS of New Hampshire: A bill (H. R. 16506) granting a pension to George W. Hutchins; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 16507) granting an increase of pension to Frank Hemenway; 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): Resolutions of certain citizens of Clarendon, Pa.; Chicago, Ill.; Reily, Ohio; Zanesville, Ohio; and Buffalo, N. Y., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions of certain citizens of West Orange, N. J.; Westtown, N. Y.; Lawrenceville, N. J.; Cleveland, Ohio; Parkers Landing, Pa.; Clarion, Pa.; Muddy Creek Forks, Pa.; Baltimore, Md.; Liberal, Kans.; Bound Brook, N. J.; Perryville, Md.; New Galilee, Pa.; Jersey City, N. J.; Kenmore and Buffalo, N. Y.; McDonald, Pa.; Sioux City, Iowa; New York, N. Y.; Bell Center, Ohio; Ashton, Idaho; Fremont, Ohio; Mount Holly, N. J.; Moscow, N. Y.; Clifton, Ohio; Greenwich, N. Y.; Rockville Center, N. Y.; De Graff, Ohio; and West Middlesex, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petitions of sundry citizens of East Smithfield; the Christian Endeavor Society and 50 citizens of Union Dale; the Woman's Christian Temperance Union of Hamlin; and 400 citizens of Monroetown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of the International Union of the United Brewery Workmen, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Interdenominational Brotherhood, of Ottawa, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the American Association of Foreign Language Newspapers, protesting against the enactment of national prohibition; to the Committee on the Judiciary.

Also, memorial of the Newark (Ohio) Trades and Labor Assembly, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. AUSTIN: Memorial of sundry citizens of Jackson, Tenn., favoring the Bristow and Mondell resolution, relative to franchising women; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of the tariff-reform committee of the Reform Club, of New York City, favoring repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: Petitions of 62 citizens of Egg Harbor, N. J., against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Bridgeton, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of sundry citizens of the sixteenth ward of Pittsburgh, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, papers to accompany bill to increase pension of Henry C. Bowers, late of Company B, Fifteenth Pennsylvania Volunteers; to the Committee on Pensions.

By Mr. BARNHART: Petitions of members of the First Brethren Church and the First Evangelical Church at Elkhart; the Brethren Church at Nappanee; the Methodist Protestant Church of Elkhart; the Evangelical Church of Nappanee; the Young Woman's Christian Association, the Woman's Christian Temperance Union, and the Woman's Missionary Society of the Presbyterian Church, of Elkhart, all in the State of Indiana, petitioning the passage of the Smith-Hughes bill to provide Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of La Crosse and Judson, Ind., favoring the passage of House bill 5308; to the Committee on Ways and Means.

By Mr. CALDER: Petition of the Women's Political Union of New York, favoring women's suffrage; to the Committee on the Judiciary.

Also, petition of the Medical Society of New York, to provide for mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

By Mr. CARAWAY: Petitions of 165 citizens of Marvel, Ark., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER: Petition of sundry citizens of Waukesha and Kenosha, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Civic Class of Racine, Wis., favoring passage of Bristow-Mondell resolution providing equal suffrage; to the Committee on the Judiciary.

By Mr. CURRY: Petition by the Napa Epworth League, representing 75 people, of Napa, Cal., in favor of national constitutional prohibition; to the Committee on the Judiciary.

Also, petition by 45 residents of Contra Costa County, Cal., against House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of 142 citizens of Crockett, Contra Costa County, Cal., against the adoption of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petitions of 283 residents of Genesee, Erie, Livingston, and Monroe Counties, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petitions of William D. Horstmann, Peter Gerling, Charles E. Cunningham, Albert C. Wischmeyer, L. W. Fromm, Fred Schneider, August Boerner, Otto Boigk, Herbert Leary, Abe Neiman, Frederick Block, B. R. Briggs, P. H. Converse, Alphonse P. Leinen, George F. Loder, L. G. McGreal, William Milbredt, Harry F. Miller, William Mulcahy, Albert F. Nunn, E. H. Sanford, Henry C. Seidel, John Sellinger, Peter Stammerberger, J. B. Sarceno, Emanuel Kovelski, the F. B. Rae Co., the Joseph A. Schantz Co., A. G. Kallmeier, Michael Modella, F. J. Rettig, Samuel Aiole, jr., W. F. Hohmann, F. J. Kelly, E. J. Leinen, E. R. Grafius, W. G. Gilbert, Joslyn Foster, H. N. Steencken, C. M. Flaherty, Eric C. Moore, Henry Logemann, A. F. Mason, Frank D. Smith, jr., J. H. Handley, T. P. Cauley, W. C. Rodenbeck, Joseph F. Engel, Griff D. Palmer, William S. Addison, the Rochester Bill Posting Co., Louis A. Wehle, Frederick W. Zoller, O. E. Goodenough, August Moeller, the Rochester Cooperage Co., E. A. Fletcher, G. F. Jacobs, George C. Gerling, the F. E. Reed Glass Co., William T. Mensing, H. F. Fleck, Fee Bros., George J. Ermatinger, John Byrne, E. M. Bauer, M. E. Wolff, Messner & Swenson, the Bartholomay Brewing Co., the Flower City Brewing Co., the Moerlbach Brewing Co., D. A. O'Keefe, Thomas C. Riley, B. S. Rapplee, F. C. Loebs, E. B. King, the Hotel Eggleston Co., Victor Kiefer, W. A. Perkins, Carmelo Panepinto, G. A. Wegman, Henry Clifton, Frank Ruh, George A. Glaesgens, A. Miller, Edward Bryant, and Messrs. Natt, Bareham & McFarland, all of Rochester; also the Power Specialty Co., of Dansville; James E. Mykins and 21 others, of Charlotte and vicinity; W. F. Crickle, of Batavia; G. L. Savage, of New York City; and the Sonoma Wine & Brandy Co., of Brooklyn, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petitions of Loren S. Duggan and 54 others, of Wyoming County; F. I. Thayer and 101 others, of Broome County; and B. H. Arnold and 28 others, of Essex County, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DIXON: Petition of 67 citizens of Lawrenceburg, Ind., against nation-wide prohibition and House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on the Judiciary.

Also, petition of various retail dealers of Fort Wayne, Ind., against House bill 2972, relative to time guaranties in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of 22 citizens of Franklin and Seymour, Ind., against Sabbath observance bill; to the Committee on the District of Columbia.

Also, petitions of 25 citizens of St. Leon, Ind., and 430 citizens of fourth congressional district of Indiana, against national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of sundry citizens of Danbury, Conn., against national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of the State of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755); to the Committee on Banking and Currency.

By Mr. DOUGHTON: Petition of sundry citizens of Salisbury, N. C., against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of D. A. Klutz, of Concord, N. C., against national prohibition; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition of sundry citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. EAGLE: Petition of sundry citizens of Houston, Tex., against national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of the Danbury (Wis.) Equal Rights Club, favoring passage of the Bristow-Mondell resolution, relative to enfranchising women; to the Committee on the Judiciary.

By Mr. FERGUSSON: Petitions of J. L. Haas, B. M. Lorney, and C. E. Cusack, post-office clerks of Tucumcari; and V. H. Waite, Oscar E. Burch, Walter Randolph, and E. O. Thomas, letter carriers of East Las Vegas, all in the State of New Mexico, favoring the granting of compensatory time to postal employees on one of the six days following the Sunday on which service is performed; to the Committee on the Post Office and Post Roads.

Also, petition of Adam Rohe, Fletcher Owen, A. W. Wilde, and 24 other citizens of Artesia, N. Mex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FLOOD of Virginia: Petition of the Methodist Church and the Shiloh Woman's Christian Temperance Union, of Eagle Rock, Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GERRY: Petitions of 700 residents of Rhode Island, protesting against the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

Also, petition of Paul Castiglioni, Dodge & Camfield Co., the Eddy & Fisher Co., and the T. F. Donahue Co., all of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

Also, petitions of 22 residents of Westerly; 15 residents of Alton; 29 residents of Cranston and vicinity; 21 residents of Providence; 45 residents of Scituate and Foster; William H. Grout, of Providence; and Trinity Baptist Mission, of Providence, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on the Judiciary.

Also, petition of A. J. Magoon & Son, of Providence, R. I., protesting against the passage of House bill 11321, providing for patents on designs; to the Committee on Patents.

Also, petition of the League of Improvement Societies in Rhode Island, protesting against a change from present policy

of Government regarding government of District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Ministerial Association of Westerly, R. I., protesting against the passage of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of John C. Brennan, Edward Brennan, William F. MacDonald, Maude E. MacDonald, D. S. Duffy, Mabel Harding, G. L. Harding, John J. Duffy, Irene C. Dougherty, Ruth Barton, Emma M. Burke, M. E. Brennan, L. I. Ahern, Lucy McDonald, Thomas J. O'Reilly, Margaret E. B. Doyle, Ella D. O'Reilly, James Gorman, Daniel Gorman, Mrs. Edward Brennan, Margaret J. O'Neill, Catherine E. Lyons, Josie R. O'Neill, H. A. Klemner, Angelina S. Coelho, and Elizabeth A. Doyle, all of Providence, R. I., urging the passage of the Bristow-Mondell resolutions for woman suffrage; to the Committee on the Judiciary.

Also, petitions of Mrs. Caroline Dowell, the Woman Suffrage Party of Rhode Island, and Charles H. Westcott, all of Providence, R. I., urging the passage of the Bristow-Mondell resolutions for woman suffrage; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the tariff reform committee of the Reform Club, favoring repeal of the canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Patriotic Order Sons of America, favoring the literacy test in the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of Rev. W. T. Dunkle, pastor of the Lancaster Avenue Methodist Episcopal Church, of Lancaster, Pa., 35 citizens of New Providence, and 13 citizens of Refton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Medical Club of Harrisburg, Pa., relative to Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Petitions of the German Order Hari Gari, Standhaft Lodge, No. 425, of Olean, and citizens of Cattaraugus and Allegany Counties, and of Portland, Randolph, and Fredonia, all in the State of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of 2,013 voters of the forty-third congressional district of New York, protesting against the passage of the national-prohibition resolutions; to the Committee on the Judiciary.

Also, petition of sundry citizens of the forty-third congressional district of New York, protesting against the passage of the national-prohibition resolutions; to the Committee on the Judiciary.

Also, petitions of the faculty of the Friends' Indian School and sundry citizens of Tunesassa, Cattaraugus, and Canaseraga; the Woman's Christian Temperance Union of Little Valley; sundry citizens of Chautauqua, Bolivar, Richburg, Frewsburg, Cuba, South Dayton, Niobe, Little Genesee, Andover, Fredonia, Angelica, Stockton, Dunkirk, and various churches representing 52 citizens of Lake Pleasant, 40 citizens of Panama, 334 citizens of Falconer, 43 citizens of Gerry, 500 citizens of Silver Creek, 158 citizens of Avoca, 610 citizens of Franklinville, 50 citizens of Friendship, 400 citizens of Rushford, 100 citizens of Jamestown, 300 citizens of Portville, and 630 citizens of Wellsville, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Randolph and Fredonia, N. Y., and Allegany County, N. Y., favoring bill to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN: Petitions of sundry citizens of Flagstaff, Yuma, Eden, and Mrs. P. Schnur and 40 other citizens of Seligman, all in the State of Arizona, favoring equal suffrage; to the Committee on the Judiciary.

Also, petitions of Mary J. Battin and 52 other citizens of Phoenix, the Woman's Christian Temperance Union and 97 citizens of Flagstaff, 50 citizens of Tucson, 74 citizens of Winslow, and the Federation of Churches of Globe, all in the State of Arizona, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOWELL: Petition of Mrs. E. McLeese and 250 other citizens at a congregational meeting at the Westminster Church, Salt Lake City, Utah, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HULINGS: Petitions signed by 149 voters of Franklin, Venango County, Pa., in favor of the national prohibition amendment; to the Committee on the Judiciary.

Also, petition of 34 voters of Clarington, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petitions of sundry citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Aberdeen, Wash., protesting against loss of life in Colorado mines; to the Committee on the Judiciary.

Also, petition of 191 citizens of Castle Rock, Wash., and 26 citizens of Ostrander, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Socialist Local No. 7, of Hoquiam, Wash., opposing war with Mexico; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Vancouver and Pierce and King Counties, all in the State of Washington, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petitions of the Men's Class, Pawtucket (R. I.) Congregational Church, and 20 voters of North Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of the fifteenth Pennsylvania district, favoring national prohibition; to the Committee on the Judiciary.

Also, 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. J. R. KNOWLAND: Resolutions adopted by the board of directors of the Chamber of Commerce of San Francisco, Cal., favoring the passage of Senate bill 3998, providing for an appropriation of $500,000 for the erection of new buildings for the United States Marine Hospital in San Francisco; to the Committee on Public Buildings and Grounds.

Also, resolutions passed by Imperial Valley Typographical Union, No. 707, of El Centro, Cal., protesting against the proposed increase in second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the Centennial Presbyterian Church, of Oakland, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, resolution passed by the City Council of Berkeley, Cal., favoring the passage of Senate bill 3677, providing for a grant of right of way and other privileges to Allan C. Rush to construct a suspension bridge across San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: Petitions of the Danbury (Wis.) Equal Rights Club and Racine (Wis.) Civics Class, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 40 citizens of Gillett, Wis., and 70 citizens of Sister Bay, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LANGHAM: Petitions of various churches and organizations representing 204 citizens of Coolspring, 16 citizens of Lickingville, 925 citizens of Brookville, 275 citizens of Stanton, 100 citizens of Ohl, 550 citizens of Punxsutawney, and 57 citizens of Baxter, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEVY: Petition of M. K. Simkhovitch, of Greenwich, N. Y., relative to naturalization of immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of sundry citizens and business men of New York and the International Union of the United Brewery Workmen of America, of Cincinnati, Ohio, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Association of Master Plumbers of New York City, favoring passage of House bill 14288, relative to saving profit of the middle man; to the Committee on Public Buildings and Grounds.

By Mr. LEWIS of Maryland: Petition of the members of the Just Government League of Maryland, at a meeting held in Baltimore, Md., praying the passage of the Mondell resolution amending the Constitution enfranchising women; to the Committee on the Judiciary.

Also, petitions of the members of the Just Franchise League of Talbot County, Md., at a meeting held in Easton, Md., praying the passage of the Mondell resolution amending the Constitution enfranchising women; to the Committee on the Judiciary.

Also, petitions of the members of the Just Government League of Maryland, adopted at meetings held in Baltimore County; Cumberland, Allegany County; Rockville, Montgomery County; Annapolis, Anne Arundel County; Frederick, Frederick County; and Westminster, Carroll County, praying the passage of the Mondell resolution amending the Constitution enfranchising women; to the Committee on the Judiciary.

By Mr. LIEB: Telegrams of the Evansville Grocery Co., Louis Wasem, the Shimer Wire & Steel Co., M. G. O'Brien, the Ber-

nardin Bottle Cap Co., the Koch Outfitting Co., Samuel L. Orr, the Evansville Bookcase & Table Co., Will C. Gentry, T. R. Corn, the Evansville Investment Co., the I. Gans Co., J. W. Pearson & Co., the Ichenhauser Co., E. Durre, Charles Leich & Co., the Hinkle Shoe Co., the St. George Hotel, H. D. Bourland, Fred Van Orman, the Public Utilities Co., Sebastian Henrich, Frisse & Frisse, Percy P. Carroll, Philip W. Frey, Bernard De Vry, the Andres Co., Charles N. Wittenbraker, the Wm. E. French Co., Sol Hammer, the Progress Clothing Co., Greene & Greene, Mayor Benjamin Bosse, President Emil Weil, of the Evansville Business Association, Will O. Ferguson, A. M. Weil, Max De Jong, Secretary Carl Dreisch, of the German Alliance of Indiana, the Laughlin Realty Co., the Sonntag Investment Co., the Wolflin Luhring Lumber Co., F. W. Griese, Fred W. Lauenstein, H. Karn, the Globe Paper Co., F. W. Bockstege, S. Kahns Sons, F. W. Petersheim, the Evansville Metal Bed Co., the Metal Furniture Co., the Koch Outfitting Co., the Metal Manufacturing Co., William A. Koch, the Bockstege Furniture Co., Fred Geiger & Son, Rosenberger, Klein & Co., the Southwestern Broom Manufacturing Co., the Helfrich Lumber Co., the Peerless Selling Co., the Peerless Tank & Seat Works, the Helfrich Pottery Co., the National Pottery Co., the Anchor Supply Co., the Kellar Crescent Printing & Engraving Co., the Henn, Speck Co., Sterm Stock & Co., A. Bromm & Co., the Sieffert Electric Co., D. S. Bernstein, Strouse & Bros., the Ragon Bros., the Bitterman Bros., A. Brentano, Gus B. Mann, Charles W. Cook, R. H. Pennington, G. Michael Daussman, Henry E. Cook, A. B. Schmidt, Henry Stockfleth, Charles F. Hartmetz, Gus C. Meyer, George P. Stocker, Henry A. Wimberg, all of Evansville, Ind.; also the Indianapolis Hotel and Restaurant Keepers' Association, the Indiana Hotel Keepers' Association, the Liberal League of Indiana, and the Indianapolis Chamber of Commerce, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petition of the Ladies' Auxiliary of the National Association of Letter Carriers, favoring civil-service retirement; to the Committee on Reform in the Civil Service.

Also, petition of the Omaha Typographical Union, favoring Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petitions of F. H. Davis and other citizens of the second congressional district of Nebraska, against national prohibition; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition and resolutions of sundry citizens of Rumford Center; the Maine Street Free Baptist Church, of Lewiston; the Advent Christian Conference at Mechanic Falls; and the Advent Sunday School Association, Mechanic Falls, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. McLAUGHLIN: Memorials of sundry citizens of Muskegon, Mich., favoring investigation of Pere Marquette Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, memorials of various residents of Newaygo County, Mich., favoring amendment to Constitution prohibiting manufacture, sale, etc., of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of Muskegon (Mich.) Lodge, No. 63, Brotherhood of Railway Clerks, against national prohibition of manufacture, sale, etc., of alcoholic beverages; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Manistee County and the Muskegon Trades and Labor Council, of Muskegon, all of the State of Michigan, favoring investigation of Pere Marquette Railroad Co.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of sundry citizens of Traverse City, Mich., favoring House bill 5139, to provide for system of retirement or superannuation for civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of various residents of Wexford County, Mich., favoring pure fabric and leather bill introduced by Mr. Lindquist; to the Committee on Interstate and Foreign Commerce.

Also, memorial of sundry citizens of Copemish, Mich., favoring H. R. 12928, to allow compensatory time for postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of sundry citizens of the ninth congressional district of Michigan, favoring Hinebaugh bill (H. R. 5308) to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Shelby, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of sundry citizens of Michigan against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petitions of sundry citizens of Burke, Wadhams, Gouverneur, and Ogdensburg, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. METZ: Petition of sundry citizens of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of the Medical Society of New York, to provide for mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Women Physicians' Branch of Political Equality League, of Brooklyn, N. Y., for woman suffrage; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany a bill for relief of John Martin; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: Resolutions of Stella Quarterly Meeting of Friends, representing 1,488 people, held in Alfalfa County; the Woman's Christian Temperance Union public meeting, representing 125 people, of Beaver; Willard memorial meeting, representing 156 people, of Arapaho; the Alva Friends Church, representing 60 people, of Alva; the Keystone Methodist Episcopal Sunday School, of Alva; the Alva Friends Christian Endeavor, representing 18 people, of Alva, all in the State of Oklahoma, indorsing national prohibition amendment; to the Committee on the Judiciary.

Also, petitions of Irvin B. Ramseier and 16 other citizens of Major County; Andrew J. Udell and 13 other citizens of Optima; Henry A. Bower and 19 other citizens of Major County; Jennie C. Hanna and 55 other citizens of Beaver County; John C. Conrad and 11 other citizens of Custer County; Rev. M. Porter and 127 other citizens of Woodward; John W. White and 24 other citizens of Dewey County; J. R. McChesney and 13 other citizens of Dewey County; John Scott Johnson and 25 other citizens of Oklahoma City; W. W. Fautlinger and 25 other citizens of Texas County; W. H. Crow and 37 other citizens of Aline; the Edmond Men's Gospel Team, representing 144 men, of Edmond, all in the State of Oklahoma, indorsing national prohibition amendment; to the Committee on the Judiciary.

Also, petition signed by sundry citizens of the second district, State of Oklahoma, favoring House bill 10080, prohibiting the misbranding of an article which is made from fabric, leather, or rubber; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Oklahoma State Sunday School Convention, signed by D. S. Wolfinger, president, and Alvin Campbell, secretary, approving the Sheppard-Hobson resolution for national prohibition; to the Committee on the Judiciary.

By Mr. J. I. NOLAN: Petition of the Chicago Federation of Labor, relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also, petition of the Public Ownership Association of San Francisco, Cal., relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also, petition of the Board of Trade of San Francisco, Cal., relative to erection of new buildings for United States Marine Hospital at San Francisco; to the Committee on Public Buildings and Grounds.

By Mr. O'LEARY: Petition of the Medical Society of New York, to provide for the mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

Also, petitions of sundry citizens of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Women Physicians' Branch of the Political Equality League, of Brooklyn, N. Y., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of sundry citizens of Massachusetts, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Leominster (Mass.) Civic League, relative to censorship of moving pictures; to the Committee on Education.

Also, petition of sundry voters of Spencer, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of various business men of Globe Village, Fiskdale, Monson, Three Rivers, West Brookfield, and East Brookfield, all in the State of Massachusetts, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. PATTEN of New York: Petition of sundry citizens of New York against national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Resolutions by the Central Federated Union of New York, protesting against national prohibition legislation; to the Committee on the Judiciary.

Also, letters from 15 citizens of Placer and Nevada Counties, Cal., protesting against the passage of national prohibition legislation; to the Committee on the Judiciary.

By Mr. REED: Petition of Ernest Fox Nichols and two others from Dartmouth College, Hanover, N. H., protesting

against intervention by the United States at Mexico; to the Committee on Foreign Affairs.

Also, petition of Clarence E. Kelley, principal of Nute High School, and others, of Milton, N. H., protesting against intervention by the United States at Mexico; to the Committee on Foreign Affairs.

Also, petitions of Rev. Irwing J. Enslin and 28 others, all of Derry, N. H., and of Joseph R. Dionne and 4 others, all of Concord, N. H., protesting against intervention by the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. REILLY of Connecticut: Petitions of Cigarmakers' Union, No. 39, of New Haven, Conn., sundry citizens of the State of Connecticut, and the Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens and woman-suffrage societies of the State of Connecticut, favoring passage of the Bristow-Mondell resolution, relative to franchise for women; to the Committee on the Judiciary.

By Mr. REILLY of Wisconsin: Petition of sundry citizens of Manitowoc, Wis., against national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of the State of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of the third congressional district of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of sundry citizens of Jackson, Tenn., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of 100 citizens of Thayer, 200 citizens of Aurora, 350 citizens of McCool Junction, and 600 citizens of Dorchester, all in the State of Nebraska, favoring national prohibition; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Protest of 62 citizens of Marshall and Calhoun Counties and 25 citizens of Kalamazoo and Kalamazoo County, all in the State of Michigan, against national prohibition (Hobson, Sheppard, and Works resolutions); to the Committee on the Judiciary.

Also, protest of 12 citizens of Albion, Mich., against section 6 of House bill 12928, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of Texas: Petition of the members of the XLI Club, of Gainesville, Tex., favoring Federal censorship of motion pictures; to the Committee on Education.

By Mr. SUTHERLAND: Petition of 75 citizens of Good Hope, 50 citizens of Tichenel, 36 citizens of Ravenswood, 32 citizens of Point Pleasant, the State grange (representing 3,000 citizens), 18 citizens of Huntington, 450 citizens of Blacksville, and 38 citizens of Berkeley Springs, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of Earl Anderson, of Warsaw, and C. L. Beardley, of Rock Island, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of E. E. James, of Prairie City, Ill., favoring passage of House bill 13305, the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Arkansas: Petition of 42 citizens of the sixth district of Arkansas, against national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. T. Y. Murphy, of Pine Bluff, Ark., president of the Woman's Christian Temperance Union in the sixth district of Arkansas, favoring national prohibition; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of sundry citizens of Peruville, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various voters of Groton, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, favoring Government ownership of the mines in the United States; to the Committee on the Judiciary.

Also, petition of the Women Physicians' Branch of the Political Equality League, of Brooklyn, N. Y., and sundry citizens of the United States, favoring passage of the Bristow-Mondell resolution, relative to franchising women; to the Committee on the Judiciary.

Also, petition of the Medical Society of the State of New York, relative to providing for mental examination of arriving immigrants at New York; to the Committee on Immigration and Naturalization.

By Mr. WHITE: Petition of sundry citizens of Ohio against national prohibition; to the Commitee on the Judiciary.

By Mr. WHITACRE: Petition of the Woman Suffrage Party of Mahoning County, Ohio, and Woman Suffrage Association of Canton, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the Socialists of Stark County, Ohio, relative to strike conditions in Colorado; to the Committee on the Judiciary.

Also, petitions of Epworth League Chapter, No. 929, of the Methodist Epicopal Church of Lisbon, Ohio, and churches and organizations representing 445 citizens of Massillon and 1,025 citizens of Salem, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of E. La Montague's Sons, of New York, against national prohibition; to the Committee on the Judiciary.

Also, memorial of the Wine and Spirit Traders' Society and the Manufacturers and Dealers' League, of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of George H. Armstrong, of New York City, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the house of delegates of the Medical Society of the State of New York, relative to examination of immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the independent retail merchants of New York, favoring the passage of the Stevens bill (H. R. 13305) relative to price cutting; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *May 13, 1914.*

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

Almighty God, Thou hast hidden the sources of Thy power beyond all our power of human thought to reach; but Thou hast revealed unto us Thy personal character, and we have found Thee to be a God of love. Thou hast spoken to us the last word of love. Thou hast performed already the highest and divinest act of love. We are persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature shall be able to separate us from the love of God, which is in Christ Jesus our Lord. We pray that Thy Holy Spirit may shed abroad Thy love in our hearts. May we plan for the present, look to the future, and work for the accomplishment of the highest good, knowing that truth shall overcome error and the light of the perfect day shall some day shine away all the darkness. To this end do Thou guide 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 D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4553) to authorize the appointment of an ambassador to Argentina.

The message also announced that the House had passed the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4377) to provide for the construction of four revenue cutters, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5890. An act for the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railroad Co.; and

H. R. 15503. An act authorizing the appointment of an ambassador to the Republic of Chile.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Chicago, Moline, Arlington, Ipava, Altona, Joy, Rive. Forest, Charleston, Equality, Biggsville, and Springfield, in the State of Illinois; of Lawrenceville, Mount Holly, and Fairton, in the State of New Jersey; of Brooklyn, Wappingers Falls, Gloversville, Buffalo, New York, Moscow, Westtown, Greenwich, Waddington, and Delhi, in the State of New York; of West Middlesex, Clarendon, Rennerdale, McConnellsburg, West Liberty, Air-