and circulation of same through the mails; to the Committee on the Post Office and Post Roads.

By Mr. GERRY: Petitions of Epworth League of Methodist Episcopal Church of East Greenwich, R. I.; Phillips Memorial Church, of Cranston, R. I.; Harry F. Fairchild; Frances Willard Class of Tabernacle Methodist Episcopal Church; Pearl Street Baptist Church; Delta Alpha Class of Tabernacle Methodist Church; Epworth League of Washington Park Methodist Episcopal Church; Washington Park Methodist Episcopal Church; Washington Park Sunday School, of Providence, R. I.; William H. Fido; United Baptist Church of Providence, R. I.; Swedish Congregational Church and Sunday School of Cranston, R. I.; Warwick Central Baptist Church; Hillsgrove Methodist Episcopal Church, of Warwick, R. I.; Congregational Church of River Point, R. I.; Second Hopkinton Seventh-day Church, of Hopkinton, R. I.; First Congregational Church; Pawcatuck Seventh-day Baptist Church; L. D. B. Sabbath School, of Westerly, R. I., urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of Branch 399, Catholic Knights of America, urging the protection of Catholic sisters and priests in Mexico; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Resolutions favoring national prohibition from the King's Daughters, of Woonsocket, R. I.; the Berkeley Methodist Episcopal Church, of Berkeley, R. I.; the Zion Primitive Methodist Church, of Pascoag, R. I.; the Laurel Hill Methodist Episcopal Church, of Bridgeton, R. I.; the Young People's Society Christian Endeavor, of Slatersville, R. I.; Trinity Baptist Church, Providence, R. I.; the Friends Sunday school, Woonsocket, R. I.; to the Committee on Rules.

Also, petitions favoring national constitutional prohibition from the Washington Park Methodist Episcopal Church, of Providence, R. I.; the Epworth League, Washington Park Methodist Episcopal Church, of Providence, R. I.; the Sunday school, Washington Park Methodist Episcopal Church, of Providence, R. I.; C. W. Calder, of Providence, R. I.; E. Louise King, of Central Falls, R. I.; William H. Fido, of Providence, R. I.; Miss M. Estelle Newell, of Central Falls, R. I.; the First Congregational Church of Chespachet, R. I.; the Epworth League of Laurel Hill Methodist Church, of Bridgeton, R. I.; the Arnold Mills Methodist Episcopal Church, of Arnold Mills, R. I.; the Sunday school of the Methodist Church, of Bridgeton, R. I.; the Broad Street Baptist Church, of Central Falls, R. I.; the Quarterly Conference Primitive Methodist Church, of Lonsdale, R. I.; and J. Henry Weaver, of Central Falls, R. I.; to the Committee on Rules.

Also, petition of members of the Catholic Knights of America, relative to protection for the Catholic priests and sisters in Mexico; to the Committee on Foreign Affairs.

Also, petitions of the Methodist Episcopal Church of Mapleville, R. I.; the Park Place Congregational Church, of Pawtucket, R. I.; Rev. James E. Springer, of Providence, R. I.; James Cranshaw, of Barrington, R. I.; E. M. Cranshaw, of Barrington, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. LEVY: Petition of German-Irish demonstration at Chicago December 1, 1914, favoring observance of strict neutrality by United States Government; to the Committee on Foreign Affairs.

Also, petition of Western Association of Short Line Railroads, relative to House bill 17042, the Moon railway mail pay bill; to the Committee on the Post Office and Post Roads.

Also, petition of Philip Hiss, of New York, favoring proper armament for national protection; to the Committee on Military Affairs.

By Mr. MOTT: Petition of citizens of Manchester, N. Y., and Madison County, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Chamber of Commerce of Washington, D. C., relative to an American merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Board of Trade of Washington, D. C., relative to Johnson amendment to District of Columbia appropriation bill; to the Committee on the District of Columbia.

Also, petition of citizens of Carthage, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of sundry church organizations of Providence and Newport, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. RAINEY: Petition of 1,052 residents of the twentieth congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

Also, petition of 46 churches and church organizations in the twentieth congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany House bill 19972, to increase the pension of Minor M. Webb; to the Committee on Invalid Pensions.

By Mr. THACHER: Memorial of Pleasant Street Methodist Episcopal Church and Sunday School, of New Bedford, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petition of official board of First Methodist Episcopal Church, of Westfield, N. J., and Methodist Episcopal Churches at Plainfield, German Valley, and Chester, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. WALTERS: Petition of citizens of Johnstown and 186 citizens of Meckinsburg, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of First Methodist Sunday School of Findlay, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of the Retail Merchants' Association of Bellefontaine, Ohio, in favor of the adoption of House joint resolution 372, providing for a national security commission; to the Committee on Rules.

SENATE.

WEDNESDAY, *December 16, 1914.*

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

Almighty God, at the beginning of a new legislative day we desire to record Thy name and to acknowledge our allegiance to Thee. Thou art the Supreme Ruler of the universe. We can not annul Thy commandments or stay Thy hand or thwart Thy purpose. Thou art the author of our liberty. Thou art the giver of every good and perfect gift. If we know not Thy way, we know not the path of progress. If we are not obedient to Thy will, we can not guide into the path of happiness. So we pray that with humble spirit we may walk in Thy way and do Thy commandments as Thou hast revealed them to us. For Christ's sake. Amen.

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

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

In the cause of Alla L. Bryant, daughter and sole heir of Stephen L. Bartholomew, deceased, *v.* The United States (S. Doc. No. 658);

In the cause of William R. Brink *v.* The United States (S. Doc. No. 642);

In the cause of Jane Pemberton, widow of Richard Pemberton, deceased, *v.* The United States (S. Doc. No. 643);

In the cause of Minnie L. Benson, widow of George R. Benson, *v.* The United States (S. Doc. No. 644);

In the cause of Mary E. Rowell, Clara T. Dillon, children, and Florence O. Robertson, Grace O. McMahon, Edward F. Overn, and Caroline A. Overn, grandchildren, sole heirs of John J. Overn, deceased, *v.* The United States (S. Doc. No. 645);

In the cause of Sallie Neal Bartol, one of the heirs of John E. Awbrey, deceased, *v.* The United States (S. Doc. No. 646);

In the cause of P. W. Chelf, administrator of Andrew J. Bailey, deceased, *v.* The United States (S. Doc. No. 647);

In the cause of Alvin C. Austin, executor of Henry E. Austin, deceased, *v.* The United States (S. Doc. No. 648);

In the cause of Arowline Ball, widow of Henry C. Ball, deceased, *v.* The United States (S. Doc. No. 649);

In the cause of Laura V. Gaines, widow (remarried) of Oliver L. Baldwin, deceased, *v.* The United States (S. Doc. No. 650);

In the cause of Turner Anderson *v* The United States (S. Doc. No. 651);

In the cause of John H. Brewster *v.* The United States (S. Doc. No. 652);

In the cause of John T. Harris, executor of Thomas M. Harris, deceased, *v.* The United States (S. Doc. No. 653);

In the cause of Clinton L. Barnhart *v.* The United States (S. Doc. No. 654);

In the cause of Wesley L. Bandy *v.* The United States (S. Doc. No. 655);

In the cause of Ossian Ward and John H. Ward, executors of John E. Ward, *v.* The United States (S. Doc. No. 656); and

In the cause of Sarah A. Bailey, widow of Gustavus Bailey, deceased, *v.* The United States (S. Doc. No. 657).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

CREDENTIALS.

The VICE PRESIDENT laid before the Senate a certificate of the Governor of Arizona, certifying that on the 3d day of November, 1914, Hon. MARCUS A. SMITH was chosen by the electors of Arizona a Senator from that State for the term of six years beginning on the 4th day of March, 1915, which was read and referred to the Committee on Privileges and Elections.

He also laid before the Senate the credentials of LAWRENCE Y. SHERMAN, chosen by the electors of the State of Illinois a Senator from that State for the term of six years beginning on the 4th day of March, 1915, which were read and referred to the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 19545) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (No. 55) providing for an adjournment of the two Houses of Congress from Wednesday, December 23, 1914, to Tuesday, December 29, 1914, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of Charles E. Peaslee, of Gonic; of the Prentice Bros., of Winchester; of the congregation of the First Free Baptist Church, of Laconia; of F. W. Jackson, superintendent of schools, of Whitefield; and of the congregation and the Sunday School of the Methodist Church of Chesterfield, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of Subordinate Lodge, No. 597, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, of Escanaba, Mich., remonstrating against the enactment of legislation to change the present method of inspection of locomotive boilers, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Washington Avenue Methodist Episcopal Church, of Port Huron, Mich., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented petitions of members of the Friends' Sunday School of Haviland, the Christian Sunday School of Lyons, and the Baptist Sunday School of Belpre, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the appointment of a national marketing commission, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Stereotypers and Electrotypers Local Union, No. 58, of Los Angeles, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Aerie No. 1076, Fraternal Order of Eagles, of Alameda, Cal., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. GRONNA. I present a telegram in the form of a petition from Mrs. G. W. Hanna, secretary of the Woman's Christian Temperance Union of Valley City, N. Dak., with reference to the prohibition amendment now pending before the Senate. I ask that it be printed in the RECORD.

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

VALLEY CITY, N. DAK., *December 14, 1914.*

Senator A. J. GRONNA,
Washington, D. C.:

At the request of the Woman's Christian Temperance Union of Valley City, the Protestant churches, both American and foreign speaking, took a vote on the question of national constitutional prohibition, which resulted 800 strong for the same.

Mrs. G. W. HANNA,
Secretary Woman's Christian Temperance Union.

Mr. SHEPPARD. I ask to have three telegrams read at the desk.

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

The telegrams were read, as follows:

YOAKUM, TEX., *December 14, 1914.*

Hon. MORRIS SHEPPARD or RICHMOND HOBSON,
Washington, D. C.:

The Protestant Pastors' Association of Yoakum, Tex., urges the Texas Representatives in Congress to vote for the proposed amendment to the National Constitution providing for nation-wide prohibition.

C. P. CRAIG, *Secretary.*

—

BARTLETT, TEX., *December 14, 1914.*

Hon. MORRIS SHEPPARD,
Washington, D. C.:

Three churches heartily indorse Sheppard-Hobson bill for national constitutional amendment now before Congress. A vast majority of another church in line. We commend you for the effort, and wish for victory.

HOME A. MCCARTY,
Pastor Central Christian Church.
J. B. BERRY,
Methodist Episcopal Church.
J. C. RHODES,
Baptist Church.
J. F. MCKENZIE,
Presbyterian Church.

—

DONNA, TEX., *December 14, 1914.*

Hon. MORRIS SHEPPARD,
Washington, D. C.:

Each of the organized churches in Donna—Methodist, Christian, Presbyterian, and Baptist—voted unanimously yesterday urging on Congress the passage of the Sheppard-Hobson bill.

B. E. SHEPPARD.

THE MERCHANT MARINE.

Mr. FLETCHER. I am directed by the Committee on Commerce to report back favorably, with amendments, the bill (S. 6856) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes, and I submit a report (No. 841) thereon. I ask to have the amendments read, and I shall file a more complete report on the bill at a later day.

The VICE PRESIDENT. The amendments will be read.

The SECRETARY. The amendments proposed are as follows:

On page 2, line 4, after the word "States," insert the following: "or to charter vessels for such purposes and to make charters or leases of any vessel or vessels owned by such corporation to any other corporation, firm, or individual, to be used for such purposes: *Provided*, That the terms and conditions of such charter parties shall first be approved by the shipping board."

Page 4, line 14, after the comma and the word "islands," insert the words "the Hawaiian Islands."

Page 5, lines 5 and 6, strike out the words "vessels purchased or constructed under the provisions of this act and."

Page 5, line 10, after the word "vessels," insert the words "belonging to the War Department, suitable for commercial uses and not required for military transports in time of peace, and vessels."

Page 5, lines 14 and 15, strike out the words "or to any other corporation or corporations now or hereafter organized."

Mr. FLETCHER. I also ask for a reprint of the bill with the amendments indicated.

Mr. BURTON. On account of the confusion in this part of the Chamber I have been unable to hear the Senator from Florida.

Mr. FLETCHER. I ask for a reprint of the bill with the amendments reported by the committee to be indicated in the reprint.

The VICE PRESIDENT. That is the usual order, of course, of the Senate. It will be done.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea, reported it without amendment and submitted a report (No. 840) thereon.

BILLS INTRODUCED.

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

By Mr. GALLINGER:

A bill (S. 6957) to establish the board of university regents of the District of Columbia, and defining its duties; to the Committee on the University of the United States.

A bill (S. 6958) granting a pension to Emma Perkins (with accompanying papers); and

A bill (S. 6959) granting an increase of pension to Lucy W. Osborne; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6960) granting an increase of pension to John C. Simpson; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6961) granting an increase of pension to Theodore M. Burge; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6962) to better provide for the care and protection of property furnished by the United States for the use of the Organized Militia;

A bill (S. 6963) to increase the efficiency of the United States Army by creating an Army transportation reserve corps;

A bill (S. 6964) to increase the number of officers in the Signal Corps of the United States Army;

A bill (S. 6965) to increase the efficiency of the Regular Army of the United States and to provide a reserve force of enlisted men;

A bill (S. 6966) to authorize the maintenance of organizations of the mobile army at their maximum strength and to provide an increase of 1,000 officers;

A bill (S. 6967) to increase the authorized strength of the Coast Artillery Corps of the Army; and

A bill (S. 6968) to increase the efficiency of the Army of the United States by creating a reserve of officers, and for other purposes; to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 6969) granting an increase of pension to Aquilla M. Hizar; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6970) to amend "An act to protect the birds and animals in Yellowstone National Park, and to punish crimes in said park, and for other purposes," approved May 7, 1894; to the Committee on the Judiciary.

By Mr. BURLEIGH:

A bill (S. 6971) granting an increase of pension to Addie M. Higgins; to the Committee on Pensions.

CENTRAL DISPENSARY AND EMERGENCY HOSPITAL.

Mr. SMOOT submitted an amendment proposing to appropriate $50,000 toward the construction of a new building for the Central Dispensary and Emergency Hospital erected on the site purchased and owned by the hospital, etc., intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19422), which was referred to the Committee on Appropriations and ordered to be printed.

GEN. ANSON MILLS, MEXICAN BOUNDARY COMMISSIONER.

Mr. THOMAS. Mr. President, last March I took occasion to address the Senate on Senate joint resolution 117, in which I made some references to Gen. Anson Mills, then a member of the Mexican Boundary Commission. In July following a letter was read into the RECORD, at the request of the Senator from New York [Mr. ROOT], from Gen. Mills, relating to that subject, to which I at the time made some response. A result of that episode has been some correspondence between Gen. Mills with the State Department and myself. I ask unanimous consent to have the correspondence printed in the RECORD.

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

The matter referred to is as follows:

WASHINGTON, D. C., *December 5, 1914.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

SIR: I beg to refer to your remarks in the Senate on July 20, 1914, by way of rejoinder to my letter to Senator ROOT.

Your frank and fair statement, "If I shall have given or shall give utterance to anything that is offensive, I shall, if it proves to be incorrect or unwarranted, at all times be ready to make due reparation" (p. 13480), encourages me to hope that if I lay before you directly certain facts and suggestions in addition to those set forth in my letter to Senator ROOT you may see your way, after investigation, to withdraw the remarks contained in your speech in the Senate of last March, in so far as they reflect upon my personal honesty or official integrity.

You say that before making your speech of last March you "availed yourself of almost every known avenue of information." In view of this statement, I feel justified in again calling your attention to the fact that Dr. Boyd's charges, which you appear to have substantially adopted, have already been several times investigated by competent officers of the Department of State, and once by Chief Wilkie, of the Secret Service, and have uniformly been found to be wholly groundless and unworthy of credence. The reports of these officers, I have no doubt, are either on file with the State Department or the department could advise you where they are filed. I can not believe that you have examined them.

To this I may add that I was informed by Mr. Gaines, the present secretary of the International Boundary Commission, since the delivery of your original speech, that the Boyd charges have again been investigated by the present Solicitor of the Department of State, Mr. Cone Johnson, and that he, too, has made a report fully exonerating me in the premises.

Turning again to your rejoinder, you say:

"Mr. President, Gen. Mills does not contradict many of my facts; he confines himself to denying the justice of my conclusions, and particularly as they concern his own conduct" (p. 13479).

Of course, in so far as your statement of facts consisted in a reading from the official documents—as it did in large part—there was no possibility of an issue of fact between us. I closed my letter to Senator ROOT, however, with the following statement: "I assert the absolute honesty and integrity of each and every one of my official and personal acts, and stand ready at all times to vindicate my integrity before any competent tribunal" (p. 13426). By this I meant to challenge in the most sweeping and emphatic terms each and every allegation or inference in your speech which directly or by implication affected my personal honor or official integrity, irrespective of whether or not I was able to touch upon all these matters specifically in the course of a necessarily brief communication intended to appear in the CONGRESSIONAL RECORD. Moreover, I did specifically challenge certain of your statements of fact, and I desire again to direct your attention to two of these issues of fact so joined—one because of its fundamental importance and the other because it has become important on account of the nature of your rejoinder.

The first and fundamental issue is raised by my unequivocal denial that I had anything to do with the treaty of 1906 or that I ever approved the construction of the Government dam at Engle. (See RECORD, p. 13425.) You do not notice this denial in your rejoinder, and yet, so far as I can see, your case against me appears to rest very largely upon inferences which you draw from my assumed inconsistency in favoring the Government dam at Engle, after having opposed the Boyd dam at Elephant Butte—an inconsistency which does not exist, since I did not favor either one in any way whatsoever.

Whatever you may have which you may consider in the nature of evidence—I do not mean argument based on inference—to support your charge of dishonest motives on my part, obviously I can not answer it, for I do not know what it is.

The second issue of fact to which I desire to call your attention was in its original form comparatively unimportant. Merely as an incident to your main attack upon me, you charged me in your March speech with "waste and prodigality" in the expenditure of the Chamizal appropriation, of which, according to your information, I had the disbursement and control. In my reply I denied that I had anything whatever to do with the disbursement or control of the Chamizal appropriation, to which you say in your rejoinder of July 20:

"Gen. Mills also declares that he had nothing to do with the expenditure of the appropriation of $50,000 for the Chamizal arbitration, which I criticized. That may be so. My information comes, however, from the State Department, and until I am satisfied of its incorrectness I shall insist that my statements are in accord with the facts" (p. 13479).

This rejoinder makes this matter, in my opinion, important. I am not mistaken, and I could hardly be honestly mistaken, as to whether or not I controlled or disbursed the $50,000 Chamizal appropriation in 1911. And yet the Department of State, which you invoke in support of your original statement, is presumably in a position to speak authoritatively in the premises.

I was in the West at the time of your remarks of July 20, but as soon as possible thereafter, namely, August 16, I wrote the Department of State, calling the department's attention to the issue between us with respect to the disbursement and control of the Chamizal appropriation and asking for an official statement, based on the records of the department, as to whether or not I disbursed or controlled said appropriation.

I inclose herewith copies of my somewhat protracted correspondence with the department. I believe that a perusal thereof will leave you in no doubt as to the real situation.

Toward the close of your rejoinder you offer to waive your constitutional immunity from suit for remarks spoken in the Senate and assume responsibility for your statements in all respects, as though you had been in a private capacity. I have consulted counsel as to this offer, and have been advised that it is, to say the least, very doubtful whether you can waive your constitutional privilege. Besides, I am not seeking to pursue a Senator, but to protect and defend in the most direct way my honor as an officer and a gentleman.

I therefore make the following counter proposition: I ask you to reread your speech of last March carefully in the light of this letter, to examine the official reports to which I have referred herein, and to consider each and every allegation which you made against me, even by implication or innuendo, which involves more than mere error of judgment on my part, and search your heart as to whether you still really believe them to be true. And where you can conscientiously do so I ask you to withdraw them and make the amends you so honorably propose. Should you, however, after this reconsideration, still find acts of mine which you deem unbecoming an officer and a gentleman, I ask that you state them clearly in an official communication to The Adjutant General of the Army, sending me a copy of this communication, to the end that I may request a court of inquiry, under article 115 of the Articles of War, a Federal court not inferior as a forum for the trial of questions of honor to any other authorized by the Constitution and laws of the United States.

I further request—something which I have no doubt your own sense of justice would suggest in any event—that in case you are unable fully to acquit me of all conduct unbecoming an officer and a gentleman and have occasion again to refer to this matter in the Senate, as you suggest you intend to do, you ask to have this letter and its inclosures printed in the RECORD to accompany your remarks.

I am, sir, your obedient servant,

ANSON MILLS,
Brigadier General, United States Army (Retired),
Late Mexican Boundary Commissioner.

DECEMBER 15, 1914.

Gen. ANSON MILLS, *Washington, D. C.*

MY DEAR SIR: I am in receipt of your letter of the 5th instant with inclosures and relating to some references to yourself in my speech of March last in support of Senate joint resolution No. 117. I have at spare intervals of time since your letter to Senator ROOT appeared in the RECORD reexamined some of my sources of information, that I might retest the accuracy of my statements.

With regard to the treaty of 1906, your statement that you had nothing to do with it is surprising in view of your negotiations and labors conjointly with Señor Osorno under the concurrent resolution of 1890, leading up to the framing of a proposed treaty for the construction of an international dam at El Paso, shortly previous to the ratification of the treaty of 1906 having reference to the same general subject matter. The terms of the treaty of 1906 are, of course, different, although quite as obnoxious to the interests of my State as that which you probably assisted in formulating; but if you did not negotiate nor approve of it, you are to be acquitted of responsibility for same.

With regard to the disbursement and control of the Chamizal appropriation of 1911, I did you an injustice, and take pleasure in retracting the statements I made in that connection concerning you. The explanation is that you were made, I think in December, 1893, the disbursing officer of the previous appropriation under the treaty of 1889. Under that treaty you were required in 1894 to consider, and did consider, the Chamizal case, but the commissioners, of which you were one, failed to agree. This necessitated the Chamizal treaty of

1911, under which the appropriation, some of whose terms of disbursement I criticized, was made.

I originally examined the contracts and vouchers representing the disbursements of these appropriations at the same time, and inasmuch as they related to the same subject I incorrectly assumed them to have been made by the same authority. I also assumed these documents to have belonged to the State instead of the Treasury Department. I should not have charged you with any responsibility for the disbursements of the Chamizal appropriations of 1911, and will read this letter into the CONGRESSIONAL RECORD in correction thereof.

Very respectfully, yours,

C. S. THOMAS.

CORRESPONDENCE BETWEEN GEN. MILLS AND THE DEPARTMENT OF STATE.

[Gen. Mills to the Secretary of State.]

EASTERN POINT, GLOUCESTER, MASS.,
August 16, 1914.

The honorable the SECRETARY OF STATE.

SIR: I have the honor to inclose herewith a copy of the CONGRESSIONAL RECORD for March 27, 1914, containing (pp. 5984–6006) a speech of Senator THOMAS, of Colorado, delivered in the Senate March 23 and 24; a copy of the CONGRESSIONAL RECORD of July 18, 1914, containing (pp. 13424–13426) a letter which I wrote to Senator ROOT, dated June 25, 1914, replying to Senator THOMAS, together with a statement of my military record, both of which were inserted in the CONGRESSIONAL RECORD on the request of Senator ROOT; and a copy of the CONGRESSIONAL RECORD of July 20, 1914, containing (pp. 13479–13480) some remarks of Senator THOMAS, made in the Senate, July 20, by way of rejoinder to my letter to Senator ROOT.

The department will observe that Senator THOMAS attacks the entire course of the United States Government and the Department of State during the past quarter of a century with regard to the equitable distribution of the waters of the Rio Grande, and that he is particularly severe in his animadversions upon my conduct in that connection as Mexican boundary commissioner and in other official capacities under the general direction of the Department of State.

The merits of Senator THOMAS's charges are sufficiently discussed in my letter to Senator ROOT. But I wish to call the department's attention to the fact that Senator THOMAS in his rejoinder invokes the Department of State as his authority for certain of his statements. In my letter to Senator ROOT I say:

"Toward the close of the Senator's speech (RECORD, p. 6002) he states that if he is 'correctly informed' I 'disbursed and controlled' the $50,000 appropriation for the Chamizal arbitration; and he thereupon proceeds to criticize (most unjustly, as I am advised) an item of expenditure out of this appropriation. The Senator has not been correctly informed. I neither disbursed nor controlled this appropriation nor a single penny thereof." (RECORD, July 18, p. 13425.)

To this Senator THOMAS made the following response in his remarks of July 20:

"Gen. Mills also declares that he had nothing to do with the expenditure of the appropriation of $50,000 for the Chamizal arbitration which I criticized. That may be so. *My information comes, however, from the State Department, and until I am satisfied of its incorrectness I shall insist that my statements are in accord with the facts.*" (RECORD, July 20, p. 13479; italics mine.)

Here the Senator uses language which, when read in connection with its context, can only be interpreted as an assertion on his part that either the Department of State or some responsible official thereof had informed him that I had the disbursement and control of the $50,000 appropriation for the arbitration of the Chamizal case. Inasmuch as the Senator's "information" is not only wholly erroneous, but is absolutely contradicted by the records of the department, I can only conclude that Senator THOMAS must be in some way mistaken as to its source.

It is absolutely immaterial, so far as I am concerned, whether Senator THOMAS's criticism of an item of expenditures of the Chamizal appropriation is well or ill founded. I was in no wise responsible for this expenditure. I am entitled to show this, and leave Senator THOMAS to debate the merits of his criticism thereof with those who may be interested in that subject. And I respectfully submit that I am entitled to show this by the best evidence and the only evidence which will be satisfactory to Senator THOMAS, namely, a statement from the Department of State itself as to what its records show in the premises.

In justice to me, therefore, and in view of the unquestionable facts as they appear on the records of the department, and in order that Senator THOMAS may be satisfied as to the incorrectness of his statement, and may therefore be enabled, if he so desires, to correct it, I respectfully request the department to write me a letter advising me of the fact that the records of the Department of State show that I neither disbursed nor controlled the disbursement of the $50,000 appropriation for the arbitration of the Chamizal case or any part thereof. I have the honor to be, sir,

Your obedient servant,

ANSON MILLS,
Brigadier General, United States Army (Retired),
Late Mexican Boundary Commissioner.

[Assistant Secretary Osborne to Gen. Mills.]

DEPARTMENT OF STATE,
Washington, August 28, 1914.

ANSON MILLS,
Brigadier General, United States Army (Retired),
Eastern Point, Gloucester, Mass.

SIR: Your letter of the 16th instant was not brought to my attention until yesterday.

In reply I have the honor to inform you that since Mr. John Wesley Gaines, the present secretary of the International Boundary Commission (United States and Mexico), has by direction of the department recently had occasion to examine all of the papers on file in connection with the Chamizal case, it has been deemed advisable to have him furnish in detail the information you desire.

Mr. Gaines is at present out of the city, but immediately upon his return your request will be given prompt attention.

I am, sir, your obedient servant,

JOHN E. OSBORNE,
Assistant Secretary.

[Gen. Mills to the Secretary of State.]

WASHINGTON, D. C., *October 16, 1914.*

The honorable the SECRETARY OF STATE.

SIR: I have the honor to refer to my letter of August 16 last, in which I inclosed to the department copies of the CONGRESSIONAL RECORD of March 27, July 18, and July 20, 1914, containing respectively a speech of Senator THOMAS, of Colorado, delivered in the United States Senate on March 23 and 24, 1914, in which he criticized the whole policy of the United States for the last quarter of a century with regard to the equitable distribution of the waters of the Rio Grande, and particularly my official conduct in that connection; a letter which I wrote Senator ROOT, dated June 25, 1914, replying to Senator THOMAS; and a rejoinder by Senator THOMAS to my letter.

I called the department's attention more especially to the discussion between Senator THOMAS and myself in so far as it related to a criticism which he made in the course of his speech of an item of expenditure of the appropriation for the arbitration of the Chamizal case. Senator THOMAS said in his original speech that if he was "correctly informed," I "disbursed and controlled" this appropriation. In my reply I denied having had anything to do with disbursing or controlling this appropriation or any part thereof, and Senator THOMAS in his rejoinder, while stating his readiness to make due reparation for any statement of his which should prove to be incorrect, asserted (mistakenly I must assume) that his "information" with respect to my conncetion with the Chamizal appropriation came from "the State Department," and said that until he was satisfied of "its incorrectness" he would insist that his statements were "in accordance with the facts."

In my letter to the department I pointed out that the Senator's information was not only wholly erroneous but absolutely contradicted by the records of the department, and in order that Senator THOMAS might be satisfied as to the actual facts by the best evidence and the only evidence which apparently he would be willing to accept, I respectfully requested the department to write me a letter "advising me of the fact that the records of the Department of State show that I neither disbursed nor controlled the disbursement of the $50,000 appropriation for the arbitration of the Chamizal case or any part thereof."

My letter was acknowledged, under date of August 28, by the Assistant Secretary of the department, who informed me that my letter had only been brought to his attention the day before, and that inasmuch as Mr. Gaines, the present secretary of the International Boundary Commission (United States and Mexico), had recently had occasion to examine all the papers on file in connection with the Chamizal case, it had been deemed advisable to have Mr. Gaines furnish in detail the information which I desired. Mr. Osborne further stated that Mr. Gaines was at that time out of the city, but that upon his return my request would be given prompt attention.

Of course, it is peculiarly and absolutely within the discretion of the department to determine who shall verify by examination of the official records the statement which I have requested the department to make. Moreover, it is a matter of entire indifference to me who makes this examination, provided it is seasonably and accurately made and the result thereof is officially communicated to me by the department. Nevertheless, I deem it proper that I should point out that the information which I have requested pertains to a departmental matter, and in no wise concerns the accounts or business of the International Boundary Commission (United States and Mexico), of which commission Mr. Gaines is now the secretary for the United States. And as I am anxious to obtain the statement requested as soon as possible, I venture furthermore to suggest that if it is not convenient for Mr. Gaines to take the matter up at this time, the information necessary to verify the statement I have requested could be obtained from a very brief examination of the appropriate records by any of the officers or clerks of the department familiar with the general departmental accounting system.

I am sorry to trouble the department again in this matter, particularly at a time when I realize that there are so many important questions demanding its attention, but since Senator THOMAS's statement as it now stands appears to tax me on the alleged authority of the Department of State with a misstatement as to whether or not I disbursed or controlled the disbursement of a $50,000 appropriation—a matter as to which I could hardly be honestly mistaken—and inasmuch as Senator THOMAS has indicated his willingness to make reparation for his statement on being convinced that he is mistaken, I respectfully request that the department furnish me the statement which I have requested at the earliest practicable moment.

Very respectfully,

ANSON MILLS,
Brigadier General, United States Army (Retired),
Late Mexican Boundary Commissioner.

[Assistant Secretary Osborne to Gen. Mills.]

DEPARTMENT OF STATE,
Washington, October 20, 1914.

ANSON MILLS,
Brigadier General, United States Army (Retired),
2 Dupont Circle, Washington, D. C.

SIR: Referring further to your letter of August 15, I beg to state that the papers on file in the department disclose the following facts:

1. That in the latter part of 1893 you were appointed the American commissioner of the International Boundary Commission (United States and Mexico), authorized by the treaty of March 1, 1889; and that on December 12, 1893, you were designated as special disbursing officer of the American section of that commission, and filled both offices until your resignation, June 30, 1914.

2. That in 1894 the "Chamizal case" arose and was referred to this commission, composed, under said treaty, of an American commissioner (Gen. Anson Mills) and a Mexican commissioner (F. Javier Osorno), and this commission failed to "agree" on the "differences" or questions involved.

3. The preamble of the treaty proclaimed January 25, 1911, between Mexico and the United States recites that "The United States of America and the United States of Mexico, desiring to terminate, in accordance with the various treaties and conventions now existing between the two countries, and in accordance with the principles of international law, the differences which have arisen between the two Governments as to the international title to the Chamizal tract, upon which the members of the International Boundary Commission have failed to agree, and having determined to refer these differences to the

said commission, established by the convention of 1889, which for this case only shall be enlarged as hereinafter provided, have resolved to conclude a convention for that purpose," which provides:

"ART. 2. The difference as to the international title of the Chamizal tract shall be again referred to the International Boundary Commission, which shall be enlarged by the addition, for the purposes of the consideration and decision of the aforesaid difference only, of a third commissioner, who shall preside over the deliberations of the commission. This commissioner shall be a Canadian jurist and shall be selected by the two Governments by common accord."

Thus "enlarged," the International Boundary Commission again tried this Chamizal case in 1911, the commissioners then acting being Brig. Gen. Anson Mills, Señor Don Fernando Beltran Y. Puga, and E. J. Lafleur, the "third commissioner," added by article 2 just quoted.

By the Diplomatic and Consular act approved March 3, 1911, the Congress of the United States appropriated $50,000 to continue the work of the International Boundary Commission (United States and Mexico), authorized by the treaty of March 1, 1889, aforesaid, and also appropriated $50,000 "for the expenses of the arbitration of the international title to the Chamizal tract." Of the former $50,000 you were the special disbursing officer, but you were not the special disbursing officer of the latter $50,000 thus supplied; but another citizen was such officer, and you are so advised.

I am, sir, your obedient servant,

JOHN E. OSBORNE,
Assistant Secretary of State.

—

[Gen. Mills to the Secretary of State.]

WASHINGTON, D. C., *October 24, 1914.*

The honorable the SECRETARY OF STATE.

SIR: I have the honor to acknowledge the receipt of the department's letter of October 20, 1914 (signed by the Assistant Secretary), with reference to certain information which I requested under date of August 16, last, in connection with an issue between Senator THOMAS, of Colorado, and myself as to whether or not I disbursed and controlled the $50,000 appropriation for the arbitration of the Chamizal case.

After reciting various well-known antecedent facts as to which there is no dispute, the department says:

"By the Diplomatic and Consular act approved March 3, 1911, the Congress of the United States appropriated $50,000 to continue the work of the International Boundary Commission (United States and Mexico), authorized by the treaty of March 1, 1889, aforesaid, and also appropriated $50,000 'for the expenses of the arbitration of the international title to the Chamizal tract.' Of the former $50,000 you were the special disbursing officer, but you were not the special disbursing officer of the latter $50,000 thus supplied, but another citizen was such officer and you are so advised."

Of course no question had been raised with respect to the regular annual appropriation of $50,000 to continue the work of the International Boundary Commission, the issue between Senator THOMAS and myself as to this matter being, as I pointed out to the department in my former letters, simply whether or not I disbursed and controlled the $50,000 appropriation for the arbitration of the Chamizal case, the Senator having criticized specifically an item of expenditure of that appropriation. Senator THOMAS correctly states the issue and my position upon it in his rejoinder, quoted in my letter to the department of August 16, when he says: "Gen. Mills declares that he had nothing to do with the expenditure of the appropriation of $50,000 for the Chamizal arbitration, which I criticized."

While I understand the delicacy of the department's position when called upon to give information with respect to a matter in controversy, I submit, with all deference to the department's judgment as to what fairness requires, that this mingling of unsought information with respect to matters not in dispute with the information requested tends unduly to destroy the usefulness of the department's letter in clearing up the very simple point with respect to which I have requested an authoritative statement based upon its records.

Moreover, while I recognize that the department's letter does contain a statement that the records show that I did not disburse the $50,000 appropriation for the arbitration of the Chamizal case, it leaves unanswered the more important question at issue between Senator THOMAS and myself, as to which I also requested a statement from the department in my letters of August 16 and October 16, namely, whether I controlled the disbursement of this appropriation. I say more important because Senator THOMAS's criticism was apparently directed not so much at the mere clerical matter of disbursement as at the alleged "waste and prodigality" which he said characterized the disbursement, and for which, if they in fact existed, of course those who controlled the disbursement, and not the disbursing officer, were responsible.

I therefore again have the honor to request the department to advise me that the records of the department show that I did not control the disbursement of this appropriation.

And since, in order that the information furnished me by the department may be conveniently available for use, it is desirable that it should all be contained in one instrument, instead of being distributed through a considerable correspondence, I respectfully suggest that the department's compliance with my request take the form of a letter which shall comprise a statement of the fact that the records of the Department of State show that I neither disbursed nor controlled the disbursement of the $50,000 appropriation for the arbitration of the Chamizal case (i. e., the appropriation carried by the Diplomatic and Consular act of March 3, 1911, "for the expenses of the arbitration of the international title to the Chamizal tract"), or any part thereof.

I am, sir, your obedient servant,

ANSON MILLS,
Brigadier General, United States Army (Retired),
Late Mexican Boundary Commissioner.

—

[Assistant Secretary Osborne to Gen. Mills.]

DEPARTMENT OF STATE,
Washington, November 9, 1914.

ANSON MILLS,
Brigadier General, United States Army (Retired),
2 Dupont Circle, Washington, D. C.

SIR: In answer to your letter of October 24 last, in which you ask to be advised that the records of the department show that you did not control the disbursement of the $50,000 appropriated by the diplomatic and consular act of March 3, 1911, for the expense of the arbitration of the international title to the Chamizal tract, you are advised that the record of the disbursement of this fund, so far as disbursed, shows that you were not the special disbursing officer of it, but that another citizen served as such officer, and you were so informed in the department's letter of October 20 last.

You are now further advised that the only papers on file in the department indicating the manner in which the money supplied by the above mentioned appropriation was expended, are the vouchers covering the several items of expenditure, which are signed by a disbursing officer other than yourself.

I am, sir, your obedient servant,

JOHN E. OSBORNE,
Assistant Secretary of State.

—

[Gen. Mills to the Secretary of State.]

WASHINGTON, D. C., *November 13, 1914.*

The honorable the SECRETARY OF STATE.

SIR: I am in receipt of the Department's letter of November 9, signed by the Assistant Secretary, covering a statement of what the department's files show with respect to my controversy with Senator THOMAS, as to whether or not I disbursed or controlled the appropriation for the arbitration of the Chamizal case.

The department, in addition to repeating the assurance contained in its letter of October 20 last, that I was not the special disbursing officer of the appropriation in question—in other words, that I did not disburse the appropriation or any part thereof—makes the following statement in response to my repeated inquiry as to what the records show as to whether or not I controlled the disbursement of the appropriation or any part thereof:

"You are now further advised that the only papers on file in the department indicating the manner in which the money, supplied by the above-mentioned appropriation, was expended, are the vouchers covering the several items of expenditure, which are signed by a disbursing officer other than yourself."

I must confess my surprise at the statement that the departmental files show nothing except the vouchers covering the items of expenditure with reference to the control of the disbursement of an appropriation required by statute "to be expended under the direction of the Secretary of State."

Moreover, I can not quite understand what seems to me to be the implication of the department's statement that the vouchers covering the appropriation in question are signed only by the disbursing officer as such (said officer being other than myself). From my acquaintance with governmental accounting during my many years of service, I supposed that each voucher would also bear on its face the name of the officer (also other than myself) under whose direction and control the particular expenditure in question was incurred; otherwise I hardly see how these vouchers were passed by the proper accounting officers.

I do not, however, desire to trouble the department for any further statement on this point at this time, since it appears to me that the negative statement contained in the department's letter is in the particular circumstances of this case ample for the immediate purpose I have in view, and I have no doubt Senator THOMAS will agree with me.

Senator THOMAS criticized an item of expenditure of the Chamizal appropriation, and said that, according to his "information," I had the disbursement and control of that appropriation. I thereupon denied having anything to do with the disbursement or control of that appropriation. The Senator replied that while I might be right he would maintain his position until he was convinced he was wrong, because his "information" came from the Department of State.

It now appears from the department's statement, in its letter of November 9, giving it the strictest possible interpretation, first, that its records show that I did not disburse the appropriation as alleged; second, that there is nothing in the department's records to indicate that I controlled the disbursement thereof.

Under these circumstances I believe that I am in a position to take the matter in question up with Senator THOMAS, taking advantage of his frank offer to make amends in case he was in error on any point, and call upon him to withdraw his statement that I disbursed the Chamizal appropriation, and to withdraw his statement that I controlled the disbursement thereof, unless, now that the department has failed him, he can produce some other evidence to contradict my unqualified statement made, of course, upon my personal knowledge, and easy to disprove if it were not true, that I did not control said disbursement.

I have felt compelled to assume that the Senator must have been in some way mistaken in thinking his information came from the department. But in view of his explicit statement on the floor of the Senate, and in view of the course which my correspondence with the department has taken, I feel that before taking this matter up with Senator THOMAS I ought to request the department to inform me whether or not the Senator has been misled in this matter by some inadvertent statement from the department or some responsible officer thereof If he has been so misled, I can not in justice blame him for relying on such high authority, and my attitude toward him as respects this issue must in fairness be modified accordingly.

I have no desire to make unnecessary trouble about an inadvertent error by whomsoever it may have been committed. I realize that such errors are constantly made by everyone. I merely desire to set myself straight on the record with respect to a matter as to which I have been most unjustly assailed.

I therefore appeal to the department as a matter of fairness to all parties—to the Senator, to the department, to myself, and even to the public, which has an interest in small as well as large matters relating to official conduct—to tell me frankly whether the Senator's attack upon me for alleged waste and prodigality in the expenditure of the Chamizal appropriation was based upon any inadvertent statement emanating from the department or any responsible officer thereof inconsistent with the official statement which the department has now given me, that I did not disburse this appropriation, and that there is nothing in the files of the department to show that I controlled the disbursement of any part thereof.

I should appreciate an early reply, as I desire to take this matter up promptly with Senator THOMAS.

I am, sir, your obedient servant,

ANSON MILLS,
Brigadier General, United States Army (Retired),
Late Mexican Boundary Commissioner.

[Gen. Mills to the Secretary of State.]

No. 2 DUPONT CIRCLE,
Washington, D. C., December 3, 1914.

The honorable the SECRETARY OF STATE.

SIR: I beg to refer to previous correspondence, and particularly to my letter of November 13 last.

Senator THOMAS, in the course of a speech in the Senate last March in connection with a serious attack upon my official integrity, charged me with waste and prodigality in the expenditure of the Chamizal appropriation, and said that he would in the near future "dissect the disbursement of these appropriations more extensively."

I denied, in a letter to Senator ROOT, having anything to do with the appropriation in question. Senator THOMAS replied that while this might be so his information came from the State Department, that he should maintain its correctness until satisfied he was wrong, and that he should later on "take up the Mills' letter in extenso."

In view of all this, I have through correspondence for nearly four months past, assiduously endeavored to obtain an official statement from your department that I neither disbursed nor controlled the Chamizal appropriation. And having obtained a statement that I did not disburse said appropriation, but failing to obtain more than a mere negative statement with respect to the control of the disbursement thereof, I then, in my letter of November 13, endeavored as a last resort to clear up the misunderstanding under which Senator THOMAS is evidently laboring, by ascertaining whether or not he could have been misled by any inadvertent statement from the department.

I have as yet received no answer to my letter of November 13, but inasmuch as Congress meets on next Monday, I deem it proper that I should on that date send Senator THOMAS copies of my correspondence with the Department of State to date, in order that when he recurs to this matter he may have before him such information as I have been able to obtain from the State Department in my lengthy correspondence.

I am, sir, your obedient servant,

ANSON MILLS,
Brigadier General, United States Army (Retired),
Late Mexican Boundary Commissioner.

DEPARTMENT OF STATE,
Washington, December 9, 1914.

ANSON MILLS,
Brigadier General, United States Army (Retired),
2 Dupont Circle, Washington, D. C.

SIR: Replying to your letters of November 13 and December 3, 1914, the department begs to advise you that it does not know the source of any information Senator THOMAS may have had as a basis for the alleged statement concerning your connection with the Chamizal appropriation. He will, no doubt, be pleased to furnish you, upon request, any information which you may desire on this subject.

I am, sir, your obedient servant,

JOHN E. OSBORNE,
Assistant Secretary of State.

REPORT OF LINCOLN MEMORIAL COMMISSION.

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent to have printed Senate Document 965 (62d Cong., 3d sess.), which is the Lincoln Memorial Commission report. It has been printed once, but the copies are exhausted, and the chairman of the commission, ex-Senator Blackburn, says there is a great demand for it, and he would like to have it printed. I ask unanimous consent that it may be printed.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I should like to call attention to the fact that if the request is granted then copies of the reprint of this document will be sent to all the libraries. I do not believe that is what the Senator from Virginia wishes. If he will modify his request by asking that 1,500 copies be printed for the use of the Senate they will then be for the use of those who desire them and will not be sent around to all the libraries again.

Mr. MARTIN of Virginia. There should be some copies for the use of the commission.

Mr. SMOOT. The commission can get them very easily.

Mr. MARTIN of Virginia. I am satisfied that 1,500 copies will be an abundance.

Mr. GALLINGER. Before this matter is disposed of I wish to ask the Senator from Utah if when a reprint is made other copies are sent to the libraries and to the departments, they having been once supplied? It seems to me that it is absurd to do that.

Mr. SMOOT. It is absurd, but, in fact, they are sent that way.

Mr. FLETCHER. If the Senator from Virginia will ask for a print as a Senate document that will cover it.

Mr. SMOOT. I suggest that 1,500 copies be printed for the use of the Senate.

Mr. FLETCHER. Then they will go to the document room instead of to the folding room.

Mr. SMOOT. Of course, if they are printed for the use of the Senate, they will go to the document room. If they go to the folding room, then, of course, there will be only two copies for each Senator; but if printed for the use of the Senate, they go to the document room and as many as are desired can be obtained for the commission.

Mr. MARTIN of Virginia. It is perfectly agreeable to me to modify the request, and I ask that 1,500 copies be printed for the use of the Senate document room.

Mr. JONES. What is the document?

Mr. MARTIN of Virginia. It is the report of the Lincoln Memorial Commission.

Mr. JONES. If they go to the document room, then the first Senators who send there get the document.

Mr. MARTIN of Virginia. I do not suppose any Senator will want a great supply of them. It is just to supply the requests he may have.

Mr. JONES. We have requests from all over the country for such a document. I have a great many requests for such documents, and often when I go to get them I find that the supply is exhausted.

Mr. MARTIN of Virginia. These requests come to the commission. Ex-Senator Blackburn, the chairman of the commission, has had a great many requests for copies, and they are unable to supply the demand. My object is simply to have the document printed. I do not suppose there will be any trouble as to the distribution. If they go to the document room, every Senator will get an abundant supply of them if 1,500 copies are printed.

Mr. JONES. I will not object at this time, but if I have the same experience with this document that I have had with other documents I shall probably object hereafter to such a proceeding.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

SALE AND SHIPMENT OF COTTON.

Mr. CULBERSON. Mr. President, I present in the form of a memorial a letter from the governor of Texas addressed to the Senators from Texas. I ask that it be read and referred to the Committee on Commerce.

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

The Secretary read as follows:

GOVERNOR'S OFFICE,
Austin, Tex., December 12, 1914.

Hon. CHARLES A. CULBERSON,
Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

GENTLEMEN: I have been discussing with Hon. F. C. Weinert, formerly State senator and until recently secretary of state, now general manager of the Permanent Warehouse System of Texas, conditions affecting the price of cotton. He has made a careful inquiry, and writes me the result of his investigations, as follows:

DECEMBER 12, 1914.

Hon. O. B. COLQUITT,
Governor of Texas, Capitol.

DEAR GOVERNOR: Since accepting the position of general manager of the Permanent Warehouse System and Cooperative Marketing Bureau, established by law, I have found conditions which I think have a direct bearing upon the constant decline in the price of cotton.

Some time ago the belligerent nations now at war with each other agreed with our Government that cotton should not be treated as a contraband of war. This news was received with great satisfaction throughout the South, for the reason that it was thought that a market would be established for the South's greatest product. The result of this agreement was that cotton advanced immediately and simultaneously with this news.

Since then, however, and especially recently, the price has again declined and continues to decline because shipments to the European Continent are hampered by an inadequate understanding between all foreign Governments and ours

According to reports only two cargoes of cotton have left American ports for the European Continent since this lamentable war began. Each of these cargoes left our shores under great difficulties. The last cargo, according to newspaper reports, left New York on yesterday, after an agreement with the shipowners that the ship should pass through the Straits of Dover on its way to Germany and be subjected to a thorough inspection for contraband of war. This is some concession, and if this course is pursued it would create a better market than at present.

The restrictions, however, that have been in force have necessarily increased rates of shipping and maritime insurance to that extent that exportation of cotton has become practically impossible, hence the market can not be supplied that is now open to the people of the South.

I understand that the cargo of cotton which left Galveston was sold to Germany at the delivered price of 18 cents a pound, while middling cotton is quoted at 6¾ cents in Texas; thus you will see that there is a margin of practically 12 cents difference between the price of cotton in Texas and the price at which it is delivered abroad. This great margin between the price established and the price at which it is delivered is sufficient for anyone to appreciate the difficulties that exist between the buyer and the seller of this product.

I respectfully suggest for your consideration that you, as governor of the State of Texas, appeal to the Federal Government for a more satisfactory understanding and method by which the South's greatest product may be exported.

It seems to me that the Federal Government could supervise the loading of cotton and see that the proper clearance certificates would be given to the departing ships, and, if required, an officer of the Federal Government accompany such cargo to its point of destination, and that such an arrangement with the Federal Government would practically insure all the belligerent nations that no contraband of war was carried in these cargoes.

This or a similar plan might be acceptable to the foreign nations in order to insure the good faith of those who are engaged in the shipping industry. At any rate, I think an attempt should be made to facilitate and improve the present methods, as they are now practically prohibitory.

I realize that you are fully aware of the distressing conditions that are now prevalent not only throughout the great State of Texas but

throughout the entire South, and that you will give the matter such consideration as you think is to the best interests of our people. Believe me, to be

Sincerely, yours, F. C. WEINERT,
General Manager.

I am writing you both to suggest the importance of urging the immediate passage of laws by Congress which will insure a supply of ships to carry our cotton to the nations that are now so badly in need of it. Senator Weinert understands that cotton which can be shipped to Germany is now bringing 18 cents per pound in that country.

The price of cotton would be greatly increased, in my opinion, if Congress would enact laws for insuring the cargoes and for the securing of ships to carry the cotton to the nations of Europe, who are so much in need of it. Bills for this purpose were pending in the recent special session of Congress, and I urge the importance of definite action on them. I shall be glad to hear from you.

Yours, truly,

O. B. COLQUITT, *Governor.*

Mr. CULBERSON. I ask that the letter be referred to the Committee on Commerce.

The VICE PRESIDENT. It will be so referred.

STANDING COMMITTEES OF THE SENATE.

The VICE PRESIDENT. Morning business is closed.

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

Mr. JONES. If the Senator from Missouri will withhold the motion for just a moment, I desire to say that I had announced that I would submit some remarks this morning on Senate resolution 398 and Senate joint resolution 163. The Senator from Missouri, however, is anxious to proceed with executive business in connection with the safety-at-sea convention, and I yield to him for that purpose. But I desire to give notice that I shall address the Senate to-morrow after the routine morning business or at some other convenient time.

EXECUTIVE SESSION.

Mr. STONE. I am very much obliged to the Senator.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 2 hours and 15 minutes spent in executive session the doors were reopened.

REGULATION OF IMMIGRATION.

Mr. SMITH of South Carolina. Mr. President, I presume that automatically, an executive session having intervened and been concluded, the unfinished business will now come before the Senate. However, I move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The pending amendment will be stated.

The SECRETARY. In section 2, page 2, line 18, after the name "United States," the Committee on Immigration reported to insert "except that with respect to an alien accompanied by his wife, child, or children said tax shall be $4 for each such alien, wife, and child."

To the committee amendment Mr. O'GORMAN has moved as an amendment to strike out, in lines 18 and 19, the words "an alien accompanied by his," and to insert the word "the"; and after the word "child," in line 18, to insert the words "of an alien."

Mr. SMITH of South Carolina. There is also an amendment submitted by the Senator from Minnesota [Mr. NELSON].

The PRESIDING OFFICER. The amendment submitted by the Senator from Minnesota and referred to by the Senator from South Carolina will be stated.

The SECRETARY. In lieu of the amendment as proposed to be amended, Mr. SMITH of South Carolina offers, in behalf of Mr. NELSON, the following amendment:

Provided, That children under 15 years of age who accompany their father or their mother shall not be subject to said tax.

The PRESIDING OFFICER. The question is on the adoption of the amendment to the amendment offered by the Senator from Minnesota [Mr. NELSON].

Mr. REED. One moment, Mr. President.

Mr. SMITH of South Carolina. Several members of the committee have had the amendment proposed by the Senator from Minnesota under consideration, and in their judgment it meets the requirements of the case and may offer a possible solution of the difficulty.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from South Carolina has temporarily withdrawn the committee amendment?

Mr. SMITH of South Carolina. I have agreed to accept the amendment as proposed by the Senator from Minnesota as a substitute for the committee amendment; but, of course, the matter will have to be put to a vote of the Senate.

The PRESIDING OFFICER. The question, then, is upon the adoption of the amendment offered by the Senator from Minnesota.

Mr. GALLINGER. How will the text read if that amendment is agreed to? I ask that it may be stated.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. If amended as proposed, the text would read:

SEC. 2. That there shall be levied, collected, and paid a tax of $6 for every alien, including alien seamen, regularly admitted as provided in this act, entering the United States: *Provided*, That children under 16 years of age who accompany their father or their mother shall not be subject to said tax. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, in view of the fact that the Senator from New York [Mr. O'GORMAN] offered an amendment touching this same section, and because he is absent, I take the liberty of reserving the right for further amendment in the Senate with reference to this matter. I do so simply in order to preserve the rights of the Senator from New York.

Mr. SMITH of South Carolina. Mr. President, it is not necessary to comment any further on that matter, except to say that the amendment proposed by the Senator from Minnesota was exactly in line with the amendment proposed by the Senator from New York; but the committee thought that this was a clearer and better form in which to express it.

Mr. REED. I have no doubt that is correct, but I make the reservation out of abundance of caution.

The PRESIDING OFFICER. The Senator from Missouri, on behalf of the Senator from New York, reserves the right to move to amend the bill in the Senate.

Mr. GRONNA. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. In section 3, page 11, line 9, after the word "servants," it is proposed to insert "or farm machinists, mechanics, or farm laborers skilled in farm work, if employed in good faith by farmers."

Mr. GALLINGER. Mr. President, I suggest to the Senator from North Dakota that if he propose to insert his amendment after the word "employer," in line 9, it would be better. The language reads, "domestic servants accompanying their employer."

Mr. GRONNA. I accept that change.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota is modified so as to come in after the word "employer," in line 9, instead of the word "servants." That change will be made.

Mr. GRONNA. Mr. President, I do not know whether or not there will be any objection to this amendment. It will perhaps be charged that it is a discrimination, and to a certain extent that may be true, but I find that this bill in its various provisions is full of discriminations.

There is a certain provision to the effect that skilled labor, if it can not be found in this country, may be imported from foreign countries. I do not know of any work or any labor that requires more skill than that of the farm. We hear a great deal said about assisting the farmer and to the effect that agriculture is the basis of all wealth, and yet agriculture is the first industry to be discriminated against.

There is another clause in the bill, which reads:

Persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Mr. President, that means that one who can afford to go to Europe or to go to some other foreign land and have a valet or a butler is permitted to import with him such domestic servants. In my State we are living right up against the Canadian border, and I again want to call the attention of the Senate to the case to which I referred the other day.

I was not exactly correct in my statement that the farmer who was prosecuted for a violation of the contract-labor law had only written a letter to some men across the line. There was more to it than that. I have since examined the case more thoroughly, and I find that this farmer, who was trying to find men to work in the harvest fields, took his team, drove across the Canadian line, and in the Province of Manitoba found five or six Austrians. He hired them, took them back home with him, and they worked for him in the harvest fields at least for a few days. After a short time, however, an immigration agent came

to the farm and arrested the Austrians and the farmer. They were taken to jail and kept there until the December term of court. The case was tried before one of the most eminent judges in this country, a learned man, a man with broad ideas, and he practically nullified the law by his decision. He imposed only a nominal fine of $5 on the farmer; but the immigration agent was so outraged by this decision that he entered a civil suit against the farmer for $5,000, the maximum amount prescribed by law. Then he ordered the Austrians deported to Austria and not to the place whence they came.

I am not in favor of repealing the contract-labor law. I think we all agree that labor should be protected. We perhaps disagree only as to the methods which should be employed to protect labor Organized labor does not seek farm work; organized labor will never control farm labor. In the first place, they are not willing to work the number of hours that are required on the farm.

We have nearly 10,000,000 farmers now; more than a third of the entire population of this country live on the farm, and I am only asking by this amendment that the farmer shall be given the same opportunity that is given the rich man who can afford to go abroad and secure a valet or a butler. I am only asking for the farmer the same opportunity which is given to the manufacturer who wants to employ skilled labor in some other country.

But it may be said that farm labor is not skilled labor. With modern machinery, we need machinists, we need mechanics; and I repeat that there is no labor which requires more skill and science than that of the farm. I am fearful, of course, that those who come from that section of the country where organized labor is strong may fall under the misapprehension that this amendment is intended as an onslaught on the contract labor law.

Mr. GALLINGER. Mr. President, the last seven words in the Senator's amendment trouble me somewhat, and I will ask the Senator if he can suggest how the amendment, if it is agreed to, can be made operative. The last seven words of the amendment are "if employed in good faith by farmers." Immigrants may come to the port of Boston, or to the port of New York, and claim to be farm mechanics or farm machinists or farm laborers skilled in certain farm work. If the requirement is that they must be "employed in good faith by farmers," how can they be allowed to enter?

Mr. GRONNA. If this amendment should be adopted and should become the law, I presume they could enter just as certain other classes of laborers are permitted to enter.

Mr. GALLINGER. They can not be employed in good faith by farmers unless they are brought in under contract and they can show that they are under obligation to perform this labor. If they come individually, they can not show to the satisfaction of the officials that they are employed in good faith by farmers, because they are not employed in good faith by farmers. They may say that they are intending to engage in farm work or farm machinists' work or to act as mechanics on some farm in the great West, but it seems to me that under the terms of the amendment the officials would not allow them to enter. I may be wrong about it, but it strikes me so.

Mr. GRONNA. Mr, President, I think if this amendment were adopted the immigration officials would be obliged to permit farm laborers to enter, just as they are now required to permit skilled laborers to enter. Under the present law if anyone who has a factory can show to the satisfaction of the Secretary of Commerce or the Secretary of Labor or the immigration officials that the kind of labor he desires to import can not be had in this country, he can import under contract skilled laborers. For the reasons I have indicated I offer the amendment.

Mr. McCUMBER. Mr. President, answering the suggestion of the Senator from New Hampshire [Mr. GALLINGER], I assume that this amendment would particularly apply to and affect laborers from Canada, and probably very few from any other country. I assume also that under the operation of this amendment there would be letters or other written evidence of employment before the immigrant would be admitted. I think there would be no difficulty whatever in securing the adoption by the department of the proper character of rules to safeguard against the improper importation of laborers, and also to secure what my colleague seeks to secure by the amendment.

I can not let the opportunity pass without saying another word in favor of this amendment. If Senators could have seen northwest Minnesota, all of North Dakota, and all of eastern Montana covered with shocks of grain in the early part of November on account of the impossibility of getting thrashing done because of the lack of laborers, they would realize the immense damage done to that section because of the law prohibiting us from getting labor from the Canadian side. A great snowstorm came on in the early part of November, when three-fifths of the grain was unthrashed. The snow covered the shocks and deteriorated the grain at least two to four grades, and it cost in thrashing three or four times as much the next spring, because of our inability to thrash in the fall, all due to our failure to obtain labor.

We need not be much afraid of immigrants coming in too great numbers to the farming sections. If I had the power in my own hands to shape the law, I would make it much broader even than as suggested by my colleague. I would provide that as to aliens who agreed to go to the agricultural sections of our country and do farm work only even a guaranty of employment would not be necessary.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. In just a moment I will yield to the Senator. I want to call attention to what my colleague has said about the effect of unionized labor upon farm employment in this country. The one great effect is that it has shortened the hours of labor so much in the cities that it is almost impossible to get any man to go out into the country to labor, as the hours of labor there are almost twice as long as the hours of labor in employments in the cities; otherwise, the farmer could not afford to employ labor at all. This is largely responsible for the tendency to stay in the cities if it is possible to get any kind of employment there. The shortening of the hours of labor and the higher prices which undoubtedly have been brought about by organized labor in the cities have made the employment of labor in the country almost prohibitive, and there ought to be some relief. If we have not people in the United States who can be hired to perform farm labor, then we ought to be entitled to get that labor elsewhere. I hope the amendment will be adopted.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am not as well informed on the details of our immigration laws as I might wish to be, but I will ask the Senator from North Dakota, who has just taken his seat, if farm laborers are not now at liberty to come into the United States from Canada without reference to the contract-labor law if they come as individuals to secure employment in the western wheat fields or corn fields?

Mr. GRONNA. They are allowed to come, of course, of their own volition, but we are not now permitted under our laws to advertise for them. Even under the amendment adopted last night I believe that if a farmer were simply to write a letter inviting a laborer to come to this country it would be a violation of the contract-labor law.

Mr. McCUMBER. Certainly it would; and it would render him liable to imprisonment in the penitentiary.

Mr. GRONNA. Yes; it would render him liable to a penitentiary sentence and to pay a fine of $1,000.

Mr. GALLINGER. Mr. President, it has seemed to me—I may be mistaken about it—that, as the State of North Dakota, for instance, is in juxtaposition with Canada, if there was a shortage of farm labor in that State and there was a surplus of it in the Dominion, laborers would be very apt to find their way across the border and seek employment without being advertised for. It strikes me in that way.

Mr. President, I am in sympathy with anything designed to turn the tide of immigration to the agricultural portions of our country; and if I had my way, and it could be done, I would have our immigration laws so changed that a certain proportion of those landing at the ports of Boston, New York, Philadelphia, and our other great seaports should be obligated not to settle in the great cities, but to go to the western fields, where they could secure agricultural employment.

Mr. McCUMBER. Mr. President, I will suggest to the Senator that those in Canada who might be willing to come here and perform farm labor are not very well acquainted with our laws, and it is generally understood by them that they are not entitled to come into this country to secure employment. They have seen their colaborers arrested on coming over; they do not know just what the law is, and they will be very careful not to come over the boundary unless they can be convinced that they are absolutely safe in doing so. There should be something in the law itself which would allay the fears of those who would naturally drift over the line, something which would let them know that it would be legal for them to accept employment on this side and that the penitentiary would not be staring them in the face if they did so. The Senator must remember that those who perform this kind of labor are not the most highly educated class, and yet they are able to do everything the farmer wants of them.

Mr. GALLINGER. Mr. President, I am in great sympathy with anything that will give relief to the great States where the people are largely engaged in agriculture, and if this amendment can be shown to be a wise one I certainly shall not oppose it; but it has seemed to me that the amendment strikes a pretty severe blow at the contract-labor law now on our statute books. I may be mistaken about it. I apprehend that under this provision, if it shall become a part of the law, it will not be only from the Dominion of Canada that these people will be seeking entrance into our country, but that from European countries as well they will come claiming that they are farm machinists, mechanics, or farm laborers. If they are admitted upon that representation, I think we may well reflect as to exactly what influence that will have upon the manufacturing States of our country; whether we may not get an influx of people from Europe, coming in under the provisions of this amendment, that we would not allow to come in under the provisions of existing law so far as the manufacturing sections of the country are concerned.

I wish some Senator who is better informed than I am in the matter of the contract-labor laws of our country and the operation of those laws will take the time, if any Senator is present who chooses to do so, to explain his view as to just what effect this amendment might have upon sections of the country where we are not engaged in agricultural pursuits. Perhaps the chairman of the committee will take the trouble to do that.

Mr. SMITH of South Carolina. Mr. President——

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

Mr. GALLINGER. I yield to the Senator for that purpose or any other purpose.

Mr. SMITH of South Carolina. I will state that this matter was brought before the committee and thoroughly discussed. There is not a Senator on this floor who does not recognize the necessity for ample labor on the farm; but a mere glance at the amendment, bearing in mind the provisions of the present contract-labor law, must convince every Senator that the moment such an amendment is adopted you might as well repeal the contract-labor law. For the reasons set forth by the Senator from North Dakota he has put the word "skilled" here; but everyone knows that when it comes to importing labor to handle the shocks of wheat and grain to which he referred in the fields of the West, almost any man is already skilled. His muscles may not be hardened to the work, but certainly he could perform that crude form of labor to the satisfaction of the farmer, and be a skilled laborer in that respect. You have opened the door for a little temporary employment, and then the host that have come over for that purpose are here to seek other employment until another grain crop is ready.

That is one objection. The next is this: Any farmer could import people who would not come alone from across the Canadian border, but in every port, and everyone else would have the same right. This committee or the Senate could not make the distinction here sought to be made without according the same right to every railroad and every corporation which might come before Congress and state that there was difficulty in securing certain kinds of labor.

The whole heart of the contract-labor law is involved in this amendment. It is one of those unfortunate cases that may occur from time to time; but the Senate, as I said a few days ago, is attempting to legislate on a general rule, and not to ruin the rule by fitting it to these peculiar cases. The committee almost unanimously rejected a similar provision when it was sought to be incorporated in the bill while it was pending before the committee. It needs no extended argument to show that if we are to have a contract-labor system, and you are going to make an exception such as this, where the most unskilled men can perform the work sought to be performed, you have opened the doors to flood this country with the very things that our contract-labor law has sought to obviate. I sincerely hope the Senate will not even seriously consider this amendment.

Besides that, I want to state before I conclude that I am a farmer myself. It is the only vocation I have aside from the duty I am now performing, and I myself would not come before the Senate and ask for the adoption of this amendment in order to permit me to gather my own cotton crop which to-day is open to the weather for the lack of proper hands to gather it. We know the conditions, and rather than open the door to what I believe is not a fair deal to the laborers already in this country I myself would not vote for any such proposition.

Mr. McCUMBER. Mr. President, if the Senator will give the matter a little more serious consideration, and if his mental attitude is right on the subject, I think he can find some way to grant the relief desired without the danger he anticipates.

Let me say first to the Senator that although he may consider that all farm work requires no study and no skill we who are acquainted with the character of work in the Northwest are convinced that it requires as much skill and as much intelligence to run a modern binder and separator or to build a wheat stack that will shed rain and at the same time will not tip over as it does to drive a nail into a board. With the skill that is required, I do not think we need have a great deal of fear about all classes coming in any more than you would have that all classes would come in under the building trade.

Let me say further that you have made an exception in this bill, as stated by my colleague. Whenever one of your institutions or business interests requires labor and it can not get the skilled labor and so certifies, then it is allowed to introduce it into this country. Now, that skilled labor may be a man that lays a brick or a man that mixes mortar or a man that puts plaster upon a building or a man that lays paper upon the inside wall of a building. He is called a skilled laborer and receives skilled laborers' prices, and you can import him into the country if the business itself demands it and that character of labor can not be found in the country.

It so happens that we need the character of skilled labor that is described here, some one who is skilled in farming, because that is what it says. It does not say somebody who may become a skilled farmer, but some one who in the old country has obtained his skill in farming, and not the ordinary roustabout who never has done any work in the farming line. It is limited, as I say, to those particular persons.

If the Senator really believes we ought to have the extra help, I can see no reason why he can not modify this amendment, in conference or here, so that it will fit the case, without creating the disturbance that he thinks will be created if it is adopted. Suppose a provision were incorporated in the bill, either in the Senate or in conference, which would prohibit persons who came in under such employment from performing services in any other line of business except that for which they had been employed, and if they disobey that requirement make them subject to the same penalties to which they otherwise would be subjected.

I believe we can secure the good results that are intended by my colleague in this amendment without endangering the whole structure of the bill.

Mr. LODGE. Mr. President, let me say in the beginning that the Senator from North Dakota invited us to give more attention to this subject. I have been working on this subject now for some 25 years, and I have tried to give attention to all these points. The committee has given especial attention to this point among others.

All skilled labor, no matter whether it is skilled labor for the farm or skilled labor for the factory, can be brought in under the proviso on page 10:

> That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country.

That is not confined to the building trades or to factories or to any other industry. It applies to any skilled labor. The skilled labor of the farm can be brought in under the law as it now exists—for that is the existing law—if labor of like kind, unemployed, can not be found. This is a proposal to take off that limitation, "if labor of like kind can not be found," and permit the introduction of farm machinists, mechanics, or farm laborers skilled in farm work, if employed in good faith by the farmer. Put in that form it opens the door to the complete overthrow of the contract-labor laws. Persons brought in under this amendment could go into any other industry for which they were fitted; and the result would be that the railroads, the factories, and all the industries of the country would suddenly find that they needed farm labor, and they would bring it in as mechanics and machinists. They would all come in.

The contract-labor laws antedated the immigration laws. They were passed in response to a widespread demand that labor should not be brought into this country under a contract made abroad—a contract which would result in bringing in a large body of laborers under an obligation to work for a period of years at lower wages than our own people work in similar employment. If we should open the doors—and this amendment opens them, for it can not possibly be confined—the result would be that the whole purpose of the contract-labor laws would be destroyed.

There are hardships, no doubt, in every employment, and difficulty of getting labor at certain times. It is impossible to meet all those individual cases by law; but I think it would be a very great misfortune to break down the contract-labor laws of this

country, which have been long on the statute books. This amendment in my opinion, throws wide open the door for bringing in contract labor under contracts made in foreign countries at lower rates of wages, because the definitions are necessarily so vague that there is no method of controlling them.

I sincerely hope the contract-labor laws will not be impaired.

Mr. McCUMBER. Mr. President, the Senator's statement that he has given this matter a quarter of a century of careful consideration leads me to ask him a question concerning it, for information only. What method has been adopted by the department to ascertain whether or not skilled laborers can be found to fulfill any demand in the manufacturing sections of the country?

Mr. LODGE. Application has to be made to the Secretary of Labor—or the Secretary of Commerce and Labor, as it was before—and the applicant has to furnish proof that he can not get that labor in this country.

Mr. McCUMBER. What is the character of the proof? That is really the gist of my question.

Mr. LODGE. It has to be very conclusive, for very little comes in. The only cases where persons have been brought in under that law are where new industries have been started, where it could be proved beyond a doubt that there was nobody in the country who understood how to run a given machine, for example, or how to do the work involved, and that we could not start the industry without importing some one. The number of people brought in in that way has been perfectly trifling, owing to the extreme difficulty of the proof. It would be very hard to prove that there was no like farm labor unemployed in this country.

Mr. McCUMBER. The Senator has reached just the point I wanted to make, and in which I agree with him. I thought he was arguing, from what he stated a short time ago, that the farming sections had now about the same opportunity that the other industries have to obtain skilled farm labor.

Mr. LODGE. They have.

Mr. McCUMBER. Now, upon the face of it that might appear to be true; but if the Senator should start any kind of a manufacturing business in his own State, whether it were the steel business or whether it were the manufacture of fabrics, he could easily put a little advertisement in the paper saying that he desired so many men of a certain character to do a certain kind of work and so many to do other kinds of work, and he could tell in a reasonably short time whether or not he would be able to secure those persons; and that and other efforts might satisfy the department that the labor could not be obtained. That condition, however, could not hold in a farming section.

Mr. LODGE. No; and it does not hold in the industrial sections. There is no such condition.

Mr. McCUMBER. There may be somebody in Massachusetts who is skilled in farming, but that would not help the man out in Montana about getting that help there. The man in Massachusetts would not know where to go; the great farming public would not know how to get word to him; and therefore, without some such provision as this, it would be impossible for the farming section to obtain that labor, even though they did not have a tenth of the labor that was necessary to perform what was required to make the farming a success.

Mr. LODGE. Practically, in the administration of the law, in any established industry no men are allowed to come in. It is not enough to show that the employers can not get them by advertising. They are not allowed to come in. As a matter of fact, none are brought in in that way. It is just as impossible for manufacturers to get them as it is for farmers to bring them in in that way, as the Senator says. It has only occurred, as I have said, in a very, very few cases, and that is where the industry did not exist in the country. Where the industry exists, as in the steel and textile industries, ever since these contract-labor laws were passed, any bringing in of contract labor has absolutely ceased. It can not be done. The department has been extremely strict in regard to the law, and almost no one comes in under it.

Mr. McCUMBER. Whatever may have been the effect of that exception upon contract labor in the manufactures, it is certain that no benefit could be obtained by the farming sections through that provision in the law. A case has been cited by my colleague where a farmer knew he could not get labor in the United States. He had tried it. He did not know it was wrong to go over to Canada, across the line, where there were some people ready to come and work for him, but he knew that there was not any labor in this country that could do his work. He went over the line. It cost him some few thousand dollars, I believe, for that attempt to save his crop. There ought to be some means devised in this bill by which he could get labor of that kind, for the little time he would need it, without opening the gate so wide that that labor may remain here for all time and go into any other employment.

Mr. LODGE. I know the case to which the Senator refers. The farmer could not get labor, and the situation was a hard one. He went across the border, and he contracted with nine men, as I remember the number. They happened to be Hindus, as I understand, that he brought in.

Mr. McCUMBER. These were Austrians.

Mr. LODGE. In the case I heard they were Hindus He brought them in, and it was a clear violation of the contract-labor law. The door is as wide open to the farmer for getting skilled labor under this clause as it is to anybody else, because it says, "skilled labor * * * may be imported if labor of like kind unemployed can not be found in this country." This is a proposal to take off that limitation and let in the persons described in this amendment. It would result in bringing contract labor in ultimately to every industry.

Mr. GRONNA. Mr. President, I do not believe it would throw the gates wide open to labor. My amendment follows the provision on page 11.

Mr. LODGE. Certainly; I know that. It puts them under the excepted classes.

Mr. GRONNA. Yes; under the provision which says that persons employed strictly as personal or domestic servants, accompanying their employers, may be admitted.

Mr. LODGE. Yes.

Mr. GRONNA. Then my amendment follows.

Mr. LODGE. I understand that. It was put in there because there is no limitation.

Mr. GRONNA. That would not throw the gates wide open. These men would have to accompany an employer, just the same as they have to under the provision which is embodied in this bill. I can see no difference in that respect.

Mr. LODGE. Does the Senator propose to put it in after the word "servants"?

Mr. GRONNA. No; after the word "employer."

Mr. LODGE. Exactly. The amendment says after the word "servants."

Mr. GRONNA. Yes; but it was modified. At the suggestion of the Senator from New Hampshire [Mr. GALLINGER], it is inserted after the word "employer."

Mr. LODGE. Of course, if it is inserted after the word "employer," it takes off that limitation.

Mr. GRONNA. Yes; I will say to the Senator that it does. It has been modified.

Mr. LODGE. It takes off the limitation.

Mr. GRONNA. Yes; it does.

Mr. LODGE. It opens the door wide.

Mr. GRONNA. Now, if we permit aliens to come into this country accompanying their employers, to be employed——

Mr. LODGE. But you have taken off that limitation by putting it where you have now placed it. Under this amendment the people do not have to accompany the employer—not that I think that makes it a good amendment.

Mr. GRONNA. If the Senator would rather have the amendment come in after the word "servants," I should have no objection to that.

Mr. LODGE. No; I think that puts a limitation on it, of course, but I do not think it is a valuable limitation.

Mr. GRONNA. That was my impression, but it was suggested by the Senator from New Hampshire——

Mr. LODGE. There would be plenty of farmers to go abroad and make contracts and bring labor in here as farm labor that never had seen a farm.

Mr. GRONNA. I do not think so. My experience has been that a farmer is very anxious to hire men who know something about farming. The great trouble is that the farmer has to employ the labor that comes from the slums, men who never have learned to perform work, and he has to pay them the same wages that are paid to men who know something about the scientific methods of doing work on the farm.

There is no work to be done by labor anywhere that is more scientific than the work on the farm. I will make that statement. Of course there are certain specific things which can be done by almost anybody, but when it comes to the modern method of farming, with all the intricate machinery, with petrol power and with steam, it requires skilled labor to do the work.

I am simply asking that this industry be accorded the same treatment that is accorded to other industries as provided by this bill. We say that in other industries where this class of labor can not be found they shall be permitted to employ men

in other countries. More than that, we provide on the next page, page 11, that persons employed strictly as personal or domestic servants, accompanying their employers, may be admitted into this country. There are two exceptions; and yet you say you are afraid that if we insert this provision that will throw the gates wide open to foreign labor and it will be an onslaught upon the contract-labor law.

I am not here pleading especially for any industry unless I know that it is a matter of justice to it. Why should not a farmer who lives close to the border line be permitted to cross the line and get labor, when it can not be had in this country, just as well as we permit men engaged in the manufacturing industry to import that class of labor?

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. GRONNA. Certainly.

Mr. SMITH of South Carolina. I should like to ask the Senator if he does not believe that if this amendment were adopted the Canadian and Mexican borders would become the dumping ground for all kinds of immigrants, all kinds of persons seeking entrance into this country, and that you would make it possible for anyone seeking labor in other ways to send his agent across the border and bring it in under the guise of seeking farm labor? What would prevent it, and how would you discriminate?

Mr. GRONNA. In reply to the Senator's query I want to say that I know he is as familiar with the immigration laws of Canada as I am, but I will say to him that the immigration laws of Canada permit them to advertise as much as they please. They permit the people of Canada to send for as many people as they please, and I do not entertain any fear that the border will become a dumping ground any more than it is at the present time.

Mr. SMITH of South Carolina. The Senator has strengthened my argument. For that very reason if Canada advertises at certain periods and brings in from all the foreign countries labor, then, if we allow this amendment to pass, when that labor is not employed one of the agents would come across the border to this country with the very persons we are seeking to keep from coming here in competition with the labor of this country.

I do not think it is worth while to take up the time of the Senate any further unless those who desire this amendment to pass have further arguments to advance. I want to state here and now that I believe the man who works on the farm for a wage is as much entitled to the protection of this Government from competition as the man who works in the machine shop or works at any other form of manual labor, corporation work, such as on railroads, in our great manufacturing establishments, and other kindred enterprises; but when there is a scarcity of labor we should put the muscle and the brain of our own country on the market, and by virtue of the law of supply and demand, demand a higher wage and receive it, as in the case of those we have already legislated for or whose condition brought about this form of legislation. I believe it would be an inducement for boys to go to the farm. I saw an advertisement the last harvest time——

Mr. GRONNA. May I ask the Senator——

Mr. SMITH of South Carolina. Just one moment. Let me finish the sentence. I saw the last harvest time where they were offering splendid wages for young men to go out and engage in harvesting the crops, and boys went from college and engaged in the work and in that way helped pay their tuition and became better qualified for the exercise of citizenship in this country. The account of the per diem wages they received was amazing to some of us from the South.

Now, in order to cheapen that process this amendment is introduced to flood this country with immigrants from those who have come into Canada and deny the boys of this country the privilege of going out and earning money and acquiring health in the healthful exercise of harvesting the splendid crops grown in the Senator's part of the country.

I am unalterably opposed to this amendment being put into the bill. I believe the time has come for us to face resolutely against allowing the lower orders of a European or any other foreign country to be dumped here, and by virtue of their low scale of morals to make it distasteful to the young men of this country to engage in that kind of work. We have had that curse in the South. We have had that curse spread by virtue of our lax immigration laws all over the country. I would infinitely rather have higher wheat and higher manhood and morality than to have cheaper wheat and lower manhood and morality.

Mr. GRONNA. The first part of the Senator's statement is absolutely correct and shows exactly what the conditions are in my part of the country. It is true that the college boys were required in order to meet the demand for labor in the harvest field. It is also true that little children, boys and girls from 10 years up, had to perform farm labor, and not only that, but the American women had to go out into the harvest fields in order to save the crop.

I wish to ask the Senator if he has ever heard that there was any competition in labor so far as farm labor is concerned? In my section of the country it does not exist. It does not exist in the western country, I will say to the Senator.

Mr. SMITH of South Carolina. I want to say that I am glad that it does not exist. The Senator is seeking to bring it about now, and it is that that I want to avoid. I want to let the competition be among the boys and the girls and the women if necessary.

I wish to state further, Mr. President, and then I am through with this discussion, that of all occupations which induce to health and do not contribute in any way to the degradation of the morals of people, farm work is the one. I would dislike to see the Senator's part of the country invaded with that element which has been a blight on my section since I can remember and practically through the history of the development of the South. The very labor that ought to employ the hand and the brain of the young men of the South by virtue of the very racial contest has been preempted by the class of people we do not want to come in competition with. But it is there. We are entitled to the highest and the best, and for that reason we have a contract-labor law. As I stated the other day, we ought to build not from the top down, but from the bottom up.

Mr. GRONNA. Mr. President, I thoroughly sympathize with the statement the Senator makes, but let me ask the Senator does he consider the labor he referred to as skilled labor?

Mr. SMITH of South Carolina. Mr. President, the word "skilled" is a relative term. I should think that there are occupations on the farm—and I have discussed it personally with the Senator—that are skilled. I do not believe that the ordinary labor as I know it can take care of the modern machinery that is necessary on the farm. I do not believe such labor can do it; and for that reason I believe in the provision of the bill which provides that where skilled labor can not be found in this country it can be contracted for abroad by applying to the Bureau of Immigration for their permission and setting forth the facts.

The term "skilled" is very elastic and comparative. I believe that under certain conditions some degree of relief could be gotten in the case described by the Senator, but I think that with the hosts of unemployed in America and the demand incident to the harvest time, with the proper inducement and the proper advertisement throughout the country, you could get all the labor you want to gather the crop.

Mr. GRONNA. We allow more than this skilled labor to come into this country under the provisions of the bill. The Senator knows that on page 11 it is provided that persons employed strictly as personal or domestic servants, accompanying their employers, are to be admitted into the country. Will the Senator explain to me what that means? It may be that I do not understand it.

Mr. SMITH of South Carolina. I think it explains itself. An individual traveling abroad may, under the necessities of the case, employ a domestic servant, a maid or some individual to look after personal affairs in transit, and when he gets to this country, as he is already in the employment and has been brought here, he is allowed to come in. According to the testimony of the Commissioner of Immigration we ought not in any way to jeopardize the terms of the bill; and as that was such a matter of necessity, the servants being employed and coming along with their employers, we admitted those persons. I think just a glance at that provision explains it.

Mr. GRONNA. The Senator thinks there is no danger of this provision being abused when persons may be employed in foreign countries as servants. Those immigrants will be brought in, of course, by rich men; it will not be done by farmers. It will be done by those who can afford to travel in foreign countries and take with them such persons as they like for their personal attendants.

Mr. SMITH of South Carolina. I think it would be a pretty costly experiment, Mr. President, for an individual traveling abroad to bring in a sufficient number to abuse it to the extent that the Senator's provision would abuse it, where he wants sufficient to gather the wheat crop of the West. This merely applies to those who are accompanied by their personal servants.

Mr. GRONNA. Is it not possible that farmers may take advantage of that provision and go abroad and bring back these servants and then employ them as farm laborers?

Mr. SMITH of South Carolina. I would suggest to the Senator to offer that as a remedy in place of his proposed amendment.

Mr. GRONNA. At any rate, it is a discrimination. I believe the Senator will admit that it is a discrimination.

Mr. President, I shall not detain the Senate any longer. I have offered this amendment in good faith and I am in hopes that it will be adopted.

Mr. McCUMBER. Mr. President, I wish to correct two errors made by the Senator from South Carolina a few moments ago.

I do not know what the conditions in his own part of the country may be, but he speaks of farm laborers in this country. There is not any such thing as a farm laborer in the entire Northwest. There is no labor that may be designated properly as farm labor. The only labor that we are able to get at all is the overflow from the cities after employment in the cities has been exhausted. They are not farm laborers. They remain only a short time, until the crop is harvested or a little of the plowing done. It is almost impossible to get labor on a farm by the year, as we used to get it 20 or 30 years ago, or to get anyone who knows anything about farming in general. Every farmer in the Northwest will give you that as his experience.

Another error the Senator makes is in the supposition that there is such a thing as competition in farm labor. We can not get half the labor that we need. We could absorb all the farm labor we have now and we could multiply it by 2 and 3 and yet the demand would not be filled in the northwestern section of the country.

The Senator says that he wishes to protect the young men who want to go out and do labor upon the farm from competition that strikes down their wages. Mr. President, I believe in the Senator's own State, and I know in my State and in all the northwestern section of the country, the farmer pays all he is able to pay and considerably more than he ought to be required to pay. If you were to give those men the wages they earn in the city you would turn over the entire crop to them and you would have to give a mortgage upon your farm for the next year's crop in order to pay your hired help. There is no such condition as the Senator describes in any part of the United States that I know anything about.

Now, if the Senator is afraid of dumping the cheap labor of the old countries upon our farms, let me say that we are equally afraid of dumping the cheap products produced by the cheap labor of the old countries into this country. You throw down your bars of protection and you say that all the food products produced anywhere in the world may come into the United States free, but at the same time you say to the farmer who has to compete with the entire world in his produce, "We do not intend to let you get any labor to work your farm unless you pay the price that is paid by the protected manufacturer," and in that is the great injustice.

Mr. SMITH of South Carolina. Mr. President, I am just a bit amazed that the Senator, being the good protectionist he is, should declare to the Senate that he is in favor of protecting the product but not the producer.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from North Dakota [Mr. GRONNA].

The amendment was rejected.

Mr. THOMAS. Mr. President, I offer the following amendment.

The VICE PRESIDENT. The proposed amendment will be stated.

The SECRETARY. In section 3, page 9, lines 6 to 12, in lieu of the words—

That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious persecution—

Substitute the following words:

That the following classes of persons shall be exempt from the operation of the literacy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious or political persecution, whether such persecution be evidenced by overt acts or by discriminatory laws or regulations.

Mr. THOMAS. Mr. President, I think the importance of this proposed amendment is manifest, but I am physically unable to present any views in support of it at this time. I have a letter from Hon. Louis Marshall, one of the very able lawyers of the New York bar and a member of one of its most eminent firms, bearing upon this subject. It is not very long, and I ask permission that the Secretary may read it to the Senate as the argument in support of the proposed amendment.

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

The Secretary read as follows:

The differences between the two clauses are as follows:

(a) The Burnett bill limits the exemption to those who seek admission to the United States "solely" for the purpose of escaping from religious persecution. This limitation would deprive the provision of all possible value. No matter how severe the persecution may be, the refugees, who are usually stripped of their belongings or are deprived of the opportunity of earning a livelihood by reason of persecution, would naturally come to this country, not only for the purpose of seeking that asylum which we have always granted to the oppressed but incidentally and of necessity to earn a livelihood here. Hence it can not be truthfully said that they come here "solely" to avoid persecution. Naturally they also seek to save themselves from starvation, which, though frequently an incident to the persecution which they have suffered, would confront them in this country if they do not find an opportunity to earn a living by their labor.

As the exemption clause now reads, the only persons who would have the benefit of it would be those individuals who could show not only that they were persecuted but that they have sufficient means to make it unnecessary for them to labor or are willing to pursue a life of idleness. Surely the intention of the framers of this clause, who are actuated by the most humane of motives, must be to enable the victims of persecution not only to seek an asylum but also to become useful members of the community while here.

Those who have been strong in their advocacy of the illiteracy test admit that an exemption should be accorded to these victims of persecution. Messrs. Jenks and Lauck, in their recent work on The Immigration Problem, say at page 334:

"The chief objection raised at the present time against further restrictive measures has come from the Jews, who fear that any restrictive measure will tend to keep many of their people, especially those in Russia, under conditions of political and religious oppression. The answer to such an objection, of course, is found in the first principle laid down (in the commission's report) which makes it clear that, in the judgment of the commission, as well as of most other enlightened citizens, the United States should remain in the future, as in the past, a haven of refuge for the oppressed, whether such oppression be political or religious. Any restrictive measure should contain a provision making an exception of such cases."

(b) The clause in the Burnett bill merely exempts those who seek admission for the purpose of escaping from religious persecution. The substitute adds "political" persecution. As a matter of fact, the persecutions to which the Jews have been subjected in Russia and Roumania, while founded on religious intolerance and animosity, are in part also political, and, as Secretary Nagel pointed out, it is sometimes difficult to draw the exact line between religious and political persecution. The student of history knows that wherever there has been religious persecution it has been ordinarily commingled with political elements, and that, as a matter of fact, persecution is a dual monster, partaking both of a political and a religious character. In Russia and Roumania, it is difficult to say where religious persecution ends and political persecution begins. The two run into one another. It is one of the glories of our country, that it has during its existence as an independent power, opened its doors to those fleeing from political as well as from religious persecution.

The present Mexican situation does not affect the question, because it partakes of the nature of a civil war or rebellion and not of a political persecution.

(c) The clause in the Burnett bill contents itself with granting exemption to those who seek admission for the purpose of escaping "from religious persecution." There is no definition of that term in the act. The phrase is vague and indefinite, and for that reason is apt to receive an interpretation which would render it of but slight value. As a matter of fact, the religious persecution from which the Jews in Russia and Roumania are now suffering occurs principally through the operation of discriminatory laws and regulations. There are occasional outbursts, which are known as pogroms, where violence is used. But those are only symptoms of a disease which is much more insidious and fatal than these momentary physical phenomena. By these laws the Jews are prevented from receiving education. A people which, during the darkest of the Middle Ages, taught its children assiduously, so that education was a religious precept, has been restrained by law from sending them to the schools. Hence, the illiteracy which exists among the Jews in Russia and Roumania is directly due to the operation of discriminatory laws. There is a multitude of employments and activities in which they are not permitted to engage. They are restricted as to the territory in which they may reside. In fact, in Russia they may not live beyond the Pale of Settlement, and even within its boundaries they are confined to cities and towns. So that in reality they may not live or carry on business in 1999/2000 of the area of the Russian Empire. They are precluded from owning land, from living in the country, from carrying on agricultural pursuits, and from practicing professions, except to a very limited extent. In other words, they are in every way hounded and persecuted by methods more far-reaching and lasting in their effects than they would be if actual violence were inflicted.

This is clearly shown, so far as Russia is concerned, in the recent pamphlet of Lucien Wolf, entitled "The Legal Sufferings of the Jews in Russia," and the introduction thereto, by Prof. Dyce, of Oxford University; and as to Roumania, by the facts collated in the speech of Congressman CHANDLER delivered on October 10, 1913.

A clause, descriptive of the character of persecution which is to be the ground of exemption, embodied in the words, "whether such persecution be evidenced by overt acts or by discriminatory laws or regulations," is therefore proposed. That clearly defines what undoubtedly is intended by those who recognize the necessity for an exemption. To decline to make such a definition is practically to give with one hand and to take away with the other.

This amendment imposes the burden of proof upon the imigrant and not upon the Government, and leaves the determination of the question as to whether there has been religious or political persecution of the character specified to the proper immigration officer or to the Secretary of Labor. The public interests are therefore fully safeguarded, and this clause merely becomes a safety valve for the purpose of protecting those whom it has been the policy of our country to take into its keeping ever since our Government began. It would be retrogression if this historic policy were now changed.

The reasonableness of this amendment is demonstrated by the fact that it is susceptible of absolute demonstration that the illiteracy of the Russian and Roumanian Jews is due entirely to the persecution which they have endured, and it would therefore be the very irony of fate if they were prevented from coming to this country because of the illiteracy thus conduced.

In a pamphlet by Mr. Max J. Kohler on "The Immigration Problem and the Right of Asylum for the Persecuted," it appears that the English aliens act contains an exemption clause similar in terms to that contained in the Burnett bill. He shows, however, that that clause has reference only to a provision excluding those who are "likely to become a public charge," and has no bearing on the illiteracy test. The leading members of Parliament were, however, of the opinion that the clause as framed was ineffective. But inasmuch as it was believed that there was no likelihood that the Jews who came to England from Russia by reason of religious persecution would be permitted by their English brethren to become public charges it was felt that, in that connection, the phraseology of the exemption clause was of comparatively small importance.

When one considers, however, that we now are dealing with the illiteracy test, and that the exemption clause is of importance, because an illiterate is not apt speedily to become literate, there is every reason for couching the exemption clause in such terms that it will carry out the benevolent purposes which it avows. Otherwise it would prove not only a snare and a delusion but the withdrawal of the last gleam of hope from those who are the victims of religious and political persecution.

Mr. McCUMBER. Mr. President, I wish to ask a question not only about this last proposed amendment, but about the bill itself on that very subject. The amendment differs, I understand, from the original bill in that it includes political persecution as well as religious persecution. I read over that provision when the bill came from the House, and it seemed to be designed for only one purpose. Under this amendment there can be no question that all the Jews in Russia, if the statement just read is correct, and I assume it is, could immediately come into the United States. It opens the door for all those persons, whether they are illiterate or not, and you discriminate in favor of what you call the Jews and against the Christians, because in Russia, where perhaps nine-tenths of all our Jewish immigration now is coming from, there is no question that there has been both religious and political persecution. Therefore, we would open the gates wide to them.

So also with reference to the Armenians and the Turks. The Turks have persecuted the Armenians and the Armenians have persecuted the Turks, both religiously and politically. Under this provision there would be no difficulty whatever in all the Armenians and all the Turks getting into this country, because they had persecuted each other.

I call the attention of the Senator in charge of the bill to the particular wording on page 9. It is in reality just as broad as this language, for it provides that—

All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they emigrated from the country of which they were last permanent residents solely for the purpose of escaping from religious persecution.

All those can come in under the bill as it is now presented to the Senate. It seems as though the committee had adopted the word Jewish, for instance, in another instance as meaning a nationality, and not a religion. If I understand the proper phraseology and the definition of Jewish, it is a religion just as much as the Christian religion is a religion, and not a nationality.

If we use the word "Israelite" generally, then we would speak only of the nationality or of the particular race; but so long as the word "Jew" pertains to a religion and so long as this bill provides that if there is religious persecution—and the persecution mentioned here is toward the Jew because of his religion—in either instance, under the bill itself or under the amendment, it throws the door wide open for the entire Jewish religionists, which would permit the Israelitish race in Russia, and possibly in Poland, in Armenia, and in other Slavic countries, to come into this country, whether they are illiterate or not.

It seems to me to be hardly treating the Christian population of the Old World as fairly as we do the Jewish population. I have no objection to all of the Jews coming here from Russia or from any part of the Old World, if they are proper persons, but I want to see our coreligionists treated just as fairly.

Mr. SMITH of South Carolina. Mr President, the modifying word here, "solely," is the very word about which there has been most contention from those who have desired to have the fullest freedom given to the Russian Jews. The letter just read complains that the word "solely" would restrict them to prove the affirmative, would make it necessary for them to establish that that was the object of their coming.

Mr. McCUMBER. Could they not prove that by the Russian statutes themselves? Do not the Russian statutes provide that those of the Jewish faith—I am not now speaking of the Israelites, but those of the Jewish faith—can not hold land? Do they not also provide that those of the Jewish faith and religion can not live in certain places? Is not that discrimination a persecution of those of the Jewish faith? Therefore, does not this bill allow anyone of the Jewish faith from Russia, whether he be illiterate or otherwise, upon the presentation of the Russian statute, to come into this country?

Mr. SMITH of South Carolina. That may be a discrimination, without persecution. I should think that our administrative officers in charge of the interpretation of this proposed statute would take just what the Senate committee meant or the House committee meant and the old law meant by inserting the word "solely." If the interpretation placed upon it by the Senator from North Dakota were correct, I presume those who would be the beneficiaries of it would call attention to it and ask that it be stricken from the bill. The committee was flooded with requests from all over the country, from those who were friendly toward the Russian Jew, to have this very word stricken out, because it seems to have been pretty well established that the persecution of the Jews was not on account of their religion; that it was racial antipathy, not religious antipathy. I think every student of conditions as they exist in Russia to-day will admit that, so far as the Russian officers and the Russian Government are concerned, they care nothing about the religion of the individual, but it is the racial antagonism. I do not think it is a question as to their religion, so far as I have been able to ascertain.

Mr. McCUMBER. What I wanted to direct the Senator's attention to was the fact that the Russian statutes are leveled against those of the Jewish faith and not against Israelites; not against the race, but against the religion. If the word "Jew" designates a religion and not a race, it must apply to the religion. Therefore it must be religious persecution, and the citation of the Russian statute would be all that would be necessary to admit such an immigrant.

Mr. SMITH of South Carolina. I do not think it is necessary to discuss just what would be the terminology necessary to define what is the particular faith of a member of a race and say that because he has a certain racial name that, therefore, that is the name of the faith that he holds. The point that we are making here is that the Jews of this country have protested against the insertion of the word "solely." If we remove that, the doors would be wide open to anyone claiming that he was religiously persecuted. We wanted to discriminate so as to give an asylum to those who really for the faith that was in them were being persecuted, and not as a race. The point which the Senator from North Dakota is making is that these Jews are being persecuted because of their faith. They are being discriminated against there because of their race and not because of their peculiar religious belief. I am not familiar with the Russian statute in its terminology, but I know that the Jews themselves have protested against this very word "solely," and the committee of the House, the committee of the Senate, and those charged with the formulation of this legislation were attempting to restrict it to those who were persecuted for their individual faith and not for their racial characteristics.

Mr. McCUMBER. Allow me to ask the Senator this question, so that we may not misunderstand each other: Suppose that one of those who belong to the Jewish faith should recant that faith and become a member of some Russian church, would the law of Russia then apply to his case?

Mr. SMITH of South Carolina. I am not sufficiently familiar with the Russian statute to answer that question yes or no, but I can use an illustration. We have in our section of the country a race toward which there is a racial antipathy or a racial difference, such as to amount to a chasm across which we can not go. The mere fact that a negro in the South should become a Methodist or a Baptist, as a great many of them do, does not at all change the fact that he is a negro, nor does it lessen the racial antipathy. I should imagine that the same would be true in Russia.

Mr. McCUMBER. That would be true if the word "Jewish" referred to a race and not to a religion; but I have insisted—and I challenge that to be refuted—that the word "Jewish" refers to a religion and not to a race, and that if one recanted his Jewish faith and became an orthodox Christian of the Greek Church, he would no longer be a Jew and amenable to the Russian statutes to which I have referred. Therefore the statutes are directed not against the Israelite, but against a religion, and it is the persecution of the religionist. Under the terms of your bill, no matter if 90 per cent of them were illiterates, they could come in, because they are persecuted in Russia, while 90 per cent of certain portions of the population of Italy could not come in because they were illiterates and they were only Christians.

Mr. SMITH of South Carolina. Mr. President, I think that perhaps the Senator from North Dakota would find that in the practical administration of the law the interpretation which

I have attempted to give to it would be the one that would prevail, because those who have studied the matter most closely assert—and the argument presented by the Senator from Colorado [Mr. THOMAS] establishes that fact—that the Jews themselves are seeking an asylum for the race, as now outlined by the Senator, and this word "solely" excludes the possibility of that.

Mr. THOMAS. Mr. President, I have no intention, as I before stated, of even attempting to discuss this important amendment. I am in hearty accord with those who are supporting and desire to secure the enactment of this bill into a law, but I have never sympathized with that narrower view concerning immigration which would exclude from our shores men and women who are the victims of either religious or of political persecution.

One of the proudest boasts of our country since its establishment has been the fact that it is a refuge for the victims of religious and political persecution from all countries. We believe that under our institutions it is a political duty to give them a haven where they can be free from the exactions of either or of both. If it be true that the word "Jew" is one which indicates a widely extended religious belief instead of a race of people, I would not for that reason limit the application of the rule in the slightest degree.

I think perhaps the suggestion may be true, in a general sense, that a man who is known as a Jew generally professes a religion which is peculiar to that people. If, therefore, the entire race of Hebrews in Russia or in any other country is the subject of religious or political persecution in the accepted sense of that term, I would make no limitation upon their right collectively any more than I would upon their right individually to seek the shores of America to the end that they might escape the further endurance of such intolerable conditions; and what I say of the Jew I would say equally as to any other form of religious belief or as to any other form of religious persecution or political persecution, always provided that the persecution exists in fact and not merely in imagination.

The word "solely" which appeared in the draft of this bill as it came from the House has unquestionably received the most serious and ample consideration; indeed, I presume that the so-called literacy test provided by that measure and the exceptions to it have been the subject of more consideration and more discussion than all the rest of the bill besides. Hence I am not prepared to say that there are not excellent reasons why it should be continued in the bill. Nevertheless, it is my conviction that it imposes a limitation which in effect will exclude or have a tendency to exclude many people from our shores who are the victims of an intolerable persecution carried on, perhaps, not with directness, but nevertheless so effectively as to be quite as intolerable as though it were direct.

The substitute which I propose goes very far. It not only eliminates the word "solely" but it adds the word "political," and by that means continues a policy of which we have boasted for a great many years.

I think the junior Senator from New York [Mr. O'GORMAN], from what I have heard, is interested in this matter. I am sorry it became necessary to introduce it at a time when comparatively few Senators are in their seats, and when perhaps their interest and the interest of all of us has palled under the previous discussions to which the measure has been subjected. But I believe that this substitute, not perhaps in its entirety but in its substance, ought to be enacted into any immigration law which the Congress of the United States shall pass unless it be our purpose to alter our entire policy with reference to the subject to which this substitute relates.

Mr. STONE. Mr. President, I should like to ask the Senator from Colorado whether, in his opinion, any exception should be made in favor of those who are persecuted for racial reasons where, of course, the person is otherwise eligible to admission into our country as an immigrant?

Mr. THOMAS. Mr. President, my views upon that subject are somewhat positive. I have long believed that racial prejudices and differences were constitutional with mankind, and therefore ineradicable. I do not believe that races which are not likely to assimilate and merge themselves can endure with safety to a nation as component parts of it.

The Senator from South Carolina [Mr. SMITH] has just referred to the well-known racial prejudices and differences which exist between the black man and the white man in the South. We have had two or three apprehensions of difficulty with Asiatic countries, even since this administration began, consequent upon their presence in numbers sufficiently large on the Pacific coast to excite grave apprehension, and it is a matter of history that for many years American sentiment has been overwhelmingly against Chinese immigration to this country. Canada has had similar trouble with the inhabitants of the East Indies, who have sought to find an abiding place in the domain of that country, and the effort has resulted not only in vigorous opposition but in bloodshed.

I am not in favor of the immigration into this country of men differing racially in such wise as that it is practically impossible, and, of course, highly improbable, that they shall ever merge themselves into a composite nationality.

Now, if the Senator asks me to draw the line between those races with whom we can not assimilate and those races with whom we can assimilate, he asks me a very difficult question; but, broadly speaking, the fundamental constitutional differences, intellectual and physical, between the Asiatic races, the African races, and the Caucasian races are such that I wish we could by some means and at some time, without giving too great offense to other nations, limit all immigration into this country to members of the Caucasian race and exclude all others—or, perhaps I should say, to the white race—so as to distinguish it from the black and from the yellow races—not because I have any prejudice of a personal character that forbids me getting along with people of those races in a way, but because, nationally speaking, I believe that the intrusion of those races into America will constitute, if it does not already constitute, one of the gravest dangers that menace our future. Hence, so far as the racial question is concerned, I think it is fundamentally different from the religious or political question; and of course that makes it necessary that I should also limit my contention that this country should continue to be the refuge of those who flee from religious and political persecution by insisting that it should be the refuge of the white race, as distinguished from the Asiatic and the African races, who are the victims of such persecution.

Mr. SMITH of South Carolina. Mr. President, as it is probable that this will be the only time that the clause involving the question of the Russian Jew will come up, I wish to state that not only do the characteristics of the Hebrew race as we know them here—their thrift, their economy, and their general love of learning—appeal to us, but in looking over some tables I have here I think it becomes apparent that the proposed literacy test, even if Jewish immigrants are unable to establish that their coming is solely upon grounds of religious persecution, will not operate against them. The tables referred to show that they have a better chance than any other immigrants seeking admission to our shores, and constitute a splendid testimonial to the Jewish love for intellectual development.

The tables furnished by the Bureau of Immigration show that for the Austrian nation at large the per cent of illiteracy amongst those over 10 years of age is 22.6. Another table shows the per cent of illiteracy among the different races in that country, and I find that among the Hebrews in Austria the per cent of illiteracy is only 11.4. In Hungary the national illiteracy amongst those over 10 years of age is 40.9 per cent, while for the Hebrews of Hungary it is 3.5 per cent. That very marked difference runs all through, until I come to Russia; and I wish to call attention to the fact that even there, under all the adverse circumstances that surround them, or which are alleged to surround them, the Hebrew race compares very favorably with others as to intellectual development. For the Russian Empire, including Finland, the per cent of illiteracy is 70, while the per cent among the Hebrews is 40.

Mr. REED. From what figures is the Senator reading?

Mr. SMITH of South Carolina. I am reading from tables recently compiled and furnished to the committee by the Bureau of Immigration. They are brought up to date.

Therefore in this country there is no antipathy, racial, social, political, or otherwise, toward the Jew. I think the best specimen of manhood, from the standpoint of moral and mental integrity and every other standpoint, that I ever knew in my life was Altamont Moses, of Sumter, who was a colleague of mine in the legislature; a man who loved the right and lived it, and from whom it emanated—the highest type of American citizenship. Take the Hebrews as a class in this country, and in every department of industrial, social, and political life they will rank with any citizens we have. Therefore it can not be said that the committee has attempted in any way to restrict the immigration of the Jew. We have attempted to bring this bill in conformity with our treaties and conventions and at the same time, so far as possible, to preserve the integrity and the highest possible scale of citizenship here.

At the proper time, when we have proceeded further along, I propose to give the Senate the benefit of what research I have been able to make explanatory of the contested phases of this bill. In my opinion the measure is the result of as honest and as impartial work as was ever done in the execution of the duties of a committee. We have tried to restrict immigration

because we thought the time had arrived when there should be some restriction.

I have before me a table—to which at another time I shall refer more particularly—which shows that from 1900 to 1910 the increase in population in this country, in round numbers, was 15,000,000. During that period there were 5,000,000 people who came to our shores as immigrants. The children of foreign-born parents were 3,000,000. The children of parents one of whom was foreign born were 2,000,000. So the native born were only 5,000,000. Two-thirds of the increase in a decade was either directly foreign by importation or born of parents born in foreign countries. Therefore we have now arrived at the point where every legitimate method of exclusion has to be exercised, or it will be a question not of our assimilating our immigration but of our immigration assimilating us. Already some of the States of this Union are face to face with the question whether they are American or foreign. Already the powerful influence of the foreigner is putting its hand upon the political thought and movement of this country. It is entering into the domain of our commercial life and influencing that.

As a nation of people we are proud of the fact that from northern Europe the spirit that has characterized America since it became distinctly America was inherited from those who resisted the encroachments upon the sovereignty of the individual and came here to set up a government according to their own ideals. I think we, the sons of those men, would be derelict in our duty if, after having achieved that for which our fathers fought and labored, we should swing wide open the door to those who by race, heredity, and their very mental and moral constitution can not have the ideals that we have, can not have the motives that actuate us, and, from a morbid sentiment or worse, jeopardize those who by blood and inheritance and association have built this country to what it is, and allow them to be submerged by an avalanche of those who, when they come, have preconceived notions, ideas, habits, and thoughts that may not be properly regulated.

Referring to the table from which I quoted a moment ago, 10,000,000 were either directly foreign born or had parents of foreign birth. Take the 5,000,000 immigrants that come in—they come here as adults, 80 per cent of them. As a matter of course, having arrived at maturity they begin or continue the increase of their families, while the 5,000,000 of native born have to go a period of years to maturity, an average, perhaps, of 20 or 21 years. So in the mere matter of natural increase your native-born citizen is handicapped by the time that must elapse from infancy to maturity, while your imported citizen is already a matured member of a family, the head of a family. Therefore the number of native-born Americans is measured exactly by the number of adults imported, and, referring to the matter of the natural increase you would not have two to one. The ratio in that respect would go pari passu. You would have, in the course of a few years, an absorption of the native-born American, preempting him in every field of endeavor, and modifying and influencing every institution of this country.

In place of the antagonism that seems to exist on this floor to certain tests that we have thought out and worked out in order to let in the best, if forsooth we must let in any, in place of having an antagonism to restricting the importation of immigrants, I think the committee has a right to appeal to the patriotism and moral and mental support of this entire body. There is something in this country that is of more value to us than rapid material advances and the bringing to wealth producing of our resources, and that is the maintenance of the standard of our citizenship.

Some Senator on this floor said the other day that after years of experience he believed that the progressive process has to come from the bottom up, and not from the top down. I think we have enough evidences of that for it to be axiomatic. We can not be charged with being inhuman; we would be unhuman if we did not seek to preserve the moral, intellectual, and political standard that characterizes this country. I have a right to protect my family against contact and association with those who I believe do not tend to perpetuate the ideals that have been inculcated in them and in their forebears.

We may have undeveloped mines and fields and forests. Better let them lie fallow and undeveloped, and await the natural increase of the natural Americans, than rush to individual and personal wealth at the jeopardy of our Government and her institutions.

It is along this line that the committee has worked. It is no argument to stand here and say that the fathers of us all were immigrants. Tables are before me here to show that the spirit that characterized those who laid the foundations of this Government is asserting itself even in this question of immigration. Since the flood tide started from southern Europe and the countries grouped in that political division, northern European immigration has shrunk to insignificance. The Norwegian, the Englishman, the Frenchman, the German is not going to come in contact and competition for a livelihood with those who, he knows by contact with them in his own country, are preempting the ground in America. So, in order to get the best immigrants, we have to prescribe the test that characterizes the best people. If education is not an essential for good citizenship, if it is not a test, we have been guilty, as the Senator from Oklahoma suggests, of a great deal of waste.

I took occasion to cite the condition of the Jew, so far as education is concerned, in the different countries from which he came. Even in Russia, under all the terrible conditions he has to suffer, in spite of the lurid pictures that have been painted, which perhaps are true, the national illiteracy is 70 per cent, the Jewish illiteracy 40 per cent. Even under those conditions he has struggled to a point where he has lowered the percentage of his illiteracy 30 per cent below that which characterizes the nation as a whole.

Mr. POMERENE. Mr. President, does the national illiteracy in Russia include the Jews?

Mr. SMITH of South Carolina. It includes the Jews; yes.

Mr. POMERENE. So, excluding the Jews, the percentage of illiteracy would be larger than 70 per cent?

Mr. SMITH of South Carolina. Oh, to be sure. The Jew lowers it to 70 per cent. In Hungary the national illiteracy is 40 per cent; the illiteracy of the Jews in that nation is 3.3 per cent.

I use that to show that where a nation is inspired, as every nation should be in this day of transportation and communication and elbow touch with the world, with an intimate knowledge, by hearsay if not by ability to read, of that which characterizes all which is best and highest and how obtained, under the most adverse circumstances the Jew has kept pace with the progress of the world in that essential particular. I do not believe this country is called upon to furnish a free-school system for the nations of the earth where they have the opportunity, with cheap printing and cheap travel, to better their own condition at home.

Mr. THOMAS. Mr. President——

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

Mr. SMITH of South Carolina. I do.

Mr. THOMAS. I think the illiteracy of the Jew in Russia is due entirely to the prohibitory processes of unfriendly Russian legislation and practices; and that the discrepancy which is shown by these tables between the intellectual progress of the Jew in Hungary and other countries and the Jew in Russia would long ago have disappeared, and in fact would never have existed if it had not been for the racial and religious persecution to which the Jew has been subjected in that despotic country.

Mr. SMITH of South Carolina. Judging from the logic of these tables, I think, as a matter of course, that conclusion is correct.

Mr. President, this bill has so appealed to the country at large, regardless of party affiliation, regardless of any question of party, that at its last introduction it passed the House and it passed the Senate. It was vetoed, and to the honor and credit of this patriotic body it was passed over that veto, and failed by only a few votes in the House. I predict that it will pass this body, as it has already passed the House, by an overwhelming majority. In view of all the startling figures that can be and will be read on this floor to prove that our civilization and our institutions are being jeopardized, I should hate to be the one who would dare deny the right of the American Congress to protect America in Americanism.

Mr. STONE. Mr. President, a moment ago I asked the Senator from Colorado [Mr. THOMAS] what his opinion is with respect to excepting from the operation of that provision of the bill now under consideration people who have been persecuted for racial reasons as well as excepting those who have been persecuted for religious or political reasons, and his answer was clear and lucid, as whatever the Senator says invariably is. I apprehend, however, from what he said, that he did not quite catch the full import of my question with its qualifications. What I asked was to know if any reason occurred to the mind of the Senator why an immigrant who had been persecuted for racial reasons should not be admitted equally with immigrants who had been persecuted for religious or political reasons, provided the immigrant was not otherwise subject to exclusion for special reasons outside and independent of the provisions of this bill. For example, Chinese are now excluded by virtue of our public policy, crystallized into law. A Chinaman might be persecuted for racial reasons, but he would be excluded as an immigrant to this country specifically because he is of the Chinese

race. In like manner the people of any other particular race could be excluded from our citizenship by a direct enactment for that purpose, or any class of people could be specifically excluded for any reason we may care to act upon. But there is no intention on the part of any to exclude the Jews from emigrating to the United States because of their race. It never has been and is not now our policy to apply any test of that kind to the Hebrew people, the Jewish race. Now, with this qualification, I would like the opinion of the Senator from Colorado or the Senator from South Carolina [Mr. SMITH] as to whether there is any greater or better reason for admitting immigrants, whether illiterate or not, if they are fleeing from religious or political persecutions than for admitting those who are fleeing from a purely racial persecution.

The Senator from South Carolina stated a moment ago, and he was very emphatic in his views, that the persecution of the Jews in at least one of the chief countries of Europe is because of racial prejudices and that it had nothing to do with the religious convictions or practices of those people. If that be the fact, and if they suffer humiliations and discriminations, and if they are denied rights that obtain generally among their fellow countrymen solely because they are Jews, in a racial and not in a religious sense, then a Jew could not avail himself of the exception in the text of the bill, which relates only to religious persecution. I will ask the chairman of the committee whether an illiterate Jew could be admitted under the exception in the bill as it now stands upon the ground that he was persecuted because of his religion when, in fact, he would only be able to show that he was persecuted solely because of his race? Manifestly he could not, if the position taken by the Senator from South Carolina is correct. If he is not persecuted solely because of his religion, then he can not invoke the protection of the exception as it now stands in the bill. So I again propound the question whether a man, otherwise qualified, ought not to come under the shelter of an exception like that now in the bill, if he is persecuted for the reason that he belongs to a particular race of human beings.

I think the word "racial" ought to be added to the pending amendment. We could at this time, even in this bill if we wish, escape the danger the Senator from Colorado apprehends with reference to the Asiatic races or any other undesirable people whom we do not wish to enter into our political life because of the race to which they belong by appropriate legislation to that end.

Mr. President, I hold a letter in my hand from Mr. Louis Marshall, of New York, an eminent lawyer of that city and one of the foremost Jews of this country, which I intended to have read; but the Senator from Colorado, seeing the letter, informs me that he has already had it read in the hearing of the Senate. If Senators paid attention to what Mr. Marshall says in this letter, they will agree that the reasons he urges for the amendment now pending are very strong, if not wholly convincing.

Mr. President, I came into the Senate while this particular matter was under discussion. I do not know, therefore, whether the Senator from South Carolina and his committee are opposed to the amendment now pending. The Senator now informs me in undertone that they do oppose it. Mr. President, I have great respect for this committee and for its chairman. The committee is composed of capable and conscientious men, and I have no doubt that they have endeavored to present a measure representing the best thought of which they are capable; but with all due respect, I can not see why a man who can not meet the literacy test should be permitted to come in because he has been made a victim of religious persecution in his native land, and yet in the case of another man who has perhaps been made the victim of even a harsher persecution for political reasons, should be excluded; nor can I understand, along the same line of reasoning, why one who has been persecuted solely because of the race he belongs to should be excluded.

Mr. President, there are numerous instances in history where men have arisen in some organized form and fought battles for the sake of liberty and for the enjoyment of larger rights and privileges, even imperiling their lives in the struggle. Such uprisings have been overcome by the organized power of Governments, and these men and even their children have been persecuted, many being compelled to flee for their lives. They have been stripped of their possessions, they have been ostracized, discriminated against, disfranchised, and even deprived of liberty. That is political persecution. Political persecution always obtains when men are denied the prerogatives that freemen and lovers of liberty have their hearts forever set upon. If a man, although an humble follower, has fought a battle of this kind, he fought for mankind against governmental tyranny, and when such a man comes to our shores seeking an asylum and higher and better opportunities and is denied entrance and our doors are shut in his face solely because he happens to be illiterate, I feel that this Nation of ours would by that act slap liberty and human hope in the face. What better reason has an illiterate who is persecuted because of his religious faith to enter our doors than such a man as I have described? That sort of thing does not appeal to me. A Jew may come and be able to show satisfactorily that he has been persecuted because he is a Jew, because he belongs to that race, and that he has been denied the right to engage in professions, denied the right to teach, that his children have been denied the right to enter the public schools of his country, that he has been despoiled of his property and, it may be, thrown into prison—all this because he is a Jew; not because of his religion, but because of his race, and he would be shut out. If only he could show that these persecutions were because of his religion, not of his race, he would be admitted. A distinction and a discrimination of that nature is beyond me.

Mr. President, I believe that is all I care to say on this subject at this time. I may have something further to say along the same line later on.

All that I have said is without reference to the literacy test itself in its general application. I have been addressing myself to the question of exceptions to that test. I desire later to submit my views upon the literacy test itself in its larger aspects. I would prefer, however, to do that on some other day that would be agreeable to the Senator from South Carolina, who is directing the bill upon the floor.

Mr. SMITH of South Carolina. We are not really on the discussion of the literacy test per se. It came up incidentally in this discussion. As the hour is getting late, I had thought of asking to have a day certain fixed for a vote, such time to be fixed as would give ample opportunity to Senators to discuss this or any other part of the bill that they may deem worthy of serious consideration.

Mr. STONE. I have been so occupied with other matters that I have not been present during the day while this measure has been under consideration, and if it has not been done I desire to offer an amendment to that particular part of the bill and address myself to it and have a vote upon it. Of course when that is acted upon my chief interest, so far as any exceptions to the bill go, will have been disposed of.

Mr. SMITH of South Carolina. I assure the Senator that so far as the committee is concerned he will be given an ample opportunity to introduce that amendment. As the bill is now in Committee of the Whole, and it will be in the Senate before it is disposed of, he will have ample opportunity to introduce the amendment and to speak to it.

I had hoped this afternoon that we might be able to fix a day for voting, but under the new rule such an agreement would require the presence of a quorum. I want to give notice now that to-morrow, between the conclusion of the morning business and the time set aside for the memorial exercises, as already indicated on the calendar, I shall endeavor by unanimous consent to fix a day for the final disposition of the bill, for the reason that I think all Senators are practically acquainted with the vital features of the bill; and in fixing the time, I, of course, will have due regard to a full discussion of the vital points, one of which has been indicated by the Senator from Missouri [Mr. STONE]. As we have now come to what is the real heart of the measure—the proposed amendment to the literacy test—I ask that the unfinished business be temporarily laid aside.

Mr. WILLIAMS. Before the Senator makes that request, I want to give notice of an amendment that I propose to offer and have pending. Between the word "persecution," on line 12, page 9, and the semicolon following it I propose to insert the following:

Or for five years after the passage of this act, because of the military conquest of their country.

Cases are imaginable where a country without any act of its own has been dragged into war, invaded and overrun, its cities destroyed, its industries ruined, itself depopulated, its people fugitives, and where a man must either remain away or go back and take an oath of allegiance to a foreign power which has overrun the country without any cause of war, merely for military or strategical purposes. I think if there be such cases, and such cases are easily imaginable, the door of the United States ought to be thrown wide open to those persons, regardless of the literacy test. So I shall offer that amendment. I ask the Secretary to take it down. Between the word "persecution" and the semicolon, line 12, page 9, insert "or for five years after the passage of this act, because of the military conquest of their country."

Mr. SMITH of South Carolina. Now, Mr. President, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it will continue as the unfinished business to-morrow. The Chair lays before the Senate a bill from the House of Representatives.

HOUSE BILL REFERRED.

H. R. 19545. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

HOLIDAY RECESS.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read.

The Secretary read the concurrent resolution (No. 55), as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn December 23, 1914, they stand adjourned until 12 o'clock m. on Tuesday, December 29, 1914.

Mr. KERN. I ask that the Senate concur in the resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

EXECUTIVE SESSION.

Mr. STONE. If there is nothing more that is pressing in legislative session, I ask that the Senate proceed to the consideration of executive business for a short session. I make that motion.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 17, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 16, 1914.

COLLECTOR OF INTERNAL REVENUE.

Edgar M. Harber, of Trenton, Mo., to be collector of internal revenue for the sixth district of Missouri, in place of Charles G. Burton, resigned.

UNITED STATES MARSHAL.

John Hugh Kirkpatrick, of Homer, La., to be United States marshal for the western district of Louisiana, vice Ben Ingouf, whose term has expired.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Joseph T. Dickman, Second Cavalry, to be colonel from December 14, 1914, vice Col. Walter L. Finley, unassigned, who died December 13, 1914.

Maj. Robert E. L. Michie, Cavalry, unassigned, to be lieutenant colonel from December 14, 1914, vice Lieut. Col. Joseph T. Dickman, Second Cavalry, promoted.

Capt. John O'Shea, Fourth Cavalry, to be major from December 14, 1914, vice Maj. Sedgwick Rice, Third Cavalry, detached from his proper command.

First Lieut. Walter J. Scott, Sixth Cavalry, to be captain from December 14, 1914, vice Capt. John O'Shea, Fourth Cavalry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 16, 1914.

SECRETARY OF LEGATION.

Charles Campbell, jr., to be secretary of the legation at Berne, Switzerland.

COLLECTOR OF CUSTOMS.

Herbert C. Comings to be collector of customs for customs collection district No. 2.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. of Engineers Harry Lansdale Boyd to be senior engineer.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 16, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, Spirit of our spirits, Father of our souls, whose mercies are from everlasting to everlasting, the riches of whose blessings are above our comprehension, we praise and magnify Thy holy name, and especially do we thank Thee for those rich and varied endowments of mind and soul which enable us to contemplate the majesty of Thy glory and the beauty of holiness. Help us, we beseech Thee, to develop these endowments unto the perfected manhood, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, in order to expedite the passage of the appropriation bills, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, is there any possibility of having some understanding whereby unanimous-consent day—next Monday—can be put over until after the Christmas recess, so as to bring up the prohibition amendment for consideration on Monday, and thus permit Members living in the Mississippi Valley to get home in time to enjoy their Christmas Day?

Mr. UNDERWOOD. I will say to the gentleman that I think the Unanimous Consent Calendar is the calendar in which more Members of the House are interested than any other calendar in the House, and I would not like to ask unanimous consent to dispense with it or put it off until after Christmas. If it is agreeable to the House, I would be perfectly willing to have an order made to swap Monday for Tuesday and Tuesday for Monday. If that would be satisfactory to gentlemen on this side, I will ask the gentleman from Illinois [Mr. MANN] if it would be satisfactory to him?

Mr. STAFFORD. I think that will be satisfactory to a great number of Members, some of whom live as far away as Texas.

Mr. ADAMSON. I do not see how you can make anything by that swap.

Mr. STAFFORD. Why can not the unanimous-consent day be swapped for Saturday of this week or next Tuesday?

Mr. UNDERWOOD. I do not think it could be Saturday of this week, because we have appropriation bills to dispose of. But if there are no objections from other sources, I have no objection to swapping Monday for Tuesday or Tuesday for Monday.

Mr. ADAMSON. I shall have to object.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD] that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning?

Mr. STAFFORD. I object for the time being.

The SPEAKER. Objection is made.

CHANGE OF REFERENCE.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the reference of the bill (S. 6689) making appropriations for the arrest and eradication of the foot-and-mouth disease be changed from the Committee on Agriculture to the Committee on Appropriations. On its face it provides for a deficiency.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that a change of reference be made of Senate bill 6689 from the Committee on Agriculture to the Committee on Appropriations, it being a deficiency appropriation. Is there objection?

Mr. GARNER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New York if this is the bill that proposes to make an appropriation for the foot-and-mouth disease?

Mr. FITZGERALD. Yes; a larger sum of money is said to be needed than is carried in the current agricultural bill.

Mr. GARNER. Reserving the right to object, Mr. Speaker, I want to ask the gentleman if he thinks the Senate, under his construction of the Constitution, has the right to initiate an appropriation of this kind?

Mr. FITZGERALD. The Senate has not the right. A much larger sum is suggested as being needed than is now provided.

Mr. CARLIN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CARLIN. May I inquire, Mr. Speaker, how the bill found its way to the Committee on Agriculture?

The SPEAKER. The manner in which it found its way to the Committee on Agriculture is that the chairman of the committee asked me if it should go to the Committee on Appropriations or not, and I forgot it; and inasmuch as it seemed to be an agricultural bill, I referred it to the Committee on Agriculture, although it is clearly a deficiency bill. Is there objection to the request for a change of reference?

There was no objection.

MENTAL HYGIENE AND RURAL SANITATION.

Mr. ADAMSON. Mr. Speaker, on yesterday a report on the bill (H. R. 16637) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service (Rept. No. 1224), through inadvertence, was placed in the basket prematurely, the author having not quite completed what he intended to put in the report. I ask unanimous consent that a reprint be made of the report itself.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks for a reprint of the report which he names. Is there objection?

There was no objection.

PRINTING AND BINDING, COMMITTEE ON ACCOUNTS.

Mr. LLOYD. Mr. Speaker, I ask for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] asks for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 677.

Resolved, That the Committee on Accounts shall be, and is hereby, authorized, during the Sixty-third Congress, to have such printing and binding done as may be required in the transaction of its business.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BARTHOLDT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BARTHOLDT. The New York Sun of yesterday, under big headlines, published the following, which I ask the Clerk to read.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Intimations that Congressmen fathering bills to stop all contraband exports are in reality agents of Germany acting under advice of German diplomats in this country were made yesterday by Maurice Leon, of 60 Wall Street. Mr. Leon in discussing the Sun's report of Representative BARTHOLDT'S advocacy of legislation forbidding all shipments to belligerents, declared that "such an unequivocal espousal of Germany's interests calls for immediate exposure, inasmuch as duplicity in such important matters affects the vital interests and even the permanent safety of the American people."

Mr. Leon gave his views of the activities of Congressmen of German descent, as follows:

"Representatives BARTHOLDT, LOBECK, and VOLLMER, when they speak of forcing an end to the war by cutting off all supplies from belligerents, know well that no supplies in any case can reach Germany. Therefore, by 'belligerents' they mean 'allies.'

"This is a characteristic German maneuver. I have no doubt but that these three Congressmen are carrying out the expressed wishes of Count von Bernstorff, the German ambassador to this country, and Dr. Bernard Dernburg, the German publicist.

"In view of the activities of Representatives BARTHOLDT, LOBECK, and VOLLMER, it is important to consider whether the allegiance of these gentlemen is primarily to the United States or to Germany. Their silence is transparent. They are acting as agents of the German Government in Congress. What they do dovetails with the activities of the German ambassador.

"A true explanation of the whole matter is found in the principle laid down in the German imperial and state citizenship law, article 25, paragraph 2.

"This law sanctions the following practices: A German desiring to exercise the franchise of this country goes to the German consul, and from him obtains the written consent of the German authorities to retain his German citizenship, notwithstanding his naturalization.

"Having done that, he goes before a court in this country and takes an oath of allegiance which, according to our laws, requires him expressly to forswear allegiance to the German Empire. But that oath is not taken by him in good faith. He is not engaged in reality in becoming an American citizen, but in acquiring the right to use the American franchise although remaining a German subject.

"In this way the German Government connives at wholesale deception on the American Government, and does so with the sanction of a law duly adopted by the Reichstag and bearing the signature of the German Emperor.

Mr. BARTHOLDT. Mr. Speaker, during my long service in this House I have heard read from the Clerk's desk many an accusation against Members of this body, but none more serious than the one just reported. The gentleman from Iowa [Mr. VOLLMER], the gentleman from Nebraska [Mr. LOBECK], and myself are practically charged with high treason against the Government of the United States by the unequivocal assertion that "we are acting as agents of the German Government in Congress." My colleagues will no doubt speak for themselves, though we all could probably well afford to leave the whole matter, without saying another word, to the judgment of the House and the country, considering the fact that the charge emanates from the New York spokesman of a foreign belligerent Government which, according to reports, would be at its rope's end but for the contraband supplies it receives from the United States. Certainly I shall not dignify the libel with an affirmation of loyalty to my country in a body of which I have had the honor of being a Member for 22 years and which knows my record, no matter how humble, to be an open book. It is true I am an American citizen of German birth, but this means, if I do not differ from all other American Germans, that I am a man who is loyal to the Stars and Stripes [applause] and who is for America against England, for America against Germany, for America against the world. [Applause.] Indeed, if the Star-Spangled Banner is not my flag, then I have no flag. But true to my bride I shall not be faithless to my mother, and you would have a right to despise me if I were. Therefore, as the United States is not an English dependency, I can reconcile it with my Americanism to give my sympathy to the Fatherland just as well as so many newspaper editors evidently reconcile their Americanism with the open espousal of the cause of the allies. But this sympathy has no more to do with the Government of Germany than with the Government of Siam. Lord Shaftesbury once said that the human heart can not possibly be neutral, that it constantly takes part one way or the other. However that may be, it is a man's private affair. In my capacity as a Representative I have never yet given utterance to an unneutral word, nor have I done an unneutral act.

When lies were published or misstatements were made I have, with the lights I had, endeavored to correct them, for as between truth and falsehood I can not be neutral, nor can you. What I have done in the present instance, referring to the introduction of a resolution to stop the sale of war materials to the belligerent nations of Europe, I have done with my full responsibility as a Member of the American Congress, not at the behest of the German or any other ambassador, but in response to a growing public sentiment as expressed in a number of mass meetings of good and loyal American citizens, some of which I have attended. And let me say, incidentally, that I have not seen the German ambassador for nearly a year except for a few minutes at an accidental meeting when I took breakfast at one of the local hotels, nor have I heard from him either directly or indirectly, in writing or otherwise. Knowing him to be one of the best informed and most high-minded diplomats, I should have greatly enjoyed his company, but I carefully avoided it just because I wished to guard against such infamous misrepresentations as are now made by enemies of his country, and to me as a Representative the German ambassador was and is no more than the diplomatic envoys of Russia, of France, or of England. As to Dr. Dernburg, I have not the pleasure of knowing him except by reputation.

So much for the personal side of the matter. But there is a more serious side, a graver accusation, involving an insult, not only to the millions of Germans who have acquired citizenship in this country, but also to the German Government. I refer to the assertion that there was a law on the statute books of Germany which makes it possible for a man to become naturalized in the United States and yet to retain his German citizenship, an assertion coupled with the insinuation, almost incredible in its mendacity, that the Germans are taking advantage of this situation, and when taking the oath of allegiance do not do it in good faith. This wholesale indictment is probably without a parallel in history, unless we compare it with the one hurled by France against England, which forever fastened the epithet "perfidious" to the name of Albion. It is an example of the fanatical hatred engendered by war, and a sample of the desperation of crooks who have been caught with the goods. [Applause.]

The facts are simply these: Germany, like every other country, has a law which makes it possible for those who are away from the fatherland to retain their citizenship by reporting within 10 years to a German consul, but when so reporting they must make oath that they have not acquired or taken steps to acquire citizenship in any other country. The period within which they must register used to be only 2 years, but was extended to 10 years when it was found that many persons had innocently forfeited their citizenship owing to the shortness of

time. That is all. I hold that to charge a country which can justly boast of its aversion to duplicity and hypocrisy, of the incorruptibility of its judiciary and of the honor of its officials, with connivance at a common fraud, and to accuse of a like crime an element of our population whose unfaltering loyalty has been proven upon every battle field from Lexington to Appomattox, and whose civic virtues have made for it an honored name in our Republic, is in itself a criminal wrong, for which the guilty party should be called to account. [Applause.]

Yet, Mr. Speaker, Emerson said that our antagonists are our friends. It may prove so in this case, as their cowardly attack affords me an opportunity to say some things which otherwise I might not have been able to say, namely, in reference to the resolution which I have introduced and the motives which prompted it. It must be apparent by this time that the German Nation can not be conquered. Then why not stop the horrible slaughter that is going on from day to day? It is my deliberate judgment that the United States now has it in its power to stop it by withholding from the belligerent nations the sinews of war. Surely the advantages of hastening the time when the markets of the whole world will again be thrown open to our cotton and all other American products will outweigh a hundred times the temporary profits which a few manufacturers of war materials are now reaping, and, besides, we will give proof to the world of the sincerity of our desire for peace, a sincerity which can be justly questioned while we are merely praying for peace and at the same time manufacturing dumdum bullets to kill Germans and Austrians and to prolong the war. There is a hereafter, too; and is not, I ask you, the friendship of the 110,000,000 people who now constitute the population of Germany and Austria worth infinitely more than what we can make out of our one-sided bargains? At the behest of England, Japan has driven Germany from the Pacific, to clear the road, so to speak, for the action which will be taken on that ocean as soon as the Anglo-Japanese alliance is ready for business, and maybe the friendship of Germany will come in mighty handy when that time approaches. And another thing: The President in his neutrality proclamation said that "the United States must be neutral in fact as well as in name," and that we "should put a curb on every transaction that might be construed as a preference of one party to the struggle before another." Are not the manufacturers of war materials obliged, I ask you, to observe this injunction the same as all other citizens; and will anybody contend that selling to one party alone is not a transaction that will be construed as a preference of one party above the other? Therefore, in the name of peace, in the name of humanity, in the name of our material welfare, and in the name of the true spirit of neutrality, as proclaimed by both the President and the Secretary of State, we ask that a halt be called to the feeding of the belligerents with the sinews of war. And now I leave it to the judgment of the House to say whether these considerations, the real motives behind our action, are other than exclusively American and other than purely patriotic. I thank the House for the time and attention accorded to me. [Applause.]

Mr. VOLLMER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. VOLLMER. Mr. Speaker, the article that has just been read to the House not only reflects on my legislative conduct but it amounts to a charge of high treason against my distinguished colleagues, Messrs. BARTHOLDT and LOBECK, and myself, in the performance of our official duties.

Being such, I deem it a duty not only to myself but to my colleagues and this House to rise in my place and publicly reply to these infamous charges which have been given such wide notoriety by the great newspaper in which they appeared.

I am charged with being an agent of the German Government, and that acting as such I introduced a resolution against the export of contraband.

The statement is a lie, manufactured out of whole cloth. I am in no relation or connection whatsoever with the German Government. [Applause.]

That my resolution was inspired by the German ambassador and Dr. Dernburg is also a lie. I have never met either of these gentlemen. I have never met anyone acting for them in this connection. I have never had any communication with either of them, directly or indirectly, in regard to my resolution. The only person with whom I conferred on the subject was my esteemed colleague, Dr. BARTHOLDT, when we agreed that he as a Republican and I as a Democrat would introduce resolutions on the subject on the opening day of this session.

That I am a naturalized citizen, who, with the connivance of the German Government, took the oath of citizenship in this country with a "purpose of evasion and mental reservation" is another unmitigated, conscienceless, soul-damning lie. Every word of the statement is false. [Applause.]

I was born in this country, in the good old State of Iowa, to which I will soon return to stay. I am not given to boasting about my American patriotism, but I will back it against that of any dirty, purchasable penny-a-liner who ever tore to tatters the reputation of honest men. [Applause.]

I have looked it up, and there is no such law in Germany, or anything like it, providing for retention of German citizenship after taking the oath of allegiance in another country.

This dishonest charge is a slur on the loyalty and honesty of all of our naturalized citizens of German birth. Has not the German name been a synonym for good faith and square dealing and absolute honesty between men since the days of the Roman Tacitus? [Applause.]

One-third of the American people have German blood in their veins.

They need no defense at my hands. Their record in this country speaks for itself. They have done their full share in the wonderful development of this splendid land. In all the walks of peace they have done their duty, and when war came the statistics show that they invariably furnished more than their numerical proportion of men for the defense of the flag. [Applause.] That is their record in the past, and, from an intimate knowledge of them and their innermost ideas and habits of thought, I tell you that this will continue to be their attitude here in future, no matter with what country we may chance to become embroiled, even if it should be—which God forbid!—with the country which has always been the friend of the United States—Germany. [Applause.] Fortunately, there is not the slightest probability of such a thing, but if it should come, though it would tear their very heartstrings, I say to you that they would stand like a solid wall for America against Kaiser and Fatherland and kin across the sea; for this people have had the idea of duty—das Pflicht—bewustsein—the "categorical imperative," deeply implanted in their natures by centuries of religious and philosophical teaching at the hands of the profound masters of thought, and if such a terrible crisis should come, you would find them rallying to a man about Old Glory, the most beautiful flag that floats. [Applause.]

I introduced the resolution in question as an American Representative, knowing my duty as such, and trying to fulfill it in both letter and spirit.

In that resolution I voice America's highest moral obligation as I see it—to observe absolute, genuine, and not merely sham, neutrality in the spirit of the good old American sporting maxim of fair play.

I do not want my native land to stand as the arch hypocrite among the nations of the earth, praying for peace in response to a presidential proclamation and then furnishing the instruments of murder to one side only of a contest in which we pretend that all the contestants are our friends, thus—a national Pecksniff—assisting part of our dear friends to kill others of our dear friends. [Applause.]

I have been taught that the morality of a people is its highest interest, but in this case the economic interest of this country is also opposed to the practice.

A few may make money out of the sale of contraband, whose effect is only to prolong this wicked war; but as a whole people and in the long run it is to our overwhelming interest to have it brought to a speedy close.

No nation can hope to escape its share of the disastrous consequences sure to flow from this world-wide destruction of wealth and human beings.

In the ultimate analysis the peoples of this earth all share in a common fund. We can not hope to thrive if our customers are killed or impoverished. [Applause.]

And hence it is money in our pockets, ultimately, to stop this war by stopping this infamous trade, because that would stop it.

But I did not rise to make an argument for my resolution. I rose merely to throw back into the teeth of the scoundrel who concocted it this miserable falsehood aimed at my two distinguished colleagues and myself in particular and the American citizens of German birth or descent in general. [Applause.]

Mr. LOBECK. Mr. Speaker, when I came on this floor to-day I had no intention to speak on this subject; but after consultation with my colleagues, the gentleman from Missouri [Mr. BARTHOLDT] and the gentleman from Iowa [Mr. VOLLMER], it was thought fitting that I should say a few words.

I am an American citizen, born in the State of Illinois, my father of German parentage, my mother of Swedish parentage, and I can truly say for them they were genuinely American in their views. Born in that great State, I breathed the air of Illinois, later in Iowa and Nebraska, and I believe I know something about the free air of America and American patriot-

ism; and I believe in the superiority of the American flag—what it stands for—to any flag on earth. [Applause.] I suppose the reason this newspaper in New York has published the charge that I am working together with the German ambassador, in the interest of Germany against the allies and against this Government, is because on the second day of the meeting of this session I introduced a bill for the prevention of the exportation of war materials to warring nations.

I believe in peace. I have understood that there is a dove that has been fluttering around in this country for a number of years in the interest of peace. Well, now, I am willing to assist that dove by stopping the exportation of munitions of war to the countries that are engaged in war. If I am to pray for peace, I believe in doing something to stop war. I believe that if I am to pray for a hungry man or woman, the best thing to do is to follow up that prayer with a loaf of bread. [Applause.] If we believe in peace in this country, let us follow it up by stopping the men who want to make some money out of war—that there may be widows across the sea; that there may be orphans across the sea; that there may be misery across the sea. Let us stop the opportunity that causes these orphans and these widows and this misery.

Mr. Speaker, I am a pretty fair American citizen. It is more than probable that the man who ascribes to me the position of being a traitor to this country is not himself an American citizen. The chances are that if Uncle Sam called us to follow the flag he would be the first one to duck into the Atlantic Ocean and get away. [Applause.]

I was a little boy when the Civil War broke out in this country, but I can remember that very few of the German-Americans and Swedish-Americans in Illinois at that time were born in this country, but they went to fight for the flag to preserve the Union, and they fought bravely side by side with their comrades, regardless of birth or nationality. The German-American citizen is good enough to help defend this country and to do his share toward upbuilding this country, and he has done it. I am proud of the German-American. I know his loyalty to this country. I am proud of every man who comes across the sea and then takes his oath of allegiance to support our flag, because in my experience of a lifetime passed in their companionship I have found them to be worthy citizens in every line of human activity.

So far as this resolution is concerned, my own people at home asked me to introduce it. Why? I was elected on a peace platform. I told my people at home that I was for peace. I am for peace now, and the only way to secure it is to do our part in preventing shipments of munitions of war to warring nations. I have noticed in the papers this morning that we in this country have the privilege of shipping food supplies to neutral countries provided it is done under the supervision of the British consul. It is about time that America took notice, as she did 100 years ago, and if I mistake not the American people will take notice now. [Applause.]

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram bearing upon this same subject.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by printing a telegram on this same subject. Is there objection?

There was no objection.

The telegram is as follows:

MINNEAPOLIS, MINN., *December 15, 1914.*

Hon. GEORGE R. SMITH, M. C.,
Washington, D. C.:

In the name of Christianity, humanity, and the spirit of neutrality we beg your support for BARTHOLDT's bill aiming to stop munitions of war from America reaching Europe.

GERMAN-AMERICAN ALLIANCE OF MINNEAPOLIS,
OTTO HUEBNER, *President.*
HUGO YETTER, *Secretary.*

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

TERMS OF COURT AT STEUBENVILLE, OHIO.

The Clerk called the Committee on the Judiciary.

Mr. WEBB. Mr. Speaker, I call up the bill H. R. 5849 on the House Calendar.

The Clerk read the bill as follows:

The bill H. R. 5849, to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 100 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 100. The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandot, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October, and at Youngstown on the first Tuesday after the first Monday in March; and for the western division, at Toledo on the last Tuesdays in April and October. Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland or at Youngstown, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district. Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division at Columbus on the first Tuesdays in June and December, and at Steubenville on the first Tuesdays of March and October: *Provided*, That suitable rooms and accommodations for holding court at Steubenville shall be furnished free of expense to the Government until the completion of the Federal building: *And provided further*, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton."

The Clerk read the committee amendment, as follows:

On page 3, line 15, strike out the colon after the word "October" and insert in lieu thereof a period and the following:

"Grand and petit jurors summoned for service at a term of court being held at Columbus may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term being held or authorized to be held at Steubenville. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Columbus, or at Steubenville, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Steubenville."

Mr. MANN. Mr. Speaker, I make the point of order that this is a Union Calendar bill and improperly on the House Calendar.

The SPEAKER. What reason does the gentleman from Illinois give for that?

Mr. MANN. It provides a charge on the Treasury in providing an additional place for holding court. Another thing, it provides that the jurors summoned shall be directed to serve at a term being held at Steubenville, which directly involves a charge on the Treasury.

The SPEAKER. The Chair thinks the gentleman's point is well taken. The House, under the rule, will automatically resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill, and the gentleman from Indiana [Mr. COX] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. COX in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5849.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, this is a bill to amend section 100 of the Judicial Code, so as to provide for an additional court at Steubenville in the eastern division of the southern district of Ohio. Ohio is divided into two judicial districts, the northern and southern, each subdivided into an eastern and western division. The northern district includes 40 counties, 21 in the western division, where United States courts are held exclusively, at Toledo, and 19 in the eastern division, where courts are held both at Cleveland and Youngstown. In the southern district there are 48 counties, 18 being in the western division, where courts are held in Cincinnati and Dayton, and 30 in the eastern division, which includes such large counties as Jefferson and Belmont, in the eastern section of the division, and Franklin, near the western boundary; the only place for holding United States courts being at Columbus,

in Franklin County, 150 miles westward from the Ohio River, which forms the eastern boundary of this division.

Centering at Steubenville are large railroad, manufacturing, mining, and other commercial interests owned largely by foreign and interstate corporations, and it is therefore an initial point for much necessary litigation which reaches the Federal courts, either by removal from the State courts or by original commencement in the court at Columbus, and the increased burden thus put on the litigants in having to travel 150 miles with their lawyers and witnesses amounts in many instances, especially to parties of limited means, to a practical denial of justice.

Now, Steubenville is situated in the extreme eastern part of the eastern division of the southern district of Ohio. Your committee after carefully considering the case has arrived at the conclusion that the establishment of a court at Steubenville was necessary not only in the interest of litigants but in the interest of economy, as far as the Government is concerned. It is nearly 150 miles from Columbus to Steubenville, and the topography of the country is such that Steubenville is much more accessible from a number of large counties lying along the Ohio River than is Columbus.

The only change that we propose to make in the statute commences on line 16, where we amend by adding the following words:

And at Steubenville on the first Tuesdays of March and October. Grand and petit jurors summoned for service at a term of court being held at Columbus may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term being held or authorized to be held at Steubenville. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Columbus or at Steubenville, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Steubenville: *Provided*, That suitable rooms and accommodations for holding court at Steubenville shall be furnished free of expense to the Government until the completion of the Federal building.

This language that I have just read constitutes the only change made. It simply provides for holding an additional term of court at the time designated at Steubenville in the eastern division of the southern district of Ohio. We think the bill ought to pass.

Mr. FOSTER. Will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. FOSTER. Will the gentleman state whether a public building has been authorized at Steubenville?

Mr. FLOYD of Arkansas. It has.

Mr. FOSTER. For a court; and has the building been built?

Mr. FLOYD of Arkansas. I do not think it provides for a court building. It has not been constructed. But that is a question with which we have nothing to do.

Mr. FOSTER. If a court is to be held at Steubenville it would be necessary that a building should be provided in which to hold it.

Mr. FLOYD of Arkansas. The Judiciary Committee considers only the necessity of establishing the term of court, and has nothing to do with providing buildings.

Mr. FOSTER. I am aware of that. They now hold a term of court at Columbus and what other place?

Mr. FLOYD of Arkansas. They only hold a court at Columbus in the eastern division of the southern district. They hold court at Cincinnati and Dayton, in the western division of the southern district. The courts at Dayton and Cincinnati have no jurisdiction over the eastern division. This is the proposition. Now there is only one court held in the eastern division; it is held at Columbus, and it is 150 miles from Columbus to Steubenville.

Mr. FOSTER. How far is Steubenville from the line?

Mr. FLOYD of Arkansas. It is close to the State line, but the topography of the country is such that the railroads running through a number of the counties strike Steubenville, and you have to go quite a circuitous route to get to Columbus.

The evidence before our committee was that in marshals' fees and witness fees it would actually be an economy to the Government to have a division of the court held there. That is the conclusion we reached from the hearings before the committee. It is not only in the interest of the convenience of litigants, but at this long distance of travel—150 miles and farther from some of those lower counties along the Ohio River, which are that distance from Steubenville—its establishment would be in the interest of economy. There are a number of instances where the railroads run up to Steubenville and across to Columbus, and we arrived at the conclusion that these eastern counties actually need this court, and, having much litigation, it would be actually an advantage to the Government from an economic standpoint to save these fees; and it will be of no expense to the Government, unless some future Congress should provide a Federal building there.

Mr. FOSTER. How much business is there in the Federal district in Columbus?

Mr. FLOYD of Arkansas. Mr. Chairman, I had some data upon that subject, but I mislaid it during the recess. I am sorry that I can not give it to the gentleman. Perhaps the gentleman from Ohio [Mr. FRANCIS] may be able to do that.

Mr. MADDEN. Mr. Chairman, will the gentleman from Arkansas yield to me to permit me to give the gentleman from Illinois [Mr. FOSTER] some information?

Mr. FLOYD of Arkansas. I yield to the gentleman.

Mr. MADDEN. I will just read a letter which was written to Mr. FRANCIS by one of the judges presiding over one of the courts.

Mr. FOSTER. Who was the judge? What is his name?

Mr. MADDEN. Sater. This letter appears in the RECORD, on page 6599, of April 6, 1914, when this bill was under consideration before. The letter reads:

UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF OHIO,
JUDGE'S CHAMBERS,
Columbus, March 9, 1914.

Hon. W. B. FRANCIS, *Washington, D. C.*

MY DEAR SIR: Your letter of March 3 was on my desk on my return from Cincinnati, where I have been holding court. The clerk also handed me your letter to him in reference to the bill now pending in Congress entitled H. R. 5849, relative to the establishment of a Federal court at Steubenville, Ohio.

It is a judge's duty to perform his allotted task and if additional court centers are created I shall endeavor to meet requirements imposed. Your letters call for an expression of my views and I shall therefore give them after having, with the aid of the clerk, gathered the information sought by you.

I am just about to close 7 years of service on the bench, in which 14 terms of court have been held at Columbus. In those 14 terms there have appeared on the civil trial dockets as originating in Jefferson, Belmont, Monroe, and Harrison Counties but 35 cases. Of that number 27 were settled without a trial. Only 8 were tried. This gives an average of 2½ a term; the number actually tried is slightly over 1 a year. In addition to those which were formally placed upon the trial docket there were 3 injunction cases that were tried and disposed of soon after the filing of the bills. Two of these were strike cases and one involved an oil lease. This brings the total number of cases actually tried in 7 years up to 11. In the same 7 years 26 indictments have appeared on the criminal docket. Of this number only 6 cases went to trial. In all of the others there was either a plea of guilty or for some other reason the cases fell by the wayside without coming to trial. The net result of trials, therefore, in 7 years from the above-named counties is 17. There have been a few cases brought—usually personal-injury cases—which have been settled before they were placed upon the trial docket.

The above indicates the small amount of business coming to the Federal court from the four mentioned counties, and that if a court were established at Steubenville it would involve great expense to the Government and little benefit to litigants or others concerned.

I appreciate that the distance from Steubenville to Columbus is considerable, and that at times it involves some hardship to the parties, their counsel, and witnesses to try a case in the Federal court at Columbus. On the other hand, to construct a court room with other suitable conveniences necessary to the operation of a court—such as offices for the clerk, marshal, and district attorney; chambers for the judge, grand and petit jury rooms and witness rooms—means a large expenditure for the Government. The mere opening of a term of court also involves quite an expenditure. Almost all of those connected with the court are allowed, and properly so, their traveling expenses and some of them a per diem for living expenses. Their compensation is such that they could not be induced to accept a position which requires much traveling about if they were to pay out of their own funds on the several trips their railroad fare and living expenses. Jurors are allowed a mileage and $3 per day. To say nothing of the interest on the investment for proper quarters for the conduct of the business of a court, the operating expense is great.

The question therefore is, Shall the United States bear the burden incident to the cost of such quarters and to the maintenance of a court which, if history repeats itself, will have so little to do? If it be conceded that there will be some increase in business resulting from the establishment of a court, I dare say it will not be seriously contended that it will come from either Monroe or Harrison County, for the reason that the employment of the people of such counties is not of the character which brings litigation to any appreciable extent into the Federal courts.

The history of the effort to maintain a court at Dayton ought to be helpful. That is a much larger city than Steubenville and, reckoning such city and the country tributary, the population is much greater from which business may be drawn than that of the four counties named in your letter. Personally I have endeavored to satisfy those who do or would do business in the Federal court at Dayton. It is fair to them to say that some of the cases originating in Dayton or adjoining territory have been tried at Cincinnati, but they have been pressed by counsel for trial at that place instead of Dayton. This in itself is a significant fact. The largest number of cases ever tried at Dayton at one term was three. There were but four cases on the docket at that term. There have been terms at which there were none for trial. On one occasion I did all the business that was offered or could be done within 20 minutes, adjourned the term of court, and took the next train home. As a jury had been brought in and was entitled to its mileage and per diem, the court officers to their costs, and the Government employees to their mileage and maintenance, those 20 minutes were quite expensive. I finally last fall declined to allow a jury to be called when there was but one case on the docket for trial. This was on account of the abnormal expense which would be incurred in the trial of that one case. It was subsequently placed on the Cincinnati February docket for trial and soon after the opening of the term was settled. In the course of time, on account of the importance and continued growth of Dayton, Springfield, Xenia, and minor towns in the

vicinity of Dayton, with their large manufacturing interests, there will be an increased business, but it will be a long time, in my judgment, before it will assume importance.

I am of the opinion that the business in the four counties named in your letter, to wit, Jefferson, Belmont, Monroe, and Harrison, is insufficient to warrant the establishment of a court at Steubenville, and that the locating of a court there will be a costly and disappointing experiment.

If a court should be established there, there should be no October term. There are now seven terms of court to be met by the judges in this district, and frequently both of them are working at the same time on the docket. There are terms in February, April, May, June, October, November, and December. The February term usually laps well into March. Last month my juries were working just about 20 full days, and we got rid, in one way or another, of 29 cases. There is practically a full month's work yet on that Cincinnati term, but I was compelled to suspend temporarily on account of work here and in the circuit court of appeals, while Judge Hollister is going on with equity work. He will take the April term at Cincinnati, which usually runs until about the 1st of July, while I take the May term at Dayton, which this year will have a few cases, and the June term here, the jury work of which has sometimes run quite well into July, but is usually finished late in June. The equity work is ordinarily cleared up in the summer months. The October term at Cincinnati is the big term of the year. Usually one judge works the law side and the other the equity side. The November term at Dayton has sometimes fallen down entirely, but more frequently has had one or two, but never more than three cases for trial. The December term here more frequently runs into January than otherwise. The business in this eastern division has grown in volume and importance greatly since the location of a judge at this point most of the year. If there is to be a court at Steubenville, the terms should be in March and September, and even then there is danger of a conflict as regards the March term and the February term at Cincinnati.

I can not quite understand why you should want in your bill the last two sentences. I can not believe that you appreciate their significance. They were embodied verbatim or in substance in the original bill establishing a court at Dayton, and it was the subject of careful consideration by my late associate, Judge Thompson, and myself. Under those clauses your clients in Steubenville, Bridgeport, Bellaire, or elsewhere along the Ohio River, if the act is to be literally construed, can be dragged all the way to Dayton to try their cases—can be forced to pass through Columbus, where a court is in session the greater part of the year, and be forced into trials at the still more remote point of Dayton. Citizens of Ironton, Portsmouth, Lancaster, Newark, and Cincinnati may be compelled to go to Dayton to have their cases tried, even though in so doing they are compelled to pass through other points in the district which are much nearer and at which courts are sitting almost continuously. Your clients, thus called upon to try cases at Dayton have no protection, except such as a trial judge may in the exercise of a possible discretion afford. Instead of giving the litigants the opportunity of trying their cases at the nearest point to their homes, they may be taken in many instances the greatest distance possible within the district. Instead of perpetuating such an anomalous situation, would it not be well entirely to eliminate it from the law?

In the foregoing I have made no mention of bankruptcy matters, for the reason that it is only occasionally a contest arises in a bankruptcy proceeding which calls for a hearing before a district judge. The referee in bankruptcy works out successfully almost all cases.

Yours, very truly,

So that it seems to me, in the face of the facts set forth by one of the judges of the Federal court in Ohio, there is no real necessity for the establishment of a term of court at Steubenville, and that to establish it would be but a small species of reckless and extravagant waste of the public money.

Mr. FLOYD of Arkansas. Mr. Chairman, in reply to the gentleman from Illinois [Mr. MADDEN], I will state that Dayton is in the western division of the southern district of Ohio. Dayton is only 40 miles from Cincinnati, so that his argument in regard to the court at Dayton and the effect of it there has no relevancy to this situation. Here is a map of the southern district. Dayton and Cincinnati are shown here, and here is Columbus, and it is 150 miles from Steubenville. With all of those counties tributary to Steubenville, the people have to go very long distances, and that is the complaint. They complain of the expense of litigation involved in carrying their cases to Columbus. Perhaps the presiding judge does not want that additional burden put upon him; but the people of the entire eastern division of the southern district of Ohio, who are representative men, who appeared before the committee, have made to the satisfaction of your committee a case against the contention of the judge. It will inconvenience the judge, no doubt, to go those 150 miles; but rather than inconvenience the litigants, the people of those populous counties, with mining and railroad interests, and suits pending, we think it is more equitable to give those people a court at Steubenville.

I now yield to the gentleman from Ohio [Mr. FRANCIS], who represents that district and who is more familiar with the details than I.

Mr. FOSTER. Mr. Chairman, before the gentleman yields, how many counties do I understand are in this district? This judge speaks of four counties that furnished very little business.

Mr. FLOYD of Arkansas. He was talking of the court over at Dayton, which is only 40 miles from Cincinnati, and in the vicinity of Cincinnati, but that is no answer to this argument that these people are 150 miles away.

Mr. FOSTER. I understand.

Mr. FLOYD of Arkansas. Ohio is divided into two judicial districts, the northern and the southern, each of which is divided into an eastern and a western division. The northern district includes 40 counties, 21 in the western division—the United States court being held at Toledo—and 19 in the eastern division, where court is held at Cleveland and Youngstown. In the southern district there are 48 counties, 18 being in the western division, where court is held at Cincinnati and at Dayton, and 30 in the eastern division, with only one court at Columbus. There are only 18 counties in the western division and 30 in the eastern division.

Mr. FOSTER. Is it not a fact that sometimes judges get the idea that they do not like to travel any distance to hold court, and usually encourage business to come to the place where they happen to be located? That might account for a lot of this business not being taken to these different divisions.

Mr. FLOYD of Arkansas. They could not hold the court at Steubenville until we establish a court there.

Mr. FOSTER. I understand; but take, for instance, Dayton.

Mr. FLOYD of Arkansas. Yes.

Mr. FOSTER. I do not believe litigants should be compelled to travel a long distance, because many times I think that prevents people getting justice.

Mr. FLOYD of Arkansas. I think it often does. It often prevents the bringing of proper suits in the proper court, and people are therefore denied their rights on account of those conditions.

I now yield to the gentleman from Ohio [Mr. FRANCIS].

Mr. FRANCIS. Mr. Chairman, in the course of my remarks I shall make answer to the letter which the gentleman from Illinois has just read to the committee. The State of Ohio has very few sittings of the United States district court. I am told that the little State of West Virginia, less than half the size of Ohio, has 11 places where United States courts are held. The northern district of the State of Ohio is very well and conveniently provided with sittings of the district court—one at the city of Youngstown, a populous manufacturing center, and one at Cleveland, and one at Toledo; the southern district, in the western division, having a sitting at Dayton and one at Cincinnati. The eastern division has its sitting far removed from the eastern center, it being at Columbus, Ohio, being 150 miles from the populous district in which I reside, and from those counties which have been referred to here. The counties of Belmont, Harrison, Jefferson, and Monroe, and I might say a part of Washington, would be tributary to a district court at Steubenville. These represent a population of about 250,000 people, who would have a district court within 60 miles, while now they have to go all the way to Columbus, Ohio, and take their witnesses there, and in effect it amounts to a denial of justice on the part of the litigants because of the great expense entailed by reason of witness fees and traveling expenses.

In a case taken up to Columbus from Steubenville the fee of a single witness will cost $15. The man of moderate means can not take his witnesses to Columbus. It is impossible for him to do so; so that in a class of cases where the maximum amount for which he can sue and prevent removal to the United States district court is $3,000, largely personal injury cases or cases against foreign corporations or where persons resident in different States are concerned, he is denied the opportunity of going in that court and must go into our common-pleas court and there submit to its jurisdiction of $3,000. So that, as I have said, it denies a man a right which he should have under the Constitution. It has been said here by Mr. MADDEN, the gentleman from Illinois—who, by the way, refers to this case as having formerly been up before the House, and it was up, as a matter of fact, by unanimous consent, and was objected to by the gentleman from Illinois and went out on his objection; and I might add that in the Sixty-first Congress a similar bill was introduced here by my predecessor, which passed this House, and provided for the establishing of a court at Steubenville, and I am not quite sure but what the gentleman on that side was one of the men who voted for it—now, the letter which he has read from Judge Sater states that in seven years on the bench there have been 11 cases in that court. I wanted to say here that I have not the biggest practice in eastern Ohio, but I have had in that court myself, evidently, 4 of those cases within that time from my home town of Martins Ferry and 2 bankruptcy proceedings. I have here a letter which I received from the secretary of the Chamber of Commerce of Steubenville, Ohio, and he investigated the court docket for civil cases alone there, in answer to my letter to him after I was informed that this letter had been entered on record, and he says—this is under date of April 24, 1914:

MY DEAR MR. FRANCIS: I beg to advise that I have made a search of the records of the United States court at Columbus, Ohio, for the

southern district of Ohio, eastern division, and I find that since January, 1911, there has been filed in this court a total of 22 cases. Of this number 18 were from Jefferson County and 4 from Belmont County.

Now, here from two counties alone there are 22 civil cases, to say nothing about the criminal business and to say nothing of the cases taken there under the insolvency law, business which ought to be done there at home in the city of Steubenville. As has been said on account of the topography of that country and on account of the railroads leading to Steubenville it makes it a most desirable point at which a sitting of the court ought to be held. This bill entails no new expense upon the Government, no additional expense for judges, no additional expense for rooms or anything of the kind, but it does entail a greater inconvenience to a judge to travel to and from there and to sit at that court, and I want to say, and give it as my opinion, that the most likely reason which prompted Judge Sater's letter is that he does not like to move out of his quarters at Columbus to come all the way to Steubenville to hold court.

Mr. GOULDEN. Will the gentleman yield there for just one question?

Mr. FRANCIS. I will.

Mr. GOULDEN. What is the distance from Steubenville to Columbus?

Mr. FRANCIS. The distance is 150 miles.

Mr. GOULDEN. Will the gentleman permit one more question, and that is, What is the population of Steubenville? I have been there and know the town very well, but I do not know in reference to the population.

Mr. FRANCIS. In 1900 it was nearly 23,000, and since that time with the building of the La Belle Iron Works and the Pope Tin Works it is estimated they have about 32,000.

Mr. GOULDEN. I know it is a very enterprising city, because I have been there frequently in times gone by.

Mr. FRANCIS. And just below the city of Steubenville is another large city of probably between 3,000 and 5,000, Mingo Junction, in which is located the great Carnegie mill. North of it at Toronto are the great clay works, a town of between 3,000 and 5,000 people. My home town of Martins Ferry, together with Bridgeport and Bellaire, which are within 20 miles of Steubenville, represent a population of 35,000 people, and as I have said this court sitting there would be at a place where it would accommodate a population of over 200,000 people. I think this bill is a very deserving measure, and I hope that it may pass.

Mr. MANN. Mr. Chairman, there are now two districts in Ohio, the northern and the southern. The northern district has two divisions, the western and the eastern. They have court held at two or three places in one division; I believe at Toledo in the western division. In the southern division there is a western division and an eastern division. The western includes Cincinnati, where court is held. I do not know whether court is still held at Dayton, Ohio, in the western division, or not, and I will ask the gentleman from Ohio whether it is.

Mr. GARD. It is.

Mr. MANN. Well, there is one good feature about this bill, because this bill would abolish the court at Dayton. That is an inadvertency not known to the Judiciary Committee probably, but that would be the case. I suppose the Dayton court was probably created after the passage of the original act, and probably was an amendment to it.

Mr. FLOYD of Arkansas. I will state to the gentleman it is not the intention of the committee to abolish the court at Dayton. Whether the gentleman is correct in his statement I do not know. I will investigate the question and ascertain whether or not the criticism is correct.

Mr. MANN. I take it that the committee, without having called to its attention the fact that the law had been amended, I presume, to hold court at Dayton, provided in this bill where court shall be held in the western division in the southern district of Ohio, and they only provided for court being held at Cincinnati. So that would abolish the court at Dayton. That is the only good feature of the bill.

The report on this bill is very illuminating. The gentleman from Arkansas [Mr. FLOYD] a few moments ago called the attention of the House to a statement that gentlemen appeared before the Judiciary Committee and refuted the contentions of the district judge, which my colleague read; but the committee had reported this bill long before the district judge had considered it at all, though I take it it would have been somewhat difficult to have refuted the contentions of the judge months before the judge had any contentions to make.

Mr. FLOYD of Arkansas. If the gentleman will yield, I wish to say that I did not intend to make that statement. They gave a statement of facts which was contrary to those contained in the letter.

Mr. MANN. I do not know what state of facts was presented to the committee, but the report of the committee, referring, I suppose, to all the facts presented by the committee, is:

> The committee report the same back with the recommendation that it be amended as follows, and that, as amended, the bill do pass.

That is all the information that is contained in the report, and I question very much whether the committee had any hearings upon the bill, unless the gentleman says they did have hearings. Of course I would not question the statement made by the gentleman. It has been quite customary when any Member of Congress asked for the holding of a court in a new place to authorize it. A good many Members of Congress are lawyers, and the rest of the Members are somewhat disposed to make it a little easier for a lawyer who is a Member of the House to go into court a little nearer home—a little more convenient for the lawyer—and the expense to the Government does not make much difference. That is paid out of the Federal Treasury, while the expense to the lawyer is paid out of his own pocket. Now, my friend from Arkansas says it was not the design to accomplish the meritorious feature of the bill—to abolish the holding of court at Dayton.

Mr. FLOYD of Arkansas. Will the gentleman permit me right there?

Mr. MANN. Certainly.

Mr. FLOYD of Arkansas. In looking that up, I find in the bill the language that occurs in the original statute in a proviso on line 4, page 4, that—

> *Provided further*, That the terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November.

That is the language of the original statute.

Mr. MANN. I was incorrect. That good feature which I thought was in the bill is not in the bill. Let us see if the gentleman can explain this, then: It is now provided that there be a session of court at Cincinnati on the first Tuesday in October. This bill provides that there shall be a session at Steubenville on the first Tuesday in October. Oh, I suppose judges can be omnipresent, though it is sometimes difficult.

However, I arose mainly to reiterate some of the things that were called to the attention of the House by my colleague [Mr. MADDEN]. The distinguished gentleman from Ohio [Mr. FRANCIS], the author of the bill, did what the committee did not do apparently, attempted to obtain some information about the bill and wrote to the clerk of the court and the judge of the court as to what, in their judgment, were the merits of the bill. Judge Sater in a letter to Mr. FRANCIS, which was inserted in the RECORD by the gentleman from Ohio [Mr. BRUMBAUGH] in April last when the bill was on the Calendar for Unanimous Consent, said:

> It is the judge's duty to perform his allotted task, and if additional court centers are created I shall endeavor to meet requirements imposed. Your letters call for an expression of my views, and I shall therefore give them after having, with the aid of the clerk, gathered the information sought by you.

And I presume he was the only person who endeavored to gather the information. It makes no difference to the judge particularly, but he was asked to furnish information to the gentleman from Ohio for the benefit of Congress. And after other matter—I shall not quote the letter in full, as it is too long—he says:

> The above indicates the small amount of business coming to the Federal court from the four mentioned counties, and that if a court were established at Steubenville it would involve great expense to the Government and little benefit to litigants or others concerned.

I know it is almost idle to talk economy in this House, except for the mere purpose of talking, but here is the deliberate expression of the judge after giving facts which the committee never obtained, even if it sought them, that this would involve great expense to the Government and little benefit to litigants. The judge goes on:

> The mere opening of a term of court also involves quite an expenditure. Almost all of those connected with the court are allowed, and properly so, their traveling expenses and some of them a per diem for living expenses.

The judge that goes to this court is allowed his traveling expenses—$10 per day—in addition to his salary, while he is holding court at this new place.

Then the judge recites some of the history. We provided for a court at Dayton, each one of these requests for the convenience probably of some Member of Congress. We had no such information presented to the House at that time as we have now in reference to that court. Here is what the judge says about holding the court at Dayton—the judge who holds the court:

> The largest number of cases ever tried at Dayton at one term was three. There were but four cases on the docket at that term. There have been terms at which there were none for trial. On one occasion I did all the business that was offered or could be done within 20 min-

utes, adjourned the term of court, and took the next train home. As a jury had been brought in and was entitled to its mileage and per diem, the court officers to their costs, and the Government employees to their mileage and maintenance, those 20 minutes were quite expensive.

And he goes on to say, in effect, that there is as much or more business to be done at Dayton than there is or would be at Steubenville. He disposed of the business in 20 minutes at Dayton on one occasion, at a considerable expense to the Government; the highest number of cases ever tried at a session of court at Dayton was three. Now, what is the object or the necessity of creating the expense of holding court at Steubenville because four counties find it might be a little more convenient? Why, it would be more convenient to the lawyers of the litigants if you would have the court travel around and go to the witnesses instead of bringing the witnesses to the court, but it would also be a great deal more expensive.

Mr. FRANCIS. Will the gentleman indulge a question?

Mr. MANN. Oh, certainly; or a statement, if the gentleman wishes to make one.

Mr. FRANCIS. Our appellate court in Ohio has seven judges, who go to every county in the State and hold court.

Mr MANN. Is that the Supreme Court of Ohio?

Mr. FRANCIS. That is the appellate court of Ohio, next to the supreme court, and they do it for the convenience of the litigants.

Mr. MANN. I never heard that court quoted, or its opinions, and I presume that is the reason I did not know. The opinions of the court are not quoted. Even the churches have gotten over the idea of keeping a minister traveling all the time on the theory that he would know more by traveling.

This is the judge's deliberate opinion, expressed at the request of the gentleman:

> I am of the opinion that the business in the four counties named in your letter, to wit, Jefferson, Belmont, Monroe, and Harrison, is insufficient to warrant the establishment of a court at Steubenville, and that the locating of a court there will be a costly and disappointing experiment.

This letter of the judge was written after the Committee on the Judiciary had reported the bill. That committee did not have the benefit of the information or the opinion of that judge. The judge says further:

> If a court be established, there should be no October term.

The bill provides for an October term on the first Tuesday of October both at Cincinnati and at Steubenville in the same district. Of course that will be a matter of great convenience to the active lawyers and to the judge who has to try the cases.

If we are going to have any economy it can not come in saving hundreds of millions of dollars at one clip. The only way you can have any economy is by practicing the economy in the particular case which arises. We shall keep after the extravagance of the Democratic Congress. We will ring it on every stump and every public place in the United States. There has been no occasion yet, or there has been very seldom, when there has been any desire, as expressed in their acts, for the Democratic Congress to be economical. I sympathize greatly with some of the Members on the Democratic side who do believe in carefully considering the needs before they vote for a proposition. But the great majority on that side of the House vote the way a committee has recommended, and outside of the Committee on Appropriations there has been no indication of a committee being in favor of practicing any economy.

Mr. WEBB. Mr. Chairman, will the gentleman permit a suggestion?

Mr. MANN. Certainly.

Mr. WEBB. This identical bill, as I understand, was introduced by a Republican Member of Congress and passed by the House.

Mr. MANN. That may be.

Mr. WEBB. So far as economy is concerned, the Committee on the Judiciary does not see how it will be uneconomical or expensive to carry justice to the people's doors. We have held down as much as possible propositions for the creation of new judges. I have always opposed them here. But we have always favored the policy of getting the court as near as possible to the people, because we think that is a fundamental policy for the House and for the people to rely upon.

Mr. MANN. The only justification that the gentleman offers is that a Republican House passed a bill identical with this on a former occasion.

Mr. MADDEN. No; that a Republican Member introduced the bill originally.

Mr. MANN. I grant that that may be a powerful argument. But if on this side of the House we are willing to see a new light and not stand by what we did before, why should you be bound by it? Why should you feel that you should support a measure simply because it was good enough to have received Republican support in a prior Congress?

Every time a proposition is presented here some gentleman on the Democratic side of the House says, "Why, here is something you did or did not do. Why should you criticize us if we are not better?"

Mr. WEBB. I assure my friend that I am not using such an argument as that.

Mr. MANN. That is just the argument that the gentleman made.

Mr. WEBB. Not at all.

Mr. MANN. That is the argument that the gentleman from Arkansas [Mr. FLOYD] made. With what other object was your suggestion made?

Mr. WEBB. I was showing to the Member now speaking that a Republican Member of Congress from the identical district in which this court is sought to be established thought it ought to be established.

Mr. MANN. That was in a former Congress; or was it in the next Congress that the gentleman is referring to—the Sixty-fourth Congress? [Laughter on the Republican side.]

Mr. WEBB. No; in a former Congress.

Mr. MANN. I thought the gentleman was perhaps referring to the future, to the Sixty-fourth Congress.

Mr. WEBB. I was trying to convey the idea to the mind of the gentleman from Illinois that a Republican from out there thought a new place for holding court ought to be created, and a Democratic Member thought the same thing. One reason for prejudice—I do not know whether such a prejudice exists in the gentleman's district or not—against the Federal courts—it certainly exists in some States—is that to the average person it is so far away that it seems a foreign court to which he must go either as witness or litigant. I am in favor of establishing additional places for holding courts and in favor of bringing them as nearly as possible to the litigants, witnesses, and jurors, and to the people of the States, even though it may be at a slight inconvenience to the judges. I think Steubenville ought to have a court.

Mr. MANN. The gentleman thinks that just now, because his committee reported the bill without information.

Mr. WEBB. No. The fact that Dayton has not enough cases for trial to warrant the maintenance of a court there is no reason why a court should not be established at Steubenville. I can see how a judge might prefer to sit in his court in comfortable and magnificent quarters at Cincinnati and draw all the Dayton business into his own court, and the consequence is that when he goes down to Dayton there may be only 20 minutes' work, because all the rest of the work has been done in Cincinnati. I think there should be divisions, and all courts should be held in the division and cases arising in the division tried in the court for such division, and a stop should be put to this practice of judges and lawyers drawing all witnesses and cases to one big city, instead of the judges and lawyers going to the courts in the vicinity of where the cases arise.

Mr. MANN. My friend from North Carolina is one of the gentlemen in the House for whom I have a great regard. He is a very young man to be chairman of the Committee on the Judiciary, and I think he is doing able work as chairman of that committee. But the argument that he has just made about the judges sitting in their palaces and wishing to draw all public business to themselves is beneath his reputation and beneath his ability. There is nothing in all that. That is all rot. Judges are willing to perform their duties.

The business of the Steubenville court is not so hard to ascertain. There is practically no Federal business in the four counties which this bill is designed to be of service to. There has not been. If the purpose of the bill is to encourage the creation of more Federal business, then I am that much more against it. I think we have too many cases now in the Federal courts. I think we ought to restrict the jurisdiction of the Federal courts, instead of increasing it. [Applause.] But while you applaud the proposition you are constantly adding to the jurisdiction of the Federal courts and passing acts which are designed to increase the litigation in those courts. There is no occasion for this court being held at Steubenville. It is a useless, unwise, extravagant expenditure of money, and it will be of no benefit to the litigants. It may be a trifle more convenient for some of the local lawyers, who do not wish to be put to any expense or time in traveling to a near-by place.

I hope the bill will be defeated.

Mr. FOSTER. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. FOSTER. If there is so little business to be transacted at Dayton, is it not the gentleman's opinion that the court there ought to be abolished?

Mr. MANN. I think it ought to be abolished.

Mr. FOSTER. I think if this bill passes it ought to be so amended.

Mr. MANN. If somebody else does not offer it, I expect to offer an amendment to strike out the Dayton court.

Mr. FOSTER. I am glad the gentleman intends to do it. That is the way I feel about it.

Mr. GARD. Mr. Chairman, something having crept into this debate outside of the matter germane to it, which is the holding of court in Steubenville, I beg to inform the Members of the committee somewhat with respect to the situation in Dayton, Ohio.

The holding of the Federal court in Dayton, Ohio, was arranged for by the Hon. Robert M. Nevin, a Republican Representative from the third congressional district of Ohio, an able lawyer and a brilliant Representative in Congress, who had three terms of service in this body.

Dayton is a city of about 150,000 population, rapidly growing, a city which is seeking to better itself upon its own merits and by its own ability, after the disastrous flood of March, 1913. Under previous legislation a magnificent Federal building for the housing of the post office and the Federal court has just been practically completed. In this building the Federal court is to be held, under a bill passed by Congress and introduced in this House by Mr. Nevin, of my district.

Something has been said about a letter written by Judge Sater, referring to the limited number of cases. I desire to inform this committee about one case which was tried in the city of Cincinnati, the regular sitting place of Judge Hollister, a member of the bench for the southern district of Ohio. That case was tried in Cincinnati over the express objection of the parties defendant. I refer to the case of the United States against the National Cash Register Co., of Dayton. This company, a native of the county of Montgomery and the city of Dayton, was compelled to defend itself in a court 70 miles distant from its place of residence, because the judge decided that he wanted to hold the court in that particular case in the city of Cincinnati and not in the city of Dayton. That one case required the time of the United States court in the city of Cincinnati for nearly four months before it was finally concluded.

And that case is not the only one. I do not profess to be advised particularly of the exact number of cases filed there, but there has come to be in the past a recognition of the fact that it is necessary to try cases where the sitting judges are located, for instance, in Columbus, where Judge Sater lives, and in Cincinnati, where Judge Hollister lives; but the idea of this bill and the idea of all laws pertaining to Federal courts should be, in my opinion, that the places of hearing should be brought reasonably near to the people. Now, I am making no complaint. This is simply a matter of comparison. I call the attention of the members of this committee to the enormous expense borne by the National Cash Register Co. in defending themselves in a court 70 miles away from their home, when the case would naturally have been tried in their home city. They were compelled to take their entire office force and all of their books and files, and they were practically compelled to suspend their office operations until this case could be concluded in the United States court at Cincinnati.

Dayton is a city of 150,000 people, struggling against a great natural calamity, and now by their own splendid efforts they are on their feet again. Dayton is in the center of the great Miami Valley, an agricultural garden spot in the United States. It is within 25 miles of Springfield, within a few miles of Xenia and Urbana, near Hamilton and Middletown, and within a few miles of the cities of Troy and Piqua, which are all connected with Dayton by trolley lines. Dayton is the natural place where the great bulk and body of the Federal business in the south interior of the State of Ohio should naturally be transacted. There is no reason why more cases are not heard there save the desire of the judges to remain in the immediate county of their residence. I say this in no offensive sense.

The criticism most frequently made against the administration of justice in the Federal courts is that the expense precludes a hearing and that it is sometimes a denial of justice. We are all familiar with the rule which requires the deposit of a sum of money in the court where the case is to be heard to insure the payment of witness fees. It seems to me it is not reasonable to require cases to go to a far-distant court, where men are compelled to pay the mileage of witnesses, bringing them from 75 to 100 miles, when their testimony might be taken in a court held in or near their home city. Surely that is not within the province of justice as it should be administered among men. That is the Dayton situation. Of course it is a matter extraneous to the one under consideration since it has been established and is working out itself in a proper manner. The court already established in Dayton is just beginning to see its usefulness. As Judge Sater has said in his letter, which was read by the gentleman from Illinois, Mr. MADDEN, and referred to by the other gentleman from Illinois, the court at Dayton is situated right in the center of a region which will draw to it increased business. While possibly there may not have been many cases, the cases which are there are those of persons living directly in the city of Dayton. Outside, as I have said, there is a territory of at least 300,000 people within the radius of 25 miles where the Federal court should be held.

Now, the Federal court is held there, as I said in response to a question asked me by the gentleman from Illinois [Mr. MANN], and it has been held there and is intended to be held there again. I may say that the situation immediately in Dayton, the reason given by the judges of United States courts heretofore for not trying Dayton cases in Dayton, was the fact that they had no proper court room—that no proper facilities were at hand. The court rooms in the courthouse have been occupied by the county courts and the appellate court. I call attention to the fact that a new Federal building has been provided, and that it contains a splendid court room and all other rooms necessary for court, officers, litigants, and witnesses. The other day I received a letter from Judge Hollister, of the district court at Cincinnati, concerning the arrangement and decoration of this new court room at Dayton, and there is now absolutely no reason why cases arising in or near Dayton may not most properly and conveniently be heard there. This is a matter of which I would be pleased to answer directly any question from any gentleman of the committee. I have brought it to your attention so that you may be fully advised about it. I do not want any amendment which will take Dayton out of the present plan of being a place where a Federal court shall be held. There is nothing to be gained by it; everything which ought to be done has been done, and to deprive the city of Dayton at this time of a Federal court, when it has just begun to be able to show the beneficial effect of holding courts there, is not, in my judgment, wise. I trust that when consideration is given to this Steubenville matter that there will be nothing done detrimental to Dayton. I have simply desired to inform you of what the Dayton situation is, and I sincerely trust that no change be made there, but, on the contrary, that it be permitted to develop as the proper place for the hearing and trial of Federal cases in that populous territory.

Mr. DONOVAN. Mr. Chairman, I had expected that the chairman of the committee would answer the charge made by the minority leader from Illinois. I believe that on the floor and in the Democratic platform we have charged the party we succeeded—the Republican—with extravagance in the management of affairs. After listening to the gentleman from Illinois, especially in this matter, I think that we are extravagant and not they. If I understand the chairman of the committee correctly, he justifies this act by what some Republican Members from Ohio have done in some other Congress. That is a strange thing to me—strange for a great Democrat and a great lawyer to do—to justify wrongdoing by wrong some other men have done.

Is it not strange that this great army of lawyers, presumably rising to address the Chair, should not give us the information about the volume of business done in that court? Not a word. I submit in all fairness the inquiry, How are we going to vote intelligently? The fact is that the amount of business done in all the counties in that district is not of much moment. That is the fact if the report of the Attorney General is to be believed. From his report it appears that there was commenced during the year a total number of 95 cases; that there were terminated during the year 74 cases—that is, in the civil cases where the United States was a party. The total of criminal cases terminated during the year was 81; commenced during the year, 95. The total amount of money involved in these cases was less than $10,000—that is to say, the judgments amounted to that.

There is only a small amount of business there; and still Members here wish to divide the business and create more expense, whereas the court at the present time does not have much business. Out of all the criminal cases there were only three trials by jury during the year. Still we want to divide it up and create a term of court in some other place in the State, which means a new public building and a whole retinue of officials attached to the court. Think of it, only three trials by jury. How can we charge the Republicans with extravagance and waste of the public money; they could not get this bill through; we are going to get it through.

Mr. Chairman, the committe does not treat its associates fairly when they withhold this information. Being a Democrat and remembering the Democratic articles of faith as to economy

in public expense, so that labor may be lightly burdened. I am going to vote against the measure.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read the bill.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. FLOYD of Arkansas. Mr. Chairman, in line 17, page 3, strike out the word "October" and insert the word "September."

The Clerk read as follows:

Page 33, line 17, strike out the word "October" and insert the word "September."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

Mr. WEBB. Is that a preferential motion? I want to move that the committee rise.

Mr. MANN. It is a preferential motion; the gentleman can not make his motion as long as any amendment is offered.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 1 and 2, strike out the enacting clause.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 14, noes 19.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend, on page 4, by striking out all after the word "building," in line 4, striking out the provision for a court at Dayton.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 4, after the word "building," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. WEBB) there were—ayes 13, noes 30.

So the amendment was rejected.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise and report the bill with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Cox, 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. 5849) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. [After a pause.] The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on passing the bill.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 45, noes 21.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 199, nays 96, answered "present" 2, not voting 131, as follows:

YEAS—199.

Abercrombie	Bathrick	Burke, Wis.	Collier
Adair	Beakes	Burnett	Connelly, Kans.
Adamson	Bell, Ga.	Byrnes, S. C.	Conry
Aiken	Booher	Byrns, Tenn.	Cox
Alexander	Borland	Callaway	Crisp
Ashbrook	Brockson	Candler, Miss.	Crosser
Aswell	Brodbeck	Caraway	Curry
Austin	Broussard	Carew	Danforth
Baker	Bruckner	Carlin	Decker
Barkley	Buchanan, Ill.	Church	Deitrick
Barnhart	Buchanan, Tex.	Clark, Fla.	Dent
Bartlett	Bulkley	Coady	Dershem
Dickinson	Hammond	Lobeck	Steenerson
Dies	Hardy	Logue	Stephens, Miss.
Difenderfer	Harris	Lonergan	Stephens, Nebr.
Dixon	Harrison	McGillicuddy	Stevens, N. H.
Doolittle	Hay	McKellar	Stout
Doremus	Hayden	Maguire, Nebr.	Stringer
Dupré	Heflin	Mitchell	Sumners
Eagle	Helm	Montague	Switzer
Edwards	Helvering	Morgan, Okla.	Taggart
Estopinal	Henry	Morrison	Taylor, Ala.
Farr	Hensley	Mulkey	Taylor, Ark.
Fergusson	Hill	Murray	Taylor, Colo.
Ferris	Holland	Nelson	Ten Eyck
Fields	Houston	Oldfield	Thacher
Finley	Howard	O'Leary	Thompson, Okla.
Fitzgerald	Hoxworth	Palmer	Townsend
FitzHenry	Hughes, Ga.	Park	Tribble
Flood, Va.	Hull	Peterson	Tuttle
Floyd, Ark.	Humphreys, Miss.	Phelan	Underhill
Francis	Igoe	Plumley	Underwood
French	Jacoway	Post	Vaughan
Gallagher	Johnson, Ky.	Quin	Vinson
Gard	Keating	Rainey	Vollmer
Garner	Kinkead, N. J.	Raker	Volstead
Garrett, Tex.	Kirkpatrick	Rauch	Walker
Gerry	Kitchin	Rayburn	Walsh
Gill	Korbly	Reilly, Wis.	Watkins
Gittins	Lafferty	Rubey	Watson
Glass	Lazaro	Russell	Weaver
Godwin, N. C.	Lee, Ga.	Sabath	Webb
Goeke	Lee, Pa.	Shackleford	White
Goodwin, Ark.	Lesher	Sisson	Whaley
Gordon	Lever	Smith, Idaho	Williams
Goulden	Levy	Smith, Md.	Willis
Graham, Ill.	Lewis, Md.	Smith, N. Y.	Wingo
Griffin	Lieb	Smith, Tex.	Witherspoon
Gudger	Linthicum	Sparkman	Young, Tex.
Hamlin	Lloyd	Stedman	

NAYS—96.

Allen	Falconer	Kiess, Pa.	Patton, Pa.
Anthony	Fordney	Kinkaid, Nebr.	Platt
Avis	Frear	Knowland, J. R.	Powers
Bailey	Gillett	Kreider	Prouty
Barton	Good	La Follette	Roberts, Nev.
Bell, Cal.	Gray	Langham	Rogers
Borchers	Green, Iowa	Langley	Rouse
Browne, Wis.	Greene, Mass.	Lenroot	Scott
Bryan	Griest	Lewis, Pa.	Sloan
Butler	Hamilton, Mich.	Lindbergh	Smith, J. M. C.
Calder	Haugen	McKenzie	Smith, Minn.
Campbell	Helgesen	McLaughlin	Stafford
Carr	Hinds	MacDonald	Stevens, Minn.
Cary	Hinebaugh	Madden	Stone
Cline	Howell	Manahan	Sutherland
Cooper	Hughes, W. Va.	Mann	Temple
Cramton	Hulings	Mapes	Thomas
Cullop	Humphrey, Wash.	Mondell	Towner
Dillon	Johnson, Utah	Moon	Treadway
Donovan	Johnson, Wash.	Moss, W. Va.	Walters
Doughton	Kahn	Mott	Winslow
Drukker	Kelly, Pa.	Norton	Woodruff
Dunn	Kennedy, Iowa	Paige, Mass.	Woods
Esch	Kent	Parker, N. J.	Young, N. Dak.

ANSWERED "PRESENT"—2.

Foster Moss, Ind.

NOT VOTING—131.

Ainey	Edmonds	Konop	Reilly, Conn.
Anderson	Elder	L'Engle	Riordan
Ansberry	Evans	Lindquist	Roberts, Mass.
Baltz	Fairchild	Loft	Rothermel
Barchfeld	Faison	McAndrews	Rucker
Bartholdt	Fess	McClellan	Rupley
Beall, Tex.	Fowler	McGuire, Okla.	Saunders
Blackmon	Gallivan	Mahan	Scully
Bowdle	Gardner	Maher	Seldomridge
Britten	Garrett, Tenn.	Martin	Sells
Brown, N. Y.	George	Metz	Sherley
Brown, W. Va.	Gilmore	Miller	Sherwood
Browning	Goldfogle	Moore	Shreve
Brumbaugh	Gorman	Morgan, La.	Sims
Burgess	Graham, Pa.	Morin	Sinnott
Burke, Pa.	Greene, Vt.	Murdock	Slayden
Burke, S. Dak.	Gregg	Neeley, Kans.	Slemp
Cantor	Guernsey	Neely, W. Va.	Small
Cantrill	Hamill	Nolan, J. I.	Smith, Saml. W.
Carter	Hamilton, N. Y.	O'Brien	Stanley
Casey	Hart	Oglesby	Stephens, Cal.
Chandler, N. Y.	Hawley	O'Hair	Stephens, Tex.
Clancy	Hayes	O'Shaunessy	Talbott, Md.
Claypool	Hobson	Padgett	Talcott, N. Y.
Connolly, Iowa	Johnson, S. C.	Page, N. C.	Tavenner
Copley	Jones	Parker, N. Y.	Taylor, N. Y.
Dale	Keister	Patten, N. Y.	Thomson, Ill.
Davenport	Kelley, Mich.	Peters	Vare
Davis	Kennedy, Conn.	Porter	Wallin
Donohoe	Kennedy, R. I.	Pou	Whitacre
Dooling	Kettner	Price	Wilson, Fla.
Driscoll	Key, Ohio	Ragsdale	Wilson, N. Y.
Eagan	Kindel	Reed	

So the bill was passed.

The Clerk announced the following pairs:

For to-day:

Mr. STEPHENS of Texas with Mr. BURKE of South Dakota.

Until further notice:

Mr. TALBOTT of Maryland with Mr. SAMUEL W. SMITH.

Mr. SLAYDEN with Mr. FESS.

Mr. WILSON of Florida with Mr. FAIRCHILD.

Mr. DALE with Mr. MARTIN.
Mr. BLACKMON with Mr. AINEY.
Mr. BROWN of West Virginia with Mr. ANDERSON.
Mr. BURGESS with Mr. BARCHFELD.
Mr. CANTRILL with Mr. BARTHOLDT.
Mr. CARTER with Mr. BRITTEN.
Mr. CASEY with Mr. BURKE of Pennsylvania.
Mr. DAVENPORT with Mr. CHANDLER of New York.
Mr. DOOLING with Mr. COPLEY.
Mr. DRISCOLL with Mr. EDMONDS.
Mr. EAGAN with Mr. DAVIS.
Mr. GALLIVAN with Mr. GREENE of Vermont.
Mr. GARRETT of Tennessee with Mr. HAMILTON of New York.
Mr. GREGG with Mr. HAWLEY.
Mr. HAMILL with Mr. GUERNSEY.
Mr. JOHNSON of South Carolina with Mr. HAYES.
Mr. HART with Mr. KEISTER.
Mr. JONES with Mr. KELLEY of Michigan.
Mr. KETTNER with Mr. LINDQUIST.
Mr. KEY of Ohio with Mr. MCGUIRE of Oklahoma.
Mr. KONOP with Mr. MILLER.
Mr. MCANDREWS with Mr. KENNEDY of Rhode Island.
Mr. MORGAN of Louisiana with Mr. PARKER of New York.
Mr. NEELY of West Virginia with Mr. J. I. NOLAN.
Mr. O'SHAUNESSY with Mr. PETERS.
Mr. PADGETT with Mr. ROBERTS of Massachusetts.
Mr. PAGE of North Carolina with Mr. SHREVE.
Mr. POU with Mr. SINNOTT.
Mr. RAGSDALE with Mr. PORTER.
Mr. RIORDAN with Mr. SLEMP.
Mr. RUCKER with Mr. STEPHENS of California.
Mr. SAUNDERS with Mr. VARE.
Mr. SHERLEY with Mr. WALLIN.
Mr. SHERWOOD with Mr. MOORE.
Mr. SIMS with Mr. MORIN.
Mr. PATTEN of New York with Mr. SELLS.
Mr. SMALL with Mr. GRAHAM of Pennsylvania.
For the session:
Mr. SCULLY with Mr. BROWNING.

The result of the vote was announced as above recorded.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BRUMBAUGH was granted leave of absence for one week, on account of illness in a hospital.

CERTIFICATION TO THE SUPREME COURT.

Mr. WEBB. Mr. Speaker, on behalf of the Committee on the Judiciary, I desire to call up for consideration the bill S. 94, on the House Calendar, No. 217.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 94) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Be it enacted, etc., That section 237 of chapter 10 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended by adding thereto the following:

"It shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination, with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court, although the decision in such case may have been in favor of the validity of the treaty or statute or authority exercised under the United States or may have been against the validity of the State statute or authority claimed to be repugnant to the Constitution, treaties, or laws of the United States, or in favor of the title, right, privilege, or immunity claimed under the Constitution, treaty, statute, commission, or authority of the United States."

Mr. WEBB. Mr. Speaker, in simple words, this bill gives the right to ask for a writ of certiorari whenever the supreme court of a State declares a State law invalid by reason of its infringement upon any Federal right arising under the Federal Constitution, treaty, or Federal law. At present if a supreme court of a State decides a law to be not in contravention of the Federal Constitution or a Federal right, then an appeal may be had by writ of error to the Supreme Court of the United States. But the converse of that proposition is not true—that is, if the supreme court of a State declares that a State law violates a Federal right then there is no appeal. That has been the condition in the United States for 100 years.

As a matter of historical interest we are told that the reason for the one-sided right of review is that in the early days of the Federal Government the only apprehension was that the State courts might encroach upon the powers granted to the Federal Government, and as a safeguard against this apprehended danger the present law was passed.

This apprehension no longer exists. With its passing has gone the reason for the one-sided review. But as long as the statute lives it serves to grant a right to one party in the suit, which right is denied to the other. Viewed from the standpoint of the litigant, who is the party to be served in the administration of civil law, it is difficult to see why, if it is necessary or desirable to have the Supreme Court of this Government pass upon the judgment of the court of a State in construing the fundamental or statutory laws of the Federal Government, when the judgment of the State court does not uphold the Federal right claimed, the same tribunal should not review the judgment of the same State court, when in the exercise of the same judgment they upheld the Federal right claimed.

In the last few years a widespread demand has gone up for a right to appeal in a case such as provided for in this bill. To give you a concrete case, lawyers from New York and over the country are familiar with the case of Ives against the Buffalo Railroad Co., involving the construction of the workmen's compensation act, or the labor law. The case was carried to the Supreme Court of New York, and that court declared the act of the Legislature of New York invalid because it offended against the fourteenth amendment to the Constitution of the United States. There was no right to appeal from that decision, whereas if the court had held that the law was constitutional the railroad could have appealed. In other words, it gave the railroad in that case two bites at a cherry, while the last resort was the State court, when a State statute had been declared unconstitutional.

Since the Supreme Court of the United States is the final tribunal which should pass upon the meaning of the Constitution, treaties, and statutes of the United States, we think this power to review the judgment of the State court should be extended to it where either side felt that substantial justice had not been done it by the construction of the State court, whether it technically was in favor of or against the validity of the Federal right claimed, and the Supreme Court is of the opinion that it is a case of sufficient importance to justify their review.

There is no reason, so far as the Judiciary Committee can see, why the same right should not be given both sides.

This would make for the uniformity of the Federal laws in their practical application to the numerous questions that would arise in the several States. Under existing laws the Federal Constitution may mean one thing in one State and the reverse in another.

For instance, in New Jersey a similar workmen's compensation act was held constitutional. In New York it was held unconstitutional. If the case had been carried to the Supreme Court of the United States from New Jersey and it had declared the law of New Jersey constitutional, then we would have the Supreme Court of New York declaring the identical law unconstitutional, whereas the Supreme Court of the United States had declared the same law in New Jersey was constitutional. This idea has been discussed by the American Bar Association, lawyers, and publicists for quite a while, and it passed the House of Representatives a year ago. It has passed the Senate, and we are now considering a Senate bill, and if the House will indulge me I want to read an extract from a letter which I received a few days ago from Mr. Wheeler, a distinguished lawyer of New York, a public-spirited man, and a distinguished member of the legislative committee of the American Bar Association. He said:

We also hope the Judiciary Committee of the House will report favorably Senate bill 94, giving authority to the Supreme Court to grant a certiorari in cases where the decision in the State court is averse to the constitutionality of a State statute.

Since I saw you I have seen the report of the Industrial Relations Commission. The report deals with the subject of industrial unrest, and mentions as one of its causes a belief on the part of many that "There is one law for the rich, another for the poor." The commission report that both employers and employees are of opinion that in many cases before the courts justice is not done. It will certainly be a great advance if the present Congress should pass the two bills referred to, which are really fundamental.

Take, for example, the Ives case, in which the Court of Appeals of New York decided against the validity of the workmen's compensation act. It was felt as a great grievance by the working men that they had no right to ask to have the decision reviewed by the Supreme Court, although if the decision had been the other way the employer would have had the right to such review.

Mr. Speaker, for the reason given in the report and for the reason that I have assigned I hope the vote on the bill will be unanimous. I can see no reason why we should not give the right of appeal to both parties in the case where a Federal question is involved.

I reserve the balance of my time.

Mr. LEWIS of Maryland. Mr. Speaker, naturally very much, indeed, nearly all, of the legislation being passed and to be passed in this country to make those adjustments of the rights

of individuals necessary for the changing conditions of society are acts of legislation passed by State legislatures. In each such case the unwilling party may challenge the power of the legislature to pass such legislation, in the name of the Federal Constitution. When he makes that challenge, if the State court in which it is made should not agree with him, he can have resort to the Feredal courts, and to the Supreme Court itself. But if the decision of the State authority should be negative, should sustain his challenge and take his view of the Federal principle, then the State authorities themselves can not appeal to the Supreme Court to get its view of what the Federal principle really is.

Now, the effect of that discrimination between the parties has not only been to strike down State sovereignty in a great many instances, but to destroy some of the wisest State legislation enacted in this country on those difficult relations of labor and capital. I think now, sir, of two instances that occurred in my own State, even with courts that are far, far above any suspicion. In one of them State legislation designed to put an end to the so-called "pluck-me" store was stricken down in our courts on the strength of the old precedents in other States, on the theory that such legislation was in conflict with the rights vouchsafed the citizen by the Federal law. In another case laws providing for semimonthly pay days were stricken down on the same argument, and, I believe, by judges who disliked the consequence of their own reasoning, but who did it on the basis of misoneistic decisions, if I may use that phrase, made a generation ago. Now, in both of those cases no appeal could be taken. Now, as a matter of circumstance, if not as a matter of principle, the workmen of that State were denied the right to go to the higher courts, when their antagonists could go to those courts ad libitum.

I think the history of the legislation explains itself and justifies the bill, which has been favorably reported. It was naturally assumed in the early days of the Republic, when there was an intense devotion to local authority and local power and considerable distrust of Federal power, that State courts if they committed any error would commit it under the impulse of a bias in favor of State legislation, and that there was no practical danger, therefore, that the State courts would decide against valid State legislation; in short, that the benefit of the doubt would be given to their own legislatures and not to some abstract contentions made under Federal principles. But we have found, thanks to the growing sense of solidarity in our country, thanks to the patriotism that gives us but one flag, that the State courts are quite as anxious to sustain Federal principles, where they can be invoked, as they were then to sustain the sovereignty of the local power. And the result has been that the foresight of the fathers failed with respect to this discrimination; and the reason for it having passed away, I think this House, following the example set by the Senate, should eliminate that discrimination. [Applause.]

It was my privilege to offer and have adopted by the House at the last session an identical amendment to the judicial revision bill now before the Senate, and it is a pleasure to support it this afternoon.

Mr. TOWNER. Mr. Speaker, there is nothing to indicate in the Constitution of the United States in the provision that relates to the jurisdiction of the Supreme Court that there should be granted to one side rather than to another the right of appeal. The provision of the Federal Constitution is that—

> The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made or which shall be made under their authority—

And so forth. I think it would be utterly impossible to find anyone who would advocate the passage of the law that for years has been upon our statute books which gave specifically the right, not of an appeal to both parties or to either party, but only to one. I think it would perhaps be a surprise to those who are not familiar with the statute to find that under this general power which certainly was intended to be available to any party to a suit, it should be deliberately written in the statute that it should be only available to one side. The language of the act which has been continued for these years to the disgrace of our jurisprudence upon the statute books is that—

> A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; and the decision is against the title, right, privilege, or immunity especially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States. The Supreme Court may reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution or remand the same to the court from which it was removed by the writ.

Specifically in the further provision of the statute is where the right of an appeal or rehearing in the Supreme Court of business regarding the Constitution and treaties and laws of the United States is only given to one party as the case may be. It is so manifestly unjust that I can not think anyone now, with our present sense of fairness, at least, in jurisprudence would support and sustain it. Therefore for that reason we ought now to change it. We ought to have changed it years ago. The American Bar Association has, I believe, for 20 years advocated it. In fact, this bill is the provision of the American Bar Association, and it has been supported and sustained and hardly ever challenged by nearly all of the leading jurists and lawyers of the United States.

Further than that, it has gone out to the people so that they have understood finally that they were being in certain cases deprived of their constitutional rights; and now the sentiment is very general, wherever the question has been mooted at all, in favor of the adoption of this great reform in our jurisprudence.

I join with the chairman of the committee in the hope that the vote on this bill may be unanimous in its favor.

Mr. VOLSTEAD. Mr. Chairman, allow me to say just one word in reference to this bill. It seems to me that it ought to pass. I think the law as it now stands works an injustice in many instances, and I think it works an injustice largely to the smaller man and to the general public.

The cases that are taken to the courts for the purpose of having a statute declared unconstitutional are, I believe, in the great majority of cases, taken there by the large corporate interests. It is those interests that as a rule try to have the laws set aside that have been passed for their control. If they succeed in having those laws set aside in a State court, that ends it under the law as it now stands. The other side can not appeal. If they fail to have the statute declared void in a State court, they can appeal to the Supreme Court of the United States and have another chance there to effect their purpose.

It seems to me that we ought not to leave a statute like that in force any longer. We ought to allow equal treatment to all parties and not favor these large interests. Every lawyer is familiar with the class of cases and the class of litigants that appeal to our courts to set aside the will of the people as expressed by our State legislatures. There is no good reason why those who seek to thwart the will of the people should have any advantage, such as that given by the present law, over those who seek to sustain the law and the legislative will.

Mr. SMITH of Minnesota rose.

The SPEAKER. The gentleman from Minnesota [Mr. SMITH] is recognized.

[Mr. SMITH of Minnesota addressed the House. See Appendix.]

Mr. MANN. Mr. Speaker, I shall vote for the bill, one reason being that I hope it will be the final enactment of legislation on the subject. It is so much better than the bill introduced by my friend from Minnesota and some other bills on the subject that I would be glad to vote for this bill and get the matter out of the way.

For more than a hundred years the law on the subject has been practically what it is now with reference to these appeals. There is a very good reason for it. No one can tell how many cases will be brought under this provision of law in the Supreme Court, or how many cases will be brought in the lower courts with the design of reaching the Supreme Court. If Congress had dreamed, when the fourteenth amendment to the Constitution was adopted, that it would be used in the way that it has been used to get cases into the Supreme Court of the United States, it undoubtedly never would have been adopted in the form that it was. No one had a suspicion that it was as broad as it is.

I am not sure whether under this provision every municipal ordinance that may be passed by Podunk or some other place will not eventually reach a claim before the Supreme Court for a writ of certiorari.

I have noticed a natural tendency since I have been a Member of the House to keep on increasing the work of the Supreme Court of the United States. The amount of work that any man can do is limited. The amount of work that any court can do is limited, where the cases are to be considered by all the judges in the court; and if we keep on piling on to the Supreme Court of the United States additional cases, without taking away any of the cases which now go there, in the end we will have destroyed largely the benefit of the Supreme Court, either by delaying the determination of cases or by requiring such hasty

determination that the opinions will not be very valuable. If the Committee on the Judiciary succeeds in passing this bill, I hope it will bring before the House some bill which contains a limit on the jurisdiction of the Supreme Court of the United States in cases of appeal.

Mr. WEBB. I will say to my friend that we are going to do that in the very next bill we call up.

Mr. MANN. Oh, well, that is going to limit it where it has no jurisdiction. That is the fact of the matter. But the amount involved in cases going to the Supreme Court ought to be increased, although, of course, you will be told by the demagogues at once that you are only providing a court for the rich man and not for the poor man. When we created the circuit court of appeals in order to help the Supreme Court the Supreme Court gradually overtook its business from year to year for a series of years, until it began to be able to see daylight ahead; but now the work of the Supreme Court is again getting behind, because we keep piling up new business on that court, and I venture to say that the justices of the Supreme Court of the United States are the hardest working judges in the world.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. BUCHANAN of Illinois. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. BUCHANAN of Illinois. I ask unanimous consent to extend my remarks in the RECORD by printing the report of an arbitration opinion by Hon. STEPHEN G. PORTER, of Pittsburgh, between the employees and employers of the street car system there.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, the Hon. STEPHEN G. PORTER in rendering this opinion has served the cause of the wageworkers in Pittsburgh and throughout the country, which should and will be highly appreciated by the working masses and all who are in sympathy with the cause of humanity. It is indeed regrettable that the majority of the arbitration board were not capable of exercising broad-minded, equitable, and humane judgment, as did the gentleman from Pennsylvania, my friend STEPHEN G. PORTER.

The opinion is as follows:

DISSENTING OPINION OF HON. STEPHEN G. PORTER, MEMBER OF CONGRESS, TWENTY-NINTH DISTRICT PENNSYLVANIA, IN THE MATTER OF THE ARBITRATION OF THE WAGE DISPUTE BETWEEN THE PITTSBURGH RAILWAYS CO. AND ITS MOTORMEN AND CONDUCTORS.

On May 1, 1914, the two-year wage agreement between the motormen and conductors of the Pittsburgh Railways Co., their employer, expired. Representatives of both sides held a number of meetings in an effort to agree upon a new scale of wages, but after prolonged negotiations they were unable to reach an agreement.

The motormen and conductors of this company, 3,000 and upward in number, belong to the Amalgamated Association of Street and Electric Railway Employees of America. This organization differs from the usual labor organization in that it does not insist upon what is known in labor circles as the "closed shop," but relies entirely for its membership upon the benefits derived from its method of aggregate bargaining with the employer and the payment of insurance in case of sickness or death. It is the fundamental law of the organization that all disputes between the employers and employees must be settled by the peaceful method of arbitration unless the employers absolutely refuse to do so. The testimony disclosed that a large majority of the motormen and conductors of the United States belong to this organization, and that during the last few years practically all their disputes as to wages and labor conditions have been settled by this method, notable cases being the recent Boston and Chicago arbitrations.

An adequate street car service in a city like Pittsburgh in this age of transportation is a matter of tremendous importance to every citizen, and this organization undoubtedly recognizes by the adoption and enforcement of arbitration the irreparable injury done every citizen by a strike of the street car employees and that the loss by such action is greater to the helpless citizens than it is to the parties to the controversy. This "cool-headed" instead of "broken-headed" method of settling labor disputes and thus protecting the innocent public entitles, in my judgment, the members of this organization to the highest commendation and makes it the positive duty of this board of arbitrators to give their claims the tenderest care and most careful consideration.

I have always believed that arbitration of labor disputes resulted in more substantial justice to both sides than any other method of settlement which the genius of man has so far devised, and when I was requested by the officials of these motormen and conductors to represent them upon this board of arbitration I readily consented to do so, believing that I would be doing a public service not only to the employees of the company but to the citizens of Pittsburgh, all of whom have a vital interest in the peaceful settlement of this wage scale.

Before the discovery of steam and electric power labor disputes were unknown. The relations between the employer and employee were simple. The employee was in daily contact with his employer, and the little differences which arose from time to time were promptly adjusted. The use of these two great forces, coupled with the inventive age which they developed, has resulted in combinations of capital and the unionizing of the workmen. The latter was the natural result of the former. Capital recognizes the value and efficiency of combination; labor recognizes the value and efficiency of aggregate bargaining with the employer. In fact, during the last half century steam power, electric power, and inventions have revolutionized our entire industrial situation to such an extent as to create many new and important questions, of which the most important is a proper and equitable adjustment of the relations between employer and employee.

After my acceptance it became my duty to agree with J. C. Gray, Esq., who represented the Pittsburgh Railways Co. on the board, upon a third person as umpire. We early found the selection of such a man to be a very difficult matter. We considered upward of a hundred men. I do not believe that either of us discarded any man because we felt that he lacked intellectual honesty, but entirely because of his point of view upon industrial questions. My difficulties in the matter were materially increased by the fact that the financial ramifications of the Pittsburgh Railways Co. are like an endless chain and wield an unseen influence over the minds of many of Pittsburgh's best-known citizens. We finally agreed upon S. Leslie Mestrezat, justice of the Supreme Court of Pennsylvania, who was unable to serve, and subsequently upon the Hon. Joseph Buffington, of the United States Court of Appeals, and immediately proceeded to take testimony.

The entire board agreed that technical rules of evidence were to be ignored, and that all testimony tending to throw any light upon the matter in dispute was to be admitted. The testimony, as a result, took a very large range and many days to hear it. The hearings were closed on the 20th day of July and contained upward of fifteen hundred pages. On the 28th day of July the oral arguments of counsel for both sides were heard and printed briefs submitted.

Immediately thereafter the board reconvened, had a number of daily conferences, and after protracted discussions it became evident to the umpire, the Hon. Joseph Buffington, that Mr. Gray, representing the company, and myself, representing the employees, were unable to agree upon an award; and the umpire assmued the burden of deciding the many weighty questions involved in this dispute. His report is now before me. I have read it with care, and regret to state that the conclusions reached by him are so clearly at variance with my ideas of what they ought to be that I feel it my duty to file this dissenting opinion.

The wage scale which expired on May 1, 1914, was adopted in 1912, and is as follows:

	Per hour.
First 6 months	$0.23½
Second 6 months	.25
Second year	.26½
Third year	.28
Fourth year	.29
Fifth year and thereafter	.30

It is but fair to assume that this scale, being adopted by mutual agreement between the employees and the company, was reasonably satisfactory to both sides, and I believe that the principles so well stated in the brief of the counsel for the employees should guide us in the determination of this controversy: "That wages ought to be higher than those which have prevailed in the past if the work is now harder or more responsible, or if it requires more skill, or if it is shown that the wages in the past have been too low or beneath a living wage. The wages for any useful work on which a man is required to spend eight hours a day six days a week ought at the minimum to be sufficient to maintain a normal family (husband, wife, and three children under the earning wage) in health and reasonable comfort. We submit that the resources of this country and this district are amply sufficient to maintain such a standard, and that it is self-evident that the Nation can not be sound, healthy, and happy upon any other basis."

DUTIES AND RESPONSIBILITIES.

It is necessary for a proper understanding of this matter to state the extraordinary nature and character of the labor which the employees are called upon to perform by the company.

In the selection of motormen and conductors the company exercises great care to secure men of clean habits and good health. They must be over 25 years of age and under 45, absolutely free from all evidence of dissipation of any kind. The company was requested to furnish a list of the rejected men for the period of the year before the hearings. It failed to do so, and I therefore assume, by reason of this failure, that many are rejected because they do not comply with the standard heretofore stated. The applicant for position files an application in which his family history is given, the names of all his previous employers, condition of his health, and the names and addresses of men whom he thinks are willing to recommend him as a sober and industrious man. He then receives a most rigid examination by the company's surgeon, and if he passes this, and if the company's investigation of him has been satisfactory, he is given employment. He is then sent to one of the barns and for four or five days rides on a car with an experienced motorman or conductor, and is instructed by him as to his duties. He is then allowed to occasionally operate the car or collect fares, and his care in the performance of these duties is reported to the company by the motorman or conductor by whom he is being instructed. If a conductor, he is then sent to the conductor instructor to receive further instructions as to the complicated system of transfers now in use by the company, the preparation of accident reports, and other matters connected with his employment. If he is a motorman, he is sent to the motorman instructor and thoroughly examined as to the workings of the car. He is then given a book containing 162 rules, every one of which he is required to know and obey. He is then placed to work as an extra and receives, while acting as such, compensation of about $1.40 per day. The period of this service ranges from three months to a year.

The modern electric car is a complicated piece of machinery, and inasmuch as there are several types of cars in use by the company, the men are required to be thoroughly familiar with the mechanism of each type.

"Rule 215. Test for trouble:

"(a) Power off on car, lamp circuit out—

"If the power is off on car and lights will not light, and it is known that the power is on the line, examine the trolley wire at trolley base; ground wires on motors; or if there is dirt on the rail, place a switch iron so as to make contact between truck and rail.

"(b) Power off on car, lamp circuit lit—

"Examine fuse, fuse leads, ground leads at motors, also motor leads. Examine the controller contacts. Try rear controller. Try overhead switch.

"(c) To cut a controller out—

"If it is necessary to cut a controller out because it is flashing, when the controller on the other end of the car is thrown on the trolley and ground wires must be removed and placed so that they will not come in contact with the frame of the controller or with each other.

"Trouble in motor—

"If one of the motors is seen to be disabled or in trouble, cut it out by pulling the proper plug in controller or cut-out box. Sometimes a motor lead may cause the trouble. A broken motor lead may be connected with fuse wire.

"Lamp circuit—

"The lamps may sometimes refuse to light. This will probably be found to be due to one of the following causes: A broken or burnt-out lamp; poor contact between one of the lamps and its socket; poor contact in the switch; a loose or broken wire. The remedies being as follows: Replace the defective lamp with a new one; try every lamp, pushing it more firmly into the socket. If the above fail to remedy the defect, it should be reported without delay.

"If car fails to move when you try the controller, see that the fuse is properly adjusted; if burnt out, replace with a new one."

Page 81. Rule 223.

"Rule 223. Operation of air brakes:

"When taking cars—

"The air reservoir is always empty and drain cock open when the car is in barn. Therefore motormen will, when taking car, observe the following instructions:

"(a) See that the reservoir bleeding valve is closed.

"(b) When not hauling trailers, see that the valves at the rear are closed.

"(c) When hauling trailers, see that the valves to trailers are open and that the air hose is coupled properly, being crossed between cars.

"Motormen must try brakes on emergency as well as service application before starting after receiving trailer. Conductor of each car must watch brakes and see that the shoes apply and release properly before giving starting signal.

"(d) Turn both pump switches in cabs to 'on' to start the pump and watch gauge closely.

"(e) After having followed the above instructions, should you find the red hand has passed the 75-pound mark, turn off the platform pump switch and report same to first inspector and also to barn foreman, who will inspect the car.

"(f) Before starting car see that air pressure is off brake cylinders by throwing handle to 'release' position; with valve handle in 'release' position, the black hand in gauge should sink to zero; with black hand at zero and valve handle in 'release' position, the car is ready to start. Always carry valve in 'release' position when not actually using brake.

"(g) When making an ordinary service stop throw valve handle to 'service-stop' position and back to 'lap' position, making one application of air. As the car slows down throw handle to 'release' position so that at the moment car stops the pressure (as shown by black hand) shall have fallen to about 10 pounds if car is on level. If on a hill, of course, the final amount of air necessary to stop the car may be greater. When a car is running at full speed, more pressure can be put on brake cylinder without skidding the wheels than at the moment of stopping.

"(h) Never throw handle to 'emergency' position except to avoid accident.

"Brakes sticking—

"If after a stop the black hand fails to sink to zero, then the air pressure is still on in the brake cylinder and the car will not start. To remedy this first throw handle to emergency position two or three times until motor compressor starts; second, if this fails to remedy the difficulty, then set hand brake, turn off compressor pump, then bleed the reservoir by letting the air exhaust through the reservoir bleeding cock. If you are hauling a trail car, examine the hose connection between the cars.

"After brakes release start the compressor pump again and do not start car until the gauge registers 55 pounds.

"If, after following above instructions, the brake still sticks, bleed the reservoir again and run on hand brake, reporting same to first inspector and also to barn foreman.

"(j) If brakes set without the engineer's valve being thrown, make tests as for above:

"Pump governor out of order—

"(k) If the pump governor does not regulate between 50 and 65 pounds, report same to first inspector.

"(l) If the pressure is below 40 pounds or above 75 pounds, cut the governor by turning governor-cock handle down and run into barn on gauge. To do this watch the gauge closely, and as soon as the red hand sinks to 50 pounds start the pump by turning pump switch to 'on' position; thence when gauge registers 65 pounds turn pump switch to 'off' position. Repeat this as often as necessary.

"Coupling and uncoupling cars—

"When coupling trail car to motor car—

"(m) See that the hose couplings are crossed.

"(n) Always couple up hose before opening cut-out cocks, there being two such cocks on each end of car.

"When uncoupling trail car from motor car—

"(o) First set up hand brake on both cars, then release the air from operating valve, letting air out of straight air pipes in both cars.

"(p) Uncouple the hose between the cars and couple the two on each car together. This will keep dirt out of the pipes.

"(r) In case the car has not been uncoupled properly and the trail car will not move because of brakes being set, drain the reservoir on trail car at the drain cock on bottom for such purpose.

"Supplementary—

"(s) Never leave the platform of a car until you have released the air brake and applied the hand brake sufficiently to hold the car.

"(t) Before the car is put away in the barn the air pump must be stopped and drain cock under the reservoir opened wide. This is important and must be done whenever car enters the barn for storage, either day or night.

"(u) Air brake may be used on grades."

"Rule 206. Economical use of current:

"(a) In order to effect an economical use of the electric current it is necessary that the continuous movements of starting and increasing speed should be made gradually. In starting a car let it run until the maximum speed of each notch has been attained before moving handle to the next notch. The controller must never be thrown on the last point if the car does not start on the preceding one.

"(b) Do not apply brakes when the current is on.

"(c) Do not apply current when the brakes are applied.

"(d) A great amount of power can be saved by using judgment and discretion in approaching stopping places and switches by shutting off power so as to allow the car to 'drift to the stopping place without a too vigorous use of brake.'"

A reading of the above rules ought to satisfy any mind that the technical and practical knowledge of especially the electric equipment of these cars demands of the employee a very high order of intelligence. In addition to this, he must be able to start his car smoothly and stop it in the same way. He must be economical in the use of the electric current. He must have good judgment and be extremely careful to protect the lives and limbs of citizens who momentarily, through thoughtlessness or otherwise, are unable to avoid injury or death from his car. In fact, it might be stated here that while the physical strain on these men is very great the mental strain from almost daily avoiding injuries to pedestrians is much greater. The happening of a distressing accident, especially to a child, usually destroys the efficiency of a motorman.

The speed of the cars, according to the testimony, exceeds in some instances 25 miles per hour, and is being increased as the large cars are placed in the service. These large cars are run on the same schedule as the smaller ones, and inasmuch as they carry double the number of passengers the number of stops are materially increased, and the motorman, to maintain the schedule, must increase the speed between the stops. The conductor is required to maintain order in the car, and, if called upon, it is the motorman's duty to assist him in ejecting disorderly passengers.

The conductor is required under rule 11:

"(b) The conductor is in charge of the car and is held responsible for the safety and convenience of the passengers and for the collection and proper accounting of all fares.

"(c) With the motorman, he is responsible for the running of the car in strict accordance with the rules and regulations.

"Rule 13. (A) To keep a lookout for persons desiring to board the car and a careful watch of passengers to observe request to stop car.

"Rule 16. He must treat all passengers with politeness under all conditions.

"Rule 17. (C) To give passengers any information desired.

"Rule 25. To report accidents and give all necessary aid to the injured.

"Rule 24. To eject all disorderly passengers.

"Rule 30. To control by bell signals the movement of the cars so as to protect passengers.

"Rule 68. Must regulate the heating and ventilating of the car.

"Rule 101. To promote the comfort and convenience of the passengers by announcing all streets, principal places, transfer points, etc.

"Rule 105. Issue transfers at such places and times as the rules provide.

"Rule 109. To give special attention to seating passengers.

"Rule 8. And present a good appearance personally by neatness of persons, hands, clothing, and habits of sobriety.

"(Rule 10.)"

They are frequently reminded by the rules that "employees bear in mind that they are engaged in a public service, in which they are constantly called upon to exercise great patience, forbearance, and self-control." The conductor must be a man of tact, and especially proficient in making change. If he makes a mistake in change or accepts counterfeit or mutilated coins, the loss occasioned thereby is taken from his wages. As so well stated in the brief of counsel for the men, "he must look above the weakness of individuals in the cars, meet discourtesy with courtesy, unreasonableness with reason, impatience with patience." This company has made many arbitrary rules governing the operation of its cars, and the dissatisfaction resulting therefrom materially adds to the annoyance of both the conductors and motormen, whom thoughtless people look upon as responsible for the company's actions. In the course of a day's employment he handles upward of a thousand human beings—men, women, and children. He must constantly be on the alert to protect the aged and infirm while entering or leaving the car. He must be ever willing to help the mother with her child and see that they enter and leave the car in safety. He must protect the passengers from the disorderly or drunken passenger, and sometimes take a severe beating in doing so. He is required to make out a number of complicated reports at the end of his day's work, for which he receives no compensation. He must be thoroughly acquainted with all the streets and public buildings, and in some instances street numbers, of all the routes his car is operated; and above all things he must be careful that passengers are not injured by the premature starting of the car, which always results in a heavy loss to the company. This work must all be done with the schedule in mind. He is therefore frequently hurried in its performance. If employed on one of the old cars collecting fares, he is compelled many times to use physical force to get through an overcrowded car, breathe at all times the foul atmosphere, careful not to make mistakes in change, especially careful not to ask the same passenger for his fare the second time, and at the same time watch for people who desire to board or leave the car, and see that they do so in safety.

EXPOSURE.

The exposure of the employees to all kinds of weather conditions should be, I believe, taken into serious consideration in fixing their wages. The unavoidably irregular hours of their labor requires them to leave home at an hour and minute fixed by their employer. Rain, sleet, hail, snow, or zero weather will not excuse them. Their duty is fixed and certain; it is to take out the car and operate it according to the rules of the company while in a partially protected position, from 9 to 13 hours. A man who can do this for a number of years in this climate without feeling the ill effects from exposure would be, indeed, a physical marvel.

It is urged by the umpire that the work in the fresh air accounts for the splendid physical appearance of all the men who appeared before us. Fresh air is undoubtedly conducive to good health, but there is an old adage that "too much of a good thing is worse than none at all," and the man who operates a street car in this variable climate is getting entirely too much of a good thing in the way of fresh air. The magnificent physical appearance of these men, in my opinion, is not so much due to the fresh air as to the fact that they are carefully selected and give evidence of having avoided all kinds of dissipation.

OCCUPATIONAL DISEASES.

It is also in evidence, and admitted by the company—and therefore I assume it to be true—that many of these men suffer from occupational diseases, such as the breaking down of the arch of the foot from standing, tonsilitis, rheumatism, and other diseases due to exposure in bad weather.

DANGEROUS NATURE OF THE EMPLOYMENT.

The operation of a street car, or any form of transportation vehicle, is recognized as a dangerous one. The dangers from collision, runaway horses, imperfect equipment of the cars, are always present, and the casualty list among the employees of this company, while probably no greater than in other cities, is quite large. The open summer car, which requires the conductor to ride on the running board while

collecting fares, or aiding passengers to board or leave the car, places him in a position of great danger from passing vehicles or obstructions, this exposed condition being responsible for many injuries to the conductors.

IRREGULARITY OF THE HOURS OF LABOR.

The irregularity of the hours of labor of these employees should also be given substantial weight in determining their wages. According to the evidence they are divided into four classes:

First. The early straight men, who go to work about 5 o'clock in the morning and work straight through until 4 in the afternoon.

Second. The late straight men who go to work about 3 o'clock p. m. and work straight through until 1 a. m.

Third. The swing men who work from about 5 a. m. to 10 a. m. and then from 4 p. m. to 9 p. m. They work and are paid for about 10 hours' labor, but the layover in the middle of the day requires them to be on duty upward of 15 hours.

Fourth. Extra men. These men have no regular work from day to day, but are used as occasion requires to fill the places of regular men and to handle the extra night and evening rush hours.

The early straight men have the advantage of spending the evenings with their families. This is denied the late straight men, who reach home between 1 and 2 a. m. If they sleep the usual number of hours, they do not arise until 9 or 10 a. m. The same is true of the swing men, who start extremely early in the morning, have a lay-over about midday, and then resume the work until almost midnight. The testimony shows that a large number of these employees are married and have families. In the case of the late straight and swing men they seldom see their children; the late straight men rising after the children have gone to school, and when they return home the children are in bed; the swing men arising before the children are up, and returning at midnight after they have retired. These men can not go to the theaters or enjoy any form of recreation in the evenings, because they are engaged in their work. Their home life is destroyed, and it is with them simply a proposition of eating, sleeping, and working, in the hope that some day through resignation of other employees or otherwise they will secure an early straight run.

The necessities of the traveling public compel them to work on holidays and Sundays. Holidays and Sundays are always looked forward to by home-loving men as days of recreation, rest, and devotion, but to the street car motorman or conductor the holidays are days of much greater labor and Sundays days of the usual work. In a normal industrial calling the man goes to and returns from his work at seasonable hours. He has his evenings for recreation and the home, his holidays for pleasure, and his Sundays for the home and church, and when these things are taken out of a man's life, as they are in the case of these workmen, there is very little left of the real pleasures of life.

I do not contend for an instant that this system could be changed, but I do contend most earnestly that any system which requires men to work these unnatural hours places upon them an intolerable burden, and that this board of arbitrators should make them a reasonable increase in their wages for the irregular and, I may say, unnatural nature of their employment.

ARE MOTORMEN SKILLED OR UNSKILLED WORKMEN?

It was urged at the hearings that the motormen and conductors were unskilled workmen. May I ask, whoever heard of an unskilled workman having 167 printed rules to guide him in the performance of his duties to his employer? May I ask, if these men are unskilled laborers, the reason for the sliding scale which runs over a period of four years? It is a fixed and well-established custom that apprentices are paid apprentice's wages until they reach the journeymen's stage, and this is exactly what this company does when it requires the employees to serve an apprenticeship for at least four years before they receive the maximum wage; and when we consider the testimony of the company—which I shall later discuss in detail—showing that the six months' men who receive 23½ cents an hour actually cost the company in wages and damages resulting from their accidents 41.3 cents per hour, and the five-year men and over, whose wages are 30 cents an hour, only cost the company 3.2 cents per hour in damages, thus demonstrating that experience in the handling of the cars greatly increases the efficiency of the men, the contention that they are unskilled workmen is too absurd and ridiculous to discuss. It is the assertion of such unrighteous propositions that keeps open the breach between the employers and the employees.

EXTRAORDINARY TRAFFIC CONDITIONS.

First. The inadequacy of the service rendered by this company to the public, resulting in the overcrowding of the cars, materially adds to the revenue of the company, but at the same time places additional burdens upon the motormen and conductors.

Second. The rugged topography of the ground in and around the city of Pittsburgh, resulting in extremely heavy grades, requires of the motormen a much higher degree of care in the handling of their cars, I believe, than in any other city in the Union.

Third. The peculiar location of the business section of Pittsburgh, which is the termini of all these lines, 66 in number, and the narrowness of many of the principal streets, with the resulting traffic congestion, require of the motormen extraordinary care in the prevention of accidents and the maintenance of the schedule.

Fourth. The use of automobile trucks and automobiles, the number of which is rapidly increasing, materially adds to the strain on the motorman of the car, especially in the downtown and congested part of the city.

The large number of heavy grades, the narrowness of the city streets, the peculiar location of the business section of the city, and the overcrowding of the cars create a condition the like of which, I believe, can not be found in the entire country, and requires of the operators of the cars much greater care, presence of mind, and quickness of judgment than in cities where there are few grades, wide streets, and practically no overcrowding of the cars.

It is a long step from the city hack to the modern electric car, but that step has been taken by reason of the inventive genius of our people and the harnessing of the electric current within less than 20 years, and I fear that the average man does not realize that these rapid changes have increased from year to year the responsibilities of motormen and conductors to such an extent that their duties now require more presence of mind, knowledge, skill, good judgment, tact, and courage than that of any other calling in the industrial field. The locomotive engineer holds a position of great responsibility, but a comparison of his duties with the duties of a modern street railway motorman shows that the greater mental and physical strain is on the latter. The locomotive engineer hauls about the same number of human beings on a trip that a motorman does in a day. The engineer runs his train over a private right of way upon which neither pedestrain nor vehicle has a right to be except at grade crossings, and these are rapidly being abolished. The motorman operates his car day after day through the streets of a great city, crowded with pedestrains and vehicles which have exactly the same legal right to use the highway that he has, except that they have to give way to the car, as it can not leave the track. The motorman avoids collision with hundreds of pedestrains and vehicles every day who have a legal right to be on the highway. The engineer avoids collisions with but few of either, who have no right to be on a railroad right of way. The engineer receives a wage of from $6 to $8 per day; the motorman $2.70 for a 9-hour day under the scale decided upon by the umpire.

COMPARISON OF WAGE SCALES IN THE PITTSBURGH DISTRICT.

The wage scales of other skilled employments in the Pittsburgh district, while not conclusive in this matter, are worthy of consideration. I concede that men engaged in the outside building trades do not in all cases have steady work throughout the year, but the printers, compositors, linotypers, coopers, blacksmiths, hoisting engineers, pressmen, and stereotypers have steady work the year round; and an examination of the following table, which is conceded by both sides to be correct, discloses that of all forms of labor there is but one that is paid less than the maximum paid the motormen and conductors, and that is the common laborers who receive from 20 cents to 25 cents per hour. Even the hod carrier, whose work requires no mental effort, receives 40 cents an hour for his work.

	Per hour.
Painters and decorators receive	$0.56½
Carpenters, the same, with an advance for 1915 to	.63½
Bricklayers	.72
Stonemasons	.65
Coopers	.45
Blacksmiths	.45
Steamfitters	.62½
Marble-workers	.68¾
Roofers	.60
Hoisting engineers	.65
Hod carriers	.40
Compositors	.39½
Linotypers	.48
Newspaper compositors	.60
Pressmen	.47
Stereotypers	.47

All of whom work eight hours a day.

The degree of industry, intelligence, and efficiency required of motormen and conductors is certainly as great as that required of many of the men in the employments above enumerated, and certainly much greater than that of some of them.

THE LARGER OR LABOR-SAVING CARS.

According to the testimony about one-third of the old cars have been replaced during the last four years with what is known as pay-as-you-enter cars, and while this car, so far as the conductor is concerned, has the advantage over the old one, of protecting him from the foul air while collecting fares in overcrowded cars, the capacity of the new car is double that of the old one. Doubling the capacity of the car naturally doubles the number of fares to collect, doubles the number of aged, infirm women and children to handle in safety. It also enables the company to carry the same number of passengers with one car and two employees that under the old system required two cars and four employees, thus doubling the revenue of the company.

Mr. Jones, the general manager of the company, testified that within the next two years all of the open cars will be abolished and the pay-as-you-enter car in operation on all the lines; and inasmuch as this wage scale is for over two years, these labor-saving cars will be in operation during the life of this contract. It is idle to contend that the increased capacity of the cars does not enlarge the duties and responsibilities of both the motorman and conductor. Even Mr. Jones (see testimony, p. 1087) says, in speaking of night-car service, "The receipts at night are very much less per mile than in daylight, showing that the travel was lighter and it is easier on the conductor as well as the motorman." Again, in testifying as to the rate of wages paid on the local lines in Washington, Pa., in support of the company's contention that the men on this line are not entitled to as high a rate of wages as those employed in the Pittsburgh district, he says: "But the service is very much easier. They haven't any peaks there, the people ride in small cars, fewer stops, etc." It might be noticed that Mr. Jones does not say that the service is much easier owing to no peak, smaller cars, fewer stops, etc., but emphasizes it by stating that it is "very much easier." Applying to this state of facts the principle stated heretofore, that the wages ought to be higher than those which have prevailed in the past, if the work is now harder or more responsible, or if it requires more skill, the change in the size of these cars which has taken place since the last wage agreement was made, and that will take place during the life of this scale, will materially increase the duties and responsibilities of the operators of the cars; and if there were nothing else in this controversy, I would recommend a substantial increase in wages on this fact alone. There is a well-recognized custom in all industrial establishments which provides where a machine is installed that increases the output the operator of the machine is given an increase in wages. This custom is just and equitable and should be applied in this case.

ABSURDITY OF THE PRESENT WAGE SCALE.

It appears, according to the testimony of Mr. Jones, the general manager, that he made a calculation, which was introduced in evidence, showing not only the cost of the various classes of employees by the day but the cost per hour to the company of each class for losses suffered by it due to accident claims. The calculation is as follows:

Length of service.	Cost per hour plus accident cost.	Per cent of total men.	Per cent of total accidents.	Per cent of total cost of accidents.
	Cents.			
First 6 months	41.3	9.15	21.04	28.79
Second 6 months	38.5	6.00	9.47	13.18
Second year	33.2	8.12	9.54	8.34
Third year	36.3	8.35	9.64	10.73
Fourth year	33.2	11.34	10.66	7.73
Fifth year and over	32.9	57.04	39.66	31.23
Total		100.00	100.00	100.00

An examination of the above calculation discloses that the six months' men, who receive 23½ cents an hour as wages, cost the company an additional 17.8 cents per hour in damage claims, or a total in wages and damages of 41.3 cents per hour; that while they represent only 9.15 per cent of the employees they are responsible for about 28.79 per cent of the accidents. This loss to the company due to accidents, according to Mr. Jones's calculation, gradually decreases as the experience of the men increases until we find that the men who have been in the service five years and over and receive 30 cents per hour cost the company only 2.9 cents per hour in damages, or a total in wages and damages of only 32.9 cents per hour. In other words, the six months' or inexperienced men actually cost this company in wages and damages 41.3 cents per hour, while the five-year men and over only cost it 32.9 cents per hour in wages and damages, resulting in the remarkable fact that it actually costs the company 8.4 cents per hour more for its inexperienced men than it does for the experienced men. A mere statement of these facts should be a demonstration of the absolute unfairness of the present scale. An application of the common sense so frequently mentioned in the opinion of the umpire must convince any reasonable man that these five-year men and over, who by reason of their own increased efficiency are able to save the company 8.4 cents per hour, should be entitled to at least a portion of the profits secured by the company from their increased efficiency. These men at least, who effect this great saving for the company, are undoubtedly entitled to a substantial increase in wages.

COST OF LIVING.

Considerable testimony was introduced by both sides on the increased cost of living in the Pittsburgh district during the last few years. It was expert and statistical and, like all such testimony, of doubtful value, but inasmuch as it was the best evidence obtainable, was admitted by the board.

The company admits that living costs have increased about 7 per cent since 1910, but its contention is based largely upon an analysis of the price lists for a number of years of the Charters's stores. Mr. Charters has a number of stores handling groceries, fresh and salt meats, etc., in the Pittsburgh district. He is able, by reason of the extremely large volume of his business, to buy in large quantities directly from the producer and the manufacturer instead of the wholesaler, and thus avoid the middleman's profit which the corner grocer or butcher has to pay. In addition to this advantage, the major portion of his sales are for cash, which enables him to save bookkeeping expenses and avoid, to some extent at least, the usual losses of the ordinary grocer or butcher from bad accounts. I am perfectly willing to concede that he can and does sell from 7 to 10 per cent cheaper than the ordinary store, and if all these motormen and conductors lived conveniently near the Charters's stores they could undoubtedly effect a saving in their cost of living. The difficulty with the testimony, however, arises from the fact that these employees are scattered throughout the entire Pittsburgh district, and the distance between their homes and these stores is very great. Few of them have any household help, and in the larger number of the cases it would be impracticable for the wife to patronize Mr. Charters, as she would have no one with whom to leave the children, and she does the same as the ordinary person—patronizes the corner grocer or butcher.

Without attempting to determine exactly the percentage of the increased cost of living during the period mentioned, the fact remains that the 7 per cent increase conceded by the company is much greater than the increase in wages of the 30-cents-an-hour men, who represent over one-half of the employees. Under the scale of 1910 they received 29½ cents an hour; under the scale of 1912, 30 cents an hour. This is an advance in four years of only one-half cent an hour, or 1.64 per cent, compared with the 7 per cent increase in the cost of living admitted by the company.

Coupling my own knowledge of these matters with the expert testimony where it appeared to be reasonable, I have concluded that living costs have increased in the city of Pittsburgh since 1910 about 12 per cent. In this, of course, I include rent, clothing, etc. This increase has been especially noticeable during 1913 and the present year, and it would be but just and reasonable to increase the wages sufficiently to provide for this increased cost of living.

LIVING WAGE.

Heretofore I have adopted the principle suggested by the counsel for the employees that "wages for any useful work should be sufficient to maintain a normal family in health and reasonable comfort; that the resources of this country and this district are amply sufficient to maintain such a standard, and that it is self-evident that the Nation can not be sound, healthy, and happy upon any other basis."

Are these men receiving a living wage as defined above? A large number of the motormen and conductors appeared before us, and in some instances their wives. They told of their home lives and the amount of money required to maintain them in a reasonable manner, and it was a noteworthy fact that the men, with but one exception—and many of them have been in the company's service for years—never have been able to acquire any property. Prejudiced minds may say that this was due to bad managerial ability on the part of the wife or extravagance on the part of the husband; but if they will take the trouble to read this testimony, which I have not the space to quote in detail, they will wonder, as I did when I heard the testimony, how they get along as well as they do. I will take the case of ———, because the wage received by him is the average one received by these workmen and is a fair test of their living conditions. He is a regular man having a swing run who about six months before these hearings started to keep account of all his expenditures, which account was offered in evidence and is a part of the testimony. From July 1, 1913, to June 30, 1914, his total earnings amounted to $864.47, or an average of $72.06 per month. He has two children, aged 6 and 2 years. His appearance on the stand indicated that he was a neat, careful man, and the fact that he was idle only 18 days in the year and worked some extra time speaks for his industry. This expense account shows that for the 5½ months he turned over to his wife $349.55. He testified his pay for these months amounted to $415.26. This would leave $69.71, or a little less than $3 per week, which he said he spent for such items as lunches, shoes, shirts, collars, and things for the home. This does not seem extravagant, particularly when the family food bill is considered, which amounted to $137.44 for the 5½ months, or almost exactly $25 per month. Their milk is about $1.65 a month, which would indicate that they purchased about a pint a day. Evidently there was no milk for the children to drink. Their bill for doctor and medicine was $31.85, which would corroborate Mrs. Fothergill's statement that an undue proportion of the income of these families goes for such items. Their bill for clothing was $52.70.

It is plain from this analysis of their expenses that Mrs. ——— is a good housewife, else this family could not get along as it does. But with all their good management what is the net result? Mr. ——— says that he is square with everybody except the grocer, to whom he owes $7.10. It might be possible that with good luck a saving can be made in the bill for doctor and medicine, so that he will break even on the year; but what margin is there for an extraordinary expense such as a death or new baby or an operation or any other of the extraordinary things which happen to all of us, and what opportunity to lay by anything for old age? What is to happen to this family if the breadwinner should be suddenly taken away? Society would have to shoulder the burden, and yet this man is temperate and industrious. He arises at 5 in the morning to go to his work and returns to his family about midnight. The family has two rooms and an attic, with the use of a bathroom, for which they pay $12 per month. Father, mother, and two children sleep in one room. One of the children is 6 years old. Now, it is certainly not a proper standard of living which requires this to be done, yet if this family wants another room they must economize on some other item of expense, which is impossible. For his $72 a month he will carry during that period in safety between fifty and sixty thousand of our citizens. The citizens trust to his care their own lives and the lives of their wives and children.

I submit that his wages are not sufficient to maintain himself and family in good health and reasonable comfort.

As to the other matters in controversy, I agree with the umpire in his statement that if it had not been for the wage dispute it is probable that all of them would have been settled between the parties. I therefore shall only comment but briefly upon two of them. One is the rule which requires the employee to be at the barn five minutes before he is to take out his car. The testimony shows that the employees, especially the motorman, uses this five minutes, which they call "sharking time," in looking over the car, seeing that the brakes are in order, and work of like nature. There can be no question as to the wisdom of the rule. It is in effect in all the principal cities of the country and rendered necessary by the very nature of the employment. But I do not consider it fair to the men that they should not be compensated for the time so spent. It is clearly a necessary incident to their employment and should be treated as a part of it. This sharking time represents a saving to the company of approximately $37,000 a year, which of right, in my judgment, belongs to the men. Considerable testimony was introduced as to the custom in other cities in regard to this matter. While in some of them, as stated by the umpire, the men are not paid for this time, in the majority of them they are.

Secondly, the dispute in regard to the method of collecting the money from the conductors. Under the present system, which has been in effect for several years, the conductor counts his receipts, puts them in a bag, and hands the bag to a custodian at the barn. It is taken from there by the money cars, and after passing through several hands finally reaches the office of the company, on Sixth Avenue, Pittsburgh, where it is counted by a number of young women. The conductor is not present when his money is counted, contrary to the usual method in such matters, and if he is short the shortage is taken from his wages. Manifestly this system is productive of a great many disputes and is extremely unsatisfactory to the conductors. I believe that the system formerly in use, which permitted the conductor to turn over the money at the barn to some one authorized by the company to receive it, would result in a great deal less dissatisfaction. The umpire, however, has seen fit to refuse the claims of the men for a change in the system, mainly, I believe, on account of the testimony of Mr. Jones that the pay-as-you-enter cars will be in operation on all the lines within the next two years. If Mr. Jones's statement is correct, it will obviate the difficulty, and I can suggest no remedy in the matter except for the employees to test the truthfulness of Mr. Jones by the passage of time.

Attention is called, in the opinion of the umpire, to the fact that this company can not increase the fare above the present rate of 5 cents, and that it is not like a manufacturing concern, which can place the additional labor cost upon the consumer by increasing the price of the product. This contention of the umpire would be meritorious if there were any evidence of the financial inability of this company to pay a reasonable increase in wages, but there is no such evidence. In fact, the company carefully avoided any reference to its financial condition. The subtle counsel for the company, in his argument, never even mentioned such a defense. All the evidence relating to the financial condition of the Pittsburgh Railways Co. is in the possession of that company, and inasmuch as it made no effort to show that it was unable financially to pay an increased wage it is a fair and reasonable presumption that it can do so. It should be apparent to the dullest mind that financial inability of the company to meet the demands of the men would have been the strongest possible defense.

The umpire places emphasis on the fact that there is a surplus of labor in the Pittsburgh district, and urges this as one of a number of reasons against an increase in wages. I admit that there is some finacial disturbance in the city of Pittsburgh—in fact, throughout the entire Nation—due, as admitted by one of the company's witnesses, to a radical change in our currency laws and the national agitation against the trusts; but the new curerncy law is now admitted by its opponents to be a marked improvement over the old system, and all fair-minded men must admit that the trust problem reached such a crisis in this Nation that it became a question whether the Government controlled the trusts or the trusts controlled the Government. Now that the regulative trust legislation has been passed by Congress and approved by the President, I am hopeful that business affairs will assume their normal state, unless the appalling catastrophe in Europe, where civilization appears to have perished from the earth, should further disturb our commercial life. This I do not fear, as the war has already created an extraordinary demand for the products of our farms and factories, which is bound to increase as the belligerent nations exhaust the supplies they now have on hand.

Assuming, however, as contended by the company, that financial conditions are disturbed, this should have little, if any, bearing upon this wage scale, which runs for a long period of time, namely, two years and upward. It is positively unfair to the employees to fix a wage for such a long period of time, based upon hard times, with strong probabilities of an improvement; and if the situation were reversed, it would be equally unfair to the company to fix a scale based on good times, with a probability of financial stringency.

Comment is also made by the umpire upon the fact that this company pays out annually for "dead" time approximately $87,000. In the aggregate this sounds like a large sum of money, but divided among 3,000 employees it represents only about 8 cents per day per man. But no mention is made in the opinion of the umpire of the "dead" time of the swing men who lay over in the middle of the day for from one hour to three hours without compensation, and I believe it

but fair to call attention to this latter fact, because the "dead" time for which the men are not paid far exceeds the "dead" time for which they are paid.

CONCLUSIONS.

Under the evidence I would find the following facts:

First. Motormen and conductors must have good sight, hearing, and mental alertness. They must have sound minds, sound bodies, and be in the very prime of life.

Second. They must have individuality in contradistinction to employees that work and act under the direction of a boss.

Third. They must act at all times on their own initiative, with no precedent to guide them in the endless number of emergencies that arise in the performance of their duties.

Fourth. They must possess not only patience but great endurance and presence of mind; patience with passengers, endurance for constant employment, and presence of mind for emergencies.

Fifth. They must eat irregularly, be away from their families to a greater extent than any other class of workmen, and work regardless of the elements.

Sixth. They must assume the risks incident to an admittedly dangerous employment and imperil their lives in a crisis like a soldier in the field, without regard to their own safety.

Seventh. They are responsible to the law, both civilly and criminally, for mistakes of judgment and to the company even to the extent of making change.

Eighth. They must forfeit their conviction as to the propriety of working on Sundays and holidays.

Ninth. Their responsibilities have been materially increased since the signing of the last wage agreement, by the introduction of the large or labor-saving cars, the increased congestion in the downtown section of the city, and the rapid increase in the number of automobiles, auto trucks, and similar vehicles.

Tenth. The cost of living since the signing of the last wage scale has undoubtedly materially increased.

Eleventh. They serve two masters, the public and their employer.

The facts I would find puts them in a class much higher than an ordinary mechanic or skilled workman. They have the additional responsibility for human life. They are denied, by reason of Sundays and holidays, present enjoyment, and if not properly compensated, future enjoyment as well. The effort of every man is to better his condition, and if he is precluded by his environment, the sequel is discontent. The modern idea is that the inequalities of fortune should be mitigated by paying a fair living wage, the same to be measured by the cost of living, the risks incurred, and the responsibilities assumed.

From these premises the deduction follows: The increase demanded by the men is reasonable and should be granted. I believe the testimony in this case justified an advance in the wages of all of these employees of at least 5 cents an hour.

A number of recommendations which are not binding upon either side are made by the umpire, one of which suggests the creation of a board of conciliation, represented on one side by men elected from the various barns of the company, and the other by the officials of the company, the board to be given power to determine the disputes which are bound to arise between the employees and the company. With this suggestion I am in entire accord, although I am informed that it differs little, if any, from the system now in use. I do not, however, agree with one of the reasons which the umpire gives for this board of conciliation, namely, the action of the men in refusing the offer of insurance which this company made a few days before the present wage scale expired. It appears that the Equitable Life Insurance Co. offered to insure the motormen and conductors in such a way that in case of death their wages would be paid to their dependents for a period of one year in monthly installments. The premiums which the company were required to pay amounted to about $20,000 per year, or about 3 cents a day for each man. The difficulty with this aggregate insurance, so far as the workman is concerned, is the fact that his policy expires the moment he leaves the service of the company, and the only advantage which it has is the fact that the premium is one-eighth less than straight life insurance. The disadvantage of the policy expiring with the end of the employment should be apparent to anyone. If the company earnestly desires to insure the lives of its employees in this manner, I would recommend to the employees that they pay the additional one-eighth premium and secure a straight life policy. I have no doubt, as the umpire suggests, that this offer of insurance coming on the eve of the expiration of the wage scale, was looked upon by the men as a sop, as I recall that it was carefully advertised through the newspapers by the company about that time. If this company desires in good faith to protect the dependents of these workmen for a period of a year after their death, it would be an economic fallacy to purchase policies of insurance which expire with their employment, when a premium one-eighth larger, which the men should be perfectly willing to pay, would give them policies which they could keep up by paying all the premium after they had left the service of the company. The employees no doubt thought the amount of money expended by this company for insurance would be treated by a board of arbitration as part of their wages and used as an argument against their claim for an advance in exactly the same way that their right to free transportation to and from their work was used in this case.

JURISDICTION OF CIRCUIT COURT OF APPEALS, ETC.

Mr. WEBB. Mr. Speaker, on behalf of the Judiciary Committee, I desire to call up the bill (H. R. 19076) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the first subdivision of section 116 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby amended to read as follows:

"First. The first circuit shall include the districts of Rhode Island, Massachusetts, New Hampshire, Maine, and Porto Rico."

SEC. 2. That sections 128, 238, and 246 of the act aforesaid are hereby amended to read as follows:

"SEC. 128. The circuit courts of appeals shall exercise appellate jurisdiction to review by appeal or writ of error final decisions in the district courts, including the United States district court for Hawaii and the United States district court for Porto Rico, in all cases other than those in which appeals and writs of error may be taken direct to the Supreme Court, as provided in section 238, unless otherwise provided by law; and, except as provided in sections 239 and 240, the judgments and decrees of the circuit court of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy being aliens and citizens of the United States or citizens of different States; also in all cases arising under the patent laws, under the trade-mark laws, under the copyright laws, under the revenue laws, and under the criminal laws, and in admiralty cases."

"SEC. 238. Appeals and writs of error may be taken from the district courts, including the United States district court for Hawaii and the United States district court for Porto Rico, direct to the Supreme Court in the following cases: In any case in which the jurisdiction of the court is in issue, in which case the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision; from the final sentences and decrees in prize causes; in any case that involves the construction or application of the Constitution of the United States; in any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is drawn in question; and in any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States."

"SEC. 246. Writs of error and appeals from the final judgments and decrees of the Supreme Court of the Territory of Hawaii and of the Supreme Court of Porto Rico may be taken and prosecuted to the Supreme Court of the United States witain the same time, in the same manner, under the same regulations, and in the same classes of cases, in which writs of error and appeals from the final judgments and decrees of the highest court of a State in which a decision in the suit could be had, may be taken and prosecuted to the Supreme Court of the United States under the provisions of section 237; and in all other cases, civil or criminal, in the Supreme Court of the Territory of Hawaii or the Supreme Court of Porto Rico, it shall be competent for the Supreme Court of the United States to require by certiorari, upon the petition of any party thereto, that the case be certified to it, after final judgmen or decree, for review and determination, with the same power and authority as if taken to that court by appeal or writ of error; but certiorari shall not be allowed in any such case unless the petition therefor is presented to the Supreme Court of the United States within six months from the date of such judgment or decree."

SEC. 3. That section 244 of the act aforesaid is hereby repealed.

SEC. 4. That the judgments and decrees of the circuit courts of appeals in all proceedings and cases arising under the bankruptcy act and in all controversies arising in such proceedings and cases shall be final, save only that it shall be competent for the Supreme Court to require by certiorari, upon the petition of any party thereto, that the proceeding, case, or controversy be certified to it for review and determination, with the same power and authority as if taken to that court by appeal or writ of error; but certiorari shall not be allowed in any such proceeding, case, or controversy unless the petition therefor is presented to the Supeme Court within six months from the date of such judgment or decree.

SEC. 5. That an action or suit by or against a railroad company incorporated and existing under an act of Congress shall not be regarded as a case arising under a law of the United States within the meaning of the statutes regulating the jurisdiction of the courts of the United States, unless there be some sufficient reason for so regarding it independently of the incorporation and existence of the railroad company under an act of Congress.

SEC. 6. That this act shall take effect and be in force on and after the 1st day of January, 1915.

Mr. FLOYD of Arkansas. Mr. Speaker, this bill incorporates a number of different propositions, which I will take up in detail.

The first section of the bill relates to appeals and writs of error from the District courts of Porto Rico. In the present state of the law Porto Rico is not attached to any circuit, and appeals from the District Court of Porto Rico go direct to the Supreme Court of the United States. That causes a great many cases to reach the Supreme Court of the United States that ought to be disposed of in the circuit court of appeals. The sole purpose of section 1 is to attach Porto Rico to the third circuit, as Hawaii is now attached to the ninth circuit. It is attached to the third circuit simply because that has less business than other circuits.

The second section simply reenacts sections 128, 238, and 246 of the Judicial Code, adding to section 128 the words "and the United States District Court of Porto Rico," in line 9.

Also, in line 19, the words "under the trade-mark laws" are added so as to put litigation in regard to trade-marks on the same basis as cases arising under the patent laws and the copyright laws. It seems that there was an oversight in the statute, and the provision does not now relate to trade-marks, which gives a different rule in trade-mark cases than in patent and copyright cases, and the committee saw no reason for such distinction. So it provided that the law applicable to patents and copyrights shall also apply to trade-marks.

Section 238 is amended so as to include Porto Rico. The same is true of section 246.

Section 244 of the act is repealed. That provided for appeals direct from the District Court of Porto Rico to the Supreme Court of the United States.

Section 4 relates to bankruptcy cases, and the adoption of that provision will prevent a great many bankruptcy cases reaching the Supreme Court which now reach it. It makes the decision of the circuit court of appeals final in bankruptcy proceedings and cases, but still leaves the Supreme Court with the power to review, through certiorari, such proceedings and cases as it may deem necessary and proper. The bankruptcy law has now been so thoroughly construed that there is not much doubt about any of its provisions, and cases now coming to the Supreme Court under it involve complicated questions of fact rather than of law. Besides all of this, many of these matters

now have four hearings—one before the referee, one in the district court, one in the circuit court of appeals, and one in the Supreme Court. Certainly all litigants ought to be satisfied with a hearing before the referee, a trial in the district court, an appeal to the circuit court of appeals, with a right to review in the Supreme Court of the United States by a writ of certiorari upon a sufficient showing.

Now, section 5 proposes to amend the law which, as far as I know, relates only to the Texas Pacific Railway Co. The courts have held that a railroad company chartered by Congress has a right to remove a cause to the Federal courts on the sole ground that it is a corporation authorized by Congress. This bill was introduced by the gentleman from Texas [Mr. BEALL], and the Texas Pacific road, operating in Texas, was incorporated by act of Congress, and is the only road in the State of Texas that has the right to transfer its cases to the Federal court on the ground that it was incorporated by Congress, thereby giving it an advantage over other railroad corporations operating in the State of Texas.

This amendment provides that if a railroad company chartered by act of Congress takes its cases to the Federal courts it must allege some other ground provided by statute for the transfer of cases from the State to the Federal courts. In other words, it so amends the law that they can not take it to the Federal courts on the sole ground that the corporation was chartered by Congress.

Mr. SHERLEY. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. SHERLEY. I would like to ask the gentleman if he has considered the desirability of amending the law so as to prevent the transfer of cases from a State court to the Federal court by corporations on the ground of diverse citizenship? This House put in the codification of the judiciary title a provision eliminating that as one of the grounds for transfer. A Senator refused to agree to it; it was in the closing hours of the short session, and the provision in conference had to be eliminated because he would not agree to it.

Mr. FLOYD of Arkansas. That matter was not brought to our attention in connection with this bill, but these other matters were, and we thought they were all meritorious.

Mr. SHERLEY. The gentleman is dealing with only one little abuse by one railroad, while I am speaking of a great abuse by all of them.

Mr. FLOYD of Arkansas. The gentleman asked me a question, and I replied to it. If this is brought to the attention of the Judiciary Committee, I have no doubt they would give it careful consideration.

Mr. WEBB. I think there are three or four bills looking to a remedy of the very evil that the gentleman from Kentucky speaks of, but we have been very busy lately.

Mr. SHERLEY. You have a bill here undertaking to change the jurisdiction of the Federal courts as to railroads that are incorporated by the United States. You are dealing with one little evil. All the railroads of the country exercise the right to transfer actions from a State court to the Federal court on the ground of diverse citizenship, although at the time that the provision was put into the law originally there were not a hundred corporations in the country to be affected by it.

Mr. FLOYD of Arkansas. This bill was introduced by the gentleman from Texas [Mr. BEALL].

Mr. SHERLEY. I am not quarreling with what the committee has done, I am trying to emphasize a matter of very much more importance than that which is now presented to the House.

Mr. FLOYD of Arkansas. I think the gentleman from Kentucky is correct in saying that there are more important matters connected with this subject.

Mr. SHERLEY. This bill is dealing with the specific question of the right of transfer from State courts to Federal courts.

Mr. WEBB. I will state to the gentleman that we are giving consideration to that matter, and we will bring out a bill before long. We have had no hearings upon it; we have been so busy with other matters.

Mr. SHERLEY. I hope it may come early enough so that it will not be sandbagged by some Senator opposed to the provision when it gets to another body.

Mr. MANN. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. MANN. This bill was introduced on October 2 and reported to the House on October 8, and it provides that it shall go into effect on the 1st day of January, 1915. I was going to ask the gentleman to change the date, so that if the Senate should pass it it would not have to come back here.

Mr. FLOYD of Arkansas. I think that is a good suggestion. What time would the gentleman suggest?

Mr. MANN. Not earlier than the 1st of April; that will give a reasonable time after Congress adjourns.

Mr. FLOYD of Arkansas. Mr. Speaker, I move to amend, in section 6, line 7, by inserting the 1st day of April, 1915, instead of the 1st day of January.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 7, by striking out "January" and inserting "April."

The amendment was agreed to.

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.

PROCEDURE IN THE UNITED STATES COURTS.

Mr. WEBB. Mr. Speaker, I call up the bill H. R. 12750 on the Union Calendar. I want to make the suggestion that it ought not to be on the Union Calendar.

Mr. MANN. Plainly it is not a Union Calendar bill. I suggest that the gentleman ask unanimous consent to consider it in the House as in Committee of the Whole.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 12750) relating to procedure in the United States courts.

Be it enacted, etc., That section 269 of the Judicial Code, approved March 3, 1911, be, and the same is hereby, amended by adding at the end thereof the following:

"No judgment shall be set aside or reversed or a new trial granted by any court of the United States in any case, civil or criminal, on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless in the opinion of the court to which application is made, after an examination of the entire cause, it shall appear that the error complained of has injuriously affected the substantial rights of the parties.

"The trial judge may in any civil case submit to the jury in connection with the general verdict specific issues of fact arising upon the pleadings and evidence, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the special findings if conclusive upon the merits."

The following committee amendment was read:

Amend as follows: Strike out, on page 2, lines 5 to 12, both inclusive, it being the last paragraph of the bill.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

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 of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

ACTION FOR DEATHS ON HIGH SEAS.

Mr. WEBB. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill H. R. 6143, relating to the maintenance of actions for deaths on the high seas and other navigable waters, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any navigable waters of the United States the personal representative of the decedent may maintain a suit for damages in the district courts of the United States in admiralty for the exclusive benefit of the decedent's wife, husband, parent, child, or dependent relatives against the vessel, person, or corporation which would have been liable to a suit for damages by or in behalf of the decedent by reason of such act if death had not ensued.

SEC. 2. That the recovery in such suit shall be a fair and just compensation to the persons for whose benefit the suit is brought and shall be apportioned among them by the court in proportion to the pecuniary damage they may severally have suffered by reason of the death of the person by whose representative the suit is brought.

SEC. 3. That suit shall be begun within one year from the death of the decedent, unless during that period there has not been reasonable opportunity for securing jurisdiction of the vessel, person, or corporation sought to be charged: *Provided, however,* That after the expiration of a period of one year from the decedent's death the right of action hereby given shall be deemed to have lapsed within 90 days after a reasonable opportunity to secure jurisdiction has offered.

SEC. 4. That if a person die as the result of wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any navigable waters of the United States during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default, the personal representative of the decedent may be substituted for the decedent as a party, and the suit may proceed as a suit under this act for the recovery of the compensation provided in section 2.

SEC. 5. That in suits under this act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the damage accordingly.

SEC. 6. That this act shall not affect the rights of shipowners and others to avail themselves of the provisions of the laws of the United States relating to limitation of liability.

SEC. 7. That all suits for damages for the death of a person caused by wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any navigable waters of the United States wherever such death may occur shall be deemed to be within the admiralty and maritime jurisdiction of the United States, and in all suits in admiralty recovery of damages for death so caused shall be had only under the provisions of this act; and where the death has been caused by wrongful act, neglect, or default occurring on the high seas suit for damages shall not be maintained in the courts of any State or Territory or in the courts of the United States other than in admiralty.

SEC. 8. That nothing in this act shall be construed to abridge the rights of suitors in the courts of any State or Territory or in the courts of the United States other than in admiralty to a remedy given by the laws of any State or Territory in case of death from injuries received elsewhere than on the high seas: *Provided*, That there shall be but one recovery by the person injured or by or in behalf of any of the persons mentioned in section 1.

With the following committee amendments:

Page 2, line 4, after the word "compensation," insert the words "for the pecuniary loss sustained."

Page 2, line 7, strike out the word "pecuniary."

Page 2, lines 10 and 11, strike out the words "one year" and insert the words "two years."

Page 2, line 15, strike out the words "one year" and insert the words "two years."

Page 2, line 16, after the word "shall," insert the word "not."

Page 2, line 17, after the word "lapsed," strike out the word "within" and insert the word "until."

Page 3, line 5, strike out the word "taken" and insert the word "take."

Mr. MANN. Mr. Speaker, the gentleman from Washington [Mr. BRYAN] desires to be heard in opposition to this bill. He is on his way over from the Office Building, and I would not like to have the amendments voted upon until he has had a chance to be heard upon the bill. So far as I am advised up to date myself, I am in favor of the bill, and I ask the Clerk to read in my time a letter from Mr. C. E. Kremer, of Chicago, an admiralty lawyer of very high standing.

The Clerk read as follows:

CHICAGO, *January 26, 1914.*

Hon. JAMES R. MANN, *Washington, D. C.*

MY DEAR MR. MANN: The Maritime Law Association have for years been trying to pass a bill in Congress providing for the survival of a right of action in case of death on the high seas and within the admiralty jurisdiction. I understand the Judiciary Committee has reported in favor of such a bill and that it is now before the House, and that some of the Members are objecting to it out of a fear that in some way it will interfere with State rights.

I do not know whether you are opposed to the bill or whether you are open to conviction upon the subject. The advantages of this bill are that it provides for a survival of a right of action on the high seas, where at present there is no such survival, because the high seas are outside of the territorial limits and the jurisdiction of the different States.

There is, as you know, as much reason for providing for a right of action where a death occurs on the high seas as where it occurs on waters within the boundaries of a State, in which case the State law provides for a right of action.

Another advantage of such an act would be this: In many cases where death has occurred on the Lakes it has been difficult, and in some instances impossible, to determine whether the death occurred in Michigan or in Illinois or in Wisconsin, as in one case I know of. As you know, the boundary of the State of Illinois extends to the middle of Lake Michigan and there meets the boundary of the State of Michigan and on a line drawn with the northern boundary of the State of Illinois there is a point in the lake where Illinois, Wisconsin, and Michigan practically come together.

A worse controversy arises where the boundary is between a State of the United States and Canada. All of the Lakes except Michigan are bounded on the one side by Canada, and in a recent case there was considerable difficulty in arriving at the point of whether or not the Canadian law applied to a death which occurred on an American vessel at the time it was in a channel of the St. Marys River, which is the boundary between Michigan and Canada. Much testimony was taken to determine whether the death occurred on the American or the Canadian side.

All of these difficulties would be obviated by passing the bill that is now before Congress and giving the admiralty courts jurisdiction over a case of death which occurred on the high seas or upon the Lakes. This would not deprive the State courts of jurisdiction, because the judiciary act of 1789 expressly provides that in all cases the jurisdiction of the State court remains and there is a remedy in every case tried in the admiralty courts, which can be enforced in the State court which may have jurisdiction at the time.

I could, of course, go into this matter at greater length and give you authorities, and I would be glad to do so if you think you need them, but I know that for years the admiralty bar of the United States have been trying to get Congress to pass this act, or a similar one, in order to supply a deficiency which exists in all cases where death occurs outside of the territorial limits of one of the States of the United States, in each of which a right of action is preserved.

I trust and hope that you may lend your valuable service in furthering this much-needed legislation.

Yours, very truly, C. E. KREMER.

Mr. MANN. Mr. Speaker, if the gentleman from North Carolina is willing I will yield the time now to the gentleman from Washington.

Mr. WEBB. That is entirely agreeable to me.

Mr. MANN. Then I yield to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Speaker, why not let me be recognized in my own right? I desire to reserve the balance of my time. I do not want this bill to pass this afternoon if I can prevent it.

Mr. MANN. The gentleman is not entitled to recognition except by the courtesy of the gentleman from North Carolina. We are not in the Committee of the Whole. I reserve the balance of my time.

Mr. BRYAN. Mr. Speaker, I desire to be recognized.

The SPEAKER. The Chair will state to the gentleman that the gentleman from North Carolina [Mr. WEBB] or the gentleman from Arkansas [Mr. FLOYD] is first entitled to recognition.

Mr. WEBB. Mr. Speaker, I desire to have read in my time a letter from Judge Harrington Putnam, of the second judicial department of the appellate division of the supreme court of Brooklyn, N. Y., which is a very clear exposition of the provisions of the bill. I send that letter to the desk and ask that it be read in my time.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

BROOKLYN, N. Y., *August 22, 1913.*

Hon. E. Y. WEBB,
Chairman of Subcommittee of Committee on the Judiciary,
House of Representatives.

MY DEAR SIR: Availing myself of the suggestion in your note to Mr. McCoy, I beg to address you on behalf of H. R. 6143, the bill for maintenance of actions for death at sea.

The general purpose of the measure is to give a uniform right of action in the United States admiralty courts for death by negligent acts occurring on the high seas, or on navigable waters of the United States, including the Great Lakes. The common law of England and in this country had no right of action for death, the reason for this omission being commonly stated that such a right was personal, which did not survive the death of the one injured. This was remedied by Lord Campbell's act, and following it our States have passed statutes conferring certain remedies for death. Congress also has changed the common law in this respect for the District of Columbia.

On the Continent of Europe a recovery may be had for death, whether the negligent act was on land or on water. Generally the right is admitted in favor of those whose maintenance or support is cut off by such removal of the one under a duty of support.

But the maritime law of England and the United States follows the common law, and hitherto we have had no remedial legislation passed for our maritime courts. In England it has been held that Lord Campbell's act does not cover a death on the high seas so as to give a right of action in rem; that is, against the vessel at fault, although a recovery has been allowed in personam against the vessel owner.

In this country a series of decisions by the Supreme Court of the United States has held that there is no recovery for death at sea, in the absence of a statute conferring such a remedy. (The *Harrisbury*, 119 U. S., 199; The *Alaska*, 130 U. S., 201.)

The French law allows such recovery. Hence in a proceeding to limit liability by the French steamship company owning the passenger steamship *La Bourgogne* (210 U. S., 95), our court enforced the right to recover for death at sea, applying the law of France.

In another limited liability proceeding arising from a collision more than 3 miles from land between steamships both owned by Delaware corporations the death statute of Delaware was applied. (The *Hamilton*, 207 U. S., 398.) These State statutes, however, are far from uniform. In some States the recovery is limited to the conscious suffering before death—a matter difficult of proof in case of drowning at sea. (The *Robert Graham Dunn*, 70 F. R., 271.) Other States only give the remedy against those who are common carriers, which would not apply to vessels chartered or engaged for a single owner. In a few States the remedy for damages must follow, or be concurrent with, a criminal prosecution, so that the offender must have been first indicted. Furthermore, corporations owning seagoing vessels are not confined to the States upon the seaboard. For reasons of taxation, or other supposed advantages, shipping corporations may be organized in a remote inland State, and if the vessels are negligently managed at sea the death remedy must be sought in the statutes of such State. If a collision be supposed between vessels of different States, having diverse systems of relief for death, obviously great difficulties would arise, especially in fixing damages.

Although the constitutional grant of all cases of admiralty and maritime jurisdiction, with the power to regulate commerce, was intended to secure uniformity throughout the country, the Supreme Court has suffered this anomalous condition to grow up on the permissive theory that until Congress acts a State can legislate at least to the extent of binding corporations which it has created, so that these statutes may extend to torts committed more than 3 miles from land.

Such State statutes, diverse in their terms and conflicting in remedies, are but a poor makeshift for the uniform, simple legislation which Congress alone can enact.

The present bill is designed to remedy this situation by giving a right of action for death, to be enforced in the courts of admiralty, both in rem and in personam. The right is made exclusive for deaths on the high seas, leaving unimpaired the rights under State statutes as to deaths on waters within the territorial jurisdiction of the States. The measure has engaged the attention of the Maritime Law Association of the United States for more than 10 years, and in its present form has the approval of the American Bar Association. It is believed to be plain, simple, and in accord with the general policy of our more recent State and Federal legislation

Referring to the separate sections, it may be said:

Section 1 gives a right of action in the admiralty courts for death from negligent acts occurring upon the high seas, the Great Lakes, and other navigable waters, the language being similar to the language of Lord Campbell's act.

Section 2 provides that the damages to be recovered shall be a fair and just compensation to the persons injured by the death of the deceased, to be determined and apportioned by the court, inasmuch as in admiralty proceedings there are no jurors.

Section 3 fixes a one-year statute of limitation within which suit must be brought, and since it may not always be possible to get jurisdiction of the vessel or owner during that period, a proviso is added to allow additional time in case the one-year period does not afford reasonable opportunity to serve process.

Section 4 deals with the case where a person has brought suit in an admiralty court to recover for a personal injury but dies from the effects of the injury before the suit it concluded. The section permits the action to be continued by the personal representative of the deceased for the recovery of damages for his death as provided for by the act.

Section 5 states the admiralty rule in respect of the effect of contributory negligence, namely, that it shall not bar recovery, as at common law, but go to the reduction of damages. (See the *Max Morris*, 137 U. S., 1.) This is also the doctrine of the Federal employers' liability act (Laws of 1908, ch. 140, sec. 3).

Section 6 reserves to shipowners the right of limitation of liability, as established by the laws of the United States, present or future.

Section 7 makes the act the law of the courts of admiralty of the United States, and, so far as the high seas are concerned, makes the remedy exclusive. This is for the purpose of uniformity, as the States can not properly legislate for the nigh seas.

And section 8 reserves to suitors their rights under State statutes in the courts of the States and in the common-law courts of the United States with the proviso that there shall be but a single recovery for the injury.

The measure is primarily a bill for the admiralty courts; not to interfere with the jurisdiction of the States.

The fact that the several States have followed Lord Campbell's act, in so far as actions in the courts of common law are concerned, shows that public opinion in this country favors recovery for death. The *Titanic* disaster is still fresh in mind.

There is no reason why the admiralty law of the United States should longer depend on the statute laws of the States and lag behind the general law of Europe. Congress can now bring our maritime law into line with the laws of those enlightened nations which confer a right of action for death at sea.

I am not aware of any objection to the bill.

Very respectfully, yours,

HARRINGTON PUTNAM.

Mr. WEBB. Mr. Speaker, that is such a clear description of the provisions of the bill that I do not care to make further comment at the present time. I reserve the balance of my time.

The SPEAKER. The gentleman from Washington is recognized for one hour.

Mr. BRYAN. Mr. Speaker, I did not know this bill was to come up here to-day, and I am not in good shape, so far as my notes are concerned, to present my objections to the bill as I would have been under different conditions. This proposition, of course, is a very important proposition. Everyone will admit that there ought to be some kind of an employer's liability to cover cases where the injury amounts to death on the water, the same as on land. There is no doubt about that. England changed the old common law and created that liability in what is known as Lord Campbell's act. In that act there was no provision that it should apply merely to carriers by rail, but it applied to all persons who through negligence caused the death of another. That became applicable to the high seas and to the waters of Great Britain, and all of the territory of Great Britain, whether land or water, and was enforced. It was amended along the lines of development of the modern ideas of liability and the modern notions of an employer's responsibility, common-law defenses, negligence, and all of those things until, for instance, one amendment I now have in mind provides that insurance going to the deceased, which the beneficiaries, the dependents of the deceased, may receive shall not be held as a debit or a cut-off from the amount of judgment that is rendered. There are a great many other amendments that have been provided by the natural evolution of the ideas involved in the Lord Campbell act, but that original act is far in advance of the act which is tendered for passage this afternoon. As the act was passed in 1846 it had more of relief and more of the modern idea in respect to employer's liability than this proposed act, and at the present time amendments have been added and the act has been made stronger. Of course, it provides for jury trial, with no thought of leaving the matter to an admiralty judge, or a Federal judge, or some one person to determine the amount of the injury and the issues of the suit. The right of a jury trial is something which we have for all time held valuable; a right that we would not alienate for any consideration, since, at least, our country has been in existence. When the *Titanic* went down those claimants who filed their claims in England went on with their suits, they had their jury trials, and, according to the Times law reports, the amounts of the various awards have been settled and adjudicated.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. SHERLEY. Is there any limitation as to the amount of recovery, according to the value of the ship that is destroyed?

Mr. BRYAN. That is another feature, but I will be glad to answer all that I know upon that subject. Under the operation of the English statute, liability in the case of the *Titanic*, for instance, was approximately $3,000,000.

Under the operation of our liability laws, which provide that the claimant can have the value of the ship and the current revenues, the tariffs for passengers and freight, the liability under the American laws would have been $96,000, as against $3,000,000, and yet they say we are not good to our ships, that we are unkind to our shipowners, and we do not give our shipping any consideration or any laws that will permit them to operate. The British shipowners, the Ocean Steamship Navigation Co., came here before Judge Holt, who recently resigned because the salary of the office was not sufficient—a good man as far as I know and an able judge—and they went before him and sought an injunction against the State courts that were trying cases against this steamship company, one in Chicago, one in Minnesota, another in New York, and caused all of the cases to be transferred to his jurisdiction, and sought then to apply the American rule rather than the English rule. The claimants said that this was an English ship flying an English flag and the liability was to be given under lex delicti instead of lex fori, or the law of the forum. They went to trial. These English shipowners begged and beseeched the court to test their liability by the American statute instead of the English statute, and under the decision they have won their contention, and their liability is some day to be decided or tested before some Federal court under American law, which is lex fori. In the meantime the English claimants have gotten their money by a jury of 12. But I did not care or expect to go into that question just now.

Mr. MONTAGUE. May I ask the gentleman a question?

Mr. BRYAN. Certainly.

Mr. MONTAGUE. Is the gentleman sure that a jury sat and affixed and awarded damages in the English court?

Mr. BRYAN. Yes. The Lord Campbell act provides in its very body for a submission of this matter of damages to a jury.

Mr. MONTAGUE. But the Lord Campbell act does not apply to maritime courts or to admiralty proceedings——

Mr. BRYAN. Does the gentleman assert that juries did not——

Mr. MONTAGUE. I did not assert it at all; I asked the gentleman if he were sure of it.

Mr. BRYAN. The gentleman is mistaken in the position he takes there.

Mr. MONTAGUE. I am not, as respects the Lord Campbell act itself. I do not know what may be the amendments to that act.

Mr. BRYAN. The gentleman did not listen to the reports a few moments ago. There is nothing in the statutes of England that binds the *Titanic* or any other ocean steamship company to pay damages in case of death to the successors of the decedent except the Lord Campbell act and amendments thereto, with respect to compensation proceedings recently enacted.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. BRYAN. Yes.

Mr. COOPER. In the report of the committee on this point appears a letter from Judge Harrington Putnam, and he says, speaking of this act:

Section 1 gives a right of action in the admiralty court for death from negligent acts occurring upon the high seas, the Great Lakes, and other navigable waters, the language being similar to the language of Lord Campbell's act.

Mr. BRYAN. "Similar to Lord Campbell's act." The gentleman who wrote that is a proctor in admiralty, a very able gentleman, and has prepared this law and sent it here to be enacted as similar to the Lord Campbell act, and then, if the gentleman from Virginia, to whose opinion I readily defer on any legal proposition——

Mr. MONTAGUE. I beg the gentleman's pardon, if he will permit me; I do not wish to divert him at all. The proposition I submitted was that the original Lord Campbell act did not apply to death occurring by negligence on the high seas. I did not mean to say there have not been amendments; I express no opinion upon that at this time. The question, however, which I addressed to the gentleman was this: Did juries assess the damages in the case of the *Titanic* in the English admiralty court?

Mr. BRYAN. I will take that up in just a moment. The Lord Campbell act provides for death by negligence, and does not limit it to land or water. Its provisions extend wherever British authority extends, both on land and water, and has always so extended. Our employers' liability act limits its provisions to railroads, and the reason it does not apply to both boats and railroads in this country is because it is limited to carriers by railroad. Now, as to whether juries assess the damages under the Lord Campbell act, if the gentleman will look at the Times Law Report for Friday, July 11, 1914, in the case of O'Brien against the Ocean Steamship Navigation Co.

(Ltd.), being one of four cases brought to recover damages for death in this particular *Titanic* disaster, he will find it noted there that a jury held there had been no negligence in the navigation of the ship but there had been negligence in the speed of the ship; and while I have not those reports before me, he will find them in volume 29, page 629, of the Times Law Reports; and there is no question at all that the gentleman is mistaken in that matter; and while, as I say, I defer to the gentleman's ability on law matters, I do not defer to the gentleman's statement in reference to that fact. He is mistaken there. They were tried by jury.

Mr. MONTAGUE. If the gentleman will permit me, I did not say it was not so done. I simply asked the gentleman if he was certain that that was the fact.

Mr. BRYAN. I am certain.

That is the way England took care of that matter, and that is the kind of relief the English law gives. In this country, after living long under the common law, we developed somewhat, and every State in the Union, nearly, passed laws fixing liability in case of death. Of course it was an abhorrent notion that you could burn a man nearly to death and he could get damages for that; that if you paralyzed him he could get damages for that, if he still lived; but if the breath of life went out of him, then there was no liability to his successors. That was an abhorrent idea, but it originated in the notion that the cause of action ended with the death of the person injured. But in all of our States, practically, we changed that old rule, and we created State statutes fixing liability upon any person who is responsible, through negligence, or who, through negligence, becomes responsible for the death of an individual, that liability to go to the descendants. And, of course, we had lots of legislation all over the country on that subject, and then finally it came up to Congress, and Congress passed an employers' liability act, and we provided that in all cases of injury and death in interstate commerce caused by carriers by railroad there should be that liability, and we passed an up-to-date statute, involving all personal injuries in interstate commerce by railroads. Of course it is subject to very material improvement, but that statute was adopted as affecting interstate commerce in this country, and we limited it, however, with great care and caution to railroads. Now, if we had left that limitation out, like the Lord Campbell act did, and merely passed an act that any person who should be responsible for the negligent taking of the life of another should be responsible in damages to the dependents of the person injured, then it would have affected a steamboat just the same as a railroad train.

Mr. VAUGHAN. Will the gentleman yield?

Mr. BRYAN. Certainly.

Mr. VAUGHAN. Does the gentleman think the Congress of the United States has the power to pass a general death-injury statute such as the States have passed?

Mr. BRYAN. We have the power to pass it affecting interstate commerce on railroads or on steamboats.

Mr. VAUGHAN. I understand that.

Mr. BRYAN. And we have the right to pass a law as to employers' liability on all steamboats and all vessels that sail the waters because of the constitutional provision which gives a special jurisdiction in admiralty matters.

Mr. VAUGHAN. The gentleman did not answer my question.

Mr. BRYAN. We have no right to pass a law that will govern the internal matters of a State.

Mr. VAUGHAN. Then it was by virtue of the power over interstate commerce that the act was passed applicable to carriers engaged in such commerce.

Mr. BRYAN. The steamboat that sails from New York to Savannah or Galveston is just as much engaged in interstate commerce as a railroad train that goes from New York to Savannah or Galveston, and we have a right to pass that act as to vessels carrying interstate commerce, for two reasons: First, because it is interstate commerce; and, second, because it is subject to admiralty and maritime jurisdiction. We have the right on those two grounds. But when we passed our law as stated we restricted it to railroads, and now boats go to sea and there is no national law establishing this liability.

But the matter went into the courts, and by a series of decisions it was determined in the first place that the New York statute applied. It was decided by Judge Addison Brown, of the United States District Court of the Southern District of New York, after citing a great string of precedents, that in effect the State law of New York should apply in a case of death—injury where the vessel was registered at New York; that the vessel was subject to the New York law. Then came a decision from Judge William H. Taft along the same line, and then a couple of Delaware decisions. And the steamboat companies found out that they had to try these cases for death at sea under the law of the land, under the law of the State from which they were registered, and that they had to go up before a judicial tribunal and face a jury of 12 men under the State law unless the injury was so great to the vessel and the claim so great that they faced practical insolvency, and then they could have them all clustered or gathered together in some one Federal court. Otherwise they had to meet a jury of 12 men under the State law.

Down in Mobile, Ala., for instance, if a man is injured on a vessel that sails from Mobile out into the Gulf of Mexico and is registered in the State, he can invoke the State law of Alabama and get judgment rendered under the laws of the State of Alabama. I do not know about Alabama, but the laws ought to provide up-to-date and modern provisions as to liability and as to negligence. If a boat sails out from New York, he can sue in the State of New York and can get judgment there before a jury of 12 men. He has that advantage. He has the advantage of an up-to-date law of the State. And in Puget Sound he can get his relief under the laws of my State, the State of Washington.

Mr. SHERLEY. Will the gentleman yield?

Mr. BRYAN. Gladly.

Mr. SHERLEY. Is the gentleman's objection to the bill the fact that it undertakes to give exclusive admiralty jurisdiction in cases where the death occurs on the high seas, or is it because in giving that exclusive jurisdiction you do not provide for the proper sort of relief and for jury trial?

Mr. BRYAN. My principal objection is it does not provide proper and adequate relief.

Mr. SHERLEY. I understand that the gentleman discussed this bill last summer. Have you prepared a substitute that does give relief?

Mr. BRYAN. I have prepared a bill, H. R. 12807, and have introduced it, practically following the very wording of the employers' liability law, and if any man can stand up here and tell me why a steamboat should have the privilege of burning a man to death and not be liable under the same kind of rules and restrictions as a railroad is liable if it burns a man to death I will get some informtion.

Mr. SHERLEY. Will the gentleman yield again?

Mr. BRYAN. Gladly.

Mr. SHERLEY. Does the gentleman believe there should be no limitation as to the extent of liability for death or injury occurring aboard ship?

Mr. BRYAN. That is another question.

Mr. SHERLEY. That is one of the questions that occur when you ask as to whether there is any difference between a railroad and steamboat. I would like to get your opinion.

Mr. BRYAN. I will give my opinion on that. My opinion is that the steamboat ought to be just as liable, and there ought to be no limitation; that they ought to be compelled to take out their insurance; and that they ought to protect their workmen in the same way as the workmen on a railroad train are protected. That is my opinion. But if our limited liability statutes which are so extremely favorable to the steamboat lines are left on the statute book, nevertheless a man who gets hurt or the dependents of a man who gets killed ought to have the full limit of relief under modern ideas as to liability and as to negligence and restrictions of common-law remedies as on a railroad, and then when he gets his judgment, the steamship company may avail itself of its right under the limitation statutes, which permit them to limit the liability to the value of the vessel and current revenues of the trip.

As to whether we repeal these laws or not, that is another question. But while we are trying these damage suits the men are entitled to equal consideration with railroad employees. For instance, a man gets a judgment for $10,000 from the Ocean Steam Navigation Co., and the Ocean Steam Navigation Co. owns several vessels, or the liability in a particular case is $96,000, and there are no other claims, the matter of liability is nothing to him in that case. He does not care anything about it, but the matter of liability becomes of great importance when there is a wholesale number of claimants, when the steamship company engages in the wholesale drowning of seamen and workmen. The individual claimant for one judgment, or a small judgment, does not care particularly about these liability laws that the gentleman mentions, and therefore we have two different, separate questions, and we are not talking primarily about the question of a limited liability.

Mr. SHERLEY. The gentleman dismisses it as of no consequence or as secondary consequence, and yet the very case he indicates, that of the *Titanic*, shows that it is frequently of infinitely more importance than any other question. It is of

great importance, even if you have all the rights under the sun, to get a judgment, if the judgment when you get it is of only limited value.

Mr. BRYAN. The gentleman says that the case I cited, that of the *Titanic*, does not sustain my contention. I say that the case of the *Titanic* does sustain my contention. If there were a number of claimants in the case of the *Titanic*, the limitation of liability allowed under the laws is of great importance. If there had been only one claimant for a small amount, the limited liability statute would have no effect. I want to cut out the limiting of liability, and I want to make the steamship companies assume their liabilities. But first and foremost I want a decent employers' liability law as to seamen and as to men who work on boats, the same as for the men who work on railroad trains.

Mr. SHERLEY. Will the gentleman tell us what there is in the rules in admiralty touching the right to recovery that he objects to, because the effect of this bill as prepared is simply to extend the right that would exist in admiralty where there was injury but not death to a case where there was death? Now, what is there touching the enforcement of the rights of a man to recover for injury in the admiralty law that the gentleman thinks is unfair or old or obsolete or what not, as he says?

Mr. BRYAN. The gentleman asks what I object to in the admiralty law. Before answering that I think what the gentleman means is, What is there that I object to in the present procedure, the present relief that is granted?

Mr. SHERLEY. I mean just what I said.

Mr. BRYAN. Then the gentleman does not say what he ought to mean. The present admiralty law does not cover the situation. The present admiralty law is not exclusive. The State laws of the several States——

Mr. SHERLEY. Well, if the gentleman will permit, I do know what I wanted to say, and I did say what I wanted to. What I meant was not the State law, but this law that the gentleman is objecting to, because to a limited extent it excludes State jurisdiction. I asked the gentleman to point out what there was in the admiralty law that he objected to.

Mr. BRYAN. My objection to the present admiralty law is that when a man comes in with his claim he gets no jury trial. So far as that is concerned he has no relief at all, or his dependents have no relief, in the admiralty court in case of death, and for that reason this matter has no application to the admiralty court. It is the State courts that are involved, and in view of the fact that there is no admiralty law for death you can have your case tried under the State law, which is more liberal than all the admiralty rules in practically every case; I think in every case where State laws have been passed.

Mr. SHERLEY. What I am trying to get at is, what in the admiralty practice in the Federal court does the gentleman object to?

Mr. BRYAN. I have just told you.

Mr. SHERLEY. No. The gentleman simply dismissed it by saying there is no jurisdiction in death cases, which this bill is intended to cure. Now, I ask the gentleman, in suits for injuries—not for death—what there is in the procedure in admiralty cases that he objects to?

Mr. BRYAN. Injuries less than death?

Mr. SHERLEY. Yes.

Mr. BRYAN. But that has nothing to do with this case.

Mr. SHERLEY. It has a good deal to do with this case. This bill proposes to give jurisdiction in admiralty to cases where a man is killed.

Mr. BRYAN. Killed only.

Mr. SHERLEY. Heretofore admiralty jurisdiction went only to injury cases, and not to death cases. Now you propose to put the death cases on practically the same plane as injury cases. Therefore it becomes important to inquire what there is that is wrong touching the method of trial or the rights of litigants in cases of injury and not of death, so that we may correct it in both cases. That is the meat in the whole discussion.

Mr. BRYAN. Of course the bill that I introduced, and which the gentleman asked about, does involve cases less than death. In discussing that proposition of putting all those cases under the employers' liability law, what I object to in the admiralty procedure as applied to personal-injury suits in the first place is that there is no jury trial.

The Federal judge can call a jury if he wants to, but that is merely advisory, and the ordinary man will say that he might just about as well let his claim go as to try it before a Federal judge, who he feels, whether justly or not, is unfriendly to him. The average workingman, engineer, or fireman who gets seriously hurt on board a vessel does not like very much to submit his case to a judge who ordinarily is a member of various organizations to which he has no access; and he prefers, under the same rules and regulations that the gentleman from Kentucky would prefer, a jury of 12 men. That is fundamental, and that is enough if there were no other reason to apply.

In our Federal employers' liability law we made these provisions. We did not fix it so that a Federal judge would try a case where an engineer was killed or injured in a wreck, but we fixed it so that a jury of 12 would try it. So, when we come to this proposition, we ought to pass an employers' liability law that will really mean something. We ought at least to put into it all the relief that is provided in the employers' liability law for railroad employees.

But outside of that, the gentleman from Kentucky [Mr. SHERLEY] has brought into this discussion—and I suppose if he had not brought it in I would have done so—the question of the limited liability. There is a section of this bill keeping in force that limited liability statute which enables ships to escape any greater liability than they now have. For instance, the Standard Oil Co. puts a ship under the American flag. You will say, "My! The Standard Oil Co.! John D. Rockefeller! That is all right. You can go on that ship with safety." But perhaps the ship is called the *Leviathan*, and there is organized a Leviathan Co., which owns nothing in the world except that one ship; no other property. Then that ship goes out and meets with another ship, and she has only half enough of a crew on board, and down she goes, and the liability then is limited to that ship and her value at the bottom of the ocean.

Mr. WEBB. Will my friend suggest how that evil could be remedied? Practically every ship is incorporated, and all the corporation owns is the ship and its freight, and when the company comes into court and surrenders the hull of the ship and the freight, what else could you get under the liability laws? The company has surrendered all the property it owns.

Mr. BRYAN. It would take more of an enactment than I have suggested, or even than I have put in my bill, to get around this separate incorporation; but that is done only to escape certain negligence provisions. Take, for instance, the *Nantucket*. She went down. There was a little fellow named Kuehne, who took off his belt and gave it to a lady passenger, and he went down with the ship. Now, when the aged parents of this boy seek money recompense for their loss, they are told to go and get the ship at the bottom of the ocean. I think there ought to be additional legislation to cover a case of a separate incorporation of one ship, so that every ship that goes out on the ocean shall have some kind of liability and some kind of backing that is responsible.

Then, on the Lakes; I was talking to one of the ablest men in the House a while ago about the Great Lakes—he is not now on the floor—and he said this law would not affect the Great Lakes; that the States which border on the Great Lakes and have up-to-date employers' liability laws will still try them. Of course the gentleman is mistaken. The term "high seas" as here used is a very broad term. The bill starts out with the proviso—

That whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas, the Great Lakes, or any navigable waters of the United States—

And so forth. Of course the Great Lakes are included in that, and then there is a section here that attempts to preserve the jurisdiction of the States. That is section 8. Here is what it says:

SEC. 8. That nothing in this act shall be construed to abridge the rights of suitors in the courts of any State or Territory or in the courts of the United States other than in admiralty to a remedy given by the laws of any State or Territory in case of death from injuries received elsewhere than on the high seas.

Note the words "elsewhere than on the high seas."

That does not preserve the jurisdiction of the States that border on the Great Lakes, because the Great Lakes are a part of the high seas.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. BRYAN. Yes.

Mr. STAFFORD. The reference in the bill to the Great Lakes in connection with the high seas would separate the Great Lakes from being included in the larger term.

Mr. BRYAN. I think that would depend on the interpretation by the courts as to what is meant by "high seas." If the court decides that the high seas include the Lakes, then this State jurisdiction is eliminated under the term which involves an exception:

Elsewhere than on the high seas.

The United States Supreme Court, in the case of United States *v.* Rogers (150 U. S., p. 249), has held that the Great Lakes are high seas; and then you can not be sure what the decision would be, for instance, as to Puget Sound. There is a great body of water going north into another country, and while

it is true enough that inland rules apply after you get to a certain point, at the same time, as to whether Puget Sound would be a part of the high seas or not is a subject for dispute. I do not believe that the citizens of this country who live on the borders of these Lakes want to give up the right to try these cases before their State courts unless a decent Federal law is passed, and this law, in my opinion, is not that kind of a statute. I think this law is a disgrace to those who are its proponents. It is too far out of date. The proper way to do it is through a workmen's compensation act that gives a man damages for an injury without regard to negligence, which gives him a fair compensation.

This provides, in the first place, only for his "pecuniary loss sustained." You could not get that into a modern statute in any State where the people have any say so in a thousand years. They would not put it for "pecuniary loss sustained." Under that if a man is killed and his fraternal insurance amounts to $500 or $1,000, and this is passed, and his case went to trial in court, the damages would be $2,000, but $1,000 is deducted for the amount of the insurance received, so that $1,000 is the pecuniary loss sustained. If the man's damages amounted to $1,000 and his insurance to $1,000, his dependents would get nothing.

Mr. DECKER. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. DECKER. Does the gentleman know of any State where those deductions are made?

Mr. BRYAN. No; I think you would never find that incorporated into the statute of any State, but that is what this Congress is trying to do.

Mr. DECKER. I am asking for information. I am not familiar with any law that will allow them to deduct the life insurance where they are recovering for pecuniary loss. What law is the gentleman familiar with under which they can do that?

Mr. COOPER. Will the gentleman from Washington permit me to answer that?

Mr. BRYAN. I will yield gladly to the gentleman from Wisconsin.

Mr. COOPER. That is a question I was coming to by and by. In some States the constitutions provide for the recovery of exemplary damages. The right to recover such damages is given by the constitution of Kentucky, the constitution of the State of my learned friend, Mr. SHERLEY. This is the language quoted by Sutherland on Damages:

> Whenever the death of a person shall result from an injury inflicted by negligence or wrongful acts, then, in every such case, damages may be recovered for such death from the corporations and persons so causing the same.

Then Mr. Sutherland says:

> This language includes not alone compensatory damages but all varieties of damages known to the law. In Washington, under a statute allowing the recovery of pecuniary or exemplary damages, both can not be recovered in every case, but in case of mere neglect the pecuniary loss measures the recovery; in case of injury caused by moral or legal wrong amounting to willfulness, exemplary damages may be added.

Now, suppose that the owner of a steamboat should willfully ignore the provisions of a law for the safety of passengers, as was the case in the horrible catastrophe of the *Slocum*, in New York Harbor, when 1,100 people were burned to death. The only damages under this proposed statute would be the actual financial damages. The corporation owning the steamboat might be worth a hundred million dollars and have willfully violated the statutes of a State, yet you could not collect exemplary damages.

Mr. MONTAGUE. Will the gentleman permit a question?

Mr. COOPER. After I have read one passage more from Sutherland. He says:

> Under the Alabama act, which provides for the recovery of such damages as the jury may assess, the damages are punitive and exemplary in every case—punitive of the act done, and intended by their imposition to stand as an example to deter others from the commission of moral wrongs or to incite to diligence in the avoidance of fatal casualties—the purpose being that the preservation of human life, regardless of the pecuniary value of a particular life to the next of kin under the statutes of distribution.

Now I will yield to the gentleman, with the permission of the gentleman from Washington.

Mr. BRYAN. I yield to the gentleman.

Mr. MONTAGUE. Where was the *Slocum* burned?

Mr. COOPER. In New York Harbor.

Mr. MONTAGUE. This statute does not apply. It only applies to damages occurring on the high seas.

Mr. COOPER. That is true, but there might be a boat of the same character on the high seas.

Mr. MONTAGUE. What I mean is that you have your State remedies against the corporation, as in the case of the *Slocum*, if this bill passes, as you have it if it does not pass.

Mr. COOPER. My friend will readily understand that there might have been a boat on the high seas as regardless of the law as was the *Slocum* in the harbor of New York. I am showing, or having the gentleman from Virginia [Mr. MONTAGUE] infer and understand, that not alone are people negligent in the harbor of New York, but that they have a great deal more opportunity to take passengers out on the high seas and escape detection for negligence than they have to escape detection for negligence in the harbor of New York.

Mr. MONTAGUE. Mr. Speaker, the gentleman is entirely right about that. This law may not be perfect, but it gives a remedy where we have none now. It gives a right to sue in admiralty for death occurring on the high seas, where we have no right to sue in admiralty now.

Mr. BRYAN. Does the gentleman say there would have been no right, in the case of the *Slocum* disaster, if the boat had been out a little on the high seas beyond the harbor?

Mr. MONTAGUE. Oh, no; I do not say that.

Mr. BRYAN. They could have sued under the State law.

Mr. MONTAGUE. Yes; the admiralty court may apply the State law.

Mr BRYAN. And that is what is the matter with the shipowners. They do not want the court to apply the State law. The State law is too strong—claimants get larger judgments. They want to save money and deprive the injured of their due, and they come down here with a learned proctor in admiralty, who parades a nicely prepared opinion that he is going to give something to claimants and to widows and orphans they have not got, and then he fixes up an antiquated law which if it was introduced in a Chinese assembly 2,000 years before Christ would have been 2,000 years behind the time then.

It is an outrage to attempt to pass a law like this at this time, and it will never be any credit to the gentleman who introduced it, to those who pass it, or those who answer the roll call in its favor. It does not accord with the ideas of this day and time, and for that reason I oppose it more than the matter of State jurisdiction. I am willing to give to the Federal courts exclusive jurisdiction in the waters of the country. I am willing to give them exclusive jurisdiction, at least in respect to boats engaged in interstate commerce, or even of all boats, provided they have a decent law. I do not care so much who has jurisdiction. I want a good law. The reason why I support these other measures and do not listen to this State-rights business is because I want a good law, and I believe the Federal Government can enforce a good law; but this law will never be any good, no matter how long it stands on the statute books, if it is ever enacted.

Mr. COOPER. Mr. Speaker, will the gentleman yield again?

Mr. BRYAN. Yes.

Mr. COOPER. Mr. Speaker, I thank the gentleman for his courtesy. I wish to call the attention of my friend from Virginia [Mr. MONTAGUE] to the Virginia law upon this subject and what is attempted especially by this bill to prevent—that is, the recovery of anything except pecuniary loss in case of death. Sutherland on Damages, paragraph 1263, says:

> The Virginia statute permits the jury to award such damages as to it may seem fair and just. Under it punitive damages may be awarded, and the jury may consider the mental suffering of those for whose benefit the action was prosecuted. A later case, however, treats the question as an open one. The same conclusion was announced in a California case awarded under a like statute; but that case was soon disapproved, and the rule declared to be that in estimating the pecuniary loss of a wife for the death of her husband the jury may consider whether or not the deceased was a good husband, able and willing to provide well for his wife.

And under the constitution of Texas we find this provision, paragraph 1264 of Sutherland:

> The constitution of Texas provides that in cases of willful homicide there shall be responsibility for exemplary damages and a jury may be directed to award such damages.

But this bill provides that in a case of willful homicide on the high seas, death by wrongful act, nothing but compensation for pecuniary loss can be awarded. Not only that, but I direct the attention of the gentleman from Washington to the fact that right across the page in this bill is a provision that the people who are after damages because some one has killed a relative or caused his death through gross negligence or vicious malignant attack—the people who are suing for damages are likely to have the award of the jury reduced by the court, because the decedent may have been negligent.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield to me further?

Mr. BRYAN. Mr. Speaker, how much more time have I?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. BRYAN. I yield for a moment.

Mr. MONTAGUE. I will just say to the gentleman from Wisconsin [Mr. COOPER] that the question to which I was addressing myself was not at all the question of pecuniary loss. I was simply discussing the question of jurisdiction, the question of how far Lord Campbell's act was applicable. I know very well the law of Virginia. We have in Virginia in addition to compensatory damages what we call punitive or exemplary damages.

Mr. COOPER. Will the gentleman permit?

Mr. BRYAN. I yield.

Mr. COOPER. There has been a difference of opinion as to whether the right to recover compensatory or exemplary damages survives.

Mr. WEBB. That is the point I wanted to ask the gentleman from Virginia, and the gentleman from Wisconsin, also.

Mr. COOPER. Exactly. I called attention to these laws in certain States, notably Texas and others, in which it is expressly provided that the right of exemplary or punitive damages does survive. In some of the States the jury may be instructed to award them.

Mr. WEBB. I wanted to say I think there are very few States that permit the recovery of punitive damages in case of death. In other words, I think there are very few States, if any, that allow the executor to sue for the value of the deceased's life and also recover punitive damages for his death or the bringing about of his death.

Mr. BRYAN. Is the reason why you push this little blanket one-page statute here to do away with the possibility of anybody in any State getting punitive damages? Does the gentleman think it is wrong?

Mr. WEBB. No; we desire to open the courts of the United States to any suitor who wants to sue for death on the high seas. That is just the object of this bill. We want to apply the Lord Campbell act or some other act that will give a citizen of the United States the right to go into a United States court and sue for a death that occurred by negligent act on the high seas.

Mr. BRYAN. Why will not the gentleman accept as a substitute for this bill the employers' liability law that applies to railroads and let us apply the same meed of liability to a steamship company of John D. Rockefeller that you would apply to a railroad owned by John D. Rockefeller? Will the gentleman agree to such a substitution?

Mr. WEBB. Of course the gentleman could not draw a bill now that would apply——

Mr. BRYAN. I say, and I challenge successful contradiction——

Mr. WEBB. And the gentleman could not get 100 votes for it here.

Mr. BRYAN. I know I could not get the votes; I admit that. All you have to do is to cut out the limitation involved in the term "carriers by railroads" in the Federal employers' liability act, and it will apply to everybody under the jurisdiction of the United States. It will apply to land and water alike.

Mr. WEBB. If you did, you could not get it through, and what is the use of fooling with something which you can not get through?

Mr. BRYAN. When there is something that needs to be knocked on the top of the head, let us knock it. Let me show you something here that a little girl at the mangle down at the laundry can understand. She may not understand all the big words, but she can understand this: Here is your negligence in the employers' liability act passed by Congress when they could get 100 votes. A different party was in power and it got 100 votes then. I thought that party was reactionary; I thought that the Democratic Party was progressive, but this came up and it got 100 votes. That was before the Democratic Party came in, this employers' liability law, but here is what was put in in reference to negligence:

SEC. 2. That in all actions hereafter brought against any common carriers to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury.

Now let me read the other.

Mr. WEBB. Just a moment. This bill preserves that, too. It is progressive in that it destroys the effect of contributory negligence.

Mr. BRYAN. I will ask the gentleman to let me read the bill. Section 5 of the bill the gentleman is attempting to pass through here for steamships provides:

That in suits under this act the fact that the decedent has been guilty of contributory negligence shall not bar recovery, but the court shall take into consideration the degree of negligence attributable to the decedent and reduce the damages accordingly.

Then the Federal employers' liability act denies the railroad company any relief for the employee's negligence where it is violating a statute when the accident occurs. But this urgency bill, for the relief of the Shipping Trust and the robbery of unfortunates who may be deprived of the relief they now have, is silent on that point. The learned proctor and corporation lawyer who wrote this bill did not think of that feature.

I want to know why these people, and the learned proctor in admiralty, who I suppose has been in the employ of steamship companies a great part of his life, should draw this bill which he sent to this committee in such a way as to leave out these provisions to the effect that the damages shall be assessed by a jury in proportion to the amount of negligence where the contributory negligence was slight and that of the employers was greatest in comparison. The railroads run through North Carolina and people get killed once in a while on railroad crossings, and the people get injured, and the brakemen and other employees are injured, and you want to apply some kind of restriction there, and you say where the corporation is grossly negligent the jury can come in and give them a little taste of their own medicine, can take into consideration the gross negligence of the corporation, but you do not want to mention that about a steamboat. Why not? I know the gentleman does not care particularly, does not defend these steamboat companies particularly; but this was a learned man, this Mr. Putnam, who drew this act and made this report and wrote all the documents that have been submitted here. He is a prominent member of the American Bar Association, and ex-President William H. Taft is president of the American Bar Association. I do not suppose he ever saw this act or ever paid any attention to it; but these are two great men, very great men.

I suppose this Judiciary Committee believe turn about is fair play, and they say to themselves, "Have we not given Samuel Gompers all he wanted and the American Federation of Labor all they claimed?" You may suppose you can give passengers and workmen on the steamboats any kind of medicine and make them take it. And you come here before this House with that kind of negligence provision. The labor unions to-day are knocking at the doors of the House for a statute that will eliminate this negligence defense. Why should it be that when a man, because the night before he was up perhaps with his sick family and nervous and all disorganized, goes down to work the next day and does some little act of negligence and thereby loses his life, his widow can not recover anything because he was negligent, whereas the blooming bachelor, who had no responsibilities at home, went down steady and self-reliant and did not do any act of negligence and was killed and his sister or brother or other survivor can get the damages?

Mr. WEBB. Has your State abolished the contributory-negligence act?

Mr. BRYAN. We have wiped it out like a poisonous rattlesnake. Whenever a corporation kills a man out there we do not ask whether the man who is dead was guilty of some act of negligence or not. The relief is not for him. He is dead. The relief is for his widow. We do not want to leave her in poverty and dependent upon society. We give the relief and let the price be charged to the particular industry involved.

Mr. WEBB. I understand you want to make your law the national law of this country. You know that a majority of the States of this Union still permit the contributory negligence to be set up as a defense, and you ask this Congress now to adopt your very progressive compensatory law or the employers' liability law for the high seas.

Mr. BRYAN. I have had no hope of getting any such condescension from this Congress.

Mr. WEBB. Then you want nothing done?

Mr. BRYAN. I introduced a bill giving to these boats the same amount of negligence responsibility. Or I am willing to accept the same kind that you put on a railroad—that this Congress has included in its employers' liability act as to a railroad. I do not ask you to follow my State. But if you did, you would give the survivors of those who lost their lives in an accident what is coming to them.

Mr. WEBB. Then you would rather have nothing than to have this bill?

Mr. BRYAN. I certainly would. I would prefer to have the State laws.

Mr. WEBB. Oh, yes.

Mr. BRYAN. Will the gentleman indicate why we have these big proctors in admiralty coming down here and passing a law if there was nothing? The shipowners are not protesting. They are generally pleased with nothing. They have something; that's the trouble. They have something that affects

them. They have the laws of the several States, and the laws of the several States put them in position worse than this law will do. They want to get away from big judgments and juries. The only effect of this bill will be a relief to the shipping organizations, to ease them from a big share of their responsibility and liability. Do not you think that we have nothing. We have better laws than this law.

Mr. WEBB. You still want the doors of the courts of the United States to be closed to every citizen in his right or that of his dependents to sue for death on the high seas and forbid a man going into court and seizing the vessel and bringing an action in rem?

Mr. BRYAN. You are trying to shut a dozen doors. All the people who live in the cities around the Great Lakes, such as Chicago, Detroit, Duluth, and other cities, are not going to accept, I tell you, with any kind of pleasure this kind of a statute, that takes away from them the remedy that the progressive legislation of those States has given them and substitutes a lame, ineffective, corporation-made statute.

Mr. WEBB. The bill reserves that legislation. I suggest to the gentleman that he read the text of the bill.

Mr. BRYAN. The bill says:

That nothing in this act shall be construed to abridge the rights of suitors in the courts of any State or Territory or in the courts of the United States other than in admiralty to a remedy given by the laws of any State or Territory in case of death from injuries received elsewhere than on the high seas.

Mr. WEBB. That is right. If the injury occurs on the Great Lakes or on the navigable waters, the State will have the right to try those cases.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. BRYAN. If the gentleman will read it, here is the law, One hundred and fiftieth United States Reports, that establishes the contention that the Great Lakes are the high seas, and under the term "high seas" you do not know how much will be included. Puget Sound will be included in it, I think, and the Great Lakes are included in it. If the gentleman will consult the authorities, he will see that what I say is correct. This law will be the sole remedy on the Great Lakes if it is passed by Congress.

Now I ask the gentleman if he intends to vote on this bill this afternoon?

Mr. WEBB. I hope so, if the gentleman will not resort to obstructive tactics.

Mr. BRYAN. I think that a week devoted to the consideration of this bill would be profitably spent, and I hope it will go over one week until the next Calendar Wednesday.

Mr. COOPER. Mr. Speaker, I want to inform the gentleman that in my judgment this is a matter of too exceedingly great importance to be voted on and passed now under the present circumstances.

Mr. WEBB. If the gentleman objects seriously to a vote now, I shall make a motion to adjourn and let it come up next Wednesday.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I wish to renew the request I made this morning, that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, Mr. Speaker, I want to ask the gentleman if this is for the purpose of expediting the consideration of appropriation bills, and not for any other purpose?

Mr. UNDERWOOD. It is to give another hour for the consideration of appropriation bills. I make the request at the suggestion of the gentleman in charge of the legislative appropriation bill.

Mr. HUMPHREY of Washington. I have no objection if it is for that purpose.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Thursday, December 17, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting urgent estimates of appropriation for inclusion in the urgent deficiency bill for the fiscal year 1915 (H. Doc. No. 1364); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Postmaster General submitting urgent estimates of appropriation required for the Postal Service on account of the fiscal years 1914 and 1915 (H. Doc. No. 1365); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of State submitting an urgent deficiency estimate in the sum of $250,000 for payment to the Government of Panama the third annual payment, due February 26, 1915 (H. Doc. No. 1366); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting urgent estimate of deficiencies for contingent expenses of the Treasury Department for the fiscal year ending June 30, 1915 (H. Doc. No. 1367); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Interior submitting an urgent estimate of deficiency for contingent expenses, office of surveyor general of Alaska, for the fiscal year 1915 (H. Doc. No. 1368); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers report on preliminary examination for harbor refuge at Point Arena or other locality on the Pacific coast between San Francisco and Humboldt Bay, Cal. (H. Doc. No. 1369); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Henry P. Field, administrator of Edward A. Field, deceased, *v.* The United States (H. Doc. No. 1370); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Henry H. Barroll *v.* The United States (H. Doc. No. 1371); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of John Cook *v.* The United States (H. Doc. No. 1372); to the Committee on War Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of James Biddle *v.* The United States (H. Doc. No. 1373); to the Committee on War Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Alzina L. Harris, widow of Edgar B. Harris, deceased, *v.* The United States (H. Doc. No. 1374); to the Committee on War Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the case of Levi W. Dooley et al., heirs of Aaron T. Dooley, deceased, *v.* The United States (H. Doc. No. 1375); to the Committee on War Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the case of Asahel Jones *v.* The United States (H. Doc. No. 1376); to the Committee on War Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Catharine Snyder, widow of Jacob Snyder, deceased, *v.* The United States (H. Doc. No 1377); to the Committee on War Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Julia A. Ordway, widow of David S. Ordway, deceased, *v.* The United States (H. Doc. No. 1378); to the Committee on War Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Thomas A. Wakefield *v.* The United States (H. Doc. No. 1379); to the Committee on War Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Albert G. Peabody *v.* The United States (H. Doc. No. 1380); to the Committee on War Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Amelia King, widow of Prettyman King, *v.* The United States (H. Doc. No. 1381); to the Committee on War Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Patrick Tobin *v.* The United States (H. Doc. No. 1382); to the Committee on War Claims and ordered to be printed.

20. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Ella Sowle, widow of Orlando T. Sowle, deceased, *v.* The United States (H. Doc. No. 1383); to the Committee on War Claims and ordered to be printed.

21. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Kate B. Boggs and Mary B. Russell, heirs of Walter B. Barnett, deceased, *v.* The United States (H. Doc. No. 1384); to the Committee on War Claims and ordered to be printed.

22. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Cornelia Cress, widow of Edwin Cress, deceased, *v.* The United States (H. Doc. No. 1385); to the Committee on War Claims and ordered to be printed.

23. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Isaac C. Sheaffer *v.* The United States (H. Doc. No. 1386); to the Committee on War Claims and ordered to be printed.

24. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Charles E. Ferguson, son of Richard L. Ferguson, deceased, *v.* The United States (H. Doc. No. 1410); to the Committee on War Claims and ordered to be printed.

25. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Cleaveland F. Dunderdale *v.* The United States (H. Doc. No. 1411); to the Committee on War Claims and ordered to be printed.

26. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of James H. Smith *v.* The United States (H. Doc. No. 1412); to the Committee on War Claims and ordered to be printed.

27. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the case of Samuel A. Crawford *v.* The United States (H. Doc. No. 1413); to the Committee on War Claims and ordered to be printed.

28. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Galelma Law *v.* The United States (H. Doc. No. 1414); to the Committee on War Claims and ordered to be printed.

29. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of J. Webster Henderson, executor of Robert M. Henderson, deceased *v.* The United States (H. Doc. No. 1415); to the Committee on War Claims and ordered to be printed.

30. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Margaret Augustine, administratrix of the estate of Henry Augustine, deceased, *v.* The United States (H. Doc. No. 1416); to the Committee on War Claims and ordered to be printed.

31. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Theodore G. Anderson, brother of Chauncey B. Anderson, deceased, *v.* The United States (H. Doc. No. 1417); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEPHENS of Nebraska, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18173) to reinstate Frederick J. Birkett as third lieutenant in the United States Revenue-Cutter Service, reported the same with amendment, accompanied by a report (No. 1226), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19499) granting an increase of pension to Elizabeth H. Brayton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19770) granting a pension to Rose E. Wicoff; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. VINSON: A bill (H. R. 20031) providing a site and public building for a post office at Sparta, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20032) providing for a site and public building for a post office at Tennille, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. HAYES: A bill (H. R. 20033) governing the reclamation of desert-land entries, by the planting of trees, etc., and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. STEVENS of Minnesota: A bill (H. R. 20034) to authorize the Secretary of the Treasury to remodel and rearrange a public building at St. Paul, Minn., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. HAYES: A bill (H. R. 20035) for the relief of desert-land entrymen in Fresno and Kings Counties, Cal.; to the Committee on Irrigation of Arid Lands.

By Mr. OLDFIELD: A bill (H. R. 20036) to extend temporarily the time of filing applications for letters patent and registration in the Patent Office; to the Committee on Patents.

Mr. BURNETT (by request): A bill (H. R. 20037) further to regulate the entrance of Chinese aliens into the United States; to the Committee on Immigration.

By Mr. MOORE: A bill (H. R. 20038) to amend an act entitled "An act to increase the internal revenue, and for other purposes," approved October 22, 1914; to the Committee on Ways and Means.

By Mr. CLARK of Florida: A bill (H. R. 20039) to amend section 18 of an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, approved March 4, 1913; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 20040) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON: Joint resolution (H. J. Res. 387) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HEFLIN: Resolution (H. Res. 678) authorizing the Clerk of the House to employ a woman attendant for the ladies' retiring room, adjoining Statuary Hall; to the Committee on Accounts.

By Mr. RAYBURN: Resolution (H. Res. 679) authorizing the Clerk of the House of Representatives to employ an additional telephone operator; 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. ADAIR: A bill (H. R. 20041) granting an increase of pension to Charles Lanham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20042) granting an increase of pension to Marcellus M. Justus; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 20043) granting an increase of pension to John Thompson; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20044) granting a pension to William C. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 20045) granting an increase of pension to Lovina Markley; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 20046) granting a pension to Samuel C. Braden; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 20047) granting an increase of pension to Mary Tilton Seay; to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 20048) granting an increase of pension to Joseph Buckle; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 20049) granting a pension to William H. Jones; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 20050) granting an increase of pension to William A. Meloan; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 20051) granting an increase of pension to Winfield S. Hunter; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 20052) granting a pension to Joseph Hunter; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 20053) granting a pension to Lewis W. Carlisle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20054) granting a pension to Mary Clark; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 20055) for the relief of heirs of Charles Morgan, sr., deceased; to the Committee on War Claims.

By Mr. EAGAN: A bill (H. R. 20056) granting a pension to Catherine Sweeney; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 20057) granting an increase of pension to Luther S. Vananda; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20058) granting an increase of pension to Matthew H. McCreight; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 20059) granting an increase of pension to J. S. Cochenour; to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 20060) granting an increase of pension to Johanna G. Zschocke; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 20061) granting a pension to William R. Prichard; to the Committee on Pensions.

By Mr. GOULDEN: A bill (H. R. 20062) granting a pension to Ida Koeller; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 20063) granting a pension to Julia A. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20064) granting an increase of pension to Robert S. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20065) granting an increase of pension to Alden O. Mudge; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 20066) granting a pension to George Peck; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 20067) granting an increase of pension to Sarah A. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20068) granting an increase of pension to Robert Denby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20069) granting an increase of pension to Charles W. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20070) for the relief of Amanda McGhee; to the Committee on War Claims.

By Mr. IGOE: A bill (H. R. 20071) granting an increase of pension to John J. Driscoll; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 20072) granting an increase of pension to Lewis Bloom; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 20073) granting a pension to Francis M. Gustin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20074) granting an increase of pension to Jennie S. Odell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20075) for the relief of John M. Haner; to the Committee on Military Affairs.

Also, a bill (H. R. 20076) for the relief of Oscar N. Whitney; to the Committee on Military Affairs.

By Mr. NEELY of West Virginia: A bill (H. R. 20077) granting an increase of pension to George I. Fleming; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 20078) granting a pension to Charles L. Robinson; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 20079) granting a pension to William H. Green; to the Committee on Pensions.

Also, a bill (H. R. 20080) to remove the charge of desertion from the military record of James Hardin; to the Committee on Military Affairs.

By Mr. REILLY of Connecticut: A bill (H. R. 20081) to remove the charge of desertion against Joseph Gaelbois; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 20082) granting an increase of pension to James H. Wendt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20083) granting an increase of pension to John H. Davison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20084) granting an increase of pension to Mary E. Kirk; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 20085) granting an increase of pension to Samuel N. Gibbs; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 20086) granting an increase of pension to Warden J. Wilkins; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 20087) granting a pension to Lizzie C. Breen; to the Committee on Pensions.

By Mr. STEVENS of New Hampshire: A bill (H. R. 20088) granting a pension to Frank McCabe; to the Committee on Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 20089) granting a pension to Albert W. Johnsen; to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 20090) granting an increase of pension to Harriet Smalley; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 20091) granting a pension to Susan Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20092) granting a pension to Mary E. Declute; to the Committee on Invalid Pensions.

By Mr. WOODS: A bill (H. R. 20093) granting an increase of pension to Alvin Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20094) granting an increase of pension to Henry Warner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. AINEY: Petitions of First Baptist Church of Factoryville, First Baptist Church of Tunkhannock, Methodist Episcopal Church of Factoryville, Methodist Church and Sunday School of Skinners Eddy, Methodist Church and Sunday School of West Auburn, Methodist Episcopal Church of Great Bend, Presbyterian Church of Ulster, Presbyterian Church of Great Bend, Presbyterian Church of Sayre, Liberty Corners Church and Sunday School, Woman's Christian Temperance Union of Liberty Corners, Woman's Christian Temperance Union of Montrose, Sons of Temperance of White Mills, and the Men's Organized Bible Class of Troy, all in the State of Pennsylvania, favoring national constitutional prohibition; to the Committee on Rules.

By Mr. ASHBROOK: Petition of the Westminster Christian Endeavor Society, of Wooster, Ohio; Christian Endeavor Society of the Evangelical Lutheran Church of Baltic, Ohio; Christian Endeavor Society of the First Reformed Church of New Philadelphia, Ohio, in all 225 petitioners, asking for the passage of the Hobson prohibition resolution; to the Committee on Rules.

By Mr. BAILEY: Petitions of Louis Gallan, Enterprise Store Co., Mountain Supply Co., I. L. Binder, and Guy Guy, all of Hastings, Pa., favoring passage of House bill 5308, taxing mail-order houses; to the Committee on Ways and Means.

Also, memorial of the congregation of the First Baptist Church of Johnstown, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BORCHERS: Petition of citizens of Decatur, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BYRNS of Tennessee: Petitions of citizens of Davidson County, Tenn., favoring national prohibition; to the Committee on Rules.

Also, papers to accompany bill for increase of pension for Mary Tilton; to the Committee on Pensions.

By Mr. CALDER: Petition of New York City Methodist preachers' meeting, favoring national prohibition; to the Committee on Rules.

Also, memorial of National Electrical Contractors' Association, relative to fixing postal rates; to the Committee on the Post Office and Post Roads.

Also petition of Western Association of Short Line Railroads, protesting against the passage of House bill 17042, changing basis of mail transportation; to the Committee on the Post Office and Post Roads.

Also, petition of Washington Board of Trade, protesting against amendment to the District of Columbia appropriation bill relative to taxes in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DANFORTH: Petition of Anton J. Panly and 53 others, of Attica and Varysburg, N. Y., protesting against violation of the spirit of neutrality; to the Committee on Foreign Affairs.

By Mr. DRUKKER: Petitions of Calvary Methodist Episcopal Church, Union Avenue Baptist Church, Methodist Episcopal Church of Paterson, and Passaic Baptist Church, of Passaic, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petitions of First Baptist Church of Westbergen, Waverly Congregational Church and Sunday School, and Leonard W. Borst, of Jersey City, and Woodcliff Reformed Church, of North Bergen, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. FARR: Petition of Rev. John Hammond, of Scranton, and E. T. Dimmick, of Carbondale, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. FESS: Petition of Riley Pond, John W. Wire, William Mann, J. W. Brindle, James Williams, William Clevenger, Ralph Miller, and C. Rhonemus, of Wilmington, Ohio, favoring passage of House bill 11970, to pension the "squirrel hunters"; to the Committee on Invalid Pensions.

Also, petition of St. John's Baptist Church, of Springfield, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GERRY: Petitions of A. B. Arnold; Coventry Central Baptist Church, of Anthony, R. I.; First Methodist Church, of Centerville, R. I.; Wood River Church, of Richmond, R. I.; Samuel M. Cathcart, of Westerly, R. I.; Meshanticut Baptist Sunday School, of Cranston, R. I.; Curtis Corner Sunday School, of Gould, R. I.; North Scituate A. C. Church, of North Scituate, R. I.; Methodist Episcopal Church, of East Greenwich, R. I.; Miss Mary B. Pittlefield, Harry E. Tennants, Natick Baptist Church, Margaret Main, James W. Main, F. J. Earl Dodsworth, Clarence C. Maine, Isabelle Potter, and B Pierce Tabor, of Natick, R. I.; Second Baptist Church, of Shannock, R. I.; Rev. Frank Gardner, of Phenix, R. I.; Everett E. Jones; Brotherhood of Wakefield Baptist Church, of Wakefield, R. I.; and Rev. F. D. Smock, of Foster Center, R. I., urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petitions of Ladies' Bible Class and Mena Bible Class, of Hope, R. I.; Hartford P. Brown Bible Class, First Baptist Church, of Hope Valley, R. I.; Primitive Methodist Church of Pascoag, R. I.; Swedish Baptist Church, of Hillsgrove, R. I.; Park Place Congregational Church, of Pawtucket, R. I.; Herbert Hannah, of Arlington, R. I.; Samuel Albro, of Washington, R. I.; Wickford Baraca Bible Class, of Wickford, R. I.; Trinity Union Methodist Episcopal Church, Allied Temperance Committee of Rhode Island, Elmwood Christian Church, George W. Petri, Trinity Baptist Church, William T. Greene, John Harrop, Rev. James E. Springer, Corliss Heights Baptist Sunday School, and Charles W. Littlefield, Esq., of Providence, R. I.; and Methodist Episcopal Sunday School, of East Greenwich, R. I., urging the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of members of the Methodist Church of Rockland, members of the Epworth League of Stoughton, Methodist Episcopal Church of Whitman, Mass., favoring national prohibition; to the Committee on Rules.

Also, petition of Boston (Mass.) Socialist Club, protesting against sending foodstuffs to nations at war; to the Committee on Foreign Affairs.

By Mr. HAYES: Petition of Gen. James C. Strong, of Oakland, Cal., favoring passage of House Bill 16626, relative to retirement of Brig. Gen. James Clark Strong; to the Committee on Military Affairs.

Also, petition of Thomas B. O'Keefe, of Watsonville, and C. A. Engelhardt, of Santa Barbara, Cal., protesting against the circulation of the Menace through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of the Santa Cruz (Cal.) Chamber of Commerce, favoring passage of House joint resolution 372, relative to the preparedness of the United States for war; to the Committee on Rules.

By Mr. IGOE: Petition of Mound City Council, No. 207, United Commercial Travelers of America, St. Louis, Mo., favoring House bill 18683; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. KENNEDY of Rhode Island: Resolutions from Allied Temperance Committee of Rhode Island; Elmwood Christian Church, Providence; Sunday school of the Methodist Episcopal Church, Mapleville; Free Baptist Church, Greenville; Rev. J. H. Roberts, Greenville; E. R. Bullock, Providence; Swedish Methodist Episcopal Church, Providence; Lime Rock Baptist Church, Lincoln; First Baptist Church, Lincoln; and Trinity Union Methodist Episcopal Church, Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. McKENZIE: Petition of Church of the Brethren of Ogle County, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. MOON: Petition of citizens of Dechers, Tenn., favoring national prohibition; to the Committee on Rules.

Also, petition of citizens of Benton, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Papers to accompany a bill for relief of George I. Fleming; to the Committee on Invalid Pensions.

By Mr. PLATT: Papers to accompany a bill for a pension to Charles L. Robinson; to the Committee on Pensions.

By Mr. POWERS: Papers to accompany bill to remove charge of desertion from the military record of James Hardin; to the Committee on Military Affairs.

By Mr. RAINEY: Petition of merchants of the twentieth congressional district of Illinois, favoring House bill 5308, taxing mail-order houses; to the Committee on Ways and Means.

By Mr. THACHER: Petition of citizens of Waltham, Mass., favoring national prohibition; to the Committee on Rules.

Also, petition of Woman's Christian Temperance Union of Osterville, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry churches and citizens in the thirtieth New York district, favoring national prohibition; to the Committee on Rules.

By Mr. WEAVER: Memorial of City Council of Shawnee, Okla., favoring the passage of the Hamill civil-service pension bill; to the Committee on Reform in the Civil Service.

Also, petition of W. G. Rigg and others, of Hinton, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petitions of Methodist Episcopal Church of Mechanicsburg, Vanlue, and churches of Urbana, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petition of citizens of Uxbridge, Blackstone, and Lodge No. 1, International Order of Good Templars, of Worcester, Mass., favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *December 17, 1914.*

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

Almighty God, we worship Thee. Thou art worthy to receive the adoration and praise of all men. When we live upon the low plane of life Thou dost seem afar off. When we behold Thy glory through the atmosphere of our own sinful hearts our vision fades into the light of common day. Give us a perception of Thy goodness and of Thy greatness that will appeal to every high motive and purpose of our lives, remembering that our lives lived in conformity to Thy will will reach the highest possible destiny. Every motive that Thou dost appeal to is an appeal to the strength and nobility of our own manhood. Guide us this day according to Thy will. For Christ's sake. Amen.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 94) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5849. An act to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 12750. An act relating to procedure in United States courts; and

H. R. 19076. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

NATION-WIDE PROHIBITION.

Mr. SHEPPARD. Mr. President, I wish to give notice that to-morrow, following the speech of the Senator from Washington [Mr. JONES], I shall address the Senate on the subject of nation-wide prohibition.

PETITIONS AND MEMORIALS.

Mr. NELSON presented memorials of sundry citizens of Minnesota remonstrating against the enactment of legislation to exclude anti-Catholic publications from the mails, which were referred to the Committee on Post Offices and Post Roads.