

## NEW JERSEY.

William Gerard to be postmaster at Rockaway, N. J., in place of Vancleve F. Mott. Incumbent's commission expired March 13, 1916.

## TENNESSEE.

Charles C. Berry to be postmaster at Dyer, Tenn., in place of James Rogers, jr. Incumbent's commission expires April 15, 1916.

John I. Cox to be postmaster at Bristol, Tenn., in place of Alvin J. Roller. Incumbent's commission expired June 15, 1915.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 28, 1916.*

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

*To be first lieutenants with rank from March 13, 1916.*

John McAllister.  
Fenwick Beekman.  
Thomas Alexander Kenyon.  
Frank David Smythe.  
Alfred Gibson Farmer.  
Treston Reed Ayars.  
William Johnston Cranston.  
Gardner Nathan Cobb.  
Morris Kellogg Smith.  
Charles Marion Aves.  
Ralph Griffiths Stillman.  
Gerald Peirce Lawrence.  
George Albert O'Connell.  
Milton Hickox Prosperi.  
Walter Ashby Frankland.  
Ralph Henry Kuhns.  
Harry Delphos Orr.  
James Patterson.  
William Eugene Kendall.  
George Warner Mosher.  
Maurice Lyon Puffer.  
John Christian Dallenbach.  
Irwin James Shepherd.  
Ralph Waldo Wakefield.  
Walter Benjamin Harvey.  
Henry Thorndyke Chickering.  
S. Mortimer Hill.  
Joseph Gardner Hopkins.  
John Allen Hawkins.  
Albert Rudolph Hatcher.  
Harry Vincent Paryzek.  
Richard Dexter.  
Herbert Vance Weihrach.  
Marion Arthur Blankenhorn.  
Chester Dale Christie.  
James Gerard Kramer.  
Dean Flewellyn Winn.  
Samuel Fosdick Jones.  
Burnley Lankford.  
Charles Franklin Hoover.  
Horace David Arnold.  
Alexander Swanson Begg.  
John Warren.  
Frank Percival Williams.  
Henry Lindsay Sanford.  
Thomas Pollock Shupe.  
Zabdid Boylston Adams.  
Elliot Gray Brackett.  
Benjamin Irving Harrison.  
Herbert Newton Greene.  
Allen Graham.  
Seward Erdman.  
Ferdinand Hartmann Dammasch.  
Lyman Foster Huffman.  
George Emerson Brewer.  
John Jacob Smith.  
Charles North Dowd.  
John Punnett Peters, jr.  
Samuel Bradbury.  
Arthur Shade Jones.  
Leroy Briggs Sherry.  
William Edgar Lower.  
Alan De Forest Smith.  
Harry Selby Purnell.  
Cecil Claire Lawhorn.  
Brainerd Hunt Whitbeck.

Harold Oliver Ruh.  
Harry Gordon Sloan.  
Howard Lester Taylor.  
John Patrick O'Neil.  
Walter Black Rogers.  
Richard Lloyd Cook.  
Charles Albert Bowers.  
John Guy Strohm.  
William Raymond Barney.

## PROMOTIONS IN THE ARMY.

## INFANTRY ARM.

Maj. Edward N. Jones, jr., to be lieutenant colonel.  
Capt. William C. Rogers to be major.  
First Lieut. Vernon W. Boller to be captain.  
Second Lieut. Charles E. Coates to be first lieutenant.  
Second Lieut. Robert H. Willis, jr., to be first lieutenant of Infantry.

## CAVALRY ARM.

Second Lieut. Ronald D. Johnson to be first lieutenant.

## POSTMASTERS.

## ARIZONA.

William J. Daze, Winslow.

## GEORGIA.

Sam M. Barnett, Chatsworth.  
Mary R. Blacker, Dodge.  
Annie C. McCord, Harlem.  
Lonnie E. Sweat, Blackshear.

## KENTUCKY.

Garland G. Lanum, Fordsville.

## NEW YORK.

Francis H. Alvord, Liverpool.  
Henry W. Bowes, Bath.  
Chauncey G. Brown, St. Johnsville.  
Roy Ferguson, Lake Placid Club.  
Robert J. Hutchinson, Depew.  
Howard V. Kenyon, North Creek.  
William H. Nolan, Little Falls.  
R. E. Purcell, jr., Philadelphia.  
L. N. S. Rockwell, Otisville.  
W. D. Schaffer, Newfane.  
Jesse H. Shepard, Sherburne.  
Charles Williamson, Glens Falls.

## TENNESSEE.

John I. Cox, Bristol.

## VIRGINIA.

Henry L. Munt, City Point.

## HOUSE OF REPRESENTATIVES.

*TUESDAY, March 28, 1916.*

The House met at 11 o'clock a. m.

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

Our Father in heaven, we thank Thee that the good men do lives after them, since all men cherish the good and abhor the evil in man; hence we pray that our lives may be worthy and full of good deeds. The name Judas Iscariot lives only as a synonym for hypocrisy, while the Cross has been glorified and made the synonym for heroism, divine love, and holy sacrifice. May we as individuals abhor evil and cleave to that which is good, that our deeds may live and our names be inscribed on the roll of honor, that we may swell the mighty chorus:

I live to hold communion  
With all that is divine;  
To feel there is a union  
Twixt nature's heart and mine;  
For wrong that needs resistance,  
For the cause that lacks assistance,  
For the dawning in the distance,  
And the good that I can do.

In the spirit of the Lord Christ. Amen.

## THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. ROGERS. Mr. Speaker, I understood the Journal to state that leave of absence was granted to the gentleman from Pennsylvania [Mr. MOORE]. It was granted to Mr. DARROW on the request of the gentleman from Pennsylvania [Mr. MOORE]. The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. MOORE of Pennsylvania. I thank the gentleman from Massachusetts.

The Journal was approved.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the urgent deficiency bill (H. R. 13043).

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls up the conference report on the urgent deficiency bill, which the Clerk will report.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. What is the inquiry?

Mr. MANN. While a conference report is a matter of high privilege, is it in order to take it up except by unanimous consent under the rule under which we are now operating?

Mr. FITZGERALD. I have read the rule, and I do not think it requires unanimous consent.

Mr. MANN. The rule says immediately upon the passage of the rule the House shall proceed with the consideration of the immigration bill.

Mr. FITZGERALD. A conference report is highly privileged, and a motion has to be made to go into the Committee of the Whole House on the state of the Union anyway under this rule.

Mr. MANN. No; the committee automatically goes in.

Mr. FITZGERALD. The rule does not provide that; I read it.

Mr. MANN. The Speaker has ruled and we have been doing it every time the committee has sat.

Mr. FITZGERALD. Nothing in the rule requires the House to automatically resolve itself into the Committee of the Whole House on the state of the Union.

Mr. MANN. But that is what we have been doing.

Mr. CANNON. A conference report can stop a motion to adjourn.

Mr. MANN. Not when you have a special rule.

The SPEAKER. The Chair thinks the conference report is in order under this rule. The Clerk will report it.

The conference report was read as follows:

CONFERENCE REPORT (NO. 442).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Omit the matter inserted and stricken out by said amendment; and the Senate agree to the same.

JOHN J. FITZGERALD,  
J. G. CANNON,

*Managers on the part of the House.*

THOMAS S. MARTIN,  
JOHN F. SHAFROTH,  
F. E. WARREN,

*Managers on the part of the Senate.*

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, submit the following detailed statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 1: Appropriates for miscellaneous expenses for the District of Columbia Supreme Court for the fiscal years 1911, 1914, and 1915, as proposed by the Senate.

Nos. 2, 3, 4, and 5, relating to the Bureau of Yards and Docks of the Navy Department: Appropriates \$52,000 for maintenance, as proposed by the Senate; and strikes out the appropriations of \$85,000 and \$45,000, respectively, for contingent

expenses and repairs and preservation at navy yards and stations.

No. 6: Appropriates \$10,000, as proposed by the Senate, for roads, bridges, trails, etc., in the Platt National Park, Okla.

Nos. 7 and 8, relating to the Department of Justice: Appropriates 55 cents for miscellaneous expenses for the fiscal year 1912 and \$6 for enforcement of antitrust laws for the fiscal year 1913, as proposed by the Senate.

No. 9: Appropriates \$1,500, as proposed by the Senate, for the salary of the commissioner in Glacier National Park for the fiscal year 1916.

No. 11: Strikes out the paragraphs inserted by the Senate and House of Representatives, authorizing the payment of salary to Ewing C. Bland for services as United States marshal for the western district of Missouri.

Nos. 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, relating to United States courts: Inserts all of the appropriations proposed by the Senate for ascertained deficiencies in appropriations for fiscal years prior to the fiscal year 1916.

JOHN J. FITZGERALD,  
J. G. CANNON,

*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, I notice that the conference report strikes out entirely the provision covering Senate amendment No. 11.

Mr. FITZGERALD. The so-called Bland provision?

Mr. MANN. Yes.

Mr. FITZGERALD. The Senate has insisted on this provision, and the House managers believe that Mr. Bland had served in good faith and ought to be paid, but it was thought perhaps preferable to let it go over until a future time.

Mr. MANN. The House believed the man ought to be paid a certain amount and the Senate believed he ought to be paid a smaller amount, and the conferees agreed that he should not be paid anything. Well, that looks like a very reasonable compromise.

Mr. FITZGERALD. Well, the result accomplished, I suppose, was satisfactory to some one.

Mr. MANN. But I wondered upon what theory that could be called a compromise in conference.

Mr. FITZGERALD. Well, it is on the theory this man had in good faith rendered services for which he was entitled to be paid, and those gentlemen who might be supposed to represent his views expressed the belief that if the United States did not wish to pay the compensation to which he was entitled he did not care to take a portion of it.

Mr. MANN. He prefers to take his chances with future Congresses?

Mr. FITZGERALD. To try to bring it up at a later time, when there will be a different atmosphere.

Mr. MANN. Of course the item itself was subject to the point of order when it went to the House, and the point of order would very likely be made the next time if he does not want the money.

Mr. FITZGERALD. That is a matter of argument.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

THE MILITARY ESTABLISHMENT.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider in the House as in the Committee of the Whole House on the state of the Union the bill (H. R. 13768) to supply urgent deficiencies for the Army, because of the situation on the Mexican border.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 13768) making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is there any reason why we should not go into the Committee of the Whole House on the state of the Union on the bill?

Mr. FITZGERALD. Except I thought perhaps we might save a little time. So far as I am aware nobody desires any considerable time to discuss anything that can not be said under the five-minute rule.

Mr. MANN. I do not desire to say anything, but it seems to me it is rather bad practice.

Mr. FITZGERALD. I think we can expedite it if we consider it in the House.

Mr. BURNETT. Is it a conference report?

Mr. FITZGERALD. No; it is a deficiency bill.

Mr. MANN. I do not object, but I do not like the precedent.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk proceeded with the reading of the bill.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this the first reading of the bill?

The SPEAKER. Yes; it is the first reading.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendment.

Mr. MANN. Mr. Speaker, I wish the gentleman from New York would make a very brief statement.

Mr. FITZGERALD. Mr. Speaker, a short time ago Congress passed a resolution authorizing the President to increase the Army to the war strength. Under that resolution 29,290 men would have been added to the various arms of the service. By an order, dated March 21, the President directed that certain organizations serving outside of the mainland of the United States should not be increased to the war strength. The result of the order is that the increase in the various branches of the service within the United States will increase the Army by 25,571 men. These increases are distributed as follows: Three thousand nine hundred and fifty-six for the Cavalry, 19,300 in the Infantry, 907 in the Field Artillery, 13,076 in the Signal Corps, 350 in the Ordnance Department, 1,300 in the Quartermaster Corps, 60 in the Engineers, and 302 in the Coast Artillery. Immediately upon the approval of the joint resolution recruiting was started. Directions to the United States forces on the border to proceed into Mexico for the purpose of apprehending Villa necessitated that certain equipment and outfit be acquired that was not then in the possession of the department. One hundred and twelve motor trucks for transportation purposes have been acquired and a number of horses and other equipment has been purchased.

As a result of the joint resolution increasing the various branches of the service, it is necessary to acquire 5,000 additional horses for the Cavalry, 1,050 for the Artillery, 450 riding horses for Infantry regiments, and 10 bell horses for pack trains. Six hundred thousand dollars is recommended for the Signal Corps. Five hundred thousand dollars of that sum to be available for the purchase of high-power aeroplanes and the necessary equipment to operate them. There are now with the Army on the border eight aeroplanes in serviceable condition.

Mr. GARNER. Will the gentleman yield just there?

Mr. FITZGERALD. Yes.

Mr. GARNER. What is the cost of a high-power aeroplane such as is contemplated to be purchased there?

Mr. FITZGERALD. Twelve thousand dollars, which figure includes spare parts. This appropriation is sufficient to acquire 24 aeroplanes, with the necessary motor trucks and other equipment. The organization is in squadrons, with 12 planes to a squadron. It is the purpose of the department at this time to acquire but 8 planes, with the necessary motor trucks and other necessary equipment. Due to the uncertainty, however, of the situation on the border, and anxious to be provided for any emergency, the department requests that the appropriation be made sufficient so that, if desirable or necessary, the additional planes and equipment may be obtained prior to the 1st of July. If no necessity arises for the acquisition of the aeroplanes prior to the 1st of July the money is to continue available during the next fiscal year and to be part of the appropriation for the service for the next fiscal year.

Mr. BENNET. Will my colleague yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. BENNET. The Aero Club of America has sent literature—I do not know how widespread, but I got some of it—in which they said we had only three or four low-power aeroplanes in Mexico, and that the reason—and I am not indorsing this now—and the reason we had no more aeroplanes was the very culpable neglect of Congress to make any appropriations. I

notice that in the Army bill last year we appropriated \$600,000 for the Signal Corps service. I want to ask my colleague what was the real fact in relation to the action of Congress in connection with aeroplanes?

Mr. FITZGERALD. The statement of Gen. Scriven is to the effect that there are eight serviceable machines on the border. However, the high altitudes in which the planes are operating there has made the operation somewhat more difficult. The general stated that they had 23 machines in all. He said, when before the Committee on Appropriations:

At San Diego there are 10 machines, but they are all training machines, and a training machine is not considered suitable for the work, for the reason that they are slower and heavier machines than scouting machines and land more slowly.

In the Philippines there are four machines that could be used. At Columbus, N. Mex., he said, there are eight machines, and, as far as I can make out from the reports of the papers, and so on, they are all accounted for, with the possible exception of one. Lieut. Gorrall was lost and ran out of gasoline and had to land; but reports in this morning's papers state that one machine that had a broken axle—by running into a bank in the dark—has been repaired, so that there is now only one machine that may be out of commission, or may not be, I do not know; at all events, eight machines are all we have there.

They are operating at an altitude of about 8,000 feet. It is desired to obtain some of the later type of the more highly powered machines. The American manufacturers in all their contracts with foreign Governments at this time have clauses which permit them to deliver to the Government of the United States in case of necessity, or in case they are called upon, machines being made under contract for foreign Governments.

It was stated that one of the difficulties with the machines in the United States is that we have not developed the motor to that degree of perfection that obtains in motors in other countries. It is stated that the machines that are being sent abroad by American manufacturers are used with the motor made in this country only in the training schools, but when the machines are sent to the front for use in actual service a foreign motor is substituted for the American motor.

A situation now exists where the Army is in the field, and the necessity for these planes is apparent; and the committee unanimously, with no division in it, recommended the sum stated to be necessary in order to provide adequately for the service.

Mr. BENNET. So far as my colleague is informed, I take it from his remarks that Congress has appropriated whatever sums for aeroplanes the War Department has asked for. Is that a correct statement?

Mr. FITZGERALD. I am not certain as to the appropriations. But I have the figures here. The estimate for 1916, the current year, was \$700,000. The appropriation is \$600,000. For 1915 the estimate was \$550,000, and the appropriation was \$500,000. For 1914 the estimate was \$375,000, and the appropriation \$375,000.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Congress has practically appropriated within \$150,000 all that was estimated during the past few years; that is, out of total estimates aggregating \$1,625,000 Congress has appropriated all the estimates except \$150,000.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. I think the gentleman is mistaken about having appropriated the estimate last year.

Mr. FITZGERALD. I am not mistaken, because I have taken the precaution to read the figures from the records.

Mr. BENNET. It is \$100,000 less.

Mr. GARDNER. I did not catch what the gentleman said.

Mr. FITZGERALD. I said that I have taken the precaution to read the figures from the records.

Mr. GARDNER. I understood the gentleman to say that Congress had appropriated the entire estimate.

Mr. FITZGERALD. I said the estimate was \$700,000 and the appropriation \$600,000 for the year 1916, but during the three years Congress had appropriated \$150,000 less than was estimated, and the total appropriation was \$1,475,000. I would say that that is practically the sum estimated by the department.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman answer a question?

Mr. FITZGERALD. I will try.

Mr. HAMILTON of Michigan. Will the machines we have ordered be equipped with the same high-powered motors as the machines we have been sending abroad have been equipped with?

Mr. FITZGERALD. The purpose is to purchase machines of the very latest and most highly developed type.

Mr. HAMILTON of Michigan. Do we have to order the foreign motor?

Mr. FITZGERALD. No. We will have to use American motors. We can not purchase foreign motors at this time.

Mr. HAMILTON of Michigan. I understood the gentleman to say we did not manufacture in this country motors of the same high power as the foreign-made motors.

Mr. FITZGERALD. I say that we do not manufacture as good a motor, but we have to get along with the best we can get. No foreign motor can be obtained at this time.

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

Mr. FITZGERALD. Yes.

Mr. BENNET. Just to permit me to call attention to the fact that this Congress is being criticized all over the United States because we have not 40 or 50 high-powered aeroplanes when the estimates show that if we had given the department every dollar that they asked for we could have had only eight more high-powered aeroplanes than we have. Throughout the country there is entirely too much criticism of Congress.

Mr. FITZGERALD. I am very well acquainted with a number of these estimable gentlemen in the Aero Club of America. Their fad is aeronautics. They seem to imagine that everybody in the United States should think only about aeroplanes. They favor the appropriation of more money for aeroplanes for various branches of the service than for any other possible thing. They are high-minded, honest, patriotic, intelligent faddists. They do good work, although they are, like most of the critics of Congress, extreme in their criticisms and lacking in information. [Laughter.]

Mr. BENNET. I notice that they had to admit that Congress appropriated money for 60 aviators, and the War Department was unable to find more than 15 aviators in the country, so that Congress appropriated more for aviators than could be used.

Mr. FITZGERALD. My recollection is that last year the War Department was able to obtain only 25 officers under the law to train as aviators.

Mr. BENNET. I think it was fewer than that. I think it was only 15.

Mr. FITZGERALD. I think I made a liberal statement.

Mr. BARNHART. Mr. Speaker, will the gentleman yield there?

Mr. FITZGERALD. Yes.

Mr. BARNHART. For three years, maybe four, Members of Congress have been getting at least weekly grists of letters, sent them from this Aero Club of America, and I understand that the newspapers, big and little, throughout the country are being exploited by this Aero Club. I would like to know whether the gentleman from New York has information as to whether the money to promulgate this great advertising scheme is furnished by manufacturers of aeroplanes, or whether it is furnished by these enthusiasts that he speaks of?

Mr. FITZGERALD. I believe these men are enthusiastic. It is their hobby, and they ride it.

Mr. BARNHART. Do they pay for it?

Mr. FITZGERALD. I believe they pay for it. They have a very fine establishment in New York. They are men of large means, and I think they pay for all that publicity themselves.

Mr. BARNHART. Are any of them engaged in manufacturing aeroplanes?

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield to the gentleman from Illinois.

Mr. BUCHANAN of Illinois. If what I get from some of the letters that I have received from the president of this Aero Club, referred to by the gentleman from Indiana [Mr. BARNHART], can be relied on, they are more interested in the construction of battleships than they are in the development or manufacture of aircraft. If my recollection serves me aright, too, it seems that Congress, as to the Navy Department at least, has appropriated more money than has been used by the department for the manufacture and development of aircraft.

Last Congress I offered an amendment to the appropriation bill to have the Government establish a plant to manufacture aeroplanes, where the aircraft—both the engines and otherwise—could perhaps have been developed, but my amendment was voted down. If such a plant was established, we would perhaps now be leading the European countries instead of depending upon them for engines, and so forth. In my judgment it is due largely to the heads of the department not being willing to prepare for the manufacture by the Government instead of depend-

ing on private manufacturers, who for the last year and a half have been more interested in the extortionate prices and large profits they are able to get from the belligerent nations than in the development of their machines. If my recollection serves me right, the public records will bear out that statement.

Mr. COX. Mr. Speaker, just one question. Will the gentleman from New York kindly inform the House about this, because it is rather a revelation to me that American manufacturers are not able to make as good an engine as is made abroad. What is the cause of that? Is the department able to give any reason for that?

Mr. FITZGERALD. I am unable to say, except that it frequently happens that in some of the foreign countries they develop and perfect things more quickly than we do, but I think that eventually the American manufacturer equals, if he does not excel, them.

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MADDEN. I think it is conceded by everybody everywhere that the American automobile engine is the best that there is in the world, and that we make as good an automobile here as they make any place in the world; and the same kind of an engine that runs an automobile will run an aeroplane.

Mr. FITZGERALD. No.

Mr. MADDEN. Yes.

Mr. FITZGERALD. They need lighter engines, and they have trouble with the ones made here.

Mr. MADDEN. We have the facilities to make the best machines in the world, and we make them, and there is no reason why we can not compete with any nation in the world, and we are doing it.

Mr. FITZGERALD. No; we are not doing it on aeroplane engines.

Mr. MADDEN. We are making a higher class automobile than any other country in the world.

Mr. FITZGERALD. I am not talking about automobiles.

Mr. MADDEN. And we are making a better class of engine than England or France or any other country. Our automobiles are of a higher type; they last longer; they do more work at less cost; they use less gasoline, with less friction. They will run farther without repairs, and the result of all that is that, instead of buying automobiles from abroad, as we used to do, we are selling automobiles all over the world, and it is recognized that the machines that are made here are superior to any machines that are made anywhere; and the same type of engine that is used in the automobile is the type of engine that must be used in the aeroplane.

Mr. BARNHART. Oh, no.

Mr. MADDEN. Yes.

Mr. HAMILTON of Michigan. Is the gentleman aware that the manufacturers of some very high-grade automobiles in this country are buying their engines abroad with which to equip their automobiles?

Mr. MADDEN. They may be doing that because they have not the facilities to make them.

Mr. HAMILTON of Michigan. No; it is because they get a better engine abroad, because they can not make as good an engine here.

Mr. MADDEN. We do make them.

Mr. HAMILTON of Michigan. No.

Mr. FITZGERALD. I will concede that the gentleman knows more about automobiles than I do.

Mr. Speaker, the other items in this bill are to provide for the pay of the men and for supplies of different characters required by the increase in the Army authorized by the joint resolution. I may say that the situation in the department at this time is a little unusual. Unexpectedly, because of very aggravating conditions, orders were issued to the troops on the border to enter Mexico for the purpose of apprehending Villa. I do not think there is any dissent in the country as to the propriety of that action. However much we may desire to avoid war, we do not propose that any bandit shall raid American territory, kill our citizens, and destroy our property without prompt and efficient action on our part to punish those who act in such manner. [Applause.] Haste was essential. Villa has been engaged in warfare for some time, and has been noted for the rapidity of his movements. Our expedition was organized as rapidly as possible. The department was compelled in some instances to issue orders for supplies, although there was no money available and although it contravened certain provisions of the Revised Statutes. The matter was mentioned to me informally, and I made the statement that under the conditions that existed, in my opinion Congress would be more likely to criticize the administration for failing to act because of the lack of funds than it would be to criticize the department for

doing everything necessary, regardless of authority to do so, relying upon the fact that, without any dissent whatever, Congress would approve the action of the administration and provide the funds necessary to pay for whatever equipment had been ordered. This bill is being urged at this time so that that situation may be relieved and that the funds may be available, that the department may do everything necessary to carry out the purposes of the expedition.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. GREEN of Iowa. As I understand the bill, there is no provision in it for the purchase of additional machine guns.

Mr. FITZGERALD. No.

Mr. GREEN of Iowa. There is no necessity for it.

Mr. FITZGERALD. There is no necessity for it, and they could not be had if there were. This bill is to provide for this emergency. The fortifications bill, which will be reported in the very near future, will, I think, satisfy everybody with the provision which it will make for matters of that character.

Mr. GREEN of Iowa. I mention it simply because in various newspapers throughout the country there has been a great deal of entirely unfounded criticism. As an illustration of this I will mention one editorial which I saw, criticizing the Army for using the Lewis machine gun—

Mr. FITZGERALD. Which they are not using at all.

Mr. GREEN of Iowa. They are not using at all; but this editorial criticized Congress for not supplying the Army with machine guns. I understand that we have appropriated something like \$150,000 a year for several years, which has not been used by the department for the purchase of machine guns.

Mr. FITZGERALD. I do not recall that; but the type of gun is always determined by the ordnance experts in the department and not by Members of Congress.

Mr. GREEN of Iowa. Certainly; but this article was criticizing Congress on the assumption that it had pursued a course just the opposite to what it has pursued. In fact, the department has not been using the money that has been appropriated for the purpose.

Mr. FITZGERALD. Despite the fact that there seems at times to be a somewhat widespread belief that Congress consists of the greatest aggregation of incompetent and unpatriotic citizens that could be gathered together from all the four corners of the United States, it manages somehow to blunder into doing what is pretty nearly the right thing most of the time.

Mr. SHERLEY. If the gentleman from New York will permit me, it is only proper to say that the criticism is not only undeserved but frequently undeserved touching the Army and the equipment and supplies of the Army. The reason why the moneys have not recently been expended touching machine guns has been explained repeatedly in hearings before various committees dealing with the matter; they were undertaking to get the very latest type of gun, and properly so. The Army has now sufficient machine guns, that are good guns, to take care of its needs as they exist to-day in Mexico, and are likely to exist in the near future.

Mr. MOORE of Pennsylvania rose.

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

Mr. MOORE of Pennsylvania. To interrogate the gentleman from New York.

The SPEAKER. Does the gentleman from New York yield?

Mr. FITZGERALD. I yield to be interrogated. [Laughter.]

Mr. MOORE of Pennsylvania. About 10 days ago the chairman of the Committee on Military Affairs brought in a resolution which was unanimously passed by the House, the purpose being to bring the Army up to its full strength. Is this urgent deficiency bill to put into effect the terms of that resolution?

Mr. FITZGERALD. It is the result of the joint resolution and the conditions on our border.

Mr. Speaker, the total amount carried by the bill is \$8,611,502.11, and that sum is based on the estimates for the additional 25,000 men for a period of three months, commencing on the 1st of April to the 30th of June.

Mr. CANNON. Mr. Speaker, I am a member of the subcommittee that reported this bill. It was reported to the House unanimously by the full committee. I do not desire to take much time. I indorse what the gentleman from New York [Mr. FITZGERALD] had said touching the items in the bill, and yet I want to make a very few remarks. I recognize that this is a time for action and not for criticism, and yet it is proper, I think, due to myself, due to the House, due to this Congress, to call attention to the fact that when history comes to be written, as it will be written and ought to be written, for the purpose not so much of criticism but for the guidance of future Con-

gresses touching proper appropriations for the Navy and for the Army for the national defense.

In my time I have seen many Presidents and many Congresses elected, and am old enough to recollect back as far as 1844 that one party put into its platform a plank for the annexation of Texas, and in the very next line a paragraph declaring that our northern border should be "Fifty-four forty or fight," which is now the northern boundary between British Columbia and Alaska. Polk was elected President upon that platform.

Texas was annexed. And yet during the very progress of that campaign the Secretary of State, Calhoun, was negotiating with Great Britain for the establishment of a boundary at 49 degrees north latitude between the United States and British Columbia. We owned up to the Alaskan boundary by discovery, and that treaty was consummated under Polk's administration and was ratified in the Senate after a great fight, opposed by Douglas, who was a Member of the House, and by Hannegan and many other Democratic Senators in the Senate, as is recorded by Benton in his Thirty Years in the United States Senate.

We lost British Columbia, and it has been to our sorrow since that time. You may say that this is ancient history, but the results show what party platforms amount to and what the action of Congress from time to time amounts to. The results are with us now, and will be with us always.

While I indorse these appropriations, I am not here to indorse the action which makes the appropriations, so far as the condition on the Mexican border and in Mexico are concerned, absolutely necessary as to the production of these conditions which render the appropriations necessary. The historian will write in the future whatever may be the result on the border or in Mexico.

At the beginning of the Mexican War, which resulted in the annexation of Texas, all parties, while they had much language before the war began—all parties, including Lincoln, who was at that time in the Congress—solidly, unanimously, and most amply provided in a hurry for the support of the Army and the Navy, as this House is solidly providing for this appropriation and others that are necessary not only in Mexico but for the national defense. [Applause.]

The SPEAKER. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916, namely:

Mr. LONDON. Mr. Speaker, I move to strike out the last word. Two weeks ago, when the resolution authorizing the President to increase the Army to its full war strength for the purposes of the expedition into Mexico came up, I found myself in the uncomfortable position of voting against the entire House on the resolution. It was with a deep sense of responsibility and with an intense feeling of sadness that I did vote alone, against the entire House, on the Mexican question. I believe, however, that I was right and that you were wrong. The President now realizes that in the blundering treatment of Mexico no more serious blunder has been committed than this so-called punitive expedition.

The present conflagration in Europe started with a punitive expedition by Austria-Hungary against helpless Serbia. Look at the history of colonial expansion in the last half century and you will find that one-half of the wars were preceded by punitive expeditions.

Mr. RAGSDALE. Will the gentleman yield?

Mr. LONDON. I will yield if my time is extended.

Mr. BURNETT. I shall object to that.

The SPEAKER. The gentleman from New York declines to yield.

Mr. LONDON. You can not chase a bandit with an army of 50,000 men, just as you can not use a locomotive to chase a bird. The entire proposition is an indefensible one. Within a week or two weeks you will find your Army deep in the territory of Mexico and you will find the Mexican people rallying around that bandit as a patriot. Every day this invasion continues you are increasing the strength of the bandit Villa or of some similar bandit. Only yesterday the President was compelled to appeal to the press to stop inflaming passions, to stop the spreading of misleading news. I fear that in spite of the pacific and honorable intentions of the President he will be forced by a dishonest press, by a press dictated by most unclean motives of its owners, to maintain a large army in Mexico and to spread out the area of invasion. Then you will find yourselves at war, not with a bandit but with the Mexican people. That is why I voted against the resolution, and if I had more time now I hope I could convince a good many of you

that this punitive expedition into Mexico is one of the most serious blunders in the President's career and one of the most serious blunders on the part of this Congress. What I would do is this: I would have the National Guard, I would have the Regular troops, I would have a citizen army protect every inch of the border of the United States; I would vote an appropriation of hundreds of millions of dollars to protect every inch of the border of the United States, but I would not permit a single soldier to invade or enter the territory of another people, because that means laying the foundation for a long war, and war is a calamity.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Speaker, continuing my argument against the "punitive" expedition into Mexico, and under leave to extend my remarks, I respectfully submit that the danger of invading the territory of a friendly nation is hardly appreciated by the great masses of the people.

It is scarcely believable that this satanic performance of Villa was a mere accident. The truth will be known some day, and the world will learn that the bandit, Villa, was the mere tool of interests which sought to embroil the United States in a war with Mexico.

That there are powerful interests whom nothing would suit better than the annexation of Mexican territory can not be successfully contradicted.

The President is evidently alarmed over the situation. May I quote from his appeal to the press the significant words:

The object of this traffic in falsehood is obvious. It is to create intolerable friction between the Government of the United States and the de facto government of Mexico for the purpose of bringing about intervention in the interest of certain American owners of Mexican properties.

When we compare the total wealth of Mexico with the proportion of that wealth held by American capitalists we will understand the reason for the President's alarm.

In Consular Report No. 168, prepared by Consul Letcher at Chihuahua, and published July 18, 1912, the total valuation of wealth within the borders of Mexico is placed at \$2,434,241,422, of which Americans owned \$1,057,770,000, or 43 per cent, while Mexicans owned only \$792,187,242, or 32½ per cent of the total. The remainder of the wealth of Mexico was held by British, French, German, and other foreign capitalists. Consul Letcher explained that he secured these statistics from Mexican Federal and State reports and from other sources equally trustworthy.

This report shows, among other things, the following items of comparison between American and Mexican ownership in Mexico:

Class of property.	Holdings.		Per cent American.
	American.	Mexican.	
Railway stocks.....	\$235,464,000	\$125,440,000	53
Railway bonds.....	408,926,000	12,275,000	72
Mines.....	223,000,000	7,500,000	77
Smelters.....	26,500,000	7,200,000	72
National bonds.....	52,000,000	21,000,000	26
Oil business.....	15,000,000	650,000	58
Rubber industry.....	15,000,000	4,500,000	68

The most notable items of Mexican property held chiefly by the Mexicans are houses, ranches, live stock, bank deposits, and retail stores—none of which would naturally be acquired by foreign capitalists in preference to railroads or mines.

All of the chief industrial, financial, and manufacturing enterprises are owned or controlled by foreign capitalists. The Mexican people have been dominated by the worst form of a foreign aristocracy—the aristocracy of foreign capital, and in this cash aristocracy American capitalism has a larger representation than all other foreign capitalists combined. What the pacification of Mexico will mean to American capital can also be gathered from the statistics of imports from and exports to Mexico.

From or to—	Imports from Mexico.		Exports to Mexico.	
	1912-13	1913-14 (9 months).	1912-13	1913-14 (9 months).
United States.....	Pounds. 9,728,755	Pounds. 6,106,928	Pounds. 23,203,570	Pounds. 13,901,557
Great Britain.....	2,590,009	1,579,761	3,114,710	2,131,478
France.....	1,833,795	1,089,401	715,101	747,094
Germany.....	2,522,076	1,738,768	1,643,801	966,031
Spain.....	1,053,064	437,171	218,282	205,426
Belgium.....	280,343	218,196	515,124	143,776

The administration is unwittingly playing into the hands of the annexationists.

With American troops on Mexican territory, the de facto government of Mexico is placed in an impossible position. If it yields and does not resist the march of American troops, it will bring upon itself the charge of betraying its own people. If it resists, we will find ourselves at war with Mexico without a formal declaration of war. In any event, we run the risk of strengthening the hand of Villa.

Our losses have so far been insignificant. Should there be a serious loss of life, should some of our soldiers be ambushed, should some outrage be perpetrated upon the wounded, the aroused indignation of the people of America and the instinctive passion for revenge which is still strong in men's hearts will compel a continuance of the war and the overrunning of Mexico. Thus an expedition which had for its origin a police measure for the capture and apprehension of a bandit will expand into a war with a friendly nation. The more sacrifice is made in the hunt after the elusive Villa, the more deeply into Mexican territory he will lure the pursuing American Army, the wider area which will be occupied by the invading force of the United States, the greater will become the pressure that the Army remain in Mexico until that unfortunate land is completely pacified, the more insistent will become the demand that the occupied territory be retained under control of American arms, and the stronger will be the appeal for the annexation of Mexican territory.

Sweden, Norway, Holland, and Switzerland have, during the last 20 months, taxed themselves to the utmost to defend their borders against attack and to prevent the violation of their territory.

As I said before, I would cheerfully vote any appropriation which may be necessary to defend the frontier of the United States.

There is a small group of workers who argue that because the working class is oppressed the worker has no home to defend. It is true that the working class occupies the mere subcellar of the structure of society, but it is entirely due to ignorance, inertia, indifference, and lack of understanding on the part of the working people themselves. It would be just as foolish for the working people of Holland to say that they will refuse to build the dikes which protect Holland from the invasion of the ocean, because when free from the danger the capitalists will take advantage of the worker, as it would be for the working class in America to say that, because the capitalistic interests largely control the life of the country, the worker has no home to defend.

The stoker on a luxurious ocean liner, covered with sweat and grime, deep in the hold of the ship, underpaid and despised, the last one to escape danger, is as surely interested in the welfare of that ship as the "bloated capitalist" in the first cabin. They are both passengers on the same ship.

Knowing all this, I draw a sharp line of demarcation between a war of defense and a war of aggression. We must defend against attack. No sacrifice can be too great for that. We must not permit ourselves to be the aggressors. We must sternly oppose any policy that may lead to war.

I protest against the invasion of Mexican territory. It is not too late to withdraw to the border. My vote against the emergency appropriation is a vote of warning and of protest.

Mr. AUSTIN. Mr. Speaker, I move to strike out the last word. I desire to ask the chairman of the Committee on Appropriations for some information. I was called out of the Chamber when he made his statement. Is the amount carried in this emergency bill to meet the military necessity of the Mexican situation?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. The eight million dollars. Will the gentleman tell the House how much money we expended in connection with sending the Army and Navy to Vera Cruz, Mexico?

Mr. FITZGERALD. I do not know.

Mr. AUSTIN. Is not that information in the possession of the Committee on Appropriations?

Mr. FITZGERALD. It is not. I never inquired.

Mr. AUSTIN. Have we made an appropriation covering it?

Mr. FITZGERALD. No.

Mr. AUSTIN. Has an estimate been submitted to the committee?

Mr. FITZGERALD. There may have been some items included in deficiency bills in previous sessions of Congress, but I do not recall them now.

Mr. AUSTIN. Mr. Speaker, I withdraw the pro forma amendment.

The Clerk read as follows:

MILITARY ESTABLISHMENT.  
OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, including the same objects specified under this head in the Army appropriation act for the fiscal year 1916, and for radio installations, motor cycles and motor-driven vehicles used for technical purposes, \$600,000, to remain available during the fiscal year 1917: *Provided, however,* That not more than \$500,000 of the foregoing appropriation shall be used for the purchase, maintenance, operation, and repair of airships and other aerial machines and accessories in the aviation section; and for the purchase, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles, which may be necessary for the aviation section.

Mr. MANN. Mr. Speaker, I move to strike out the last word. Reference has been made to the number of aeroplanes now in the War Department. I do not know what the number is. I notice by the morning papers a statement that of the aeroplanes on the Mexican border all but two are out of commission, that only two are available. It seems to me that this ought to bring home to us the fact that while we may sit and dream about everything being in perfect shape for national defense, yet after all, we really learn by experience here and in the Army. I am not making any criticism of the Army. They are learning now by actual experience what they need to know. This country will only learn by actual experience, and the little trouble down on the border ought to make us appreciate the fact that we can only learn by experience; that the Army itself only learns by experience; and that while we nominally have eight aeroplanes there and possibly ought to have eighty, according to the newspapers we have but two. We are not in very good communication with what troops we have in Mexico.

Reference has been made to the Aero Club of America. Goodness knows, I am under no obligation to them. I think possibly they have more severely criticized me than any other Member of the House, but perhaps that is only because they send me copies of their criticisms and letters, and so forth. They are doing a good work in trying to make us appreciate the fact that under modern war conditions aeroplanes are absolutely essential. On the Mexican border we ought to be in almost hourly communication with the troops that we have by aeroplanes. We ought to have had aeroplanes enough there to have located the man we are seeking. No one knows where he is. The only way we can find him will be when we construct aeroplanes enough to locate him, and probably by that time he will have hidden himself in a hole, where no aeroplane operator can see him.

Mr. Speaker, while I am on my feet I desire to announce that I am going to ask, if no one else does, for a roll call on this bill, in the hope that it will demonstrate that the American Congress when money is needed to protect our border or to take care of our troops will always provide it without a dissenting voice. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois has referred to statements in the press to the effect that there are but two serviceable aeroplanes on the border. Gen. Scriven is the head of the Signal Corps. He appeared before the Committee on Appropriations on Saturday morning and stated at that time that there were eight serviceable machines at Columbus, N. Mex.

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

Mr. FITZGERALD. I simply wish the facts to be known, so that no one will be misled by inaccurate newspaper statements.

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

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Speaker, did not Gen. Scriven state to the committee that his statement was based on newspaper reports; that is, his statement as to whether these machines are in order?

Mr. FITZGERALD. No; his statement was that, as to reported accidents, he had seen an account in the morning newspapers of a machine having broken down.

Mr. MANN. And he stated that from the press report. The press reports this morning are to the effect that all of the machines, except two, have had accidents happen to them.

Mr. FITZGERALD. I do not place entire confidence in reports about the conditions relating to troops on the border for publication, on account of the difficulty of getting accurate information.

Mr. MANN. I do not say that at all in the way of criticism.

Mr. FITZGERALD. I understand; but I do not wish to be misunderstood about the situation.

Mr. MANN. But the fact is they are not enough; everybody knows that.

Mr. FITZGERALD. They are asking this money to get more, and we are trying to accommodate them. I withdraw the pro forma amendment.

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last two words. In the last Congress—in fact, ever

since I have been a Member of Congress—I have tried to exercise my influence to secure the development and construction of aircraft and submarines. One reason perhaps was, I believe that when they are fully developed the battleships will be proven to the satisfaction of everybody to be obsolete and inoperative, and the money that is being put into them, in my judgment, is a waste of the people's money. As I stated before, I have asked, by way of offering amendments, to have the Government manufacture, or the establishment of a plant to manufacture, aircraft, for the reason I wanted the Government to have the benefit of the efficiency of our Army and Navy engineers, who I think are the best in the world, in the development of engines and the improvement of our submarines, instead of being in the rear of European countries. If this plan had been adopted, in my opinion we would now be in the lead in regard to the development and manufacture of aircraft; and it seems to me now, after the experience we have had that our Army and Navy officials have been unable to secure the manufacture by private yards, that Congress should lose no time in authorizing a plant to be established for the purpose of developing and the manufacture of aircraft. Not only, in my opinion, would we get more efficient machines, but while the Army and Navy officials were manufacturing or looking after the manufacture of aircraft, they would also obtain an experience that would be advantageous to them in the operation of these machines, and perhaps we would have more efficient operators of aircraft; and I will at the opportune time—

Mr. GORDON. Will the gentleman yield?

Mr. BUCHANAN of Illinois. Again strive to secure the establishment of a Government plant for this purpose. I yield to the gentleman.

Mr. GORDON. What would the gentleman do if all of these machines and all the different parts and appliances were covered by patent, as I understand is the case? How would the Government get control of those?

Mr. BUCHANAN of Illinois. The Government can secure these patents as easily as any private manufacturer, in my judgment, if we will exercise our influence and prerogatives. It is only a matter of earnest effort on the part of our Government officials in striving to secure the best that they can for the Government for this purpose. That is my opinion, and while gentlemen may be wiser in regard to those matters than I am, my opinion leads me to believe the Government can do those things. Perhaps they may have to purchase patents, and so forth, and then if we will utilize the efficiency of the Army and Navy engineers, in my opinion, they will develop those patents that will probably be an improvement upon anything that we have at the present time.

Mr. BAILEY. Will the gentleman yield?

Mr. BUCHANAN of Illinois. I will.

Mr. BAILEY. I would like to ask if the aeroplane we have to-day is less efficient than that used in the European war, either by the Germans, French, or British?

Mr. BUCHANAN of Illinois. Well, I can not answer that question; I will say to my friend that I am informed that American manufacturers are manufacturing aircraft for the European belligerent nations, which is evidence that they are to some degree at least satisfactory to those countries.

The SPEAKER. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection:

The Clerk resumed and concluded the reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 374, nays 1, not voting 59, as follows:

YEAS—374.

Abercrombie	Barnhart	Buchanan, Ill.	Capstick
Adamson	Beakes	Buchanan, Tex.	Caraway
Aiken	Beales	Burgess	Carew
Allen	Beli	Burke	Carlin
Almon	Bennet	Burnett	Carter, Mass.
Anderson	Blackmon	Butler	Carter, Okla.
Anthony	Booher	Byrnes, S. C.	Casey
Ashbrook	Borland	Byrns, Tenn.	Charles
Aswell	Britt	Caldwell	Chipfield
Austin	Britten	Callaway	Church
Ayres	Browne	Campbell	Cline
Bacharach	Browning	Candler, Miss.	Coady
Bailey	Bruckner	Cannon	Coleman
Barkley	Brumbaugh	Cantrill	Collier

Connelly	Gray, Ind.	Lobeck	Saunders
Conry	Gray, N. J.	Loft	Schall
Cooper, Ohio	Green, Iowa	Longworth	Scott, Mich.
Cooper, W. Va.	Greene, Mass.	McAndrews	Sells
Cooper, Wis.	Greene, Vt.	McClintic	Shackelford
Copley	Griffin	McCracken	Shallenberger
Costello	Hadley	McCulloch	Shelley
Cox	Hamill	McDermott	Sherwood
Crago	Hamilton, Mich.	McKellar	Shouse
Cramton	Hamilton, N. Y.	McKenzie	Siegel
Crisp	Hamlin	McKinley	Sims
Crosser	Hardy	McLaughlin	Sinnott
Cullop	Harrison	McLemore	Sisson
Curry	Haskell	Madden	Slayden
Dale, N. Y.	Hastings	Magee	Sloan
Dale, Vt.	Haugen	Maher	Small
Dallinger	Hawley	Mann	Smith, Idaho
Danforth	Hay	Mapes	Smith, Mich.
Davenport	Hayden	Martin	Smith, Minn.
Davis, Minn.	Hayes	Matthews	Smith, N. Y.
Davis, Tex.	Heaton	Mays	Smith, Tex.
Decker	Heflin	Miller, Del.	Snell
Dempsey	Helgesen	Miller, Minn.	Sparkman
Denison	Helm	Miller, Pa.	Stafford
Dent	Helvering	Mondell	Steagall
Dickinson	Hensley	Montague	Stedman
Dies	Hernandez	Moon	Steele, Iowa
Dill	Hicks	Mooney	Steele, Pa.
Dillon	Hill	Moore, Pa.	Steenerson
Dixon	Hinds	Morgan, Okla.	Stephens, Cal.
Doelling	Holland	Morin	Stephens, Miss.
Doolittle	Hollingsworth	Moss, W. Va.	Stephens, Nebr.
Doremus	Hood	Murray	Stephens, Tex.
Doughton	Hopwood	Neely	Sterling
Dowell	Houston	Nelson	Stout
Driscoll	Howard	Nichols, S. C.	Sulloway
Drukker	Howell	Nolan	Sumners
Dunn	Huddleston	North	Sweet
Dupré	Hughes	Norton	Swift
Dyer	Hulbert	Oakey	Switzer
Edmonds	Hull, Iowa	Oglesby	Taggart
Ellsworth	Hull, Tenn.	Oliver	Tague
Elston	Humphrey, Wash.	Olney	Talbott
Emerson	Humphreys, Miss.	O'Shaunessy	Tavener
Esch	Hutchinson	Padgett	Taylor, Ark.
Estopinal	Igoe	Page, N. C.	Taylor, Colo.
Evans	Jacoway	Park	Temple
Fairchild	James	Parker, N. J.	Thomas
Farley	Johnson, Ky.	Parker, N. Y.	Thompson
Farr	Johnson, S. Dak.	Patten	Tillman
Ferris	Johnson, Wash.	Peters	Timberlake
Fess	Kahn	Pheian	Tinkham
Fields	Kearns	Porter	Towner
Finley	Keating	Powers	Treadway
Fitzgerald	Keister	Pratt	Tribble
Flood	Kelley	Price	Van Dyke
Flynn	Kennedy, R. I.	Quin	Vare
Fordney	Kent	Ragsdale	Venable
Foss	Kettner	Rainey	Vinson
Foster	Key, Ohio	Raker	Volstead
Frear	Kless, Pa.	Ramseyer	Walsh
Freeman	Kincheloe	Randall	Ward
Füller	King	Rauch	Wason
Gallagher	Kinkaid	Rayburn	Watson, Pa.
Gallivan	Kitchin	Reavis	Watson, Va.
Gandy	Konop	Relly	Webb
Gard	Lafan	Ricketts	Whaley
Gardner	La Follette	Riordan	Wheeler
Garner	Lazaro	Roberts, Mass.	Williams, Ohio
Garrett	Lee	Rogers	Williams, T. S.
Gillett	Lehibach	Rouse	Wilson, Fla.
Glass	Lenroot	Rowe	Wilson, Ill.
Glynn	Leshner	Rowland	Wilson, La.
Godwin, N. C.	Lever	Ruby	Winslow
Good	Lieb	Rucker	Wise
Goodwin, Ark.	Lindbergh	Russell, Mo.	Woods, Iowa
Gordon	Linthicum	Russell, Ohio	Young, N. Dak.
Gould	Littlepage	Sabath	The Speaker.
Graham	Lloyd	Sanford	
Gray, Ala.			

The Clerk announced the following pair:  
 Mr. GUERNSEY with Mr. MCGILLICUDDY.  
 The result of the vote was announced as above recorded.  
 On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. GARRETT, by unanimous consent, was granted leave of absence, indefinitely, on account of illness of mother.  
 The SPEAKER laid before the House the following communication:

PATTERSON, GA., March 28, 1916.

MY DEAR MR. SPEAKER: On account of the failing health of my father, I am compelled to ask an extension of my leave for another week.  
 Very sincerely, yours,  
 J. R. WALKER.

Hon. CHAMP CLARK,  
 Speaker House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?  
 There was no objection.

CHANGE OF REFERENCE.

By unanimous consent, on the request of Mr. GREENE of Vermont, change of reference was made of the bill S. 1425 from the Committee on Military Affairs to the Committee on War Claims.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.  
 The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FITZGERALD. On what?  
 Mr. CRAMTON. On the general subject of national defense.  
 The SPEAKER. Is there objection? [After a pause.] The Chair hears none.  
 The House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

IMMIGRATION.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States, with Mr. SAUNDERS in the chair.

Mr. BENNET. Mr. Chairman, I move to amend page 14, line 12, by inserting in front of the word "published" the word "or" and by striking out after the word "published" the words "or distributed."

Mr. SABATH. To what page does the gentleman refer?  
 Mr. BENNET. Page 14, line 12.  
 The CHAIRMAN. The Clerk will report the amendment from the desk.

The Clerk read as follows:  
 Page 14, line 12, after the word "printed," insert the word "or," and after the word "published" strike out the words "or distributed," so that the lines as amended will read:  
 SEC. 6. That it shall be unlawful and be deemed a violation of section 5 of this act to induce, assist, encourage, or solicit or attempt to induce, assist, encourage, or solicit any alien to come into the United States by promise of employment through advertisements printed or published in any foreign country, whether such promise is true or false, and either the civil or criminal penalty or both imposed by said section shall be applicable to such a case.

Mr. BENNET. Mr. Chairman, late yesterday afternoon, just before the committee rose, I called the attention of the committee to the situation to which this amendment is directed. I agree with the Committee on Immigration in relation to publications in a foreign country. I can see the merit of that. But we have a border reaching from Detroit to the Pacific Ocean where our country adjoins Canada. Canada is just as much a foreign country as any other country; and, under this bill, if a merchant in Detroit, or a factory in Detroit or at any other place, like Niagara Falls, for example, prints an advertisement, published in America, circulated largely in America, asking for help of any kind, and that paper goes across the Canadian border, as our papers do, and any person in Canada—man or woman—reads that advertisement, and comes into the United States in consequence of that advertisement, and goes to that factory without disclosing the fact that he or she comes because of that advertisement, and is employed, the man who employs that person is subject to the penalties of section 5, which are both civil and criminal, the civil penalty being \$1,000 fine per person.  
 I do not think it was the intention of the committee—and it ought not to be the act of Congress—to punish a man who publishes in the United States, for circulation in the United States, an advertisement in an American paper, when it accidentally falls into the hands of a Canadian, who takes advan-

NAYS—1.

London

NOT VOTING—59.

Adair	Griest	Meeker	Scully
Alexander	Guernsey	Moore, Ind.	Sears
Barchfeld	Hart	Morgan, La.	Slemp
Black	Henry	Morrison	Snyder
Cary	Hillard	Moss, Ind.	Stines
Chandler, N. Y.	Jones	Mott	Stone
Clark, Fla.	Kennedy, Iowa	Mudd	Sutherland
Darrow	Kreider	Nichols, Mich.	Tilson
Dewalt	Langley	Oldfield	Walker
Egan	Lewis	Overmyer	Watkins
Eagle	Liebel	Paige, Mass.	Williams, W. E.
Edwards	Loud	Pou	Wingo
Focht	McArthur	Roberts, Nev.	Wood, Ind.
Garland	McFadden	Rodenberg	Young, Tex.
Gregg	McGillicuddy	Scott, Pa.	

So the bill was passed.  
 Mr. FOCHT. Mr. Speaker, I was a second late on the call, but I would have voted "yea" had I been present.  
 Mr. EAGLE. Mr. Speaker, I was not in the Hall when the roll was being called, but I was on the way. Had I been present, I would have voted "yea."  
 The SPEAKER. The Clerk will call my name.  
 The name of Mr. CLARK of Missouri was called, and he voted "yea."

tage of the advertisement and comes to this country, only across the border.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. BENNET. Yes.

Mr. McLAUGHLIN. Does not the gentleman think it wise and proper, as to an advertisement addressed to anybody who may read it, giving notice of the fact that employment is open or help is needed, that a distinction should be made between that kind of an advertisement and a special communication sent to an individual, soliciting or offering employment? One might be entirely harmless and proper, and the other might be wrong.

Mr. BENNET. The gentleman asks, Do I not think it would be wise? Wise on the part of whom?

Mr. McLAUGHLIN. Wise on the part of the law to distinguish between the two cases.

Mr. BENNET. I think there would be danger of weakening the law if we tried to do it. I see point in what the gentleman has in mind, but, while on my feet in this way, I do not know that I could phrase an amendment that would cover the point. But I do say that if the committee strikes out these words "or distribute" we will protect an American who advertises in an American newspaper.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from California?

Mr. BENNET. Yes.

Mr. HAYES. The gentleman would not claim, I think, that in the case he puts a man could be prosecuted criminally because of such publication or distribution, because it is the intent that is the controlling factor.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. Why, Mr. Chairman, as we go along further in this bill instances will be brought to the attention of the committee where the committee has attempted, at least, to eliminate the whole question of intent out of an American prosecution. The gentleman from California [Mr. HAYES] asks me whether it can be done. It is done in the State of New York in one instance. I will give the gentleman an instance—where a man is found with empty bottles in his possession, and the law presumes the attempt to appropriate them in violation of the branding act.

Mr. HAYES. The gentleman should understand that if the statute makes that presumption, that is not the usual presumption of law. There must be a criminal intent before you can prosecute a man for a felony or other crime.

Mr. BENNET. I will say to the gentleman frankly that what I think would happen to a man under this would be that he would be sued for a thousand dollars and he would have no defense.

Mr. HAYES. The gentleman must recognize the fact that this fine is imposed by immigration officials, and I am sure he would not claim in a case of that kind, where it was clearly not the intention of having an advertisement of that kind distributed in Canada for the purpose of inducing immigration, that the officials of the United States would prosecute a man under those circumstances.

Mr. BENNET. All I can say is that it has been done.

Mr. HAYES. Then the man under whom it was done should have been removed from office.

Mr. BENNET. I remember the old story of the man who was confined in jail and who sent for his lawyer, and his lawyer said to him, "You can not be put in jail for that," and the man said, "Yes; but I am here." The gentleman from Nebraska [Mr. LOBECK] told me yesterday of a case in Omaha almost on all fours, where the advertisement, as I recall it, was circulated in an Omaha newspaper and read in Canada, and a woman came into the United States from Canada because of that advertisement in an Omaha newspaper, and the man who put the advertisement in that American newspaper was sued.

I think that is all wrong. But I am not standing up here and saying that the department ought not to execute the law. It is a pretty hard law when the only defense you can put up is that the department could not enforce it. Unless this is stricken out the department will have cases of that kind.

Mr. HAYES. But the publisher had no part in its distribution?

Mr. BENNET. No.

Mr. HAYES. How in the world could he be liable for something that he had not done? I think the gentleman is building mountains out of nothing here. I can not understand it.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BURNETT. Mr. Chairman, the contention of the gentleman from New York is so absurd that I move that all debate be now closed.

Mr. BENNET. The gentleman has the right to do that, but it is not absurd.

Mr. BURNETT. Mr. Chairman, I renew my motion that the debate be now closed.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the section.

Mr. BURNETT. I make a point of order that that is not in order.

The CHAIRMAN. The gentleman from Alabama has moved to close the debate. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BURNETT. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 82, noes 34.

Mr. BENNET. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. BURNETT and Mr. BENNET.

The committee again divided; and the tellers reported—ayes 114, noes 34.

Accordingly the motion to close debate was agreed to.

The CHAIRMAN. Debate is closed, and the question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. BENNET. May we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNET: Page 14, line 12, after the word "printed," insert the word "or," and after the word "published" strike out the words "or distributed."

The amendment was rejected.

The Clerk read as follows:

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examiner at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read, or who are Hindus, or who can not become eligible, under existing law, to become a citizen of the United States by naturalization, as provided in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, or while the fine remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine.

Mr. BURNETT. Mr. Chairman, a committee amendment.

The CHAIRMAN. There is a committee amendment in the section, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 18, line 16, insert the word "of" at the beginning of the line.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The Clerk read as follows:

Amendment offered by Mr. BURNETT: Page 19, line 20, strike out the period and insert a colon and add "Provided, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisions or exceptions to section 3 hereof exempted from the excluding provisions of said section."

The CHAIRMAN. Does the gentleman from Alabama desire recognition on this amendment?

Mr. BURNETT. I do not care to discuss it. I think its purpose is obvious. Some members of the committee expressed a doubt as to whether aliens who are fleeing from religious persecution would be permitted by the steamship companies to take passage on their vessels, even if they were admissible to this country. The committee were of the opinion that if they were admissible aliens there could not be any such thing as a penalty on the steamship company, but in order to leave no doubt about that matter the gentleman from New York [Mr. SIEGEL] offered an amendment, which the committee accepted, and this is that amendment. It is offered in order that there may be no doubt about it.

Mr. BENNET. Mr. Chairman, when the committee proposes a good amendment, I suppose a Member will be permitted to rise and say that it is a good amendment, despite the vote of a moment ago.

This is a good amendment. It does not go far enough, and after the amendment is adopted, as I assume it will be, as it ought to be, I propose to follow it up with a perfecting amendment which, it seems to me, is absolutely necessary.

In these five minutes I also want to say one other thing. The controversial points of this bill were the literacy test, the head tax—to which a considerable number of Members were opposed—and the Japanese section, in opposition to which I stood nearly alone. Those parts of the bill have been passed; but for six years I was on the Committee on Immigration, and for nearly three years on the Immigration Commission, and I do know something about the immigration laws, and I do not think this Congress has yet got to the point where a man ought to be criticized for rising to propose a perfecting amendment. The House has a right to vote it down if Members do not agree with it; but so long as an amendment is in the line of what a Member on his responsibility thinks is a perfecting amendment, he ought to be treated with courtesy and consideration, and his amendment ought not to be called ridiculous.

Mr. GARDNER. Mr. Chairman, the gentleman has a perfecting amendment that he wishes to offer?

Mr. BENNET. To the section.

Mr. GARDNER. Not to the amendment?

Mr. BENNET. Oh, no.

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

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I have an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 18, line 24, strike out the words "because unable to read or."

Mr. BENNET. Mr. Chairman, I wish to congratulate the Committee on Immigration on the broadening of the literacy test. I want to congratulate them on the amendment which they have just offered, which was necessary, and I want to call their attention to the absolute necessity of this amendment, unless their exemption is to be a fraud and a sham. I want to say frankly that I do not think the committee intend that exemption to be a fraud and a sham.

When I was on the Immigration Commission a part of my duty was to study the way in which tickets were sold to immigrants. For various reasons I was the only member of the committee who came up through Calabria and traveled through Roumania and went into the question of ticket selling in Russia. I know just how these tickets are sold. If this fine fell on the steamship company, that would be one proposition; but these tickets are sold by little agents back in the interior of the country, and here is what is going to happen: A woman will come to one of these little agents in Russia, in Kiev, and say, "I want a ticket to America." He will say, "Can you read?" She will say: "No; I can't read, but my husband is

in America, and under the American law I have a right to be admitted there, because I am his wife." The agent will say to her: "Look what a chance I am taking. The American law says that I can not take any security from you. I must take the chance that you are this man's wife; I must take the chance that you will not sell the ticket to somebody else; and if it turns out that you are deceiving me, or that your husband is dead, or will not receive you, or anything of that sort, I will have to pay you back your transportation money, the steamship company will have to bring you clear back from New York to Russia, and in addition to that I will have to pay the sum of \$200."

No agent is going to take such a chance as that. If it was not for the provision later on in the bill, preventing the agent from taking security, he would do that ordinary business thing. He would say: "Very well, put up security against this fine and against these penalties." But he is prohibited from doing that; and although I know the committee do not intend it, this simply means that no ticket will be sold to any person abroad who can not read. Now, there is a plain, simple statement of a business fact that ought to appeal to every business man on this floor. If you want your exemption to work, strike out these words. An agent can tell whether a man is a Japanese or a Chinaman, so as to come under the other provisions. A surgeon can tell whether a man is more or less afflicted; but nobody can tell to a certainty whether a person who can not read will be adjudged to come within some of the exceptions to section 3.

Mr. HAYES. Mr. Chairman, the gentleman from New York professes to be very solicitous for the welfare of the immigrant. This provision in the bill which he seeks to strike out is one of the most valuable provisions in the bill. It is intended to prevent the steamship companies bringing aliens to the country who would not be admissible. The language can not be made plainer, and I hope the amendment will be voted down.

Mr. LONGWORTH. Mr. Chairman, can we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 18, line 24, strike out the words "because unable to read or."

Mr. BENNET. So it will read:

Any aliens who are excluded by the provisions of section 3 of this act who are Hindus—

And so forth.

The CHAIRMAN. The question is on the amendment.

The question was taken, and on a division (demanded by Mr. BENNET) there were 3 ayes and 39 noes.

So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 22, after the word "addition," insert the words "whenever the Secretary of Labor shall so direct."

Mr. BENNET. Mr. Chairman, I am quite sure that the committee does not want to be unfair as between transportation companies and penalize countries that have adopted good laws. The best immigration laws in the world are the laws of the Italian Government, and those laws require and have required for years a good deal of what is in this section. I was not sure but that the law might have been repealed, so I wrote to the Italian embassy in the city and got this reply:

REGIA AMBASCIATA D'ITALIA,  
Washington, February 11, 1916.

DEAR SIR: With reference to your inquiry of the 2d instant, I beg to inform you that the Italian law of emigration provides in a general way that the steamship companies must take emigrants excluded from a foreign country back to an Italian port free of charge. The companies are further liable for damages to the emigrant if it is proved that they were aware of the circumstances which would cause his rejection before leaving the port of departure.

Very truly, yours,

MACCHI DI CELLERE,  
Royal Italian Ambassador.

HON. WILLIAM S. BENNET,  
United States Representative, Washington, D. C.

Unless this language I have suggested is put in, which leaves it discretionary with the Secretary, here will be the situation. The English and the Germans have not done a thing by law for the people who leave their country. The Italians have, and yet you treat them all alike, and you pile onto the Italian steamship line whose Government has already acted the same fine that you put on the Germans and the English which have not done a thing.

Mr. SABATH. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. SABATH. The gentleman knows that I am in favor of any amendment that would aid the immigrant, but I can not

understand how his amendment would help, because if the Italian Government has such stringent laws the Italian companies could not violate this provision, and consequently they will not be subject to any of the fines.

Mr. BENNET. The question whether they violate the laws are passed upon by our officials, and properly so. The steamship companies claim that they do not violate the laws, while our officials claim that they do. What happens when an immigrant is sent back is this: If an Italian is brought back he can bring suit in an Italian court not only for the money paid but for his loss of time, and the court invariably gives him judgment not only for the money but for the loss of time at the rate of 2 liras a day, or about 40 cents. My opinion is that when a country has passed good laws for the protection of immigrants we ought to recognize that fact and put in the hands of the Secretary of Labor the power not to impose those penalties where the penalty is already being imposed by the law of the country from which the steamship comes.

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

The question was taken, and the amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, line 8, after the word "addition" insert the words "whenever the Secretary of Labor shall so direct."

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on the section under consideration, and all amendments thereto, close at the expiration of five minutes. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I will ask unanimous consent that a similar amendment may be read from the desk and deemed to be pending before I take my five minutes.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Page 18, line 16, after the word "addition" insert the words "whenever the Secretary of Labor shall so direct."

Mr. BENNET. Mr. Chairman, I have no desire to take the five minutes, and I will simply content myself with saying that the same reasons which applied to the other amendment apply to this, and, in my judgment, reiterated after 10 years of experience, where foreign countries that are bringing residents to our country who are to be, first, residents and then citizens are enacting laws to protect the citizens brought here by the steamship companies, we ought not to discriminate against them and put on double penalties. I ask unanimous consent that a vote be taken on both amendments at once.

The CHAIRMAN. The question is on the two amendments offered by the gentleman from New York.

The question was taken, and the amendments were rejected.

The Clerk read as follows:

SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, or international bridges or toll roads other than railway lines, which may enter into a contract as provided in section 23 of this act, bringing an alien to, or providing a means for an alien to come to, any seaport or land border port of the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the failure of any such person, owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor, and on conviction thereof shall be punished by a fine in each case of not less than \$200 nor more than \$1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, a penalty of \$1,000 shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

Mr. GALLIVAN. Mr. Chairman, my attention has just been called to a speech on "Immigration" printed in the RECORD of Saturday, March 25, by the Hon. JOHN H. STEPHENS, of Texas. No word of this speech was delivered on the floor of this House, but the gentleman, taking advantage of the privilege granted to him by the House to extend his remarks, has seen fit to refer to my activity in the last Congress against the passage of this bill and in favor of sustaining the veto of President Wilson when this House was called upon to consider the President's message. His insinuations as to the reasons for my support of the veto, and his quotations from an alleged Washington newspaper with reference to myself, I shall ignore as unworthy of even passing notice. I have always been proud of the small part I played in helping to sustain President Wilson's decision, and I fervently hope that the opportunity may come for similar action at some future time.

Every man within the sound of my voice knows I am unalterably opposed to the Burnett bill, and I think I have expressed that opposition in a decent, honorable, manly way, without any reflection upon or impeachment of the motives of the honorable gentlemen who support it. For this reason I can not ignore one statement made by the gentleman from Texas [Mr. STEPHENS] in the extension of his remarks, which reads as follows:

Mr. Speaker, the Bible tells us that a man can not serve two masters, and human experience abundantly sustains this doctrine; therefore there can be no English, German, Irish, or Catholic American, because a man can not serve two masters; if they are Americans, they can not be a German, Britisher, or Irishman. I regret to state that many men who have taken the oath of allegiance to the United States, thereby renouncing their allegiance to any foreign prince, potentate, or power, have, since the beginning of the present great European war, forgotten their oaths and are now boldly taking the side of their relatives by blood, and have also boldly criticized our Congress and our President, thereby rocking our ship of state, making it much harder for our good and great President to steer clear of all foreign complications that might lead our country into war, which God forbid.

This is a specific charge that an Englishman can not become a loyal American citizen; that a German can not become a loyal American citizen, and last, but not least, that an Irishman can not be a loyal American citizen. There would be glory enough for one speech if the statement stopped with this comprehensive denunciation, but it did not. Aroused to the highest pitch of patriotism and probably with the intention to do a lasting service to humanity and to set forth the ideals of Texas in their true light, the orator in writing his speech took pains to say that there could be no Catholic American.

This exalted and statesmanlike strain comes from the Representative of the thirteenth district of Texas, which he would have us know is the cradle of loyalty and the shrine of patriotism.

No immigrant can be a patriot, eh? How marvelous are the miracles wrought by time! Cooke County and the celebrated town of Gainesville, the seat of Cooke County, are located in that illimitable region of light called Texas and in the bosom of the thirteenth district, whence comes these burning words. Yes; time is not only a healer of wounds but in its vicissitudes it can breed patriotism where there was treason, civilization where there was savagery, light where there was darkness, learning where there was ignorance, and security where there was ruthless and wholesale murder.

When the State of Texas undertook to make itself a part of a foreign nation which, if it had succeeded, would have deprived us of the services of the gentleman from Texas, and after this attempt to make aliens of the third part of the American people had been in progress for some time, and the tragic year of 1862 arrived, a series of events occurred at Gainesville, Tex., that appear as a blot of darker infamy on the darkest page of the history of crime.

There were a number of men in Cooke County and adjoining counties in Texas who had in their hearts a veneration for the American flag. It was only 17 years since they proudly brought the State of Texas into the Union and it was a proud day in their lives when the Stars and Stripes first floated over the broad prairies of Texas as a part of the United States. Some of them banded themselves together to prevent their being drafted into the Confederate Army. They made no riot; they did not kill anyone; they committed no crime at all except what was then the most horrible offense imaginable in what is now the distinguished gentleman's district—they objected to being dragged from their homes and compelled to fire on the flag of their country.

Now, if I had the narrow-minded prejudices of the gentleman from Texas [Mr. STEPHENS] when he discusses immigration, I would probably proceed to quote from rumors or from cheap weekly newspapers published in backwoods towns to substantiate what I shall say took place in this sanctuary of loyalty described as the thirteenth district of Texas. I shall set it forth as a contrast to the genuine patriotism of our immigrant children as proven on a hundred battle fields.

I shall not consult my feelings as the gentleman from Texas consulted his. I shall not speak in any spirit of hatred as did the gentleman who quoted the Book that commands us to love one another. But this occasion should not pass without reminding the gentleman from Texas of how patriotism and loyalty had their birth where he has been honored most.

In October, 1862, 42 white citizens of the United States, nearly all farmers, without trial, without process of law and solely on suspicion of their being banded together to restore the Union and the Constitution in Texas, and to refuse to be compelled to do the work of treason on the battle field and shoot down their fellow citizens and perhaps their kindreds who were fighting in defense of their country, were put to death

under circumstances of such stony-hearted barbarity as would cause Pancho Villa to turn away in horror.

There is an elm tree in Cambridge, Mass., a city so ably represented here by my worthy colleague Mr. DALLINGER, under which Washington drew the sword of liberty; there was the Charter Oak at Hartford, whose every leaf was a witness of the American spirit of independence. There is an elm in the yard of the Capitol said to have been planted by Washington, and the most beautiful tree in this city is another elm in the Capitol Grounds planted by the hands of Charles Sumner, but there was an elm tree in Gainesville on which 40 citizens were strangled to death for their loyalty to the flag of their country. The other two brave hearts broke away from the guards on the way to execution and were mercilessly shot down.

There was a citizen of Gainesville, Dr. Thomas Barrett, a minister of the gospel as well as a physician, who went through the terrible experience of serving on a mock jury which was appointed by a committee of a mob and felt itself authorized to condemn to death any man connected with this loyal organization by a majority vote. The doctor wrote an account of the murders in 1885, which was published in pamphlet form and is found in the Library of Congress. And here I pause to say that it is the only literary production from that distinguished district that appears to be found in the Library, a district whose Representative pleads for the literacy test. And I further say that while I have been more or less familiar with books, I would be amazed to learn of any book written in Texas that is well known among the people of the United States. What book was written there? Will any gentleman tell me? What invention to lift from the shoulders of labor the burden of toil and to help to feed a hungry world was ever invented in Texas? What lasting monument of genius bears witness to the intellectual toil of Texas? What work of art hangs in any gallery that was penciled there? What statue was ever sculptured to plead to posterity for the remembrance of the great by any citizen of that grassy expanse that geographers call Texas? It was hoped that the liberation of the slaves would glorify and exalt the minds of men in that region of the lash and the auction block; but the hopes were disappointed, for the minds of men were on the contrary enslaved and, politically at least, there can be but one expression of thought in an empire whose 265,000 square miles are a source of pride to its inhabitants, as if they had filled an ocean and created Texas—Texas, that wants no immigrants.

But coming back to Dr. Barrett. He wrote a pamphlet, the sincerity of which is marked by the simplicity of its style. Perhaps he tempered his language to fit the understanding of his patriotic neighbors. He begins the narrative of the appalling murders with this gentle apology:

The war between the States, North and South, have existed more than a year, the war fever having risen to boiling heat, the Confederate Congress passed the conscript law. This law was very offensive to many, and particularly to those who were afterwards members of the organization for which they were hung.

The doctor then goes on to say that one man, who afterwards disappeared, threatened to raise a company to resist conscription for the Confederate Army. But there was a mysterious initiator, as the learned doctor calls him, who initiated men into the organization. Finally some one notified the military authorities of the Confederacy; all the militia was called out and a great number of arrests were made, including about 150 farmers of the county, and the prisoners were brought to Gainesville and crowded into the county jail.

When I arrived near town—

Says the doctor—

there were crowds in sight in every direction, armed and pressing forward prisoners under guard. The deepest and most intense excitement that I ever saw prevailed. Reason had left its throne. \* \* \* Soon after I arrived on the square I heard hanging spoken of. I found the tree had been selected, that same old historic elm, with its long and bending limbs, which was afterwards used for that purpose. The crowd seemed to be settling down on beginning to hang—

Says the narrator, with easy familiarity with scenes of death.

Then he goes on to say that a meeting was called and a chairman appointed, and "a motion was made and carried for the Chair to appoint five men to select a jury to decide upon a course to be pursued with these men." Dr. Barrett reluctantly accepted an appointment as a juror. "The jury met and passed an order that a majority should rule." This, of course, was in accordance with Gainesville democracy. Then, in accordance with what they conceived to be the privileges of the Magna Charta, they proceeded to try the prisoners. A fact came out in the testimony that caused a shudder throughout that whole region.

"The Confederate Government had a large amount of ammunition at Sherman, which was guarded day and night. Cooke County had about 400 pounds of powder and other ammuni-

tion to suit it. Their plans were to rise in the night and take all the ammunition at Sherman and Gainesville and leave the county without ammunition, and take the county."

The precious material with which the flag of our country was to be riddled was in danger of being monopolized by those treacherous conspirators. It was darkly hinted, as the painstaking doctor narrates, that it was their purpose to join Gen. Blount's division of the Union Army. It was soon circulated about the town that it was the purpose of these men to rise in the night and murder their neighbors, especially including women and children. This is the kind of plot that always haunts the midnight hours of a true and genuine patriot. There used to be a great many people in this country who were even more patriotic than the gentleman from Texas who were grievously disappointed because some wholesale murder had not taken place in the night. They were dishonored as prophets among their compatriots, and their want of accurate information as to the date of the massacre was a subject of comment among their friends that was very painful to them. The pious doctor does not fail to state that the extermination of the loyal Confederates of Cooke County and adjoining counties was providentially prevented by a heavy rain. The painstaking jury soon discovered that "the night of the big rain" was the night that was set for the slaughter of the innocents.

And now the doctor, with the simplicity of a prophet, quietly recites what took place in the jury room:

One man, known to be a leader, was brought in and proven to be guilty, he being the man who initiated the two men who had been initiated and reported to the military. This man was condemned and hung; another was brought and was disposed of in the same way, and this was continued until seven were doomed to die likewise.

It seems as though the jury was not doing business with the necessary dispatch, and—

The crowd were threatening—

As Dr. Barrett says—

to take the prisoners out and kill all of them. There was a trial made to have me taken off the jury because I took the lead in opposing these violent measures. We who opposed hanging insisted to turn the men over to the civil or military authorities instead of hanging.

At this juncture the jury made a mistake. They tried and condemned the eighth man, but "he was only slightly in it," and Dr. Barrett made a plea in his behalf. He sets out his humane speech to the jury with a dramatic precision that seems to indicate that he had read Homer. He threatened to leave the jury, but was persuaded by some of his friends to remain and have at least a few more men hanged to prevent the lynching of all the prisoners. So he decided to continue as a juror in the interests of humanity and hang a few more.

Lest this might seem incredible, I insert the words of the devout physician who was compelled to admit that it was fitting that certain of the prisoners "should die for the people":

The excitement had reached the jury room. I and a few others saw the situation at once. The testimony against the men on which they had been tried was all written down, consequently there was nothing to be done but read it and take the vote. One was put on trial, the vote taken, and he condemned to hang; a second was disposed of in the same manner. I made a trial to stop the course of things, but I saw that it was useless to make any attempt to save the men by a vote. I then proposed a compromise; I proposed to allow them to select six of the worst ones and hang them, and set the rest at liberty. I saw they were going to hang a good many more than that, and I was striving to save as many as possible, but the jury rejected my proposition. When they rejected it, hope fled, and I took my seat to watch the course of events. I sat sad and silent till six were condemned and not one set at liberty, for it was "hang or set at liberty." The jury changed its rules and granted a new trial to the eighth prisoner on the two-thirds plan.

Having the benefit of this rule, number eight was not immediately hanged but was turned over to the military authorities.

For several days after this the jury seemed to hesitate at further convictions. This resulted in nightly attempts to lynch all the remaining prisoners, which was prevented by a heroic jailer whose name the cautious and circumspect doctor apparently for reasons best known to himself, fails to mention, even 23 years after the fact. Saturday night came and, the jury being disinclined to work on the Sabbath, took a vote and decided what to do with the balance of the prisoners and adjourned until the next Saturday, agreeing to keep their decision secret until that time. Then they went home. The secret which the doctor fails to divulge in his narrative "leaked," as he said, during the night and there was general dissatisfaction expressed with the wholly inadequate administration of justice by the 12 good men and true. No doubt there was then, as now, a large contingent of patriots in Gainesville who were deeply interested in the administration of justice.

A glorious Sabbath morning in October came for the worship of God and for the inculcation of the doctrine of loving thy neighbor as thyself, a doctrine which the average immigrant

never forgets. The sun mounted the heavens and a procession was seen moving toward the elm tree in the square. It was headed by a wagonload of men who loved their country better than they did Cooke County, Tex., flanked by files of soldiers. The tender-hearted doctor did not wish to be present at the strangling of these men. "I took my seat in a porch at the northeast corner of the square, where I knew that the men would be hauled in a wagon down California Street. \* \* \* I had not been there long till I saw the death wagon coming with two of the prisoners \* \* \* and this was continued until late in the evening before the last one was hung." Dr. Barrett goes on to say that he asked why the military authorities had taken the men from the jury, contrary to what they had decided to do, and to the day that he wrote his narrative he was never able to find out. Fourteen men were martyred on the elm tree that day. They were all heads of families and all had children but one, according to Dr. Barrett.

There was a sense of propriety in that portion of Texas then superior to what seems to be the case now. "There was an order passed that women should not be permitted to be present at the hanging," writes Dr. Barrett, but Texas has fallen from her high estate, for a few weeks ago we read of a man being roasted alive in the presence of women and children in that State, where formerly there would be none but an exclusive and limited audience admitted to the spectacle.

It was hoped by the humane part of the community that this holocaust of 21 lives would suffice to vindicate the insulted patriotism of Gainesville, but during the week two terrible things happened in the county. Two men who had been vindictively hostile to the prisoners were shot down in the chaparral that fringes the Red River. One of them was pursuing his accustomed sport of deer hunting during the saturnalia of death. No one up to the date of Dr. Barrett's history ever found out who had killed them. Of course none of the prisoners had any share in the murders. They were closely guarded many miles from the scene. But such was the condition of the public mind in and about Gainesville that the prisoners were held accountable for the murders, and the people demanded that they should suffer death for the crimes of those who the public believed were their friends. Probably this was the time when the glowing patriotism of Gainesville had its birth.

In fact, the strain was so great at that time in what is now the thirteenth district of Texas that men seemed to prefer to be hanged rather than endure it. The pious historian of Gainesville does not fail to put this paragraph in his account of the suppression of loyalty:

Here I must state that all the time that this thing was going on occasionally men who were in this clan were coming in and surrendering, and some of them had been hung.

Saturday came and the jury, having rested, reassembled. While Dr. Barrett does not say so, it seems plain from his account that the horrible secret that they nursed in their breasts during the whole week was that they intended to advise the release of all the prisoners when they next met, hoping in the meantime that local patriotism would sufficiently subside to allow them to exercise this much humanity. But when they came together the public demand for vicarious atonement for the death of the two citizens was overwhelming.

I have overlooked an instructive paragraph found at page 11 of Dr. Barrett's pamphlet:

A man who was very active against those men came into the jury room and told us he had a proposition to make. He was told to make it. He referred to a man who was prominent among the prisoners, observing that if there was anything kept back this man knew it. He proposed to the jury to bring him and tell him if he would reveal everything that the jury would release him, and for us to release him according to promise, and he would attend to him before he got home.

Due to the efforts of Dr. Barrett and what might be called the everlasting honor of the remainder of the jury this offer of disinterested public service was solemnly declined.

Another Sabbath sun rose on Gainesville and cast the long shadow of the elm tree on the town. The Sabbath was again remembered, if not kept holy, at the northern limit of Texas. The old woman who was knitting in Dickens's Tale of Two Cities would have left her seat near the guillotine to witness the scene of that Sabbath day in Gainesville. Dr. Barrett is at his best when he comes to describe what happened on this day:

But that dreadful Sunday dawned and I went to Gainesville not to see the men hung, for I would not see any of those men hung; but I went to see how things which were going on would terminate. I took my seat in the same porch at the northeast corner of the square, where I sat when the 14 men passed which the mob took from the jury and hung.

The hanging did not commence very early, and when the last one was hung the sun was low. There were 40 hung and 2 who broke from the guard were shot and killed, making 42 deaths.

And every face that was distorted in death beneath that elm tree was the face of a White American citizen, an American perhaps whose lineage dated back to the founders of the Republic, the very kind of citizen for whose protection and welfare the gentleman from Texas has made an assault on other citizens on account of the accident of their birth or the manner in which they worship God.

The doctor then mercifully shifts the scene to the close of the Civil War and with the utmost innocence describes the coming of the United States forces:

The Federal soldiers came in, and such running and taking to the brush had never been in Cooke County; not only the jury, but a good many others who had taken an active part in the hanging.

This should be described in the history of Gainesville as the "Hegira of the patriots."

Under the law of the United States every man who willfully had taken part in this wholesale murder could have been regularly tried by court-martial and hanged according to law. An order was issued preventing the military trial of those men. If they had been hunted down and regularly tried and hanged, there would even be more patriotism in the thirteenth district of Texas to-day than there is now.

Mr. Chairman, I make this assertion boldly that owing to the very fact that the North had a cosmopolitan population which although united in devotion to the Union it could not be united in any plan or policy to wreak vengeance on the fallen South. If they were a homogeneous population and if they were all of that noble stock represented by the gentleman from Texas, they would have parceled out the South, and especially Texas, among the victorious soldiers in the good old Anglo-Saxon way. If this happened, the gentleman probably would not be here. Being a man of evident piety, every time he looks about on the fair and limitless patrimony of Texas he ought most devoutly to thank his Maker that the loyal people of the United States were not all like him. I do not dislike him personally. He is a good man for Gainesville, giving expression to the philosophy of the region in which he lives and the light in which it is studied. He probably desires to advertise Texas at the expense of the immigrant, and if this is his purpose I shall help him. Oh, yes; I like him, but I do not like his exclusive and narrow-minded doctrine. If I had the vocabulary of that other distinguished gentleman, who fittingly represents the whole State of Texas as a Congressman at large, I mean Mr. DAVIS, inadequately called "Cyclone" DAVIS, I would pay my respects to the sentiments expressed by the gentleman from the thirteenth district of the celebrated Lone Star State. If it is a fact that Texas has a horror of the immigrant, it is fitting and proper that the gentleman from Texas should do his best to cause the immigrant to have a horror of Texas. If this is an acceptable public service in that State, he has certainly rendered it with a degree of effectiveness and ability rarely ever performed through the medium of the CONGRESSIONAL RECORD.

Mr. Chairman, I also have a notion of what the duty of the public ought to be. I believe that a monument ought to be erected by the Government to commemorate those 42 martyrs who suffered death primarily for their devotion to the Government of the United States, and it is my present purpose to introduce a bill to erect a shaft that will plead to posterity for their remembrance. They did not die in vain! These men would not have barred the worthy immigrant from our shores, and the immigrant children of this glorious Republic in this day and hour breathe a prayer for their everlasting repose.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the chairman of the committee to an omission, or to, rather, a misplaced punctuation mark occurring on lines 23, 24, and 25, on page 19. As the bill reads it says:

SEC. 10. That it shall be the duty of every person, including owners, officers, and agents of vessels or transportation lines, or international bridges or toll roads other than railway lines, which may enter into a contract as provided in section 23 of this act, bringing an alien to—

In the law as it is at present there is no comma after the words "railway lines" in line 24, and the result is that unless the gentleman omits the provision the section will apply only, and this is a penal section—

Mr. BURNETT rose.

Mr. BENNET. Does the gentleman see the point?

Mr. BURNETT. In other words, the gentleman desires to strike out the comma after the word "lines"?

Mr. BENNET. Yes; and if I were drafting the section I think I would go even to the extent of putting the words "other than railway lines which may enter into a contract as provided in section 23 of this act" in parentheses, this being a penal statute.

Mr. BURNETT. Oh, I think the comma at the end will make it a parenthetical statement.

Mr. BENNET. Will the gentleman offer the amendment? He seems to have better success with amendments than I do.

Mr. BURNETT. I will accept the amendment of the gentleman striking out the comma after the word "lines" in line 24. The gentleman is right for once.

Mr. BENNET. Mr. Chairman, I offer that amendment on page 19, line 24.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 19, line 24, strike out the comma after the word "lines."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 20, line 4, before the word "failure," insert the word "negligence."

Mr. BENNET. Mr. Chairman, the insertion of this word simply continues the existing law. The gentleman from California [Mr. HAYES] asked me a few moments ago if you could punish a man criminally for an act done without intent. I answer him in the words of his bill, that it is purposed here to do precisely that thing. If a conductor upon a railroad which has not made the contract, or the keeper of an international bridge, permits, without negligence, an alien to get off his railroad car or a bridge at some point other than designated by the immigration officials, he is guilty of a misdemeanor, although the alien may have knocked him down or clubbed him or gotten away and across the line, and particularly in the case of the railroad which crosses the line at some place other than the place designated. Yet that man who had been pounded, who had been assaulted, could be brought up in the United States court, tried for a misdemeanor, and, worse, if he be convicted the minimum penalty is mandatory and he could not be fined less than \$200.

Mr. GARDNER. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. GARDNER. Is it not true that there is an administrative penalty at the end of the section that grants an alternative?

Mr. BENNET. Where?

Mr. GARDNER. Section 10, that the gentleman is reading from.

Mr. BENNET. No, sir; that applies only to steamships. I am talking about railroad lines.

Mr. GARDNER. Where does the gentleman's amendment come in?

Mr. BENNET. Line 4, page 20, in front of the word "negligence."

Mr. GARDNER. There surely is at the end of section 10, "or if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer"

Mr. BENNET. Yes; such "vessel." Why, Mr. Chairman, this is just another instance of the fact that gentlemen ought to have the right, without being criticized, to get up here and attempt to perfect this bill. The gentleman from Massachusetts knows this immigration law and he sees the defect instantly.

Mr. GARDNER. No; I am not sure at all.

Mr. BENNET. Of course, he does. A railroad train is not a vessel. The gentleman is no lawyer, but he has good, hard common sense. No; this is not a comma business, either. We have put one penalty on a conductor or trainman of a railroad and another for the steamship man, and if he thinks he has a valid excuse, why the Secretary of Commerce will let him off or give another penalty, which penalty is on the vessel, but if a brakeman on a railroad happens to let an immigrant escape he must go into court and be fined not less than \$200.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. GREEN of Iowa. I did not quite understand what the gentleman stated about this being a continuation of the law at the present time.

Mr. BENNET. This amendment I have offered is simply to continue existing law.

Mr. GARDNER. The word "negligent"

Mr. BENNET. Is in the existing law. Now, it is proposed to strike out and provide when a man has an accident and by reason of that accident, when he acted in the utmost good faith—and I would like to get the attention of the lawyers, if not on the other side, on this side—as to whether they are going—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. BENNET. As to whether they are going to vote to make a man guilty of a misdemeanor and punishable by a minimum fine—the maximum fine is \$1,000—of \$200 for doing an act without any intention of doing wrong.

Mr. MANN. And over which he may have no control.

Mr. BENNET. And over which he may have no control.

Mr. GARDNER. Mr. Chairman, I am not prepared to say that there might not be an amendment necessary at the end of that section, but to insert once more the word "negligent"

Mr. BENNET. To continue it.

Mr. GARDNER. To continue the existing law, which has the word "negligent" inserted before the word "failure," would be a great mistake. I want to read from the report of the Commissioner General of Immigration in 1911. In 1911 the Commissioner General of Immigration submitted to us the draft of a new immigration law. The wording of section 34 of that draft law has been adopted in a modified form in section 10 of this bill. The wording submitted at that time by the Commissioner General of Immigration made it the "mandatory and unqualified duty of every person, including owners, officers," and so forth, to prevent the escape of persons who had no right to land in this country. The Committee on Immigration two or three years ago—I have forgotten exactly when—came to the conclusion that this "mandatory and unqualified" provision recommended by the Commissioner of Immigration ought not to be adopted, and yet that steps must be taken to prevent beyond peradventure the landing in this country of unauthorized persons. Consequently it was decided to omit the word "negligent" before the word "failure." I am going to read from the report submitted by the Commissioner General of Immigration in 1911. At that time he submitted to Congress the draft of a new immigration bill. Section 34 of the commissioner's bill is very like section 10 of this bill which we are considering and substantially the same as section 18 of the act of 1907, which endeavors to guard against the unauthorized landing of immigrants. Section 18 of existing law, the act of 1907, carries the word "negligent" before the word "failure." Here is what the commissioner says in this connection:

Section 34 is section 18 of the act of 1907 materially strengthened. And it needs to be so strengthened, for various decisions by the courts, especially one by the Supreme Court (197 U. S., 442), under the rules of strict construction observed in criminal and penal matters, have almost destroyed this important requirement, particularly in the case of Chinese seamen and other alien seamen diseased, or criminal, or otherwise disqualified, whose cases are also covered in an alternative way by the succeeding two sections.

And then he goes on to explain the necessity of strengthening the law. That is what the committee tried to do by omitting the word "negligent," and I believe that the committee accomplished its purpose. The word "negligent" was omitted in the bill vetoed by President Wilson, and I think also in the bill vetoed by President Taft as well. I am not at all sure but that the gentleman from New York is quite right in calling attention to the fact that the administrative penalty provided at the end of section 10 does not cover cases of railroad transportation. As to the amendment which the gentleman actually offered, I am opposed to it.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended three minutes, so I may ask him a question.

The CHAIRMAN. The time of the gentleman has not expired.

Mr. BENNET. I beg pardon, I will ask the question then. Is the gentleman aware when the bill passed this last year that it had the word "person"?

Mr. GARDNER. What word "person"; in what part of that section?

Mr. BENNET. Line 5.

Mr. GARDNER. Just read the connecting words, please.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended three minutes.

The CHAIRMAN (Mr. HAY). Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER. It says that it shall be the duty of every person—

Mr. BENNET. It was there, but it was not in line 5.

Mr. GARDNER. As the bill passed the House last year, it read this way:

That it shall be the mandatory and unqualified duty of every person, including owners—

Mr. BENNET. Yes; but read on in line 5.

Mr. GARDNER. It says—

Officers, and agents of vessels of transportation lines (other than those lines which may enter into a contract, as provided in sec. 23 of this act) bringing an alien to any seaport or land border port.

Mr. BENNET. Of course, the words "or providing means for an alien to come" are added. But, after the words "negligent failure," it is now "of any such person." Last year it was not, I am informed.

Mr. GARDNER. The gentleman is mistaken, I think.

Mr. MANN. The word "person" was not in.

Mr. BENNET. I would like to ask the gentleman what amendment he would suggest at the end of section 10, that he thinks—

Mr. GARDNER. I do not know. I have not given it any thought, and, not being a lawyer, I can not construct amendments offhand. But I can see the point the gentleman raises, and, so far as I am concerned, I am perfectly willing to listen to anything the gentleman has to say if he has an amendment. But meanwhile I think we had better dispose of his first amendment, which is actually pending.

Mr. BURNETT. The word "negligent" was left out on the suggestion of the department, because if left in there it devolved upon the department first to prove that the transportation company was negligent, and the Chinese and others that were coming in in violation of law were escaping because the Government was not able to prove that the steamship was negligent.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BURNETT. I did not know that I was speaking in the gentleman's time.

It strikes me, Mr. Chairman, the case the gentleman speaks of is not failure—not any kind of failure. I do not believe that any court would ever charge a jury that where a railroad conductor or somebody had been knocked down and prevented by some kind of force, whether actual or constructive, that that was a failure; where it was prevented from being done. You see the danger of leaving "negligent" in there as the law did before. It was stricken out intentionally for the purpose of preventing that kind of failure of justice—the escape of the Chinese that were coming in in violation of the Chinese-exclusion law.

I am informed by an agent of the department that there are very few of these that ever come in, so far as railroad companies are concerned, and this proposition is leveled at the steamship companies; that they are the ones that often bring in these people, and if the Government has to prove it is negligently done, it puts on the Government a burden it will be hard to carry. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I ask unanimous consent that it may again be reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GREEN of Iowa. Mr. Chairman, I agree with the gentleman from New York, but I also see much force in the suggestion made by the gentleman from Alabama [Mr. BURNETT]. It seems to me that what we ought to do is to afterwards return to this section in order that an amendment may be provided which in some way would reach the transportation companies—that is, to add to the proviso or exceptions in the latter part of the clause some sort of a provision that would reach the transportation companies. Then I think we would have the section in the form in which it ought to be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BENNET. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 28.

So the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

Mr. BENNET. Before we get off this section, I was going to suggest to the gentleman from Alabama, in view of the suggestion of the gentleman from Massachusetts and the gentleman from Iowa, and the further apparent discrimination in the last proviso, whether he would not pass this section over, so that an amendment could be reached which would cover transportation companies as well as steamship companies?

Mr. BURNETT. They are covered by the paragraph in the first part of the section, and it would be utterly impracticable, it seems to me, to apply the same law to a railroad as it would

to steamship companies. It is impracticable to have it otherwise.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, after line 16, insert as a separate section the following:

"That when any country, by order or otherwise, excludes from entering their territory certain classes of the citizens of the United States the same classes of citizens from such country are hereby prohibited from entering the United States."

Mr. HUMPHREY of Washington. Mr. Chairman, I want to take occasion to call the attention of the committee to a situation that exists in the Pacific northwest that has recently been brought to my attention.

By an order in council certain classes of American citizens are prohibited from entering British Columbia. That order in council was issued as of date of Thursday, September 30, 1915. By this order in council, I say, issued on Thursday, September 30, 1915, certain classes of people from this country and all other countries were prohibited from entering certain ports in Canada. I will read from that order:

Artisans, laborers, skilled and unskilled, shall be and the same are hereby prohibited.

And then it names the ports, which includes all the ports of British Columbia.

Now, the result of that policy has been that a great many laborers of British Columbia have come down into the State of Washington, and then they are not permitted to return to British Columbia. Not only do they prohibit their own people from returning to British Columbia, but they do not permit Americans of any of these classes I have named to go into British Columbia.

Only a few days ago I received a telegram in the case of a young man by the name of John Peirce Moller, who was in the employ of the Ford Automobile Co., who went over there last June. He was a skilled laborer. He had charge of one of the shops or one of their salesrooms—I do not know which. Last February he visited his home near Seattle, and when he attempted to return he was prohibited from entering under the order just read. It was stated by an official that he would have been deported anyway.

The present condition is a great hardship on the people of our State, and I want to read a resolution passed by the State Federation of Labor at North Yakima, Wash., January 19, 1916. I read:

Resolution by Delegate E. P. Marsh, Typographical Union 410, Everett, Wash.—Referred to committee on resolutions.

Whereas the continued depression in industry and employment in the State of Washington demands remedy, and it is apparent that such remedy must begin by a more vigorous and effective enforcement of United States Immigration laws to prevent entry of foreign unemployed, European and Chinese, from British Columbia; and

Whereas such entries of unemployed from Canada, Chinese and Europeans, amounted to many thousands during the past year, as evidenced by more than 2,000 arrests of such foreigners by the limited force of immigration officers now maintained; and

Whereas the force of United States immigration inspectors in the State of Washington has been heavily reduced and offices closed, until there are now fewer officers on duty than there were eight years ago; and

Whereas figures of the United States Treasury show a balance of immigrant head-tax collections over expenditures for enforcing immigration laws during the past 15 years of more than \$10,000,000; and

Whereas practically the entire land and water boundary of the State of Washington are left open to the entry of foreigners from Canada because of the parsimonious attitude of the Federal Government, resulting in the coming of a foreign horde of pauper unemployed, throwing out of employment thousands of American workmen in Washington, Oregon, and California and reducing wages below the point of a bare existence: Therefore be it

Resolved, That we call upon our Senators and Representatives in Congress to demand that the money collected for immigrant head tax be expended in enforcing the immigration and Chinese-exclusion laws, and that the force of immigrant inspectors in the State of Washington be at once increased; that such inspectors be supplied with proper means of running down, detecting, and preventing smugglers from operating; and that American labor be given the protection from foreign pauper competition that it has the right to expect.

Passed at annual convention, State Federation of Labor, North Yakima, Wash., January 19, 1916.

Last winter, according to information I have received from a letter the secretary of the Washington State Federation of Labor wrote to the Secretary of Labor, 63 per cent of the people who applied for charity in the city of Seattle were foreigners, and a majority of them came, as they believe, from British Columbia. I do not believe that we ought to permit British Columbia to make this country a dumping ground for her laborers.

Mr. BURNETT. Were those that came in Canadians or people from all the countries of the world?

Mr. HUMPHREY of Washington. They were, as I understand it, people from all the countries of the world who had

gone to British Columbia and then want to come down to this country.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Washington [Mr. HUMPHREY] be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GARDNER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes; I yield.

Mr. GARDNER. Can the gentleman from Washington explain why it is that they close the stations in British Columbia to those returning artisans and do not close places of entry in any other part of the Dominion of Canada?

Mr. HUMPHREY of Washington. I have no direct information as to why—

Mr. JOHNSON of Washington. Will the gentleman permit me?

Mr. HUMPHREY of Washington. Just a moment. I have no direct information as to why that order is made to apply only to British Columbia, but I know that it does apply to that Province, because I have a copy of that order in my hand, and before this order was issued they largely followed that practice anyway. For the past two years there has been constant complaint from the people of my State, especially from the labor organizations, about this influx of foreign labor from British Columbia and their action in prohibiting their people from returning.

Mr. GARDNER. They can get in at Saskatchewan or Alberta and take the train?

Mr. JOHNSON of Washington. The prohibition is by the Province itself.

Mr. HUMPHREY of Washington. No; the gentleman is mistaken about that. This order was issued at Ottawa, but it applies only to British Columbia.

Mr. GARDNER. Will the gentleman read it?

Mr. HUMPHREY of Washington. I can read it, but it will take up all of my time. I will be glad to read it, however. I read:

[P. C. 2295. Privy Council, Canada.]

AT THE GOVERNMENT HOUSE AT OTTAWA,  
Thursday, the 30th September, 1915.

Present: His royal highness, the Governor General, in council.

His Royal Highness the Governor General, by and with the advice of the King's Privy Council for Canada, under and by virtue of the provisions of subsection C of section 38 of the immigration act—9-10, Edward VII—and in view of the present overcrowded condition of the labor market in the Province of British Columbia, is pleased to order, and it is hereby ordered, as follows:

From and after 1st October, 1915, and until after the 31st day of March, 1916, the landing at any port of entry in British Columbia hereinafter specified of any immigrant of any of the following classes or occupations, viz, artisans, laborers, skilled and unskilled, shall be, and the same is hereby, prohibited.

The following ports of entry in British Columbia are hereby designated as the ports of entry at which this order shall apply:

Vancouver, Victoria, New Westminster, Nanaimo, Prince Rupert, Kamloops, Keremeos, Kingsgate, Ladner, Fort Simpson, Anyox, Atlin, Chilliwack, Bridesville, Midway, Steveston, Chemainus, Powell River, Chopaka, Carson, Cascade, Comox, Soyoos, Rykerts, Rossland, Stewart, Union Bay, Ganges Harbor, Douglas, Gateway, Grand Forks, Huntington, Pacific Highway, White Rock, Mission Junction, Whales Island, Mynoaster, Ladysmith, Paterson, Aldergrove, Upper Sumas, Waneta, Newport, Alberni.

RUDOLPH BOUDREAU,  
Clerk of the Privy Council.

This order expires within a few days, unless it has been reissued, and as to that I am not informed.

Mr. BURNETT. Is that order still in existence, or was it a temporary order?

Mr. HAYES. It expires on the 31st of this month.

Mr. HUMPHREY of Washington. Yes; it expires on the 31st of March, unless it has been reissued.

Mr. Chairman, I want to say that I received a copy of this order from Mr. Lansing, the Secretary of State. Now I yield to the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, this is a very important matter, and this is the first time it has been called to my attention. I am of the opinion that if it is agreed to the amendment should be redrafted. I therefore ask unanimous consent that without prejudice we be allowed to return to it later.

Mr. HUMPHREY of Washington. I will be glad to do that, because I drew it hurriedly.

Mr. GARDNER. Reserving the right to object, Mr. Chairman, it does not belong here anyway. This section refers to the inspection of immigrants on board ship.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that the proposed amendment may

be offered to some other portion of the bill, and without prejudice to offer the same.

Mr. MANN. He asks that it may be temporarily passed over, Mr. Chairman.

The CHAIRMAN. Yes; and that it may be temporarily passed over. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last two words.

Mr. GREEN of Iowa. I do that for the purpose of recurring to the amendment that was proposed by the gentleman from New York [Mr. BENNET]. I will consume less than one minute, so I hope nobody will object.

It did not occur to me at all that anybody would suppose I would attempt to put an amendment on the section just read for "libeling" any transportation company in the sense of a vessel. I know that can not be done. Any lawyer knows that it would be easy to draft an amendment that would apply the penalty to the transportation company itself, but not to an employee or the conductor of the train. It is evident that is what should be done.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That for the purpose of determining whether aliens arriving at ports of the United States belong to any of the classes excluded by this act, either by reason of being afflicted with any of the diseases or mental or physical defects or disabilities mentioned in section 3 hereof, or otherwise, or whenever the Secretary of Labor has received information showing that any aliens are coming from a country or have embarked at a place where any of said diseases are prevalent or epidemic, the Commissioner General of Immigration, with the approval of the Secretary of Labor, may direct that such aliens shall be detained on board the vessel bringing them, or in a United States immigration station at the expense of such vessel, as circumstances may require or justify, a sufficient time to enable the immigration officers and medical officers stationed at such ports to subject such aliens to an observation and examination sufficient to determine whether or not they belong to the said excluded classes by reason of being afflicted in the manner indicated: *Provided*, That, with a view to avoid undue delay in landing passengers or interference with commerce, the Commissioner General of Immigration may, with the approval of the Secretary of Labor, issue such regulations, not inconsistent with law, as may be deemed necessary to effect the purposes of this section: *Provided further*, That it shall be the duty of immigrant inspectors to report to the Commissioner General of Immigration the condition of all vessels bringing aliens to United States ports and whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto, and the provisions of this section shall be excepted from that portion of section 38 of this act which provides that this act shall not be construed to repeal, alter, or amend section 6, chapter 453, third session, Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," and amendments thereto.

Mr. BURNETT. Mr. Chairman, I have a committee amendment which I wish to offer to the section.

The CHAIRMAN. The gentleman from Alabama offers a committee amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment, page 21, line 21, change the comma to a period, and strike out all the rest of the section.

Mr. BENNET. Mr. Chairman, I favor this amendment; but before it passes I want to ask the chairman of the committee if he does not think the very laudable purpose he is attempting would be better served if he put the period after the word "port" in line 18, page 21, and struck out the rest of the section? Before he answers that question I will give him the reasons why I think it is so.

Section 11 of the passenger act of 1882 requires the collector of customs of the collection district within which a vessel comes to direct an inspector or other officer of the customs to make an examination of the vessel and to admeasure the compartments or spaces occupied by the immigrant passengers, or passengers other than cabin passengers during the voyage, and so forth. In other words, when a vessel comes into the port of Boston, Philadelphia, Baltimore, or New York, the customs inspector goes on board after the vessel has docked and measures the ship, and if the provisions in relation to the cubic space and the arrangements of berths, and everything of that kind, are not as required by law, then the vessel is fined. But there is one thing that the customs inspector does not do. He does not go on board the vessel until after the passengers are off, and therefore he is not able to certify as to the conditions of cleanliness and matters of that sort. This ought to be a practical bill; and in practice in the port of New York and also in the port of Philadelphia, and I do not know but in other ports, the immigrant inspectors go down the bay, get on the boat, and come up to the landing on the vessel. While they are looking over the emigrants they have time to do one other thing, and only one thing of value, and that is to see whether the vessel is cleanly

kept, well kept, and whether conditions are such that human beings ought to be there. Now, if they could be given authority to report that, something worth while would be done; but, under this amendment, you are putting on them a duty that they can not ever perform.

The customs inspector can not take aboard a vessel carrying 1,200 people his measuring rod and his diagrams and measure the ship and see if it has the correct amount of cubic space that is required by section 1 of the passenger act. Therefore while by concentrating his attention the immigrant inspector might be required to do a useful thing, you are compelling him to certify whether such vessels conform in their arrangements to the requirements of the passenger act approved August 2, 1882, and amendments thereto. He does not know. He can not find out. It is not his business, and there is a danger about it. The customs inspector will say, "Well, the last voice of Congress is that the immigrant inspector shall do this. Heretofore I have been doing it; but if Congress wants the immigrant inspector to do it, let him do it." The immigrant inspector is not on the vessel at a time when he can do it, because as soon as the vessel docks he goes with the immigrants down to Ellis Island or the similar place at some other port.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I think there will be no trouble about our agreeing on this proposition.

The CHAIRMAN. Does the gentleman ask to modify his amendment?

Mr. BURNETT. Yes. I have been informed that it would be practically impossible, so far as the inspectors are concerned, and that they would necessarily have to depend on the customs officers. Hence I think there will be no objection to putting the period after the word "port" and striking out all the rest of the section.

Mr. SABATH. Mr. Chairman, I wish to ask a question of the gentleman from Alabama. Would not the immigration inspector have the right to accompany the revenue officer on the revenue cutter and meet the boat as the revenue officer does, and therefore would he not have an opportunity to ascertain the conditions before the immigrants are unloaded?

Mr. BURNETT. It would not be prevented.

Mr. BENNETT. May I answer that question? It would not be prevented. He would have the right; but I think the gentleman from Alabama sees the point, and I think he is right in modifying his amendment as we propose doing.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment:

Page 21, line 18, insert a period after the word "port" and strike out the remainder of the paragraph.

The amendment was agreed to.

Mr. BURNETT. Now, Mr. Chairman, while we are on this subject, I ask unanimous consent to turn to page 62 for the purpose of offering an amendment, in line 13, to strike out the word "or," and in line 14, preceding the word "the," to insert the words "nor to repeal, alter, or amend," and in line 16 change the colon to a comma and insert the words "except as provided in section 11 hereof." I ask unanimous consent to go over to page 62 for that purpose.

Mr. MANN. Mr. Chairman, it would require the reading of section 62. I have no objection.

Mr. BURNETT. That is the section repealing certain sections and excepting certain other sections. Now, under this amendment we want to see that this section 11 is excluded from the repealing section.

The CHAIRMAN. Is there objection?

Mr. MANN. Will it not require the reading of the section first?

The CHAIRMAN. The rule requires the reading of the section. Does the gentleman from Illinois ask for the reading of the section?

Mr. MANN. Oh, I will not object.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 62, line 13, strike out the word "or," and in line 14, preceding the word "the," insert the words "nor to repeal, alter, or amend," and in line 16 change the colon to a comma and insert the words "except as provided in section 11 hereof."

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words, for the purpose of making some remarks about the inspection service.

Mr. BURNETT. How much time does the gentleman desire?

Mr. AUSTIN. Just two or three minutes. Prior to entering Congress I was in the Consular Service, and one of my duties

was to inspect the ships and give a certificate, and also to see about the inspection of foreign emigrants as they were loaded aboard the ships. I do not know what the present methods are, but if they are similar to those eight or nine years ago they are a failure and a farce. I know a European steamship company having soliciting agents scattered all over Europe. I recall one of its officers told me it had 1,200 agents in the field soliciting emigrant business. They finally gather these emigrants at an English port; they were from various countries on the Continent. They were marched down the morning the vessel was inspected and sailed, went aboard the ship, and the medical inspection was by the physician paid by the steamship company as they marched up the gangplank. The physician now and then would have an emigrant stand aside, believing he was affected with the eye disease—trachoma.

There is no wonder we get so many people here from abroad who are defective in health, in mind, and in body. We ought to amend our immigration laws so that an American surgeon will be compelled to make a careful and thorough examination of these people prior to their going aboard ships destined for American ports.

We ought to go further in order to protect our country and our institutions. We really ought to have every emigrant in Europe who desires to come to this country furnish our consular representative before his departure from a foreign port with a statement of where he resides in the old country and references, and at the same time give our representative an opportunity to make an investigation as to what his character has been, if he is honest, industrious, and a law-abiding person and in good health, and so forth, and if he intends to make the United States his home. It would be rendering a service to many of these people, because, as has been stated here, 25,000 were returned last year, being rejected as a result of an examination at an American port. Many of them before starting for America sell their homes and all they possess, and they take their chances on passing our local examination. They are permitted to go aboard the ship, they pass the easy examination on the other side, and then when reaching American ports, where the examination is more thorough and careful, they are rejected and returned home. So in justice to the emigrant and in justice to our country we ought to require a thorough examination and investigation of the emigrant on foreign soil before he departs as to his health, character, and so forth.

Mr. SABATH. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. SABATH. Does the gentleman know that we have a provision in this bill which makes it impossible for a steamship company to have agents abroad advertising in order to stimulate immigration?

Mr. BENNETT. That has been in the law for years.

Mr. SABATH. That is a very strict provision.

Mr. AUSTIN. We ought to go further than that and have our representative on the other side make an investigation into the character of these people, whether they will be able to pass an examination on this side.

Mr. BENNETT. Mr. Chairman, I desire to be heard in opposition to the amendment for the purpose of laying before the House some curious facts. It would seem at first blush as though the gentleman from Tennessee was absolutely right about inspection. I have seen examinations by American surgeons at Naples and at Genoa—Naples being one of the large ports of departure. They were good surgeons and did their work well. I have seen the steamship loaded at Liverpool, and the gentleman from Tennessee is absolutely correct as to what happens. Down at Patras, in Greece, the Austro-Americana Line sent out loads of emigrants without any inspection at all, and the result was that they were heavily fined, and in addition when the aliens came back to Fiume they nearly wrecked the place. After that the Austro-Americana people sent their physician to this country to study our ways at Ellis Island. I saw him at Patras before the people were loaded on the boat examining the aliens physically. They were so careful about it that they would stamp the man on the wrist with an indelible stamp, and the stamp was changed every day, so that nobody knew what it was except the captain of the vessel and the surgeon.

At Fiume the consul went down himself with a physician and inspected the emigrants. At the port of Antwerp the authorities told the American consul to keep off the wharf, that they would do their own inspecting, and he could have nothing to do with it.

Now, the fact was this—and I am offering the fact without any comment—that the percentage of rejection of aliens at Ellis Island who came from these four ports because of physical conditions was less as to those coming from Antwerp than those coming from Naples, Fiume, and Patras.

Mr. AUSTIN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. AUSTIN. The very fact that the governor of the gentleman's State made a complaint about the number of aliens in the public institutions—insane and other asylums—is proof, is it not, that our methods of inspection are defective on this side even?

Mr. BENNET. No; because if a man comes in with a sound mind you can not say that he will not go crazy in three years. I will say that when I was on the Immigration Commission I took a physician and went to a number of ports—because anybody that has seen an inspection will say that they look defective—I took a physician there, and they said that the examination at Ellis Island was good. The gentleman from Massachusetts and myself in the Fifty-ninth Congress brought up the fact that Commissioner William Williams, one of the most rigid men in the service—

Mr. AUSTIN. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. AUSTIN. How many do they inspect at Ellis Island?

Mr. BENNET. I was just about to answer the question. Commissioner Williams had the same idea that everybody has—he thought the investigation or examination was casual and inefficient—and being a man of a good deal of force, and having the power, he did this: He issued an order that the next 10,000 men that came into the port of Ellis Island should be taken into a room, stripped stark naked, and examined by four or five physicians; and that order was carried out, with the result that the percentage of rejections among the 10,000 was not noticeably different from the percentage of rejections of the 10,000 that preceded or the 10,000 that succeeded.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN (Mr. HAY). That is not in order.

Mr. GARDNER. Then we will have to vote upon the motion to strike out the last word.

Mr. BURNETT. Mr. Chairman, these discussions are very illuminating, but a great many gentlemen are very anxious that the bill should be passed speedily. There is no amendment pending to which the discussion of the two gentlemen is germane at all.

Mr. GARDNER. That is true; but the fact is that the gentleman has brought up that old ghost of examining the characters of immigrants, and every time it is brought up and no one answers it and explains the true facts it spreads an opinion abroad that our inspection is insufficient.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. The fact is that the inspection at Ellis Island is superficial in appearance only. It is true that a tremendously long line of immigrants go through the lines with the greatest rapidity, the physicians standing on each side. These doctors are wonderfully expert, because they have been at this work for years. Whenever they see a man coming along about whom there is the least doubt they chalk him as he goes by, and that means that the man must be subjected to a special examination. One of the physicians makes a specialty of examining for favus and the other for trachoma. Those immigrants who are chalked have a thorough examination, and the others have only a casual examination, as has been said. The gentleman from New York [Mr. BENNET] has told what happened when the authorities tried an experiment to find out whether in reality the casual examination was too superficial. The doctors took 10,000 men, stripped them, and found that the results of the examination of these 10,000 men were practically the same as the results obtained from subjecting 10,000 men to the usual examination which I have described.

As to the question of examining into a man's character, in deference to the agitation over that matter, we inserted in the immigration bill a few years ago a provision that when a man came out to this country from any nation which issues what are known as "penal sheets," he must produce his penal sheet. In other words, if an immigrant came from Italy, for instance, where every man has a record given him showing whether he has committed any crimes or not, we provided that when he got here that man must present his penal sheet for examination. What happened? That provision was fought tooth and nail in this House and was almost beaten. It actually was beaten in the Senate, and it nearly wrecked the whole bill. Why? Because gentlemen got up in this House and in the Senate and told how Russia and some other countries, which are supposed to entertain a hatred for certain classes of their own people, would re-

fuse to give immigrants these penal sheets or would give them false penal sheets for the express purpose of tyrannizing over them or preventing their emigration. The result of our attempt to satisfy the demands of those gentlemen who insist on our scrutinizing the moral characters of immigrants was that we almost wrecked our bill.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. FESS. I do not know that I got the full force of the gentleman's statement. Does it mean that what we call the superficial examination does not exclude more than would be excluded under a more rigid examination?

Mr. GARDNER. The 10,000 who were examined naked showed the same percentage of rejections as the 10,000 who were examined in the usual way, which has so often been alleged to be superficial.

Mr. FESS. And the conclusion is that it is not really superficial?

Mr. GARDNER. Precisely.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the question is on the amendment offered by the gentleman from Alabama.

Mr. MANN. Mr. Chairman, the gentleman's amendment provided, on page 62, line 16, for striking out the colon and then inserting the language. I think the gentleman wants to insert the language before the colon and after the word "thereto."

Mr. BURNETT. That is correct.

Mr. MANN. Then, will the gentleman change his amendment?

The CHAIRMAN. Without objection the Clerk will report the amendment as it is proposed to be modified.

The Clerk read as follows:

Line 16, page 62, after the word "thereto," insert the words "except as provided in section 11 hereof."

The CHAIRMAN. Without objection it will be so modified. There was no objection.

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

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following as a new section.

The Clerk read as follows:

Insert at the end of line 4, page 22, the following as a new section: "Sec. 11a. That whenever after January 1, 1918, he may deem such action necessary, the Secretary of Labor may, at the expense of the appropriation for the enforcement of this act, detail immigrant inspectors and matrons of the United States Immigration Service for duty on vessels carrying immigrant or emigrant passengers, or passengers other than first and second cabin passengers, between ports of the United States and foreign ports. On such voyages said inspectors and matrons shall remain in that part of the vessel where immigrant passengers are carried. It shall be the duty of such inspectors and matrons to observe such passengers during the voyage and report to the immigration authorities in charge at the port of landing any information of value in determining the admissibility of such passengers under the laws regulating immigration of aliens into the United States. It shall further be the duty of such inspectors and matrons to observe violations of the provisions of such laws and the violation of such provisions of the "passenger act" of August 2, 1882, as amended, as relate to the care and treatment of immigrant passengers at sea and report the same to the proper United States officials at ports of landing. For every violation of this section any person, including any transportation company owning or operating the vessel in which such violation occurs, shall pay to the collector of customs of the customs district in which the next United States port of arrival is located the sum of \$1,000 for each and every day during which such violation continues, the term "violation" to include the refusal of any person having authority so to do to permit any such immigrant inspector, matron, to be received on board such vessel, as provided in this section, and no vessel shall be granted clearance papers pending the determination of the question of the liability of such fine or while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, that clearance may be granted prior to the determination of all such questions upon the deposit of a sum sufficient to cover such fines and costs, such sum to be named by the Secretary of Labor: *Provided further*, That whenever it shall be shown to the satisfaction of the Secretary of Labor that the provisions of this section are persistently violated by or on behalf of any transportation company it shall be the duty of said Secretary to deny to such company the privilege of landing alien immigrant passengers of any or all classes at United States ports for such a period as in his judgment may be necessary to insure an observance of such provisions."

Mr. BURNETT. Mr. Chairman, I make the point of order that that proposition was voted upon yesterday.

Mr. BENNET. Mr. Chairman, this is not the proposition that was voted upon yesterday.

The CHAIRMAN. The present occupant of the chair was not at that time presiding.

Mr. BURNETT. The amendment was offered by Judge SABATH, of Illinois. In substance it was offered by the gentleman from Illinois [Mr. GALLAGHER], and afterwards a more elaborate amendment was offered by Judge SABATH, which embraced the same thing as Mr. GALLAGHER's and more.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes, the gentleman from New York to have five minutes thereof.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. BENNETT. Mr. Chairman, reserving the right to object, I desire to say to the gentleman from Alabama that I never had a more serious purpose in my life than I have in this amendment. It may be that I shall require 10 minutes. This is not any filibuster; this is a question of life and death to the immigrant; and the gentleman ought to know it.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this conclude in 15 minutes, the gentleman to have 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this new section and all amendments thereto close in 15 minutes, of which the gentleman from New York shall have 10. Is there objection?

There was no objection.

Mr. BENNETT. Mr. Chairman, there can be no question raised that this amendment can not be enforced, because I have added to the amendment offered yesterday by the gentleman from Illinois [Mr. SABATH] the enforcing provisions, as found on page 11 in section 7, and if those provisions are good and enforceable there, they are good here. Now, what is the situation? I was the subcommittee of the Immigration Commission that was given charge of investigating the conditions on board steamships, and I sent women inspectors into the steerages of the various ships. I sent Italians on Italian lines; I sent people who spoke other languages on the language ships. I sent seamen and English-speaking women on the English ships. There was one particular line running into Baltimore, concerning which I chose a woman from Baltimore, and because I had my own ideas of what happened to women in the steerages, I chose a big, broad-shouldered woman who I thought could take care of herself—I am going to speak very plainly—and she went clear back into Austria and came into this country as an immigrant over the railroads and steamships, and after she got back into the port of Baltimore she made a report which was printed as a part of Senate Document No. 206, Sixty-first Congress, second session. There were no matrons on that ship, there was no care taken of or given to the women, and this is what that woman found:

The manner in which sailors, stewards, firemen, and others mingled with the women passengers was thoroughly revolting. Their language and the topics of their conversation were vile. Their comments about the women, and made in their presence, were coarse. What was far worse and of continual occurrence was their handling of the women and girls. Some of the crew were always on deck, and took all manner of liberties with the women in broad daylight, as well as after dark.

Not one young woman in the steerage escaped attack. The writer herself was no exception. A hard, unexpected blow in the offender's face in the presence of a large crowd of men, an evident acquaintance with the stewardess, doctor, and other officers; general experience; and manner were all required to ward off further attacks. Some few of the women, perhaps, did not find these attentions so disagreeable; some resisted them for a time, then weakened; some fought with all their physical strength, which naturally was powerless against a man's. Others were continually fleeing to escape. Two more refined and very determined Polish girls fought the men with pins and teeth, but even they weakened under this continued warfare and needed some moral support about the ninth day. The atmosphere was one of general lawlessness and total disrespect for women. It naturally demoralized the women themselves after a time. There was no one to whom they might appeal. Besides, most of them did not know the official language on the steamer, nor were they experienced enough to know they were entitled to protection.

On that very ship an immigrant girl lying seasick in her bunk was attacked by the chief steward of the ship.

Mr. AUSTIN. Now, give us the name of that steamship company.

Mr. BENNETT. The vote of the commission struck that out.

Mr. AUSTIN. It ought to go in. I ask the gentleman in the interest of truth and justice to give the name of the steamship company that permitted this condition to exist.

Mr. BENNETT. Mr. Chairman, I have no right to override the vote of the commission. Now, that is an official public document. Now, on an Italian line I sent an Italian woman, a young woman, an attractive woman, and one afternoon she was sitting on the after deck when an officer came up and made some remark, not at the beginning offensive, but he had no sooner started in than around came a surgeon of the Royal Italian Navy, put there by the Italian Government for the purpose of protecting the immigrants, and that officer went away and that young woman was not molested afterwards. That is how they protect their women. Now, in the name of all that is decent why should not we put in a provision to protect these innocent women? I will tell you what happens. In big cities along the coast there come to the hospitals girls 13, 14, and 15

years of age suffering from venereal diseases, the result of attacks of sailors and officers of vessels. It happens always under large immigration. Go into the hospitals and they will tell you, and yet this House voted down a provision yesterday to give these women protection. I made up my mind that knowing the facts it was my duty, because I was a United States officer, in the collection of information and because I had the same humane feeling for the helpless that all this House ought to have, and I believe has, that it was my duty to bring it to the attention of the House plainly, emphatically, and directly.

Mr. AUSTIN. Now, may I ask the gentleman if he called the attention of the steamship company to this case he just mentioned to the House?

Mr. BENNETT. We not only called the attention of the steamship company to the occurrence, but we called the attention of the department to the occurrence.

Mr. AUSTIN. What was done?

Mr. BENNETT. Oh, the steamship company said they discharged the man. But I am a United States Congressman, and I want to put inspectors and matrons on these vessels, I will say to the gentleman. [Applause.]

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. BENNETT. I will yield to the gentleman.

Mr. O'SHAUNESSY. Does not the gentleman consider it a very regrettable thing that that was no record vote yesterday on this question of protecting innocent women and girls on these steamships?

Mr. BENNETT. I want to be fair. The House thought I was indulging in a filibuster. "Beware of the Greeks bearing gifts" But I do not think we voted particularly on the merits, and therefore I made up my mind that to-day if I had the strength and directness to do it I would bring the matter to the conscience of every man on this floor.

Mr. CRISP. Will the gentleman yield?

Mr. BENNETT. I do.

Mr. CRISP. I am very much interested in what the gentleman says, and I would like to hear the gentleman discuss his amendment, as I did not hear the amendment read. What is the purpose of it?

Mr. BENNETT. The purpose of the amendment is to give the Secretary of Labor, after the 1st day of January, 1918, the power, in his discretion, to put inspectors or matrons, either or both (at the expense of the United States), on every steamship sailing out of our ports. That is what my amendment is. Has my time expired?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. BENNETT. Mr. Chairman, I have concluded.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. BURNETT. Mr. Chairman, I object. There is an agreement as to time.

Mr. GALLAGHER. I was going to ask the gentleman if he did not think that under the proposed head tax we would collect enough money to pay all those expenses?

Mr. BENNETT. Certainly. We raised the head tax to \$8. We have the money.

Mr. BURNETT. Mr. Chairman, the gentleman's speech is a very strong argument for the literacy test, because those people, and those conditions of which he speaks, are among the people from southern Italy, whose immigration we are trying to check.

Mr. BENNETT. The gentleman is entirely in error. These are from northern countries and coming into Baltimore.

Mr. BURNETT. He stated a moment ago it was an Italian girl.

Mr. BENNETT. I said the Italian Government protected the Italians.

Mr. O'SHAUNESSY. Do you think the brutes that attack these women would fail to attack them if they were able to read or write?

Mr. BURNETT. The brutes that attack them, as a rule, Mr. Chairman, as was said by the commissioner in New York, are those from southern Italy. They are the ones that perpetrate the crimes, usually, against women. This was in the bill before. I favored it most earnestly. Great Britain, Germany, Italy, as I recollect it, Austria, and some of the other Governments, protested on the ground, as was said by the gentleman from Kentucky yesterday, that we had no right to invade their ships without their consent with our doctors.

Now, gentlemen, there is more in this than appears on the surface. If that kind of a protest is made to the President, although he might be inclined to waive his objections on the other grounds, might it not be probable that a number of countries coming and making that kind of a statement and protest to him, the gentlemen will get what some would like to have—a veto of this bill?

Mr. MADDEN. Will the gentleman yield for a question?  
 Mr. BURNETT. If I have time.  
 Mr. MADDEN. Does the gentleman contend it would not be within the power of the Secretary of Labor to exercise the discretion said to be granted to him by this amendment?  
 Mr. BURNETT. No doubt about that. That is provided in the amendment, I will say to the gentleman.  
 Mr. MADDEN. Is provided?  
 Mr. BURNETT. That is, it must be done within the discretion of the Secretary of Labor.  
 Mr. BENNETT. The amendment says that.  
 Mr. MADDEN. What I want to ask the gentleman is whether he contends it would not be in the power of the Secretary of Labor to exercise this power if this amendment is enacted into law?  
 Mr. BURNETT. Of course, that is provided in the amendment itself.

Mr. MADDEN. I understood the gentleman to say that Austria and other countries object to our exercise of this discretion.  
 Mr. BURNETT. They object to us giving the Secretary of Labor the discretion to do something that they say we have no right to do. We have no right to invade their ships. It could only be by their consent, and under the present law I think the Secretary of Labor would have that right if they would consent to it. We return the insane and others, yet we certainly have no right to invade foreign ships. We would have no right to put doctors on foreign ships.

Mr. Chairman, I hope gentlemen will not be swept off their feet by appeals to sympathy. These are hard cases which the gentleman names, but there is the question of the rights of nations involved in this case. An American ambassador to Italy, just before leaving here, had the matter presented to him, and he discussed it with me, and I told him that I am heartily in favor of the provision. I believe cases of the kind as mentioned by the gentleman from New York [Mr. BENNETT] often occur, but the question is whether we have got the right to do as he wants us to do or not. Let us not jeopardize the passage of this bill by putting something into it of doubtful right. Therefore, Mr. Chairman, I oppose the amendment, and I hope it will not be adopted.

Mr. SABATH. Could we not, as contemplated several times, deny steamships who would deny this right the right of entry?

Mr. BURNETT. Exactly.  
 Mr. O'SHAUNESSY. Mr. Chairman, I ask unanimous consent to address the House for one minute.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to address the House for one minute.

Mr. BURNETT. The time has expired.  
 Mr. O'SHAUNESSY. I would like one minute.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order.  
 Mr. BURNETT. Then others would want one minute. But I am willing to grant the gentleman from Rhode Island one minute and the gentleman from Massachusetts one minute.

The CHAIRMAN. Is there objection to the gentleman's request? The gentleman from Rhode Island asks unanimous consent that he may address the House for one minute. Is there objection?

Mr. BURNETT. I ask that the gentleman from Massachusetts—

The CHAIRMAN. And included with that—  
 Mr. MADDEN. Mr. Chairman, I ask unanimous consent to address the House for two minutes.

Mr. BURNETT. I object to all requests.  
 The CHAIRMAN. The time has expired, then. Nothing remains but putting the vote on the amendment.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. O'SHAUNESSY. Division, Mr. Chairman.  
 The committee divided; and there were—ayes 59, noes 27.  
 So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SIMS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tully, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3984) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4399) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER as the conferees on the part of the Senate.

#### IMMIGRATION.

The committee resumed its session.

The Clerk read as follows:

SEC. 12. That upon the arrival of any alien by water at any port within the United States on the North American Continent from a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or at any port of the said insular possessions from any foreign port, from a port in the United States on the North American Continent, or from a port of another insular possession of the United States, it shall be the duty of the master or commanding officer, owners, or consignees of the steamer, sailing, or other vessel having said alien on board to deliver to the immigration officers at the port of arrival typewritten or printed lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, contain full and accurate information as to each alien as follows: Full name, age, and sex; whether married or single; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); whether able to read or write; nationality; country of birth; race; country of last permanent residence; name and address of the nearest relative in the country from which the alien came; seaport for landing in the United States; final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; by whom passage was paid; whether in possession of \$50, and if less, how much; whether going to join a relative or friend, and, if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane; whether ever supported by charity; whether a polygamist; whether an anarchist; whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or which teaches the unlawful destruction of property, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government because of his or their official character; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; the alien's condition of health, mental and physical; whether deformed or crippled, and if so, for how long and from what cause; and such master or commanding officer, owners, or consignees shall also furnish information in relation to the sex, age, class of travel, and the foreign port of embarkation of arriving passengers who are United States citizens. That it shall further be the duty of the master or commanding officer of every vessel taking passengers from any port of the United States on the North American Continent to a foreign port or a port of the Philippine Islands, Guam, Porto Rico, or Hawaii, or from any port of the said insular possessions to any foreign port, to a port of the United States on the North American Continent, or to a port of another insular possession of the United States to file with the immigration officials before departure a list which shall contain full and accurate information in relation to the following matters regarding all alien passengers, and all citizens of the United States or insular possessions of the United States departing with the stated intent to reside permanently in a foreign country, taken on board: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States or insular possessions thereof; if a citizen of the United States or of the insular possessions thereof, whether native born or naturalized; if native born, the place and date of birth, or if naturalized the city or town in which naturalization has been had; intended future permanent residence; and time and port of last arrival in the United States, or insular possessions thereof; and such master or commanding officer shall also furnish information in relation to the sex, age, class of travel, and port of debarkation of the United States citizens departing who do not intend to reside permanently in a foreign country, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the immigration officials at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each person of the classes specified taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 14 of this act: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of immigration officials to record the following information regarding every resident alien and citizen leaving the United States by way of the Canadian or Mexican borders for permanent residence in a foreign country: Name, age, and sex; whether married or single; calling or occupation; whether able to read or write; nationality; country of birth; country of which citizen or subject; race; last permanent residence in the United States; intended future permanent residence; and time and port of last arrival in the United States; and if a United States citizen, whether native born or naturalized.

Mr. BENNETT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. BENNET. If the chairman of the committee will turn to page 22 of the bill, at the beginning of this rather long section, on lines 16 and 17, he will see that the "manifests must be made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list," and so forth. Then, if he will turn over to section 13, page 27, not yet read—and this is the part that I talked about with the gentleman last night—he will see that first the commanding officer, line 20, page 26, and then the surgeon, page 27, line 10, are each required to swear—and in the case of the captain it is on lines 1, 2, and 3, on page 27—that "he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect." And the surgeon is required to make the same statement.

Now, of course, we have not yet reached section 13, but either the time when the manifest is made out ought to be changed in section 12 or there ought to be added, on page 27, the privilege to the surgeon to examine the aliens and find out what their condition is and amend the manifests so that the manifests will state the facts, and then swear to them.

As the situation is now, the list is made up when the aliens go on board. It may very possibly be that an alien who gets on board is afflicted with some disease which ought to keep that alien out of our country, and the surgeon ought to have the right, when he has made his examination, to make annotations on the manifests and to swear to the lists as they are, so that they will be helpful.

I have no amendment to suggest to this section unless the gentleman from Alabama wants to change the time when the manifests are made out, and I do not think he could, because the manifests are made out in the offices of the steamship companies abroad—made out in part before the alien even goes on board the vessel. But I make the suggestion now in order that the gentleman and his able assistants can take the matter into consideration by the time section 13 is reached.

Mr. BURNETT. In addition to the surgeon examining the aliens on the voyage the surgeons would have the opportunity to examine those aliens at the time of their disembarkation.

Mr. BENNET. Not necessarily.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. The surgeon on the ship sailing would certainly have the right to do that.

Mr. BENNET. But let me give the gentleman a case. Let us suppose that when the people go on board the vessel they are apparently all right; but suppose that some infectious or contagious disease, as, for instance, smallpox, breaks out within the period of incubation, and when the surgeon goes around he finds that case of smallpox. Now, under section 13, notwithstanding the fact that the man has smallpox and will be put in the hospital, the surgeon and the commanding officer are required to swear that there is nobody on the vessel that is inadmissible. The gentleman does not want that to go into the law?

Mr. BURNETT. They only swear to it at the time of the embarkation.

Mr. BENNET. No. Let me read it to the gentleman. Page 26, line 22, is to the effect that—

He has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act.

That oath is to be taken at the time of arrival into the United States. Then the provision reads further:

And that also, according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Now, take the best captain in the world, the most honest man, bringing immigrants from a foreign country. They are all right when they get on, and he puts down "John Jones, all right," all the way across the sheet. Now, John Jones develops smallpox, and yet this law requires that this captain, when they get to New York City, must swear before an official of New York City, that to his best knowledge and belief John Jones is all right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to conclude the debate. Perhaps the gentleman from New York and I can reach an agreement on the matter. I think it is fully provided for as it is, but at the same time I have no objection to allowing a statement to be made, showing that at the time of the embarkation the condition of the immigrant was such as it was, but that during the passage something of that kind, whatever it was, developed. But certainly he ought to be required to state the condition of the alien at the time of his

embarkation. I am willing that it should be modified so that if there is a change of condition it can be noted at the time of landing.

Mr. BENNET. That is satisfactory.

Mr. SABATH. Will not this provision clear your contention:

Each list or manifest shall be verified by the signature or oath or affirmation of the master or commanding officer or the first or second below him in command.

Now, it is not necessary that it should be done at the time he receives the manifest, but he can have that privilege and right to do it at any time during the voyage.

Mr. BENNET. Oh, Mr. Chairman, I agree with the gentleman from Alabama that—

Mr. SABATH. It does not say that it shall be done at once.

Mr. BENNET. I agree that the commanding officer should be allowed to certify that, to the best of his knowledge, when these people came on they were all right, and then again on this side; when he gets to the port of New York City he should make a certification as to their condition when they arrive.

Mr. GARDNER. Suppose at the end of section 13 you add a proviso somewhat to this effect:

Provided, That in case any physical or mental ailment has been developed in any immigrant in transit that fact shall be noted by the captain or the surgeon on the report required by this section.

Would not that cover it?

Mr. BENNET. I think it would be better to put it the other way around, and make it affirmative.

Mr. GARDNER. When we reach section 13 you can cover it by a proviso.

Mr. BENNET. Yes.

Mr. GARDNER. As I understand it, the gentleman's objection, is that the inward manifest is made out at the time of embarkation, and that at the time of arrival the captain or surgeon must certify that this manifest as made out at the time of embarkation is still correct.

Mr. BENNET. Yes.

Mr. GARDNER. While, as a matter of fact, it may not be correct?

Mr. BENNET. Yes.

Mr. GARDNER. Now, if by a proviso you allow the surgeon or captain to annotate the manifest, stating that there has been a change in transit, that is all that is necessary?

Mr. BENNET. That is all I want.

Mr. GARDNER. Then why not offer a proviso at the end of section 13?

Mr. BENNET. That is all I want. The reason I will not offer it now is because when we get to section 13, which is the next section, we can agree on that.

Mr. BURNETT. And that is the place where the amendment would apply—on section 13.

Mr. BENNET. And not on section 12.

Mr. BURNETT. Yes.

Mr. BENNET. I was going to suggest that they might change the time when the manifest was made out, but I do not think they ought to do that.

Mr. BURNETT. Oh, no; the time of the making of the manifest ought not to be changed. Then, let us go on and read section 13.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Are these provisions in section 12 in reference to American citizens furnishing information—those going temporarily or permanently abroad—covered at all by the existing law, or are they entirely new?

Mr. BURNETT. What portion of the section?

Mr. MANN. In reference to the information to be furnished by the master of a vessel.

Mr. BURNETT. That is almost entirely existing law.

Mr. MANN. I think the provisions are all new.

Mr. BURNETT. The provision beginning on page 23, in line 11—

whether a person who believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieves in or is opposed to organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or is a member of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or which teaches the unlawful destruction of property, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government because of his or their official character—

is new; but the part preceding line 11, page 23, is almost all in the existing law.

Mr. MANN. I am speaking of the provision in reference to information relating to American citizens going abroad, which is not in the existing law as a matter of fact, although I asked the question whether it was. What is the reason for it?

Mr. BURNETT. For outgoing passengers?

Mr. MANN. Yes; this all relates to outgoing passengers.

Mr. BURNETT. That is for the purpose of keeping track of those who are going out. It is a matter of information more than anything else.

Mr. SABATH. For statistical reasons?

Mr. BURNETT. For statistical reasons; yes.

Mr. MANN. Of course, it is rather galling to the average American citizen, if he wants to travel from one State to another, to be stopped at the border and asked for information about his life history, where he was born, and so forth, and probably it will be equally galling to give the same information if he wants to drop over into Canada, and I wonder whether there was a real necessity for it. It does not give much statistical information.

Mr. BURNETT. It was suggested by the Labor Department, as I have said, for the purpose of giving statistical information.

Mr. GARDNER. May I read what the commissioner said in 1911?

Mr. BURNETT. Yes.

Mr. GARDNER. The Commissioner General of Immigration in his annual report for the fiscal year ending June 30, 1911, says:

The provisions with regard to furnishing data covering passengers leaving the United States are separated from those regarding passengers entering, and extended so as to cover citizens (native born and naturalized) departing with the intent to settle abroad, and to empower immigration officials to obtain information regarding aliens and permanently departing citizens leaving the country over the land boundaries similar to that furnished by transportation companies concerning those leaving by vessels. Information regarding sex, age, class of travel, and foreign port of debarkation of departing United States citizens who do not intend to reside permanently in a foreign country is also required. This information is now secured by indirect, nonstatutory means regarding all departing passengers. These modifications of the statistical requirements are essential to the compilation of accurate figures on this very important subject. Instead of requiring manifests of outward-bound passengers, "information" only is required, and provision is made for the adoption of regulations as to the form and manner in which it shall be collected and supplied. Here also an addition is made to insure the collection of accurate and properly segregated data concerning and as between the mainland and insular possessions, respectively.

Mr. MANN. Where an American citizen goes over into Mexico, do we have any requirement now that he must pass first through the hands of an immigration official, or if he drops over from North Dakota into Canada, or from Minnesota into Canada, is he required to go through the hands of an immigration inspector?

Mr. BURNETT. We have no such requirement in our law.

Mr. MANN. Does the gentleman think that that will ever be very popular with American citizens?

Mr. BURNETT. Possibly not, and yet I do not think it would be a bad idea to keep up with those who are going over to the other side.

Mr. MANN. It might be desirable to have statistics, to know how many people pass from the State of Indiana across into Illinois or vice versa, but I imagine that the person who would try it would find himself very unpopular.

Mr. GARDNER. If you go into Canada to-day you have to fill out on the train statistics as to your intention. I think that is done for the Canadian Government as a matter of fact; but every time I go across to Canada I have to fill out a blank and hand it to the conductor of the train, for the purpose of being given to some immigration inspector.

Mr. MANN. This would apply to going across the line anywhere, even if they did not go on a train.

Mr. DENISON. Mr. Chairman, I move to strike out the last word.

Mr. BURNETT. Mr. Chairman, I shall object to any speeches which are not germane—to anything not confined to the bill.

Mr. TOWNER. I desire to oppose the pro forma amendment offered by the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois [Mr. DENISON] will be recognized first.

Mr. DENISON. Mr. Chairman, I do not wish to speak on this particular section of the bill. I asked for time to address the House on the bill during the general debate, but could not get it. I approve of the bill and intend to vote for it, and desire at this time to briefly state my reasons for doing so.

I favor the bill because I consider it a measure of protection. It will give some protection to the workingmen of our country. Mr. Chairman, if there is any one political principle in which I believe more than all others it is that of protection. I have made some little study of the history and principles of American politics, and I can not escape the conviction that protective legislation has contributed more than all other legislation to the industrial and commercial development and growth of the Nation. I care not who originates the legislation nor

what particular form it assumes. If it protects the industries of our country or the wages and working conditions of our workingmen, if it will properly add to the material welfare of any considerable class of our people, whether they be farmers, stockmen, laboring men, or others, and protects them from depressing or injurious influences from abroad, I am for it.

I have listened, Mr. Chairman, with a great deal of interest to the discussion of the bill by Members of the House. A great many fanciful and far-fetched reasons, it seems to me, have been advanced both for and against it. If I understand it, it is, after all, but a measure of protection.

It, of course, revises and amends the general immigration laws, but its ultimate purpose is to protect, so far as can be done, American society from the corrupting and disintegrating influences that would follow the movement of the prohibited classes to our shores—to protect, as far as can be done, the standard of wages and the standard of living of American workingmen from the injurious competition of the ignorant and undesirable hordes of immigrants that will want to come here. I am in favor of such protection, and therefore will vote for the bill.

This bill, Mr. Chairman, again brings us, after all, face to face with a century-old divergence of political thought that has occupied the minds of the people of the country almost since its very beginning, and has found expression in the doctrines of the two great political parties. There has always been those among our statesmen who believe that the principles of political, industrial, and social economy are universal; that in dealing with them national boundary lines should not be taken into account; they believe that, all men being created free and equal, they should be allowed to pursue their own happiness and welfare unobstructed by national boundary lines or laws; they believe that the right to trade ought to be free; that the law of life, as was so eloquently stated by the gentleman from Massachusetts [Mr. GALLIVAN], is movement; and that the people should not be obstructed in this law of movement by national restrictive immigration laws.

On the other hand, there has been those among our statesmen who believe that the problems of political, industrial, and social economy are so far national in their nature that each Government should solve them in its own way in the interest of its own people. They believe that the right to trade should not be free, if by preventing free trade a Government can add to the material welfare of its own people; they believe that each Government ought to obstruct the so-called natural law of movement among people by restrictive immigration laws, if by doing so the welfare of its own people may be protected or promoted.

This divergence of political thought has manifested itself in most of the great political battles that have been fought in this country and has always been the fundamental difference between the Democratic and Republican Parties. The Democratic Party has, generally speaking, believed that the right of free trade should meet no interference at the national boundary line by protective tariff laws; that there should be no interference by protective legislation with free competition between the laborers of America and other countries, in the price of labor.

On the other hand, the Republican Party has always believed in the wisdom of the policy of interfering with free trade among nations by such protective tariff legislation as would properly foster, encourage, and protect the industries of our own people; and that this Government should protect its own workingmen from the competition of those of other countries by such legislation as would best accomplish that result.

Now, Mr. Chairman, this same old question, it seems to me, is involved in the bill now under consideration. As I have said, it is but a measure of protection. It will help protect American workingmen in their wages and their conditions of living. It is in harmony with the principles for which the Republican Party has always stood, and therefore I am for it.

The Republican platform of 1912 contained this provision:

We pledge the Republican Party to the enactment of appropriate laws to give relief from the constantly growing evil of induced or undesirable immigration which is inimical to the progress and welfare of the people of the United States.

It is only the evil of "induced" or "undesirable" immigration that this bill seeks to provide against. And I confess I am unable to understand the attitude of those few Republicans here who are opposed to this bill. We have always believed in the policy of protecting American labor from the competition of the cheaper labor of foreign countries by a protective tariff. We have told the people in every great campaign that American industries could not maintain American wages and the better standard of living for American laborers unless protected, by proper tariff laws, from the competition of the industries of foreign countries where the standard of living was lower and the wages of labor so much less than in America. We have advo-

cated a protective tariff because it would protect American workmen from the competition of the cheaper labor in other countries. Why should we not protect American workmen, as far as we can, from the competition of ignorant and undesirable foreign laborers who would come into this country, especially when we know that they have been and will be brought in great numbers by the steamship companies and others for selfish purposes?

Mr. Chairman, in legislating upon a question of this kind I want to be consistent as well as conscientious; and I agree with the statement made here last Saturday by the distinguished chairman of the committee, Mr. BURNETT, that those few Republicans who are against this bill are not consistent.

On the other hand, it is a real pleasure to see so many of our Democratic friends supporting this protective legislation. You gentleman on that side of the House are ordinarily so skeptical, so scary about anything that sounds like protection, it must be a genuine surprise to the country to see so many of you supporting this bill. And I want to say that in voting for this bill you Democrats are no more consistent with the past attitude of the Democratic Party toward American labor than are those Republicans who are voting against it.

Many of you Democrats who are going to vote for this bill, which will help to protect American labor from the competition of ignorant and undesirable labor that would come or be brought into this country, will, nevertheless, oppose a protective tariff which would protect American labor from the competition of the cheaper labor of those working in foreign countries.

No; you Democrats are not consistent with the past policy of your party toward American labor in supporting this protective legislation. But you are right in doing so. And I am glad to have you go with us thus far in doing this much for the laboring men of our country. I, of course, do not know how true it is, but I am told, Mr. Chairman, that this bill, if it passes Congress, will be vetoed, and that if we would have this legislation we must pass it over the President's veto. A similar bill passed by the last Congress was vetoed, and we naturally suppose, unless the President reverses himself on this question, as he has on so many other questions in the past two years, this bill will likewise be vetoed. I have heard, too, that the majority party at the other end of the Capitol will try to prevent this bill from passing the Senate in order to prevent the political embarrassment of another presidential veto. I am disposed to share the views of those who fear that after the European war closes and the millions of men now under arms are released, the most desirable of the laborers will remain in their native countries while many of the undesirable will want to come to the United States. So we have need for this legislation now, as we have never needed it before, and I believe that the political party that defeats this bill, whether its defeat be accomplished by one means or another, will have to answer to American labor when American labor has another chance to speak at the polls.

Mr. Chairman, on September 5, 1912, after the President had been nominated, he made an address before the Association of Foreign Language Newspapers in New York City, and was reported by the papers as saying on that occasion:

I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticize immigration, but those who declare themselves Americans. \* \* \* Of course, if the immigrants are allowed to come in uninstructed hosts, and to stop at the ports where they enter and there to compete in an oversupplied labor market, there is going to be unhappiness; there is going to be deterioration; there is going to be everything that will be detrimental to the immigrant.

It will be noticed that the President used the expression "uninstructed hosts," and said such immigration would result in unhappiness and in deterioration. Yet the President afterwards reversed himself and vetoed a bill which had no other purpose than to prevent the induced or undesirable immigration of "uninstructed hosts." And that is all this bill will do. I am convinced that the American people want this legislation. Farmers' organizations, labor organizations, and other organizations have indorsed it. And the objections to it are, to my mind, only fanciful and theoretical.

Mr. Chairman, I represent a district where there are many laboring men. There are eight or ten thousand coal miners there, to say nothing of thousands more engaged in other kinds of labor. Those men are organized and have made a study for years of labor conditions in this country. I have respect for their judgment. I have sympathy for their aspirations. I am interested in their welfare. I have no doubt they fairly represent the other laboring men all over this country of ours, and so far as I can conscientiously do so I will support any legislation that will protect them—that will fairly maintain their

wages or improve their standard of living and their condition in life.

I have received many letters and resolutions from the people of my district urging me to support this bill. I have not yet received one against it. And I am happy in the belief that in supporting it my own conscientious judgment is in entire harmony with the wishes of the people I represent.

I do not share the belief, or, rather, the suspicion, of those who have professed to see a question of religious discrimination involved in this legislation. It is not the purpose of the bill to prevent people of any particular religion from coming to this country. Neither do I share the views of those who have asserted that it is aimed at the people of any particular nation. No one who would be of any value to this country will be excluded by the provisions of this bill.

It is only a question of self-protection after all. Every nation has the right to and should enact such legislation as is necessary or desirable for its own protection and perpetuity. To that end it is the course of wisdom to surround the sources of our population with such safeguards as will prepare all of our people as far as possible for the duties as well as the privileges of citizenship in the Republic. Mr. Chairman, I do not believe the literacy test provided in this bill is either arbitrary or unfair. It is in keeping with our ideals. Education is the very foundation of our Republic. We have made it compulsory in nearly all, if not all, of the States of the Union. We compel our own people to acquire at least some education. Why should we not require it of those who would come here from other lands? This country will not suffer by the exclusion of those who could not pass the literacy test provided by this bill. If it becomes a law the requirements will soon become known in other lands, and those who would really want to come to America to live—who would be worthy of citizenship in a Republic—would soon learn to read and write well enough to pass the literacy test. Others we do not want.

I can not but admire the sentiments of those who still cling with a sort of tenacious fetishism to the old doctrine that America is an asylum for the oppressed and its doors must be left open for the free entry of any who would come from the four corners of the earth. That idea belonged to former generations. It is a beautiful thought, but in the practical application of it to the conditions of our day, with our hundred millions of people, we must look to our own preservation and the perpetuity of our institutions and ideals. No one claims that ignorance is necessarily an indication of dishonesty or undesirability. It seems distressingly fanciful to me to refer with pitying pathos to our noble ancestors who could not read or write as an argument against the literacy test.

The great majority of the American people have come to believe that on the whole the higher the average of education and intelligence of our people the better it will be for their happiness and progress. One does not necessarily have to be able to read and write in order to be a good citizen. But we must advocate and encourage popular education or abandon our ideals and weaken the very foundation of the Republic. And I believe, Mr. Chairman, that the enforcement of the literacy test in the admission of immigration into this country will be but an exemplification of one of the popular ideals of our people, and will not only tend to protect our labor and purify our population but will increase the respect and esteem in which we are held by other nations.

Mr. Chairman, I wish to say in conclusion that I would not favor this bill if it closed our doors either to political or religious refugees from any country or to people of other countries who are qualified for citizenship here. But the former are expressly exempt from the provisions of the bill, and the latter are not excluded at all. There are many Germans, French, English, Italians, Russians, and other nationalities in the district I represent. Most of them are good citizens. Many of them are among our best farmers, miners, and merchants. And I do not believe those who are here would complain at the provisions of this bill. Most of them, Mr. Chairman, are themselves laboring men, and no doubt share with other laboring men of the country the belief that American labor should at least have the protection that will result from the provisions of this bill. [Applause.]

Mr. TOWNER. Mr. Chairman, I desire a few minutes to call the attention of the House to what I conceive to be the constitutional power of Congress to regulate and control the conditions under which foreign vessels may bring immigrants to this country. The power that the Constitution grants to Congress over foreign commerce is absolute. There is no limitation whatever. It is within the power of Congress to prohibit any foreign ships coming to our shores. It is within the power of Congress to make any condition that it desires upon

which vessels may enter our ports and upon which vessels may be allowed to clear from our ports. It is within the power of Congress to pass any laws that they may deem wise or advisable regulating the conditions under which emigrants may be brought to this country. I can conceive of no condition that might arise that would interfere in the slightest degree with the full exercise of this power, except one, and that may be treaty agreements with foreign nations. There is no other limitation that can be placed on the power of Congress to absolutely regulate these matters.

So, when gentlemen talk about the foreign vessels being foreign territory, which we could not invade for the purpose of inspecting immigrants, they are laboring under a misapprehension regarding the power of Congress. We can say that no such vessels shall enter our ports unless they allow inspectors to be placed on the vessels at the port of departure and that they be allowed to inspect the emigrants on the voyage over. We can impose any regulation of that character that we deem wise or expedient. So Congress need feel no hesitancy in imposing any judicious law they think right on a vessel entering or clearing our ports that goes to the protection of the immigrant or of the people of the United States. Nearly all the immigrants coming to this country are brought here on foreign vessels. Naturally, these foreign steamship companies want to be as free as possible from restraint and control by this country. Instead of that being a reason why we should allow them relief from surveillance, we should consider it a reason why we should subject such commerce to control, in our own interest and in the interest of humanity. I am glad to anticipate that if this bill becomes a law the conditions of the immigrant will be materially improved and our own country will be further protected from undesirable immigrants.

Mr. KENNEDY of Rhode Island was recognized.

Mr. BURNETT rose.

The CHAIRMAN. Does the gentleman from Alabama desire recognition?

Mr. BURNETT. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

Mr. STAFFORD. Mr. Chairman, was not the gentleman from Rhode Island recognized before that?

The CHAIRMAN. The Chair will state that he asked the gentleman from Alabama if he desired recognition, and the gentleman from Alabama went on and made his motion. The Chair had before that recognized the gentleman from Rhode Island.

Mr. BURNETT. Very well, Mr. Chairman; I give notice that I shall object to any discussion not pertinent to the bill.

The CHAIRMAN. What is the motion of the gentleman from Rhode Island?

Mr. KENNEDY of Rhode Island. I move to strike out the last three words. Mr. Chairman, on Saturday last, during a period when I was not in the House, the gentleman from Ohio [Mr. FESS] addressed a statement to the House in an endeavor to administer a gentle tap to my distinguished colleague, Mr. O'SHAUNESSY. His language was as follows:

Why, my friends, Brown University gave to the country Horace Mann, this country's greatest educator, and the founder of the common-school system of America. He was a son of Massachusetts but an alumnus of Brown. It gave Mr. Justice Hughes, who is much talked about to-day in the country. [Loud applause.] It gave our country, the United States, the greatest State university president, namely, Prof. Angell, of Michigan University. [Applause.] And it gave a former superintendent of the public schools of Chicago, President E. Benjamin Andrews. Mr. Chairman, the States so advanced on educational lines, with such achievements to their credit, see their Representatives vote against this educational test. [Applause.]

Now, I respectfully yield to the gentleman from Ohio in order that he may explain, for the moment, whether or not he desired to leave the inference that any of these distinguished gentlemen whom he named in that statement favor a literacy test.

Mr. FESS. Will the gentleman yield?

Mr. KENNEDY of Rhode Island. I will.

Mr. FESS. In reply to the question by the gentleman from Rhode Island I will say that I have not any direct or specific information from any one of these men as to whether they would stand for the educational test or not, and had not that in my mind when I spoke. Since the gentleman has read it, I can see that that inference might have been drawn that I might have thought that they stood for the test. I want to be frank with the gentleman from Rhode Island, as well as with the House, in stating that I had no information whatever. I rather think they would stand for it, however, but that is only an opinion.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I am glad the gentleman from Ohio made the last statement. He completely cleared himself of any intention to leave the inference which I thought could plainly be drawn from the language he indulged in on Saturday; but being a college president himself, and a very distinguished one, and guiding the destinies of an

institution over which Horace Mann, one of the gentlemen named formerly presided, undoubtedly he feels that the members still living of that great galaxy of Brown University's sons entertain the same opinion he does with respect to the literacy test.

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I ask for three minutes more.

Mr. BURNETT. Mr. Chairman, I object. I move that all debate on this amendment close in five minutes.

Mr. O'SHAUNESSY. Oh, Mr. Chairman, I ask unanimous consent that the gentleman from Rhode Island be permitted to proceed.

Mr. BURNETT. I object. The question of Brown University is not an issue to-day.

Mr. KENNEDY of Rhode Island. Mr. Chairman, my remarks are connected with this bill.

Mr. BURNETT. I object.

Mr. KENNEDY of Rhode Island. I make the point of order that there is no quorum present.

Mr. BURNETT. I will not object to two minutes.

Mr. KENNEDY of Rhode Island. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I withdraw the point of no quorum. I was about to say that I object to being placed in the picture painted by the gentleman from Ohio to be looked upon by this House as a Member who would oppose a policy that is essentially educational. I do not think that this literacy test is educational, although the last sentence indulged in by my friend from Ohio [Mr. FESS] on Saturday is that this is an educational test. The literacy test is not an educational test. The term "education" covers a much broader field than does the term "literacy." In looking up hurriedly the question as to whether these distinguished and scholarly sons of Brown, whom he named, ever favored a literacy test, I found certain information which I desire at this time to lay before the House, and incidentally disabuse the gentleman's mind of what he thinks might be the opinion of these gentlemen on the matter. Of course, Horace Mann lived a number of years ago. He was very distinguished, both in educational and philanthropic lines. An educational test of any nature, or a literacy test, would be a thing unthinkable in those days, as it ought to be at the present time, and one would not expect, therefore, that Horace Mann would have uttered any views on the subject. But in a lecture which he delivered in Portland on August 30 and 31, 1844, he gave the following definition of education, and it has an important bearing on this matter under discussion:

I hardly need to say, that by the word "education," I mean much more than an ability to read, write, and keep common accounts. I comprehend under this noble word such a training of the body as shall build it up with robustness and vigor, enabling it to act, formatively, upon the crude substances of nature—to turn a wilderness into cultivated fields, forests into ships, or quarries or clay pits into villages and cities.

That definition comports exactly with the position taken by those who oppose the literacy test on this floor. Mr. Chairman, I also discovered that Dr. E. Benjamin Andrews, as late as 1913, said some very emphatic things concerning immigration on the phase of amalgamating our foreign born:

The slow amalgamation of outlanders is not a national peril. Our citizenship from abroad is, in the main, good and the least likely part of it will become valuable with time. The Nation's experience with immigration hitherto is ground for hope.

Speaking about the tendency of foreigners to flock together, President Andrews says:

The superciliousness of Americans tends to make foreigners herd. Men whose fathers, grandfathers, or great-grandfathers were themselves immigrants put on an air of superiority toward people landing yesterday.

In many cases this nucleization among Americans of foreign origin is harmless. Elsewhere, though showing a bad side, it is so evanescent that no patriot need lose sleep over it.

Immigrants, however ignorant, should be shown a sympathetic spirit, not avoided, scolded, or dealt with in a patronizing way. Present statutes excluding undesirable foreigners should be carried out with discrimination and in good faith.

Not a solitary word in favor of the literacy test. [Applause.]

The CHAIRMAN. The time of the gentleman from Rhode Island has expired.

Mr. KENNEDY of Rhode Island. I wish I could obtain more time.

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SLAYDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916; and

H. J. Res. 68. Joint resolution to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives is requested:

S. 4476. An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912.

## IMMIGRATION.

The committee resumed its session.

The Clerk read as follows:

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, the names of those coming from the same locality to be assembled so far as practicable, and no one list or manifest shall contain more than 30 names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and other items of information required by this act, are contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and mental examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is of any of the classes excluded from admission into the United States by section 3 of this act, and that also according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessels, and the manifests shall be verified by such surgeon before a United States consular officer.

Mr. BURNETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, line 20, change the period to a colon, and add: "Provided, That if any changes in the condition of said aliens should occur or develop during the voyage of the vessel on which they are traveling, such changes shall be noted on the manifest before the verification thereof."

Mr. MANN. Mr. Chairman, I suggest that the gentleman modify his amendment by striking out the word "should," so that it will read:

"Provided, That if any changes in the condition of said aliens occur, etc."

Mr. BURNETT. I will accept that suggestion.

The CHAIRMAN. Without objection, the modification will be made as indicated.

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported as modified?

The Clerk read as follows:

Page 27, line 20, change the period to a colon, and add: "Provided, That if any changes in the condition of said aliens occur or develop during the voyage of the vessel on which they are traveling, such changes shall be noted on the manifest before the verification thereof."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BENNET. Mr. Chairman, it seems to me that that amendment covers the proposition, and while the language may not turn out to be the very best, there is another place where it can be corrected if necessary. The main error is corrected, and I hope the amendment will be adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, lines 19 and 20, strike out the words "a United States consular officer" and insert "an officer competent to administer oaths."

Mr. BENNET. Mr. Chairman, the language of this section is vague and it is not anywhere certain where the oath is to be taken, except that it apparently is to be taken upon arrival in this country. I think that a better amendment even than the one that I have offered would be to leave in the words "a United States consular officer" and add "or an officer competent to administer oaths." Then it would cover cases of both manifests. It would cover the case of the manifest as it was put on the vessel abroad and the case of the manifest as it was amended when the vessel came into the port of the United States.

Mr. BURNETT. Mr. Chairman, the change was made in the Senate. It was not a change of ours, and I think the suggestion of the gentleman is a good one, and I will accept the amendment.

Mr. BENNET. Then I ask unanimous consent to modify my amendment so as not to strike out those words, but to add the words "or an officer competent to administer oaths."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 27, lines 19 and 20, after the word "officer," in line 20, add "or an officer competent to administer oaths."

Mr. BURNETT. Change the period to a comma.

Mr. BENNET. Yes.

Mr. BURNETT. And then add "or other officer competent to administer oaths."

Mr. MANN. That is, to insert after the word "officer," in line 20, the words "or other officer competent to administer oaths."

Mr. BURNETT. Yes; to strike out the period and change it to a comma.

Mr. MANN. The engrossing clerk will attend to that part of it.

Mr. BURNETT. "Authorized" is a better word than "competent."

Mr. BENNET. Yes.

The CHAIRMAN. The Clerk will report the amendment in its final form.

The Clerk read as follows:

Strike out the period after the word "officer" and insert a comma and insert "or other officer authorized to administer oaths."

Mr. MANN. Well, Mr. Chairman, the amendment ought to read, "insert after the word 'officer.'" There is no comma required there and you do not strike out the period.

Mr. BURNETT. The period would be at the end of the inserted words.

Mr. MANN. Why, of course.

Mr. BURNETT. That is right. Just add the words "or other officer authorized to administer oaths" after the word "officer" and the period then automatically goes to the end of the sentence.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels, the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would under the provisions of this act bind the said vessels, transportation lines, masters, agents, owners, or consignees: Provided, That where removal is made to premises owned or controlled by the United States, said vessels, transportation lines, masters, agents, owners, or consignees, and each of them, shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the vessels or transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisions of section 18 hereof. Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in section 18 of this act.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the chairman for the purpose of calling attention to the fact that the manner specified in section 18 of this act apparently does not fit the offense under section 15; and as section 15 is a rather important section, and a good deal of it new, and it amounts to a good deal of money to some people if they could evade it, it seems to me there ought to be a provision in here for punishing the person who does not comply with the provision. Now, I am very frank to say I have not myself worked out any proposition, but I have come to the very definite conclusion that the language "shall be punished in the manner specified in section 18 of this act" does not cover any of the offenses on page 29. Now, I have no suggestion to make. I do not think I am entitled to make any suggestion unless I have formulated it in the form of an amendment; but in the form in which the section is it can be violated at will.

Mr. BURNETT. Because there is no penalty attached to it?  
Mr. BENNET. That is exactly the suggestion I make to the gentleman.

Mr. BURNETT. It says, "shall be punished in the manner specified in section 18 of this act."

Mr. BENNET. If the gentleman will turn to section 18 and read it with care, although it is a pretty long section, he will find that there are two or three methods, and so forth, in there—bonds and everything else.

Mr. BURNETT. Does not the gentleman think that at the bottom of page 36—

Mr. BENNET. I do not, because that provision is to the effect if the consignee has violated any of the foregoing provisions.

Mr. BURNETT. It says there, "if it shall appear to the satisfaction of the Secretary of Labor such person," and so forth, "has violated any of the foregoing provisions."

Mr. BENNET. That is section 18.

Mr. BURNETT. It does not say that. I think it would relate back to section 15, and it also refers to section 18.

Mr. MANN. If the gentleman will pardon me, if he will read a little further he will see that it says that for the violation of the foregoing provision the punishment is in the sum of \$300 for each and every violation of all the provisions of this section. That is section 18. Whatever he may have violated he can only be punished for a violation of section 18, apparently. I have not given it, however, very careful attention.

Mr. BENNET. I gave it careful attention, and I am frank to say I was negligent in that I should have drawn an amendment, but I had several other amendments.

Mr. BURNETT. Let us pass it over, and I will ask some of the lawyers about that.

Mr. BENNET. Does the gentleman ask unanimous consent to pass it without prejudice?

Mr. BURNETT. Yes. Has the gentleman any other amendment to this section?

Mr. BENNET. To section 15 I have no amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the section just read be passed with leave to recur to it at some future time to make such motion as the gentleman may think appropriate in reference to the same. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SEC. 16. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor. All aliens arriving at ports of the United States shall be examined by two such medical officers at the discretion of the Secretary of Labor, and under such regulations as he may prescribe. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defect shall be detailed for duty or employed at all ports of entry designated by the Secretary of Labor, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. Any alien certified for insanity or mental defect may appeal to the board of Public Health surgeons, and may introduce before such board one expert medical witness at his own cost and expense. That the inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this act, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. All aliens arriving at ports of the United States shall be examined by at least two immigrant inspectors at the discretion of the

Secretary of Labor and under such regulations as he may prescribe. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, or any other conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this act, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 125 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States." Any commissioner of immigration or inspector in charge shall also have power to require the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpoena issued by any commissioner of immigration or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court shall be punished by the court as a contempt thereof. That any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not less than six months nor more than two years, or by a fine of not less than \$200 nor more than \$2,000; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall, on conviction thereof, be punished by imprisonment for not less than 1 nor more than 10 years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Secretary of Labor is permitted by this act, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal. The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 30, line 16, by adding at the end of the line the words "not less than."

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, I want to congratulate the committee on their praiseworthy effort to secure a competent medical examination in every instance, but I do not think that they meant to limit the number of physicians who were to make the examination to two. In close cases now on Ellis Island four or five physicians examine a man. I think what the committee meant was that at least two should examine. If you will put in the language I have suggested, "not less than," you have secured what I think the committee was after and also have not taken away the right that the board now has to call in four or five members of the staff in close cases in order to decide.

Mr. MANN. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MANN. It says "at the discretion of the Secretary of Labor."

Mr. BENNET. I saw that. It is not clear, and the words "not less than," it seems to me, might serve a very useful purpose. The idea of the committee was that no one doctor acting alone could adopt a view which would reject an alien, and before the alien could be rejected in every case at least two doctors should examine him.

Mr. MANN. If I recall, the language "at the discretion of the Secretary of Labor and under such regulations as he may prescribe," is new in the bill.

Mr. BURNETT. Yes.

Mr. MANN. I am not sure that saying "shall be examined by not less than two medical officers, at the discretion of the Secretary of Labor," would change the meaning at all.

Mr. BENNET. You mean as to the discretionary part?

Mr. MANN. It is at the discretion of the Secretary of Labor.

Mr. BENNET. Yes. The gentleman from New Jersey calls my attention to the fact that in the same section the expression "at least two inspectors" is "at the discretion of the Secretary of Labor."

Mr. BURNETT. I think there is no objection to the language the gentleman suggests. I think it would be considered that way. It is for the purpose of giving them two, anyway, and I have no objection to that amendment.

Mr. MANN. Of course, it is all left to the discretion of the Secretary of Labor under this new language. That language was not in the bill, if I recall correctly, that passed the House before.

Mr. BENNET. I want to make it sure.

Mr. MANN. The language as to the inspectors on the next page, lines 14 and 15, to which the gentlemen from New Jersey just called the attention of the gentleman, "the discretion of the Secretary of Labor," is now new. To say that a thing shall be done by, at least, so many, in the discretion of the Secretary or somebody else, adds nothing whatever. It is at his discretion as to whether it shall be done by more or less, or none at all.

Mr. BENNET. I think the gentleman is correct.

The CHAIRMAN. The time of the gentleman from New York [Mr. BENNET] has expired.

The question is on agreeing to the amendment.

Mr. BURNETT. I think it will be acceptable, Mr. Chairman. The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 31, line 3, strike out the words "board of Public Health surgeons" and insert "Bureau of the Public Health Service."

Mr. BENNET. Mr. Chairman—

Mr. MANN. If the gentleman will permit, there is no such bureau of the Government as the Bureau of the Public Health Service. The Public Health Service—

Mr. BENNET. I simply fell into the same error as the committee did, then, because there is no such body as the board of public health surgeons. Mr. Chairman, the committee attempted to do a very excellent thing, and I am glad the gentleman from Illinois [Mr. MANN] is correct as to the language. They attempt to provide, for the first time in the history of immigration, that an alien certified for mental disease may appeal to somebody and may bring before such board one expert medical witness at his own cost and expense. As the law stands now an alien who is charged with insanity is examined by the surgeons at the port of entry only and without right of appeal or expert witness. This committee did give him the expert witness, and now, if the gentleman from Illinois [Mr. MANN] will give us the correct description of the service—

Mr. HAYES. Public Health and Marine-Hospital Service.

Mr. MANN. The title is the "Public Health Service." We call it the "United States Public Health Service." But I think if the gentleman will add the word "Service" after the word "Health," in line 3, it will cover all he wants.

Mr. BENNET. That you make it "a" instead of "the" in front of "Board."

Mr. MANN. It is not so unless it is so created.

Mr. BENNET. The mere language mentioning the board does not create it. I think "a" board is right.

Mr. BURNETT. That is called a board by the Public Health Service, and those that they designate are expected to act under this bill at the call of the public health board.

Mr. BENNET. They might as well call it the Ten Commandments. But I think if the gentleman from Illinois is correct, and—

Mr. MANN. Make it a board of public health surgeons.

Mr. MILLER of Minnesota. Should it not be a board of surgeons of the Public Health Service?

Mr. BENNET. If the gentleman will stop and recall, there are boards of these surgeons over the United States, and if you say "the board" then you limit appeal to some one particular board unless you state "the board of public health surgeons" at the particular port. But if you state "a board," then there can be any number of appeals pending at the same time.

Mr. MANN. I should not think that would make any difference.

Mr. BENNET. I should.

Mr. SIEGEL. Mr. Chairman, this amendment was drawn by myself and presented to the committee. At each of the stations there is what is known as the board of Public Health surgeons, consisting of three surgeons connected with the Public Health Service of the United States, and this bill now provides for such a board.

Mr. MANN. Where?

Mr. BENNET. Nowhere.

Mr. BURNETT. I am inclined to believe that the word "the" is a proper word, because it is the particular board designated at those places.

Mr. BENNET. Then, you ought to make it read something like this: "The board of Public Health surgeons" at that particular port, or something like that, because if you simply say, "The board of Public Health surgeons" that is the idea of exclusion. Suppose one man was certified at Boston and another at San Francisco and another at New York—

Mr. BURNETT. I think, gentlemen, that is highly technical. Mr. BENNET. I am in sympathy with what the gentleman is trying to do, and I congratulate him on it.

Mr. BURNETT. I understand.

Mr. MANN. How would it be to say, "the proper board"?

Mr. BURNETT. I think that is satisfactory.

Mr. SABATH. If any amendment is to be accepted, would not the word "proper" be the one?

The CHAIRMAN. Does the Chair understand that the language is agreed upon by the gentlemen?

Mr. BENNET. I suggest it should read "The proper board of Public Health Service surgeons."

Mr. MILLER of Minnesota. Mr. Chairman, I would like to make an inquiry, if the language just suggested should be adopted. The words "proper board" would simply refer to one single board or group of men?

Mr. MANN. That would mean the board at the city or port.

Mr. BENNET. You can say "The board of Public Health Service surgeons at the port of arrival." Then there would be no question.

Mr. MILLER of Minnesota. Would not this language that I previously suggested absolutely answer the purpose? "A board of Public Health Service surgeons."

Mr. BURNETT. That has been suggested by the law officer of the department.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to modify my amendment by providing as follows:

A board of surgeons of the Public Health Service.

Mr. SLAYDEN. That covers it in every port.

Mr. BURNETT. That is the suggestion made by the law officer of the department.

The CHAIRMAN. The Clerk will now report the amendment as it has been agreed upon.

The Clerk read as follows:

Amend, page 31, lines 2 and 3, so that the language would read: "Any alien certified for insanity or mental defect may appeal to a board of the Public Health surgeons."

Mr. STAFFORD. Oh, no. It should be "to a board of surgeons of the Public Health Service."

Mr. BENNET. Is that satisfactory to the gentleman from Alabama?

Mr. BURNETT. Yes. I did not understand whether it had been changed or not.

Mr. STAFFORD. The Clerk erroneously reported it.

The CHAIRMAN. The Clerk will again report the amendment as it will read.

The Clerk read as follows:

To a board of surgeons of the Public Health Service.

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 32, line 22, strike out "shall" and insert "may."

Mr. BENNET. Mr. Chairman, I think possibly we have the right to confer on the court jurisdiction to punish for contempt in such cases as this; but I do not think there is any authority in Congress or in any other legislative body to say to a court created by it that it shall punish a particular offense as a contempt. That is for the court to say. We can confer authority to punish such a thing as contempt, but we can not make it mandatory and say that they shall punish such a thing as a contempt.

Mr. BURNETT. I have no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 33, lines 3 and 4, strike out the words "less than six months nor."

Mr. BENNET. Mr. Chairman, when we adopted the Penal Code here a few years ago we entered upon a policy of abolishing minimum sentences; and I think, with the exception, possibly, of two or three sections of the Penal Code, there are no minimum sentences. Of course, the argument for that is very familiar. The gentleman from Tennessee [Mr. HOUSTON]—

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield there?

Mr. BENNET. Yes.

Mr. WILSON of Florida. Did we not also adopt the policy in the Criminal Code of defining what a misdemeanor is and what a felony is? Here it is provided that the punishment shall be not more than two years. That of itself would make it a felony under existing law, but it is described here as a misdemeanor.

Mr. BENNET. Mr. Chairman, the gentleman from Florida was a very able assistant United States attorney. I am very glad to say that, inasmuch as I do not carry the language of the penal code in mind, if the gentleman says that is the provision of the penal code it is the provision of the penal code. If that is so, it is another error that ought to be corrected, and I suggest that the gentleman draft a provision for that purpose. But my purpose was to make this immigration law correspond to the general statutes of the country. If it was a good work to abolish minimum sentences throughout the penal law, then they ought to be abolished under this act. That is the sum and substance of the argument.

Mr. BURNETT. Mr. Chairman, I do not agree with the gentleman. I suppose that almost all the States have minimum fines and minimum sentences. We should not want to say that there should be a fine of \$2,000 in all cases or that there should be a fine of not more than \$200. I do not agree with the idea that that ought to be stricken out.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. BURNETT. Yes; I yield.

Mr. MANN. We simply fixed the maximum penalty. The judge will fix the penalty. We did that all through the criminal code. I do not think there is a minimum penalty in the criminal code.

Mr. BURNETT. If we revised it that way, Mr. Chairman, I doubt if we acted wisely. There might be a case where there was a minimum of 1 cent. There ought to be a minimum penalty.

Mr. MANN. Under the criminal code that is left to the judge as to the amount.

Mr. BURNETT. As to the amount of the fine?

Mr. MANN. Yes. I think there has been very little criticism of that under ordinary conditions. In other words, cases have happened where no one desired a minimum penalty and where because of a minimum penalty they were not convicted at all.

Mr. BENNET. That is what would happen here.

Mr. MANN. The gentleman from Tennessee [Mr. HOUSTON], I think, was on the commission, and the gentleman from Kentucky [Mr. SHERLEY] was a very active member of the commission that revised the criminal code, and since that time we have endeavored in Congress to maintain the same policy by providing only for a maximum penalty and not providing for a minimum penalty. I care nothing about it, as far as this is concerned; but, having adopted that policy in the criminal code, I have always tried, where I had anything to do with the law, to maintain the same policy.

Mr. BENNET. I will say to the gentleman that the best practical argument in favor of my amendment is the fact that where a jury know that there is a fairly high minimum penalty they will hesitate to convict. Now, for instance, page 32, line 25, provides—

That any person \* \* \* who shall \* \* \* impede \* \* \* any immigration official or employee in the performance of his duty under this act \* \* \* shall be punished by imprisonment for a term of not less than six months \* \* \* or by a fine of not less than \$200.

The way to construe a statute is by what could be done under it, and this means that if a laborer employed in the Immigration Bureau was wheeling baggage along a wharf at Ellis Island, and a man should trip him, or anything of that sort, he would be impeding an immigration employee in the discharge of his duty; there would be no defense, he would have to be convicted, and this would require him to be punished by imprisonment for not less than six months, or by a fine of not less than \$200. Now, that means that unless an offense is pretty serious the man will not be convicted at all.

Mr. HOUSTON. Will the gentleman yield for a statement?

Mr. BENNET. Yes.

Mr. HOUSTON. I want to state that the policy of the joint committee in preparing the criminal code was to abolish and

do away with the minimum penalty, both as to fine and imprisonment.

Mr. BENNET. Always.

Mr. HOUSTON. For the purpose of more successfully enforcing the criminal law. In many cases a technical violation would require only a very slight punishment, and a fixed minimum fine or imprisonment would prevent the possibility of enforcing the law. We should extend a wise discretion to the courts, and I want to say that the provision to which I refer has been very highly commended by the Federal judiciary.

Mr. BURNETT. I understood the gentleman to say that the court imposes a penalty. That is not true of the fines, is it? The jury imposes the fine, does it not?

Mr. HOUSTON. In the Federal courts the court fixes the fine.

Mr. BURNETT. That is not the invariable rule, though, is it?

Mr. MANN. Oh, yes; it is the invariable rule. The jury never fixes the punishment in the Federal court.

Mr. BURNETT. I believe it was an unwise change, but if that policy has been adopted by the codifiers of the Criminal Code, it is proper that it should be followed in this bill, however much I doubt the wisdom of the action of the codifiers heretofore. Under the statement of the gentleman from Tennessee [Mr. HOUSTON] that that is the uniform policy in the new codification, I think the law ought to be uniform, and I accept the amendment. I understand it is the gentleman's intention to offer an amendment also making it apply to the minimum imprisonment.

Mr. BENNET. I have two additional amendments.

Mr. BURNETT. Along the same line?

Mr. BENNET. Yes.

Mr. BURNETT. They may all be voted on at once.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 33, lines 4 and 5, strike out the words "less than \$200 nor," and on page 33, line 9, strike out the words "less than one nor."

Mr. BENNET. I ask unanimous consent that the three amendments be voted on together.

The CHAIRMAN. The gentleman asks unanimous consent that the three amendments be voted on at one time. Is there objection?

There was no objection.

The amendments were agreed to.

Mr. MANN. Mr. Chairman, in line 5, on page 33, after the figures "\$2,000," I move to insert the words "or both."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 33, line 5, after the figures "\$2,000," insert the words "or both."

Mr. BURNETT. That is so it may be either fine or imprisonment or both.

Mr. MANN. Or both. If you strike out the minimum penalty, that ought to be inserted.

Mr. BURNETT. I think so.

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

The amendment was agreed to.

Mr. WILSON of Florida. I move to strike out, in line 4, on page 33, the words "two years" and to insert "one year."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Florida.

The Clerk read as follows:

Amendment offered by Mr. WILSON of Florida: Page 33, line 4, strike out the words "two years" and insert in lieu thereof the words "one year."

The CHAIRMAN. Is that amendment accepted?

Mr. BENNET. In view of what the gentleman says about misdemeanors, I think that amendment ought to be accepted.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, I wish to take up the amendment that was passed by agreement awhile ago, and I ask unanimous consent that that amendment may be inserted on page 10, after line 23, instead of on page 20, line 16.

The CHAIRMAN. The Chair understands this is in pursuance of an agreement made at the time.

Mr. BURNETT. Yes; when it was passed over.

Mr. HUMPHREY of Washington. It was passed over by agreement, and I want to ask now that it may be inserted at another place.

The CHAIRMAN. The Clerk will report the amendment. The Chair does not quite understand the gentleman's request.

Mr. MANN. He asks unanimous consent that the amendment which is now pending may be offered to section 3, instead of being offered as a new section.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may be offered at the point indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUMPHREY of Washington: Page 10, line 23, following the colon insert:

"That whenever any foreign country shall by statute, executive order, or otherwise exclude from its territory any class or classes of citizens of the United States upon grounds different from the grounds for excluding aliens from the United States herein specified, the same class or classes of aliens residing in said country shall be excluded from the United States so long as such exclusion of United States citizens continues."

Mr. HUMPHREY of Washington. I think the words "Provided further" ought to be inserted at the beginning of the amendment. I do not know that I have anything further to say about the amendment.

Mr. BURNETT. In view of the statement made by the gentleman this morning as to the conditions up there on the Canadian side, I agree with him most heartily that that amendment ought to be adopted.

Mr. BENNET. Mr. Chairman, I agree with both gentlemen that the amendment ought to be adopted, but there is a question as to phraseology. I call the attention of the gentleman to this language. It is proposed in the amendment that whenever any foreign country shall by statute, executive order, or otherwise exclude from their territory any class or classes of citizens of the United States on grounds different from grounds on which we exclude aliens from the United States herein specified, and so forth. Ought not that to be "such foreign country"?

Mr. MANN. The meaning is that if any foreign country excludes American citizens going from this country to that country upon other grounds than we enumerate in this bill for aliens coming into this country, then we shall apply the same rule to their citizens coming here.

Mr. McLAUGHLIN. Mr. Chairman, in regard to the language of that amendment my impression is that the officials of Canada refuse to permit, under certain circumstances, citizens of this country to go into Canada, and they refuse also to permit Canadians who have come over here but who have not acquired citizenship to return to Canada.

Mr. HUMPHREY of Washington. I do not know whether that broad construction has been given to the order or not, but the order prohibits aliens, either of skilled or unskilled labor, going into that territory, and as a matter of fact many people have come to the United States from Canada, and when they attempted to return have been refused admission.

Mr. McLAUGHLIN. The amendment of the gentleman from Washington does not cover that, because it speaks only of citizens of the United States, and the ones of whom I speak have not become citizens of the United States. They are residents and inhabitants, but not citizens.

Mr. MANN. We could not control foreign countries in regard to that; we could hardly put up restrictions on that ground.

Mr. McLAUGHLIN. If for some reason we wished the emigrants to return, we can say that they shall return.

Mr. MANN. We could order them out of the country, but we could not force Canada to take them.

Mr. McLAUGHLIN. If we wanted them to return, we could set up the same disqualifications for people coming to this country that they set up for people going to theirs; in other words, making it work both ways.

Mr. MANN. There is undoubtedly much force in what the gentleman says, but still I think it would be safer to let it stand with reference to our own citizens.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, on page 32, line 10, after the word "require," I move to insert the words "by subpoena." The paragraph as drawn does not state how the inspector may require the attendance and testimony of the witness.

Mr. BURNETT. I have no objection, but I think that would follow by whatever legal process was necessary, and there might be some other process than a subpoena.

Mr. GREEN of Iowa. The chairman will observe that further on it is intended that it should be by subpoena.

Mr. HAYES. Mr. Chairman, is not there danger that by that amendment you will narrow the provision? He might be arrested instead of being served by subpoena.

Mr. GREEN of Iowa. The gentleman from California should know that an inspector would have no authority to arrest.

Mr. BURNETT. An attachment might be issued to bring him before the court.

Mr. GREEN of Iowa. The gentleman from Alabama knows that an inspector could not issue an attachment.

Mr. HAYES. What is the object of a subpoena if it has no force and if there is no power existing to enforce it?

Mr. GREEN of Iowa. If the gentleman from California had had much experience in such matters, or in matters of that kind, he would not make that assertion. We can authorize any officer or inspector or clerk of a court to issue a subpoena, but that is as far as we can go. The subpoena is a well-recognized means of requiring the attendance of witnesses which is perfectly well understood. It means a certain form which is and ought to be generally used.

Mr. BURNETT. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

Sec. 17. That boards of special inquiry shall be appointed by the commissioner of immigration or inspector in charge at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of the law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall from time to time designate as qualified to serve on such boards. When in the opinion of the Secretary of Labor the maintenance of a permanent board of special inquiry for service at any sea or land border port is not warranted, regularly constituted boards may be detailed from other stations for temporary service at such port, or, if that be impracticable, the Secretary of Labor shall authorize the creation of boards of special inquiry by the immigration officials in charge at such ports, and shall determine what Government officials or other persons shall be eligible for service on such boards. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before such boards shall be separate and apart from the public. Such boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decisions of any two members of the board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry. In every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of a board of special inquiry adverse to the admission of such alien shall be final, unless reversed on appeal to the Secretary of Labor: Provided, That the decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section 21 hereof, shall be final as to the rejection of aliens affected with tuberculosis in any form or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 3 of this act.

Mr. SABATH. Mr. Chairman, I move to strike out, in line 19, page 34, the words:

All hearings before such boards shall be separate and apart from the public.

I am of the impression that no hearings in this country should be private and apart from the public, so that no one can be informed or succeed in obtaining information of what is transpiring before such a tribunal. I have objected to this provision before; and I can not help thinking that it is manifestly unfair to have these hearings in an excluded place, away from the public, depriving friends and relatives and the public from knowing what is occurring in those boards and what is being done by those inspectors.

The hearings as conducted, if they can be called hearings, closely resemble inquisitions, which type of persecution is practiced in only one country that I know of, namely, Russia. If the gentlemen of the House are of the opinion that we should follow the practice of that country, then the paragraph should remain as it is, and the hearings of these immigrants who are asking for admission to our shores should be kept strictly secret, or as the provision states, "separate and apart from the public." I can hardly believe that the majority of the Members now present are in favor of such a practice.

I wish to quote from the Report of the Immigration Commission of 1910 and set out here the words of the gentlemen who, after two years of study of the immigration question, advised against these secret inquisitions:

On page 32, volume 1, we find the following sentence:

The boards exercise a power which, if not properly used, may result in injustice to the immigrant or, through the admission of undesirable aliens, in harm to the country.

On the same page we find the following paragraphs:

At all the important ports the boards of special inquiry are composed of immigrant inspectors, who generally are without judicial or legal training. This, together with the fact that they are selected by the commissioners of immigration at the ports where they serve, tends to impair the judicial character of the board and to influence its members in a greater or less degree to reflect in their decisions the attitude of the commissioner in determining the case. The character of their decisions is indicated somewhat by the fact that nearly 50 per cent of the cases appealed are reversed by the Secretary of Commerce and Labor, whose decision under the law must be based solely upon the evidence

adduced before the board. This record of reversals on appeal suggests that their decisions which are not reviewed may be equally wrong. In justice to the immigrant, and to the country as well, the character of these boards should be improved. They should be composed of men whose ability and training fit them for the judicial functions performed, and the provision compelling their hearings to be separate and apart from the public should be repealed.

In view of the number and importance of these appeals from the boards of special inquiry and the amount of time and labor demanded of the Secretary and Assistant Secretary of Commerce and Labor, an additional assistant secretary should be authorized by Congress.

On page 46 we have the following direct recommendation of the commission:

To strengthen the certainty of just and humane decisions of doubtful cases at ports of entry, it is recommended: That section 25 of the immigration act of 1907 be amended to provide that boards of special inquiry should be appointed by the Secretary of Commerce and Labor, and that they should be composed of men whose ability and training qualify them for the performance of judicial functions; that the provisions compelling their hearings to be separate and apart from the public should be repealed and that the office of an Assistant Secretary of Commerce and Labor to assist in reviewing such appeals be created.

Mr. Chairman, to me it is indeed amusing to see how frequently the chairman of the Immigration Committee [Mr. BURNETT] refers to the report of this Immigration Commission, and how frequently he points to the recommendation of the commission in regard to the literacy test, and how he extolls the work and care which the commission bestowed in the investigation of this problem.

Whenever he can find anything in the report which tends to sustain his position on the literacy test or other restrictive measures he loses no opportunity to impress the matter on the minds of the gentlemen of the House.

On the other hand, he can easily forget and omit to mention recommendations of the commission which have a tendency to aid the immigrant.

I believe that this provision should be eliminated, and I hope that the gentlemen of this House will vote to strike it from the bill.

Mr. BURNETT. Mr. Chairman, this has been the law for many, many years. It is not only in the interest of expedition of business at these ports, but it is in the interest of the alien himself. The alien comes here under embarrassing conditions and embarrassing environments, and to have a public hearing, with all the chattering and harangue that would take place, especially when the aliens from certain sections of the country are permitted there in unlimited numbers, would be really against the interest of the alien himself. Harm has not been done. It has been the law for many years, and it absolutely would be impossible for the department to conduct these examinations if it had to be in the open, under the conditions that would prevail at Ellis Island and the large ports. I hope that the amendment of the gentleman will not prevail.

Mr. BENNET. Mr. Chairman, I move to strike out the last word of the amendment for the purpose of calling the attention of the gentleman from Alabama [Mr. BURNETT] to the fact that he and I, as members of the Immigration Commission, when we gave the matter full consideration came to precisely the same conclusion that the gentleman from Illinois [Mr. SABATH] now reaches. On page 32 of volume 1 of the Report of the Immigration Commission the gentleman and I said:

All hearings before boards are required to be separate and apart from the public, but a complete permanent record of the proceedings, including all testimony produced, is kept. The decision of any two members of the board shall prevail; but either the alien or any dissenting member of the board may take an appeal to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to final disposal of the case until it has been passed upon by the Secretary. At all the important ports the boards of special inquiry are composed of immigrant inspectors, who generally are without judicial or legal training. This, together with the fact that they are selected by the commissioners of immigration at the ports where they serve, tends to impair the judicial character of the board and to influence its members in a greater or less degree to reflect in their decisions the attitude of the commissioner in determining the cases. The character of their decisions is indicated somewhat by the fact that nearly 50 per cent of the cases appealed are reversed by the Secretary of Commerce and Labor, whose decision under the law must be based solely upon the evidence adduced before the board. This record of reversals on appeal suggests that their decisions which are not reviewed may be equally wrong.

In justice to the immigrant and to the country as well the character of these boards should be improved. They should be composed of men whose ability and training fit them for the judicial functions performed, and the provision compelling their hearings to be separate and apart from the public should be repealed.

I think the gentleman and I were right, and we followed up that in the same set of conclusions on page 46 by making certain recommendations. We not only put it in our conclusions but in our recommendations, as follows:

To strengthen the certainty of just and humane decisions of doubtful cases at ports of entry it is recommended:

That section 25 of the immigration act of 1907 be amended to provide that boards of special inquiry should be appointed by the Secretary of Commerce and Labor, and that they should be composed of men whose ability and training qualify them for the performance of judicial

functions; that the provisions compelling their hearings to be separate and apart from the public should be repealed, and that the office of an additional Assistant Secretary of Commerce and Labor to assist in reviewing such appeals be created.

Mr. SABATH. Mr. Chairman, from what report is the gentleman reading?

Mr. BENNET. From volume 1 of the Report of the Immigration Commission.

Mr. SABATH. That is the Immigration Commission that for nearly two years investigated conditions pertaining to immigration?

Mr. BENNET. Yes; there were nine of us, and we were men of very differing minds and habits of thought, but on this question of the boards of special inquiry, as on every other question, in fact, except the literacy test, we came to a unanimous conclusion, and the unanimous conclusion that we came to after two years of work was that this provision to keep these hearings separate and apart ought to be abolished, and one of the reasons for it was stated there that it was absolutely—

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. We thought it was absolutely repugnant to our institutions to have any form of a trial in a star chamber, and that when a man was on trial for the right to remain in the country of his choice that it ought not to be possible to have that man tried behind closed doors. We all agreed to it, the gentleman from Alabama as well as—

Mr. SHERWOOD. What was this commission to which the gentleman referred?

Mr. BENNET. This was the Immigration Commission, consisting of Senator LODGE, Senator DILLINGHAM, Senator Percy, Representative Howell, of New Jersey, the gentleman from Alabama [Mr. BURNETT], myself, Prof. Jenks, of Cornell University, William R. Wheeler, of San Francisco, and Mr. Neill—

Mr. SHERWOOD. And the commission reported unanimously?

Mr. BENNET. Unanimously.

Mr. BURNETT. Mr. Chairman, the gentleman, I think, is correct in that statement. To a man who ever practiced law it was very abhorrent, there is no question, to have these secret hearings. I have investigated the matter very carefully since the report of the commission and have conferred time and time again with the officials of the Immigration Bureau, and reached the deliberate conclusion that it is not only impracticable as a matter of expeditiousness but that it was in the interest of the immigrant himself to have the hearing in this manner. Now, you take these people, especially along the Mediterranean Sea, excitable, mercurial people, to allow them to just come in at any time where some poor immigrant was being examined as to his admissibility, and in the interest of that immigrant himself I believe it would be an injustice to him, and hence I reached the conclusion, after a long deliberation, that the doors should not be thrown wide open to the public. In the first place, they will never get along with any business—it will be a handicap to them all the way through—and in the next place I believe it will be such an embarrassment to the immigrant himself to be confronted with all these people there that it will be absolutely and positively an injury to him.

Mr. MANN. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. MANN. That is the law now?

Mr. BURNETT. Yes.

Mr. MANN. What in practice is the method adopted? Is the effect of this simply that he goes there before a whole lot of immigrants?

Mr. BURNETT. I will say to the gentleman that the practice, I am informed, is that an immigrant, his witnesses, and any near relatives come in, but they keep the general public out.

Mr. MANN. They do not let the other immigrants come in?

Mr. BURNETT. No.

Mr. MANN. I mean they do not have the hearing before the whole mass of immigrants?

Mr. BURNETT. They do not.

Mr. MANN. The story of one is not told to these others and made public?

Mr. BURNETT. No.

Mr. MANN. Is that the only purpose of it?

Mr. SABATH. There is no special secrecy about it. It is a rank inquisition; no American person is permitted to be present; no one can be there with the exception of the board, consisting of three members, an interpreter, and stenographer.

Mr. MANN. Has the gentleman himself ever attended any of these?

Mr. SABATH. Yes; and I could not secure admission except by a special permit from the Commissioner of Immigration at Ellis Island. I could not enter there although I was a Member of this House.

Mr. BENNETT. And even the immigrant can not take some friend in there to help him?

Mr. COX. Can he take a lawyer?

Mr. SABATH. No; he can not—

Mr. MANN. If they would ever take a lawyer in they would never get through with it.

Mr. BURNETT. If you would ever take a lawyer there you would never get through with it at all, because there are always small lawyers there hunting for that kind of a job.

Mr. SABATH. I am not speaking in favor of their having the privilege of a lawyer, but I do believe that the immigrant should be permitted to have his brother or father or any relative whom he may desire to have there with him, when he is being quizzed or examined.

Mr. BURNETT. If it is the disposition on the part of the committee to amend this, they certainly ought not to turn this open to the general public. They will be doing the immigrant an injustice if they undertake to do it. If it is desirable to make any amendment at all, it ought to be an amendment to allow the immigrant to designate some friend or relative to be there with him.

You know those people; you have come in contact with them and their environments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. COX. Does not the gentleman feel that the immigrant should have the right to select some one to go in there with him?

Mr. BURNETT. That is possible; and I would not object seriously to the immigrant being permitted to select some friend or member of the family, but we would not be treating the immigrant right if we opened up those investigations to everybody around there—that chattering crowd.

Mr. COX. Has not the gentleman been a prosecuting attorney in his own district?

Mr. BURNETT. No; I never was.

Mr. COX. I was prosecuting attorney, and we frequently had men and women come into the grand-jury room who were almost scared to death. You take a stranger there that does not know anybody at all, and it looks as if you were doing him an injury.

Mr. BURNETT. But you did not permit friends to come into a grand-jury room.

Mr. COX. I do not know but that I have.

Mr. SABATH. Mr. Chairman, by eliminating this proviso it does not signify that we would throw the doors wide open, but we will eliminate the special proviso which makes these hearings private and exclusive, and they have certain rules over there that they can adopt, which will exclude the general public from the hearings. But an unfortunate man, who has traveled 3,000 miles and finally arrives here, is a stranger in a strange land, and if he is brought before this board he is scared to death. He can not answer half of the questions. He does not understand, and in a majority of the cases the interpreter does not understand the language of the man, and before he knows he is rejected or he is refused admission. I think it is manifestly unfair and unjust, and I believe that this amendment should prevail and this part should be stricken out.

Mr. BENNETT. Mr. Chairman, I move to strike out the last two words.

Mr. BURNETT. Mr. Chairman, I have an amendment here that I think perhaps will meet the objections. I do not want to appear oppressive to these people. I feel that we ought to protect a man who comes in here, and offer him the protection of the Government. Very often unlimited access by the public is not a protection to the immigrant.

Mr. SIEGEL. Mr. Chairman, I offer an amendment to perfect the matter.

The CHAIRMAN. Does the gentleman from New York [Mr. BENNETT] yield to his colleague [Mr. SIEGEL]?

Mr. BENNETT. I yield.

The CHAIRMAN. The gentleman from New York [Mr. SIEGEL] sends an amendment to the desk, which the Clerk will report.

The Clerk read as follows:

Page 34, line 20, after the word "public," insert the words "but the immigrant may have one friend or relative present who is not a lawyer."

Mr. SIEGEL. Now, Mr. Chairman, I think that just about covers the entire situation. Years ago, over at Ellis Island there was what was known as a group of lawyers who made a practice of preying upon immigrants who arrived there. That, however, has been abolished in recent years. All, I believe, that the immigrant who arrives here desires is to have some one who is acquainted with our institutions and knows our form of procedure to be present and advise him. It is for that reason that I have offered the amendment, and I have taken particular pains, therefore, to insert the provision that the immigrant should have a friend or relative, because such a person is deeply interested in his welfare. I do not think that lawyers are seeking to be present at these hearings for the sake of the compensation involved. When I say that, I am not reflecting upon the profession, because I have been a part and parcel of it for 14 years, and know that our standard is very high.

Mr. MANN. Will the gentleman yield?

Mr. SIEGEL. I will, with pleasure.

Mr. MANN. Suppose that the only relative or friend the immigrant had was a lawyer?

Mr. SIEGEL. That would be a most extraordinary case to arise over there.

Mr. BENNETT. Here is the real difficulty, though: Now there are on the island 48 representatives of charitable and missionary societies, and the man who would give the best service to the immigrant, by and large, would be usually the representative of one of those societies. He speaks his language and everything of that sort. Now, it might happen, and I am not sure but in the case of the Hebrew Sheltering and Immigrant Aid Society the representative is a lawyer—Mr. Lipsitch—but I am not sure; I think some of the representatives are lawyers.

Mr. BURNETT. They may have others in the society. That is a large society, as I understand, but there are some others that are not large. The gentleman appreciates that the purpose I have is that I do not want these poor fellows who have \$25 in their pocket to be exploited by that little crowd of shysters that would be around Ellis Island, and I am willing to do anything reasonable in order to prevent that. If the lawyer is really a relative of the immigrant, I would not care anything about it. All I want is that they shall not be there representing them as attorneys and exploiting them and extorting money from them.

Mr. BENNETT. May I make this suggestion; that is, if they would strike out the part there "shall not be a lawyer," all the rest of it can be covered by regulation.

Mr. BURNETT. Say, "under such regulations as may be provided by the Secretary of Labor."

Mr. BENNETT. All right.

Mr. SIEGEL. I accept that.

The CHAIRMAN. Will the gentleman modify his amendment, then?

Mr. MANN. Strike out the words "not a lawyer" and insert "under such regulations as may be prescribed."

Mr. SABATH. But this language should be eliminated: "All hearings before such boards shall be separate and apart from the public."

Mr. MANN. Oh, no; "under regulations to be prescribed by" whoever it is.

Mr. BURNETT. By the Secretary of Labor. It is under his jurisdiction, you know.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment: Page 34, line 20, after the word "public," insert "but the immigrant may have one friend or relative present under such regulations as may be prescribed by the Secretary of Labor."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment. I am very much afraid that if this be passed and placed in the bill it will permit the fleecing of these men, and it will further permit articles to be published in newspapers every time a sad case appears—and every case that gets before the board is a sad case. The man who goes into that board, where there are already officials of the Government, and where a complete stenographic record will be made, will interfere with the proceedings, which are usually harsh and severe, and will run to the newspapers and start stories to the effect that there is a great state of affairs in that room, so that the people will think that the Government is engaged in a malicious inquisition. I am opposed to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I wish to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. BENNET. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. MILLER of Pennsylvania. Which last word is that? [Laughter.] On what page will you find that? [Laughter.]

Mr. BENNET. The last word of the section. I make that motion for the purpose of calling the attention of the chairman of the committee to what is being done in the proviso on page 35, lines 12 to 20. Under the practice, as it is at present, when a medical board makes a certificate that a man has a crooked finger, or anything of that sort, the board of special inquiry has that certificate before them, but they do not have to base their decision upon that certificate. They do not have to say that because a man has a crooked finger, therefore he is likely to become a public charge.

Now, it looks to me that under the language as it is amended, if the examining medical officer certifies that a man has a crooked finger, such as most of us who played baseball when we were young have, therefore he is likely to become a public charge, the board of special inquiry has nothing in the world to do but to find that the man is likely to become a public charge, because it says the decision of the board of special inquiry shall be based upon the certificate of the examining medical officer. Of course there is a provision there for an appeal, but there is a prior provision that all that can go up to the Secretary is what was before the board, and the Secretary must decide what was before the board, and what was before the board is the certificate. In other words, you absolutely abolish, so far as any effective purpose is concerned, the board of special inquiry whenever the surgeon makes a certificate. Now, I do not think that any President of the United States would ever sign a bill with that provision in it, and the gentleman possibly is interested in that part of it.

Mr. MILLER of Pennsylvania. Mr. Chairman, I am satisfied that to strike out the last word, being the word "act," on line 20, page 35, could not possibly do what the gentleman from New York [Mr. BENNET] desires. [Laughter.] I think it would be very ill-advised to strike out the word "act," in line 20, and I hope the amendment will fail. [Laughter.]

The CHAIRMAN. The gentleman from New York withdraws his pro forma amendment.

Mr. MANN. Just what difference does it make whether you insert "shall be" or leave it out? It is a mere grammatical expression. Is it not the law now that "the decision of the board of special inquiry, based upon the certificate of the examining medical officer, shall be," and so forth?

Mr. BENNET. That is all the difference in the world.

Mr. MANN. I do not see that it makes any difference whether you refer to a thing as based upon it or say that it shall be based upon it.

Mr. BENNET. If the gentleman will give me his attention for a minute, I will tell him how it will make a difference in practice.

Mr. MANN. It can not have worked out in practice, because there has been no practice. The gentleman is objecting to the words "shall be" in the bill. Is not that what I understand the gentleman's contention to be?

Mr. BENNET. Yes.

Mr. MANN. It seems to me it is a mere grammatical expression, which does not affect the meaning of the provision in the slightest degree.

Mr. BENNET. The existing law, as I recall it, is that the decision of a board of special inquiry, based upon the certificate of the examining medical officer, and so forth, shall be final.

Mr. MANN. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent for three minutes, so that I may answer the inquiry of the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman asks unanimous consent for three minutes to answer the question propounded by the gentleman from Illinois. Is there objection?

There was no objection.

Mr. BENNET. Under the present law the department has adopted a rule—and if I am not correct I want the gentleman from Alabama to correct me in this. This rule differentiates, as it has the right to do, and puts in the two classes—first, the class where the board of special inquiry acted solely upon the

medical certificate; second, where they took the medical certificate and other evidence. Now, under this law as it would be with the words "shall be" included, the board of special inquiry could take testimony for a week and disprove absolutely everything that the doctors found, prove that their certificate was without foundation, and, nevertheless, the decision "shall be" based upon the certificate of the examining medical officer. No matter what the facts are, no matter what the proof is, the certificate governs.

Mr. MANN. If the gentleman will permit, it is only made final under the existing law, so far as the language is concerned, when it is based upon that.

Mr. BENNET. Exactly, but under the law as proposed—

Mr. MANN. It means the same thing.

Mr. BENNET. No; but under the law as proposed they must base their decision upon the certificate. I could test that very easily by suggesting to the gentleman from Alabama that we drop out the words "shall be."

Mr. BURNETT. It must be based upon the certificate, because the whole thing is on the certificate.

Mr. BENNET. Is the gentleman willing to drop out the words "shall be"?

Mr. BURNETT. I do not think so. I think they are all right.

Mr. GALLAGHER. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GALLAGHER. If the words "shall be" cut no figure in there, what is the objection to striking them out?

Mr. BURNETT. If they cut no figure, what is the harm of leaving them in?

Mr. BENNET. Those words do cut a figure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I move to strike out the words "shall be," in line 13, page 35.

The CHAIRMAN. The gentleman from New York offers an amendment, which the clerk will report.

The Clerk read as follows:

In line 13, page 35, strike out the words "shall be."

The amendment was rejected.

The Clerk read as follows:

Sec. 18. That all aliens brought to this country in violation of law shall be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came, on the vessels bringing them, unless, in the opinion of the Secretary of Labor, immediate deportation is not practicable or proper. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came. That it shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to pay the cost of their maintenance while on land; or to make any charge for the return of any such alien, or to take any security for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States at any time within one year from the date of deportation any alien rejected or arrested and deported under any provision of this act, unless prior to reembarcation the Secretary of Labor has consented that such alien shall reapply for admission, as required by section 3 hereof; and if it shall appear to the satisfaction of the Secretary of Labor that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions, such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of \$300 for each and every violation of any provision of this section; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any aliens found to have come in violation of any provision of this act if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act or other laws of the United States; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of \$1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this act, or such alien may be released under bond, in the penalty of not less than \$500, with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 16 of this act, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Secretary of Labor is

satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering, in which case the alien shall be treated in the hospital under the supervision of the immigration officials at the expense of the vessel transporting him: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this act, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Mr. TREADWAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TREADWAY: Insert, at the end of section 18, the following new paragraph:

"The Secretary of Labor shall cause to be examined papers of admission of all aliens at the expiration of three years from the date of admission. Within that period every male alien above the age of 21 years must file a supplemental affidavit that he has applied to the proper officials for citizenship, and will comply with the necessary requirements to become an American citizen. Any alien not furnishing such affidavit with proper evidence from a court having charge of naturalization within 6 months after the expiration of 3 years shall be notified of this provision of law by the Secretary of Labor, and if he fails to file affidavit within 30 days showing his intention of citizenship, he shall be deported under direction of the Secretary of Labor.

"This section is not applicable to diplomats or consular representatives, or to persons sent as the special representatives of their Government in any official capacity to the United States, or to persons coming as students to regular institutions of learning, a certificate to this effect having been filed with the original admission papers."

Mr. BURNETT. Mr. Chairman, I make the point of order against that amendment that it is not germane to the bill.

Mr. TREADWAY. I understood the chairman yesterday that he did not think he would make the point of order when this was presented.

Mr. BURNETT. I remember I stated that to the gentleman, and I withdraw the point of order.

Mr. TREADWAY. Mr. Chairman, this amendment was offered yesterday, and the gentleman who was in the chair at the time considered it not germane to the paragraph on which I offered it. The idea which it contains is that a man above the age of 21 years, after he has resided for three years in this country, should declare his intention of becoming an American citizen or else should not remain in this country.

There are many, many thousands of aliens in this country who have been here an indefinite period of time. They have made use of the opportunities offered here for education and livelihood. They should become American citizens. I suppose the suggestion will be offered that it will prevent having in this country a class of people capable of doing the lower grades of manual labor. If at the expiration of three years these men have not assimilated enough of American institutions to want to become American citizens, it seems to me that there is no place for them here. They ought to return to the countries from which they came, and it seems to me right and proper that we should ask them to take upon themselves the responsibility of American citizenship if they are to receive its benefits and its opportunities.

We do not want to force citizenship upon them, but if they remain here in this country they ought to have obtained sufficient interest in our institutions to ask for the privileges and responsibilities of citizenship. I trust it will be made one of the provisions of our immigration law.

Mr. SABATH. Mr. Chairman, it seems to me that the gentleman who has proposed this amendment is under the impression that hardly any of these aliens make application for citizenship or even file declarations of intention to become American citizens. I wish to state that within the last year alone we have issued in the United States 96,390 certificates of naturalization.

Mr. TREADWAY. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. TREADWAY. Has the gentleman any statistics of the number of aliens that have been in this country three years or more and who have not applied for citizenship? That is the phraseology of the item, and one that I am interested in.

Mr. SABATH. It shows that a large number of them do. The figures which I have given only show the aliens who have actually prosecuted their petitions for final naturalization before the courts. There are thousands of others who, under the law, must wait from one to three years yet before they can ask for their final papers.

Mr. COX. Can the gentleman state about what per cent?

Mr. SABATH. Nearly all that can pass the examination. Of course, we have sections of our country where it is impossible for them to be naturalized. We have certain sections where nearly 40 per cent of those who make application are denied the privilege of becoming American citizens because they can not pass the examination to which they are subjected.

I wish to assure the gentleman, the proponent of this amendment, that the people are only too anxious and too desirous to become American citizens, especially those to whom he refers.

Mr. CULLOP. Will the gentleman yield?

Mr. SABATH. I will.

Mr. CULLOP. Of the number you represent as applying for citizenship last year, have you any data showing how many had been in this country more than three years at the time they made the application?

Mr. SABATH. No, I have not. The statistics which I have here I will read for the information of the House and the gentleman from Massachusetts. In 1909 there were 38,372 aliens naturalized. In 1910 there were 39,000. In 1911 there were 56,000. In 1912 there were 69,000. In 1913 there were 82,000. In 1914 there were 105,000.

This will show that the number of aliens who are desirous of becoming American citizens is increasing from year to year. We must take into account the fact that in 1907 there was a new naturalization law enacted which makes it rather hard for many of these people to become American citizens. The requirements are very stringent; they must know how to read and write; they must be familiar with the English language; they must know all about our Government; and as I stated yesterday, they are subjected to an examination that some Members of this House could not pass. Were it not for that fact a much larger number of these people would be naturalized.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. I would like two minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. SABATH. I want to assure you gentlemen that the great majority of these aliens are only too desirous and too anxious to go and file their declarations and after the lapse of the necessary time become American citizens. But we have some cases where people are working on the railroads or on farms and it is absolutely impossible for them to file their applications as speedily as those who reside in the cities.

Under the gentleman's amendment, these people who are working on the railroads or in the rural districts would suffer, rather than those who reside in the cities. You say that you want the immigrant to go to the farms and yet you penalize him for doing so.

I hope that the amendment of the gentleman from Massachusetts will not prevail.

Mr. SLAYDEN. Mr. Chairman, I am out of all sympathy with the suggestion of the distinguished gentleman from Massachusetts. It seems to me that American citizenship is a high privilege that should be sought and not forced on unwilling people. I can not but believe that citizens who are forced to become such are undesirable citizens. A man who shall have lived here for three years without coming to appreciate the fact that citizenship in the United States is a boon is not a desirable citizen to have.

Mr. TREADWAY. Mr. Chairman, I will ask the gentleman if he understands that the purport of the amendment is not to force citizenship on a man but to make him choose whether he prefers to be an American citizen or leave the country?

Mr. SLAYDEN. I understand it perfectly. It is enforced citizenship or deportation. That is the idea, is it not?

Mr. TREADWAY. That is correct.

Mr. SLAYDEN. Mr. Chairman, I do not think we have a right to deny people of other countries the right to come here and reside. They do not deny us that privilege, as I understand it, at least not in the more advanced countries. I would not deny it to them, and I would certainly rather have them residing here as aliens, earning their living and giving their labor for what they receive in the way of pay, without becoming citizens, than to have them become citizens by compulsion. I hope the amendment will not prevail.

Mr. SIEGEL. Mr. Chairman, I move to strike out the last word. The Secretary of Labor was interviewed by a reporter of the Cincinnati Inquirer on the same proposition, and the question put to him was as follows:

"Should aliens, who come here to find work, be required to take out papers of naturalization?"

"I do not think so," Secretary Wilson answered. "The alien who becomes a citizen or takes steps to become a citizen should do so freely and not under any sort of compulsion. He should want to be an American, should believe in our institutions, and love liberty. Such a man

will make a good citizen and his children will be patriotic Americans. It would be no gain to the country were he forced to accept citizenship; on the contrary, it would be a hurt.

"Furthermore, if entrance to the United States were conditional on citizenship, nothing could prevent an alien from applying for his first papers, thus signifying his intention, and then refusing later to complete the required process. Fraud would be encouraged and we should be making a mockery, as I see it, of a sacred privilege."

Mr. Chairman, I agree with the Secretary of Labor. I say that to force men to become citizens of this country without due regard or appreciation on their part of what our institutions stand for, of what our country has endeavored to achieve, and of our history, would indeed be a mockery. I say further, Mr. Chairman, that the passage of such an amendment to this bill would be in violation of the treaties, the gentleman's agreement, and the conventions that exist between the United States and the Governments of Europe and Asia. I go a step further and say that the adoption of such a provision would undoubtedly be declared unconstitutional. We would be endeavoring, in fact, to compel men of other nations who have the right to come and reside here, to become citizens or else threaten them with deportation. What would become of our boasted freedom and what kind of a new citizenship would we have if we were to adopt such an amendment? I desire to see aliens become citizens as quickly as the law permits, but I think more of the future of my country and I therefore urge the defeat of the amendment as being in contravention of American principles and detrimental to our best interests.

Mr. McLAUGHLIN. Mr. Chairman, in my judgment the amendment offered by the gentleman from Massachusetts [Mr. TREADWAY] ought not to be adopted. My feeling in this matter and the reasons for my opinion have been very well expressed by the gentleman from Texas [Mr. SLAYDEN]. I think citizenship ought not to be forced upon people coming to this country. It ought to be a matter of choice with them and not of compulsion. I think the result would be if the amendment offered by the gentleman were adopted, and it should become a part of our law, that undesirables would become citizens.

I have in mind another matter which I think would make it undesirable to have this enacted into the law. These men seeking to become citizens have to make application and present themselves before a court. They have to show certain qualifications, and if the court were aware of the fact that the alternative to a favorable action on an application were deportation it might influence its action and cause it to act favorably upon the application and admit the applicant to citizenship when otherwise the application would be refused. For the reasons that have been so well stated by the other gentlemen, and for those which I have feebly suggested myself, I believe the amendment ought not to be adopted.

Mr. AUSTIN. Mr. Chairman, the gentleman from Illinois [Mr. SABATH], in opposing this proposition, read to us the number of aliens who have been naturalized. Out of a million, practically, that landed on our shores annually, less than a hundred thousand have become naturalized per annum. The gentleman from New York [Mr. SIEGEL] has quoted from the present Secretary of Labor, Mr. Wilson, in this connection. I desire to call his attention to the fact that the present Secretary of Labor and the present Secretary of Commerce, Mr. Redfield, as Members of this House voted for the literacy test and voted to pass the Burnett bill over President Taft's veto.

If there is a sound proposition here, it is the one contained in this amendment. Why should we not require of these aliens, when they come here to enjoy the opportunities in a new country, that they should identify themselves with us as a people? They come here and they share in our liberties, the opportunity to earn a living and to care for themselves and their families. They take advantage of our public free-school systems to educate their children at public expense, and they utilize our public hospitals for their sick and insane.

But there is the proposition that they will not become Americanized and will not accept American citizenship, but hold themselves in reserve, when there is a foreign war, to leave our shores and fight for a foreign country.

Mr. GALLAGHER. Will the gentleman yield?

Mr. AUSTIN. Not at this time. It is one of the most serious objections in the minds of millions of American people to this constant flow of immigration that a million people come here annually to make this their new home, with absolutely no interest at all in becoming American citizens. I was on a subcommittee which investigated the Colorado strike, and I took occasion to ask many of the strikers and strike breakers—and 90 per cent of them were aliens—how long they had lived in America and if they had taken out naturalization papers, and almost without exception they admitted they had never taken the first step toward becoming American citizens. We had some

on the stand who had resided in America for 11 years who had made no effort to become American citizens. We ought to compel them to become citizens or return to their foreign homes. If they remain, and our country should become involved in a war, our Government should have the right to demand their services in defending the country. They have come here to share in the benefits of a free country, and they owe it to themselves and to this Government, which provides a new home for them, to lose no time in identifying themselves and becoming American citizens, to bear their just part in aiding, defending, and building up the country which protects and cares for them in war and in peace. I am surprised that any Member of this House would stand in the way of a movement looking to requiring these people to do what plain, simple, ordinary honesty and justice should demand of them. [Applause.]

Mr. GALLAGHER. Will the gentleman yield to a question now?

Mr. AUSTIN. Yes.

Mr. GALLAGHER. Is it not possible that there is a difference between the figures stated by my colleague [Mr. SABATH] in reference to naturalization papers and those who come here and declare their intention?

Mr. AUSTIN. There may be. I have seen the statement that only 20 or 25 per cent of the Italians coming to this country make any attempt at becoming American citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I oppose this amendment because I think it will be a species of duress on these people. I do not believe in hotheadedness or forcing men to become citizens, and I believe they are bad citizens when forced to become such; and I would rather see them be birds of passage, coming and going, than to have the toga of American citizenship placed upon this class of people by a species of force. That is my objection to it. I believe that a man who comes here for the purpose of settling and helping to build up the material prosperity of our country, like the great Germanic people, the people from the British Isles, the people from the Scandinavian countries, and other countries, is going to seek citizenship voluntarily; but when you meet that low class from southern Europe—Sicilians, people from south Italy, the Greeks, Syrians—and Mexicans and hold them up by saying, "You are going to be sent back to your country if you do not become an American citizen," you are forcing a bad people into citizenship. [Applause.] Gentlemen, there is the objection I have to it. I am not objecting to this on the grounds of my distinguished friend, Judge SABATH, and others, but I am opposing it because I believe it would be against the interests of American citizenship, and therefore I do not believe that class of people ought to be hotheaded into citizenship, or that for one moment, as intimated by my friend from Tennessee [Mr. AUSTIN] that they will love our flag, the Stars and Stripes, when we force them either to become citizens or go back to their own country, and I am more afraid of them when they become American citizens without any instinct of American patriotism in their hearts than I would be afraid of them as birds of passage, coming and going to other countries. [Applause.]

Mr. AUSTIN. If they are not worthy to be citizens ought they to be kept in this country?

Mr. BURNETT. Well, now, by this bill, when it passes, many of the undesirables will be kept out, and, gentlemen, it is going to pass—already the Chicago Tribune, the Philadelphia Inquirer, and many other great metropolitan newspapers of the country have foreshadowed the danger there will be unless it passes, and it will pass. I hope and pray that there may be no veto over which it must pass, but if there be a veto, Mr. Chairman, although I have the most profound respect for the great man who presides in the White House, the people of this country are demanding that this bill, or some more stringent measure, pass, and it will pass at this session unless it is hung up in the Senate, and it will become a law and keep lots of these people out. [Applause.]

Let us not hothead them into citizenship, because they are unfit for citizenship if they must have that kind of legal or political duress held over them in order to force them to become citizens.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BURNETT. I make a motion that all debate be now closed.

Mr. TREADWAY. That is hardly fair.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. MOORE of Pennsylvania. Did not the Chair recognize the gentleman from Pennsylvania before he observed the gentleman from Alabama?

The CHAIRMAN. I proposed to recognize the gentleman from Pennsylvania when the gentleman from Alabama asked a question, and I asked the gentleman if he desired to make a motion. As chairman of the committee, I recognized him in preference to anyone else. I did not formally recognize the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I understood the Chair had formally recognized the gentleman from Pennsylvania.

The CHAIRMAN. No. The gentleman from Alabama [Mr. BURNETT] moves that all debate close on this amendment.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 59, noes 14.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

The question is on the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 36, line 11, after the word "to" insert before the word "pay" the words "fail to."

Mr. BENNET. Mr. Chairman, I think the chairman will see that that amendment is not necessary. There is a patent omission there. If he will look on line 9, page 36, he will see that the language there is "fail to," and on line 10 it is "fail to." Therefore, on line 11, it should be "fail to." And unless those words are put in, the provision will be, what the gentleman did not mean, that it shall be unlawful for any master, purser, person in charge, and so forth, to pay the cost of their maintenance while on land.

Mr. BURNETT. There is no doubt but that that is a clerical error. The word "fail" ought to be in there.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word of the amendment.

Now, Mr. Chairman, the gentleman from Alabama [Mr. BURNETT] has been sweeping the deck so clear on the strength of resolutions of one kind or another that have come to him during the last 10 years, that I think it is important to say to the committee that there are some other people who do not agree with him. Of course he has resolutions from patriotic societies and a great many from labor organizations, but apparently the gentleman from Alabama has not taken into consideration the women who are organized in this country. It may be that the women have not the right to vote in his State, and, therefore, it amounts to little when the question of suffrage arises, but the good women of the country understand the moral side of this question and the perpetuation of the household probably appeals to them.

I have in my hand a letter which I think the gentleman from Alabama has had, but which he has not been good enough to read into the RECORD up to the present time. It comes from the legislative department of the General Federation of Women's Clubs of the United States. Let me read in part so as not to take up all of my five minutes:

PITTSBURGH, PA., March 27, 1916.

The General Federation of Women's Clubs, which is one of the largest organized bodies of women in the world, having a membership of more than 2,000,000 women, has authorized me, as the chairman of its department of legislation, to oppose the literacy test in the Burnett immigration bill.

I have made this statement to Mr. BURNETT by letter some time since, but I desire to remake it, and make it to one who will publicly state this opposition to the House and have it noted in the RECORD.

I wish also to add that the general federation is not an organization that indiscriminately approves or disapproves of any particular piece of legislation as many associations do, simply because they are requested so to do. On the contrary, we exercise the greatest care in our indorsement of or opposition to bills. But we have steadfastly opposed this literacy test, because we believe it to be both unjust and unwise.

Very respectfully, yours,

LUCY DORREY IAMS.

Mr. Chairman and gentlemen of the committee, the gentleman from Alabama has taken peculiar pleasure on several occasions in referring to the fact that the Philadelphia Inquirer has apparently changed front on this question of literacy and has indorsed his proposition to that extent. He gleefully quotes from it because it is a Republican newspaper, published in a great Republican city, and he likes to rub it in: a little bit, and

cram it down the throats of the Representatives from the great Pennsylvania city.

Now, why does he not quote from some Democratic newspapers from the same State? I could produce the Philadelphia Record, a Democratic paper, which takes the other view, also the Philadelphia Ledger, but I do not care to go into those details now. I could not do it in five minutes, anyhow. But I do want to quote briefly from one of the great Democratic organs of the State of Pennsylvania, and thus meet the gentleman from Alabama on his own ground. I shall quote from the Pittsburgh Post, which I think is as stalwart a supporter of the President of the United States as is the New York World, which some think the distinguished gentleman from Missouri, the Speaker of the House, referred to when he said that "President Wilson had the world by the tail."

The Pittsburgh Post, this Democratic Pennsylvania paper, says:

IMMIGRANTS EAGER TO LEARN.

News in the cosmopolitan department of the Post and reports from the school authorities of the city are of peculiar interest in connection with the coming vote in the lower branch of Congress this week on the proposed "literacy test" for immigrants. They show eagerness on the part of the immigrants in this busy district to learn English and prepare for American citizenship. What any of them lack in requisites of a common education when they arrive is being made up with encouraging rapidity.

Think of it—this is a Democratic newspaper in opposition to the Democratic chairman of a Democratic committee, coming from the Democratic State of Alabama. I read further:

This shows the unfairness and the shortsightedness, from the standpoint of a land of opportunity and one greatly in need of labor, of a literacy test that would deny opportunity to the individual trying to better his condition and which would at the same time interfere with the progress of the country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. The gentleman from Alabama is holding up the progress of the country, according to his own organ in Pittsburgh.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. It is all in the same tone; and I shall ask leave, Mr. Chairman, to extend it in the RECORD.

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

There was no objection.

The CHAIRMAN. Does the gentleman from Alabama [Mr. BURNETT] desire recognition?

Mr. BURNETT. The amendment offered by the gentleman was adopted, was it not?

Mr. BENNET. No. The committee has to adopt it.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURNETT. Line 13 is the same, I believe.

Mr. FESS. There are two other omissions.

Mr. CULLOP. In lines 14 and 15 there is the same omission of the word "fail" as was pointed out in line 11 on page 36. The gentleman had the words "fail to pay." And then on line 12 it should be "fail to make any charge," or "fail to take any security," on line 13.

Mr. BENNET. Oh, no. The gentleman should go back to line 5 on page 36, "that it shall be unlawful for any master, purser, or person in charge, agent, owner, or consignee of any such vessel \* \* \* to make any charge."

Mr. BURNETT. We do not want to fail there.

Mr. CULLOP. It is unlawful to fail to make it.

Mr. BENNET. You want it to be unlawful to take any security? I should be very glad personally to see the words "fail to" in there, but I think the gentleman from Alabama would object.

Mr. BURNETT. That is not intended.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 38, line 16, strike out "a" where it occurs before the word "medical" and insert the words "and examining," so that the line will read "That upon the certificate of an examining medical officer," etc.

Mr. BENNET. Mr. Chairman, if I can have the attention of the chairman of the committee, in another portion of the bill it is provided that the medical examination shall be conducted by officers of the United States Public Health Service except in certain contingencies, and the Secretary is authorized to employ physicians who have had not less than four years' experience.

Now, if the language is left in the bill as it is, it does not confer any authority upon the certificate of one of those surgeons who is not a medical officer of the United States Public Health Service. The amendment which I have suggested makes the line read:

*Provided further,* That upon the certificate of an examining medical officer.

Now, if you are going to make a man an examining medical officer, his certificate ought to have exactly the same weight as a similar certificate of any other examining medical officer.

Mr. BURNETT. I have no objection to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do this for the purpose of continuing a few observations with reference to the comments of the Pittsburgh Post, a Democratic newspaper, which is opposing the Burnett immigration bill. The chairman of the committee has had considerable satisfaction in quoting the Philadelphia Inquirer upon several occasions, because it has seemingly swung into line for the Burnett bill; and therefore, in order to keep him up to date, I recur to the Pittsburgh Post, a Democratic paper, which stands true to its opposition to the literacy test. When my first five minutes expired, I was reading from an editorial from that paper, which at the point where I left off read something like this:

This shows the unfairness and the shortsightedness, from the standpoint of a land of opportunity and one greatly in need of labor, of a literacy test that would deny opportunity to the individual trying to better his condition and which would at the same time interfere with the progress of the country. If the immigrants performing work in our industries that calls for brawn rather than literacy were suddenly withdrawn from the mills, the plants would be obliged to close for a time, throwing many thousands of other workers out of employment. But the schools established for the education of the immigrants in American ways show that there is no selfishness that would hold the aliens down to illiteracy.

This, I think, the gentleman from Alabama ought to be informed upon, because it gets to the crux of the situation. I read:

The record shows that as soon as they have capacity for advancement they are advanced, their old places going to the newcomers; the rate of industrial expansion in this country guarantees employment for the able-bodied immigrants about as rapidly as they arrive. This holds throughout the land; but owing to the great industries here that are constantly attracting alien labor, Pittsburgh is a conspicuous example in Americanization work.

In addition to classes in citizenship conducted in connection with the public-school system there are classes in English for the beginners, and the resort to them, as pointed out, shows the keenest appreciation of the opportunities. The social-center work also appeals strongly to the aliens, many of the women receiving instructions through it not only in English, but in domestic science. Adding to these opportunities provided under American auspices must be recalled the work of the numerous societies of the foreign-born residents, particularly in music. They preserve traditions of their native lands that are generally admired and add to the richness of our national life. That the great majority of them teach loyalty to the adopted country is shown by the number of their members ready to volunteer to fight for the United States at any sign of danger to it.

With such educational forces at work here the immigrant who is illiterate when he arrives is soon placed on a better foundation. The Congressmen advocating a literacy test are at least in need of some practical education.

Mr. Chairman, all this comes from a Democratic authority, which has in mind the needs of the country, the needs of the labor market, the welfare of humankind in general. It recalls in particular the attitude of President Woodrow Wilson upon this question and desires to see that his hands shall be upheld and sustained by this House in this as in other instances. The attitude of this Democratic authority justifies an appeal to the gentleman from Alabama to change his course of action and permit worthy and deserving immigrants to come into the United States without being penalized or thrown back into the thralldom of Europe because they have the misfortune to be unable to read. I commend this high Democratic authority to the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, I do not wonder that the gentleman goes into conniption fits every time we read something from his home paper in favor of restriction and therefore goes a thousand miles away from my home to get something that he thinks fits my case. Here is another good one from his home paper—the Philadelphia Inquirer—this morning. It seems that every day they are trying to get the gentleman to swing around into the reform corps that has been forming here for the last few days. Here is what they say about it now:

WHY BRING IN MORE ILLITERATES?

"Do we find illiteracy in this country?" asked Representative KAHN, of California, in a speech opposing the literacy test in the immigration bill. "Of course we do," was his answer to his own question. "Let us sweep our own doorsteps before we talk of illiteracy in other parts of the globe."

Now, here is what the gentleman's paper says:

A poor argument, that. How are we going to keep our own doorsteps clean if litter is constantly gathering on them? If we have illiterates—and we have—why let in all other illiterates that the world produces?

Put the literacy test in the immigration bill and it would settle at once the Chinese and Japanese coolie question. That alone would be worth while.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a friendly question?

Mr. BURNETT. Certainly. All the questions between us are friendly.

Mr. MOORE of Pennsylvania. I think the Philadelphia Inquirer has evil designs upon the Democratic Party. It is a good, strong Republican paper, and it fears you may put this question up to the President of the United States and compel him to reverse himself. That is what it is trying to avoid.

Mr. BURNETT. Is that the question the gentleman wants to ask?

The CHAIRMAN. The Chair will say to the gentleman from Alabama that there is an amendment pending.

Mr. BURNETT. That is what I was addressing myself to.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn; and the question is on the amendment offered by the gentleman from New York [Mr. BENNET]. The amendment was agreed to.

Mr. BURNETT. Now, Mr. Chairman, in order to carry out the agreement that we made a section or two back, I move to insert, on page 36, line 24, after the word "provisions," the words "or any of the provisions of section 15 hereof"; and, on page 37, line 3, I move to strike out the words "this section" and insert in lieu thereof the words "said sections."

I think that meets the difficulty that was passed over some time ago.

Mr. BENNET. May we have those amendments reported?

The CHAIRMAN. The gentleman will send his amendments to the desk and they will be reported.

The Clerk read as follows:

Page 36, line 24, after the word "provisions," insert the words "or any of the provisions of section 15 hereof."

Mr. BENNET. Mr. Chairman, the gentleman from Alabama and myself have only the same purpose in connection with this. It takes a moment to see how this fits in.

Mr. BURNETT. That was prepared by the law officer of the department.

Mr. BENNET. He is a pretty good law officer, but, after all, we are the Members of Congress. May we have the amendment reported again?

The CHAIRMAN. Without objection, it will be reported again.

The amendment was again read.

Mr. BENNET. Right on first blush I rather think that that is a proper amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 37, line 3, strike out the words "this section" and insert in lieu thereof the words "said sections."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 17, strike out the words "of the United States Public Health Service."

Mr. BENNET. Mr. Chairman, I will say to the chairman of the committee that that simply is perfecting the amendment that I offered, and I do not think he will have any objection to it.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 23, strike out "a" and insert "an examining."

Mr. BENNET. Mr. Chairman, an examining medical officer is a very important officer, but he can not examine literary questions. Therefore it seems to me it might be pertinent to read a few lines from the Washington Post of this morning. It is as follows:

THE LITERACY TEST.

With strange persistence the House of Representatives again attempts to bar the gates of the United States to honest, able-bodied immigrants by imposing a literacy test. In the face of history and in spite of the repeated reminders of patriotic Presidents of both parties, the House clings to the notion that immigrants unable to read and write are not fit material to enter the United States.

The pressure for this legislation comes from men who were themselves immigrants not long ago, and who would now shut the door through which they entered. They would monopolize the opportunities of America under the pretext of purifying the stream of immigration. They stand directly athwart the pathway of progress, and would call a halt to the march of millions of honest and hard-working aliens who have in them the stuff of which America is made.

How can immigration be purified by a language test? Will it keep out Black Handers, and poisoners, and anarchists, and birds of prey generally? There is no pretense that book learning makes for morality or that lack of it implies criminality. No one has had the hardihood to suggest that if an anarchist were unable to read he would be more criminal than he is. The literacy test is not set up as a moral sieve, but is intended merely to restrict immigration without regard to its moral quality. It is a device for excluding good and bad, indifferently, for the benefit of those already in. It is supposed that it will make labor scarcer and therefore raise wages.

The United States needs more labor if it is to develop and meet the needs of an increasing population. Illiterate immigrants do not remain illiterate long, and even while illiterate they are good workers. Probably the proportion of shirkers is smaller than among immigrants who have absorbed the vicious socialistic stuff dealt out to the submerged tenth in Europe. Immigrants do not make up the majority of meddlesome agitators in this country. The worst offenders, who would wreck the Constitution and introduce crazy schemes of reform, are pure-bred Americans, like those who rule in Kansas and Oregon. The average immigrant finds the United States so far ahead of the old country that he is willing to take his chances without wasting his time in inventing improvements in government.

If Congress should pass the literacy test, it is to be hoped that the President of the United States will knock it squarely out with a veto, and thus keep the doors open to the deserving of other lands, without regard to their lowliness and previous lack of opportunity.

Mr. BURNETT. Has the gentleman from New York any other amendments to offer?

Mr. BENNET. On this particular section I have one more, and that is formal.

The CHAIRMAN. An amendment is already pending; and the question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 38, line 24, strike out the words "of the United States Public Health Service."

Mr. BENNET. That is the same thing, I will say to the Chairman.

Mr. AUSTIN. Mr. Chairman, I ask for two minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for two minutes on this amendment. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I want to say, in reference to the editorial read by the gentleman from New York [Mr. BENNET] from the Washington Post opposing the illiteracy test, that about 8 or 10 years ago Congress authorized the creation of a commission composed of nine members to investigate the immigration question. The Member from New York [Mr. BENNET] was on that commission, along with eight other very able and distinguished Members of both Houses of Congress and private citizens. They spent four years investigating and traveling over foreign lands from which we are receiving immigration. They spent in round numbers about a million dollars, and the testimony, reports, and so forth, cover 42 volumes. That commission, by a vote of 8 to 1, the gentleman from New York [Mr. BENNET] being the exception, recommended this identical legislation, the literacy test, in order to keep out undesirable immigrants. That is my answer to the editorial quoted from the Washington Post by the gentleman from New York [Mr. BENNET].

Mr. SABATH. Mr. Chairman, I have frequently wondered how the gentleman from Tennessee, who is often heard on the floor of this House arguing wisely and prudently, can speak so recklessly and incorrectly the moment the question of immigration is projected before the House. For that reason I am again obliged to call his attention to the fact that this Immigration Commission to which he has alluded as being appointed about 15 years ago, was not appointed until 1907, or only a little over 8 years ago. It was during Mr. Roosevelt's Republican administration, and no doubt the gentleman will remember in what a deplorable condition the country was at that time. We not only had a general business depression and hard times, but a real Republican panic.

Mr. JOHNSON of Washington. Would the gentleman like to hear what the Federal Commission on Industrial Relations reports as to those conditions now, and the need for this bill?

Mr. SABATH. You will remember that at the time the commission was appointed and began its work, business was at a standstill and thousands upon thousands of men were out of work. It was of conditions prevailing at that time and in the years 1908 and 1909 that the commission was speaking. Those conditions do not prevail under this Democratic administration. Work is now plentiful, the country is prosperous,

and the laboring men are in demand all over the country, under this Democratic administration. [Applause on the Democratic side.]

Mr. AUSTIN. Is it not a fact that when the President vetoed this former bill there were 4,000,000 people idle and unemployed and that the mayor of New York, Mr. Mitchell, reported that there were 500,000 in that city out of employment?

Mr. SABATH. Again the gentleman is mistaken as to the figures. There may have been quite a few out of work in the centers of population, but this was also partly due to the fact that many laborers were coming in from the summer work on the farms and also the fact that certain industries, such as the building trades, can not operate in the winter. It is also a fact that there was a conspiracy on foot, on the part of the railroads and the moneyed interests, to browbeat the Congress into side-stepping the revision of the tariff and the Interstate Commerce Commission into increasing the railroad rates. Under the leadership of President Wilson the Democratic Congress has enacted legislation which has secured for this Nation and the people of this country the greatest period of prosperity that we have ever witnessed. [Applause on the Democratic side.]

Mr. AUSTIN. Making ammunition to kill these people in Europe. That is what the prosperity is.

Mr. SABATH. That statement of the gentleman is again only about 5 per cent correct, and if I had my way very little of it would be manufactured for export or for our own use.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. GALLAGHER. I want to read a little notice taken from the Washington Herald of March 17, 1916:

#### WILMINGTON NEEDS WORKERS.

That 100 men and an equal number of women are wanted in a Wilmington, Del., factory immediately is announced in a letter sent the Washington Board of Trade by the chamber of commerce of the town. The letter declares Wilmington has exhausted the supply of its unemployed and that the factory is in dire need of the extra workers. Good wages are assured.

Mr. JOHNSON of Washington. What kind of a factory is that?

Mr. SABATH. I do not know what the gentleman from Washington is driving at, but I do know that what applies to Wilmington applies to Chicago and to every section of our country. Laborers are in demand, work is plentiful, and the country is prosperous. This notwithstanding the fact that the gentleman from Washington and perhaps his colleague, the gentleman from Tennessee, for political reasons would like to see it otherwise.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, 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. 10384, the immigration bill, and had come to no resolution thereon.

#### CENTENNIAL OF COAST AND GEODETIC SURVEY.

The SPEAKER laid before the House the following communication:

DEPARTMENT OF COMMERCE,  
UNITED STATES COAST AND GEODETIC SURVEY,  
Washington, March 28, 1916.

HON. CHAMP CLARK,  
Speaker of the House of Representatives,  
The Capitol, Washington, D. C.

MY DEAR MR. SPEAKER: You are no doubt acquainted with the fact that the United States Coast and Geodetic Survey is celebrating its centennial by appropriate exercises on April 5 and 6, 1916.

These exercises will take place on the above dates at the new National Museum.

I am inclosing herewith a program, and you will observe that those who are to take part in this celebration are men of prominence.

On behalf of the United States Coast and Geodetic Survey I wish to extend an invitation to the Members of the United States House of Representatives to attend the sessions at the new National Museum and also the exhibit in the same building.

I am, respectfully, yours,

E. LESTER JONES,  
Superintendent.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4476. An act to amend an act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge, or bridges, or viaducts, across the water between the mainland at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands, as amended by an act approved June 18, 1912; to the Committee on Interstate and Foreign Commerce,

## ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8493. 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;

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years; and

H. R. 13768. An act making appropriations to supply urgent deficiencies in appropriations for the Military Establishment for the fiscal year 1916.

## CHANGE OF REFERENCE.

The SPEAKER. The Chair finds on the Speaker's table the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes, which was inadvertently referred to the Committee on Indian Affairs. The chairman of that committee has reported to the Speaker that it does not belong to his committee. Without objection the bill will be re-referred to the Committee on Public Lands, where it properly belongs.

## HOUR OF MEETING THURSDAY NEXT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 10.30 o'clock on Thursday, in order to take up the immigration bill and finish it as soon as possible.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-morrow it adjourn to meet at 10.30 a. m. on Thursday. Is there objection?

Mr. MANN. That is with the understanding that the immigration bill does not come up to-morrow.

Mr. KITCHIN. No; the immigration bill does not come up to-morrow.

Mr. SABATH. Mr. Speaker, reserving the right to object, is there not a possible way by which we could agree to take up the bill to-morrow?

Mr. KITCHIN. No; to-morrow is Calendar Wednesday.

The SPEAKER. There is one way in which it could be taken up, and that is by a vote of two-thirds of the Members to dispense with the proceedings in order on Calendar Wednesday.

Mr. MANN. But that would not bring this bill up to-morrow.

The SPEAKER. The Chair investigated the matter this morning, and the rule itself provides that the bill shall be in order any day except Calendar Wednesday.

Mr. SABATH. Would it not be possible to postpone Calendar Wednesday until Thursday?

The SPEAKER. If the gentleman could get two-thirds of the House to vote with him he could postpone the day and do away with it.

Mr. MANN. But it would not bring up this bill.

The SPEAKER. That could be done by unanimous consent.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry. The rule provides for convening at 11 o'clock. Would this unanimous-consent order be overturned by that rule?

The SPEAKER. The Chair thinks not. Is there objection to the request of the gentleman from North Carolina that when the House adjourns to-morrow it adjourn to meet at 10.30 o'clock Thursday next?

There was no objection.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the bill H. R. 13768, the appropriation bill which we passed this morning.

The SPEAKER. Is there objection?

There was no objection.

## ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly, at 6 o'clock and 13 minutes p. m., the House adjourned until to-morrow, Wednesday, March 29, 1916, at 12 o'clock noon.

## 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 chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hellen S. Waste, widow of John P. Waste v. The United States (H. Doc. No. 948); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William A. Ryan v. The United States (H. Doc. No. 949); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of August Reimers v. The United States (H. Doc. No. 950); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Melissa Redfearn, niece of Jeremiah Redfearn, deceased, v. The United States (H. Doc. No. 951); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank W. Perry v. The United States (H. Doc. No. 952); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Marcellus J. W. Holter v. The United States (H. Doc. No. 953); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John H. Hayes v. The United States (H. Doc. No. 954); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Horace B. Boyd, son of Samuel S. Boyd, v. The United States (H. Doc. No. 955); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nettie J. Peake, daughter of Thomas D. Elliott, deceased, v. The United States (H. Doc. No. 956); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Caroline S. Mindil, Katrina W. Westbrook, and Amy I. Pfouts, children and sole heirs of Henry J. Sheaffer, deceased, v. The United States (H. Doc. No. 957); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary M. Thornton, widow of John W. Thornton, deceased, v. The United States (H. Doc. No. 958); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank M. Duke v. The United States (H. Doc. No. 959); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Imogene T. Fisher, widow of Newton D. Fisher, deceased, v. The United States (H. Doc. No. 960); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Reuben L. Fox v. The United States (H. Doc. No. 961); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John C. Gilmore v. The United States (H. Doc. No. 962); to the Committee on War Claims and ordered to be printed.

16. A letter from the Secretary of the Treasury, submitting draft of a bill to authorize and direct the Secretary of the Treasury to enlarge, extend, remodel, and improve the Federal building at Harrisonburg, Va., for the better accommodation of the post office and other governmental offices (H. Doc. No. 963); to the Committee on Public Buildings and Grounds and ordered to be printed.

17. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of State submitting an estimate of deficiency in the appropriation for the International Radiotelegraphic Conference for the calendar year 1915 (H. Doc. No. 964); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 6911) to amend section 4747 of the Revised Statutes relating to pensions, reported the

same with amendment, accompanied by a report (No. 443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 13391) to amend the act approved December 23, 1913, known as the Federal reserve act, by adding a new section, reported the same with amendment, accompanied by a report (No. 447), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 13474) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act of March 2, 1911, reported the same with amendment, accompanied by a report (No. 448), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 12775) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River, reported the same without amendment, accompanied by a report (No. 449), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 7419) granting a patent to a certain strip of land to Elisha A. Crandall, reported the same without amendment, accompanied by a report (No. 444), which said bill and report were referred to the Private Calendar.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (H. R. 7430) for the relief of William Foglio, reported the same without amendment, accompanied by a report (No. 445), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Idaho, from the Committee on the Public Lands, to which was referred the bill (H. R. 11606) to authorize the exchange of lot 10, section 19, township 45 north, range 114 west, sixth principal meridian, for certain private lands needed in connection with the construction of Jackson Lake Reservoir Wyoming, and for other purposes, reported the same without amendment, accompanied by a report (No. 446), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 7423) for the relief of Elizabeth M. Dodge, reported the same with amendment, accompanied by a report (No. 450), 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. 7731) granting an increase of pension to John J. Hunt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7729) granting a pension to Louis Toupin, alias Louis Beaudette; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13656) granting an increase of pension to William H. Van Name; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A joint resolution (H. J. Res. 157) authorizing the Secretary of the Treasury to pay, out of any money in the Treasury, a sum sufficient to cover exemption of soldiers from draft during the Civil War, to reimburse the heirs of Christopher B. Heebner; Committee on Military Affairs discharged, and referred to the Committee on War Claims.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. WALSH: A bill (H. R. 13821) to amend section 13 of the act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish

arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. JOHNSON of Washington: A bill (H. R. 13822) providing for a military highway between Vancouver Barracks Military Reservation, via Fort Columbia, and Fort Canby, Wash.; to the Committee on Military Affairs.

By Mr. DECKER: A bill (H. R. 13823) to provide for the erection of a public building in the city of Neosho, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13824) for the erection of a Federal building at Aurora, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. HAUGEN: A bill (H. R. 13825) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to make margarin and other substitutes for dairy products subject to the laws of any State or Territory into which they may be transported; to afford the Internal-Revenue Bureau means for the more efficient detection of fraud and for the collection of revenues; to repeal an act defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, with amendments thereto; to the Committee on Agriculture.

By Mr. DAVIS of Texas: A bill (H. R. 13826) for the purchase of a site and the erection thereon of a public building at San Benito, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. CARTER of Oklahoma (by request): A bill (H. R. 13827) with reference to the Huron Cemetery at Kansas City, Kans.; to the Committee on Indian Affairs.

By Mr. HERNANDEZ: A bill (H. R. 13828) to provide for the purchase of a site and for the erection of a public building thereon at Silver City, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. SHACKLEFORD: A bill (H. R. 13829) providing for the erection of a public building at Centralia, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. MONTAGUE: A bill (H. R. 13830) to create the Coast Guard Aerial Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 13831) to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARRISON: A bill (H. R. 13832) for the purchase of a site for a public building at Columbia, Marion County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 13833) relating to the reclamation of arid, semiarid, swamp, and overflow lands through district organizations, and authorizing Government aid therefor; to the Committee on Irrigation of Arid Lands.

By Mr. LINDBERGH: A bill (H. R. 13834) to provide for the erection of a public building in the city of Wadena, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13835) to authorize the county commissioners of Aitkin County, Minn., and the town board of Logan Township in said county and said State, to construct a bridge across the Mississippi River on the line between sections 26 and 27, township 149 north, range 25 west, fourth principal meridian; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 13836) to provide for the erection of a public building in the city of Cass Lake, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. DILL: A bill (H. R. 13837) relating to the reclamation of arid, semiarid, swamp, and overflow lands through district organizations, and authorizing Government aid therefor; to the Committee on Irrigation of Arid Lands.

By Mr. LIEB: A bill (H. R. 13838) to establish a Department of Aviation and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13839) for the purchase of a site for a public building at Campbellsville, Taylor County, Ky.; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 13840) to amend an act approved May 29, 1908, entitled "An act to amend an act entitled 'An act to authorize the Baltimore & Washington Transit Co., of Maryland, to enter the District of Columbia,' approved June 8, 1896"; to the Committee on the District of Columbia.

By Mr. GARDNER: A bill (H. R. 13841) to provide for the acquisition of a site for the erection of a post-office building at Salem, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 13842) making an appropriation for the establishment of a radio station at Seward, Alaska; to the Committee on Appropriations.

By Mr. POWERS: A bill (H. R. 13843) to provide for the erection of a public building at Pineville, in the State of Kentucky; to the Committee on Public Buildings and Grounds.

By Mr. GARLAND: A bill (H. R. 13844) providing that an imprint shall be placed on all articles manufactured in the United States and becoming the subject of interstate commerce, and providing that no manufactured articles or goods shall be admitted to the United States unless bearing an imprint; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 13845) to amend section 5 of the "Panama Canal act," by authorizing the President, by proclamation, to make and from time to time amend rules for the measurement of the gross and net tonnage of vessels as a basis for tolls which will correspond to and follow similar rules for measurement prevailing at the Suez Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: A bill (H. R. 13846) to authorize the Secretary of the Interior to sell all the unclaimed and duplicate allotments on the Oneida Indian Reservation in Wisconsin; to the Committee on Indian Affairs.

By Mr. FERRIS: A bill (H. R. 13847) to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, and for other purposes; to the Committee on the Public Lands.

By Mr. AUSTIN: Resolution (H. Res. 187) requesting the President of the United States to furnish to the House of Representatives information showing expenditures on account of the occupation of Vera Cruz, Mexico, by the armed forces of the United States; to the Committee on Expenditures in the War Department.

By Mr. TINKHAM: Memorial favoring action by Congress toward securing the moral support of the United States for the oppressed Jews in Europe; to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALLEN: A bill (H. R. 13848) granting an increase of pension to Christina Latscha; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13849) granting an increase of pension to Sarah Duffy; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 13850) granting an increase of pension to Joanna Garvey Dowling; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 13851) granting an increase of pension to John H. Cross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13852) granting an increase of pension to Hugh L. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13853) granting an increase of pension to Andrew Goddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13854) granting an increase of pension to Jerome B. Hendricks; to the Committee on Pensions.

Also, a bill (H. R. 13855) granting an increase of pension to John A. Proslise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13856) granting an increase of pension to J. D. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13857) granting a pension to David M. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13858) granting a pension to Daniel Burkett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13859) granting a pension to Daniel Best; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13860) granting a pension to Masina Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13861) granting a pension to Jane Gentry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13862) granting a pension to Catherine Hartly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13863) granting a pension to Matthew Wright; to the Committee on Pensions.

Also, a bill (H. R. 13864) granting a pension to Jane Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13865) granting a pension to Charles N. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13866) granting a pension to Malissa Sands; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13867) granting a pension to James F. Pryor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13868) granting a pension to Ada G. Northern; to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 13869) for the relief of the estate of Levi Hontz; to the Committee on Claims.

By Mr. CANDLER of Mississippi: A bill (H. R. 13870) to authorize the Postmaster General to settle the accounts of Capt. J. H. Estes; to the Committee on Claims.

By Mr. CLARK of Florida: A bill (H. R. 13871) granting a pension to George G. Richie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13872) granting a pension to James W. Beville; to the Committee on Pensions.

Also, a bill (H. R. 13873) granting an increase of pension to Maria H. Meigs; to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 13874) granting an increase of pension to Lewis B. Rex; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 13875) to remove the charge of desertion from the record of Patrick McGough; to the Committee on Military Affairs.

By Mr. HASKELL: A bill (H. R. 13876) granting an increase of pension to David S. Milliken; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 13877) granting an increase of pension to Mary J. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13878) for the relief of the city of Bandon, Oreg.; to the Committee on Claims.

By Mr. HELM: A bill (H. R. 13879) granting a pension to Armon Ellison; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 13880) for the relief of Ezra Adkins; to the Committee on War Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 13881) granting an increase of pension to Mrs. Cornelia Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13882) granting an increase of pension to James H. Raney; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 13883) for the relief of Lon Lewis, alias Alonzo E. Schneider; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 13884) granting an increase of pension to Sarah E. Roberts; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13885) granting an increase of pension to Daniel Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13886) granting an increase of pension to Cynthia Conley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13887) to correct the military record of James Mosley; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 13888) granting a pension to Margaret E. Angel; to the Committee on Invalid Pensions.

By Mr. MCKENZIE: A bill (H. R. 13889) granting an increase of pension to Jennie Duer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13890) granting a pension to Nancy Wagner; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 13891) granting an increase of pension to Charles A. Hatch, late band member, Siege Artillery Brigade; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 13892) granting an increase of pension to James C. Hyatt; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13893) granting an increase of pension to Green Williams; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 13894) granting an increase of pension to William Duffy; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13895) granting an increase of pension to Moses Knight; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13896) granting a pension to Charles C. Mauch; to the Committee on Pensions.

By Mr. SANFORD: A bill (H. R. 13897) for the relief of Michael H. Feeley; to the Committee on Claims.

By Mr. SHACKLEFORD: A bill (H. R. 13898) granting a pension to George M. Younger; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13899) for the relief of David A. Ernsberger; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 13900) granting a pension to Elizabeth Foisia; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 13901) granting a pension to James W. Grant; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 13902) granting an increase of pension to Francena Morgan; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 13903) granting a pension to Marion A. Hey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13904) granting a pension to William A. Martin; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 13905) granting a pension to John W. Sweger; to the Committee on Pensions.

Also, a bill (H. R. 13906) granting a pension to Charles W. Holmes; to the Committee on Pensions.

Also, a bill (H. R. 13907) granting a pension to Thomas H. Shelley; to the Committee on Pensions.

Also, a bill (H. R. 13908) granting a pension to John Gabriel; to the Committee on Pensions.

Also, a bill (H. R. 13909) granting a pension to Frank S. Bishop; to the Committee on Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 13910) granting an increase of pension to Elizabeth Davisson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13911) granting an increase of pension to Francis M. Atwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13912) granting a pension to Monroe Cole; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Ohio: A bill (H. R. 13913) to reimburse the Navajo Timber Co. of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

#### PETITIONS, ETC.

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

By Mr. ADAIR: Petition of Central Christian Church, 2,000 people; First Baptist Church, 550 people; 175 people of Anderson; Friends' Church, 150 people; Central Christian Sunday School, 1,200 people; elders of Presbyterian Church, 200 people; trustees Anderson Universalist Church; and Park Place Methodist Episcopal congregation, all of Anderson, in the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Grace Methodist Episcopal Church, 106 people; Trinity Episcopal Church; First Methodist Episcopal Church, 1,100 people; and 31 people, all of Anderson; Congregational Sunday School, 107 people; Methodist Episcopal Sunday School, 200 people; Epworth League, 25 people; Methodist Episcopal Church, 180 people, all of Ridgeville; and First Mennonite Church of Berre, all in the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of Hamilton County Woman's Christian Temperance Union, favoring legislation prohibiting exportation of intoxicants to Africa; to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Memorial of Perryton Grange, No. 1905; Kirkersville Grange, No. 1683; Clearfork Grange, No. 255; Nellie Grange; Walhonding Valley Grange, No. 1751; and Sullivan Grange, No. 1810, all of the seventeenth Ohio district, against the so-called Madden rider; to the Committee on the Post Office and Post Roads.

Also, petition of Prof. R. S. Colwell and 10 other members of the faculty of Denison University, at Granville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Trenton (Ohio) Christian Endeavor Society, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BACHARACH: Petitions of sundry citizens of Atlantic County and Vineland, N. J., and vicinity, in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY: Petition of sundry citizens, opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Petition of Edward J. Brennan, of New York, favoring passage of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Charles Ward Hall, of New York, favoring House bill 10845, providing for military training in civil educational institutions; to the Committee on Education.

Also, petition of Arthur Schelling, of New York, favoring Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fored V. Sanger, New York City, relative to claim of civilians employed in Canal Zone; to the Committee on Appropriations.

Also, petition of American Eight-hour Law League, of New York, favoring eight-hour law for all railroad workers; to the Committee on Labor.

Also, petition of Ph. Rheimvalt, jr., of New York, favoring Emerson resolution relative to milk for babies in Europe; to the Committee on Foreign Affairs.

By Mr. BUCHANAN of Texas: Petition of retail dealers of the tenth congressional district of Texas, for a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Rev. F. O. Woestemeyer, Presbyterian Church, Smithville; W. E. Foster, First Baptist Church; 25 people of Taylor; Beverly W. Allen and 4 others, Austin; J. M. Black, University Methodist Church, 149 people, Austin; J. W. Guthrie and others, Austin, all in the State of Texas, for national prohibition; to the Committee on the Judiciary.

By Mr. CLARK of Florida: Petition of 400 people of Ocala, 130 people of Gainesville, and 150 people of Fernandina, all in the State of Florida, favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of sundry citizens of Mineral Ridge and vicinity, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Albert S. Connelly, asking that certain evidence presented to the House Committees on Expenditures in the Interior and War Departments affecting the conduct of Senator WARREN be referred to the Judiciary Committee; to the Committee on Rules.

Also, memorial of Federal Employees' Union No. 15007, American Federation of Labor, indorsing the Nolan bill; to the Committee on Reform in the Civil Service.

By Mr. DALLINGER: Petitions of 12 people of Arlington; Arlington Heights Christian Endeavor, 20 people, of Arlington; Christian Endeavor, 62 people, of Arlington; Boys' Brigade, 70 people, of Arlington; 53 people of Arlington; and Woman's Christian Temperance Union, 82 people, of Watertown, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Petition of Island Lodge, No. 238, International Order of Good Templars, Spokane, Wash., in support of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. DILLON: Petition of citizens of Brule County, S. Dak., opposing Senate bill 645; to the Committee on the District of Columbia.

By Mr. DOREMUS: Memorial of Typothetæ Franklin Association, asking for an embargo on exportation of papers; to the Committee on Ways and Means.

By Mr. DRUKKER: Petitions of sundry citizens of New Jersey, protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Charles and Charlotte A. Rowland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ELSTON: Petition of Elliot C. Chapman and other citizens of Oakland, Cal., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of A. F. Drew and 27 others, of La Farge, Wis., protesting against House bills 491 and 6468, authorizing the Postmaster General to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of A. F. Drew and 25 others, of La Farge, Wis., protesting against House bill 652, to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. FARR: Petition of Patrick J. Canavan, Frank McDonnell, and other members of Bartenders' Local Union No. 134, of Scranton, Pa., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Petition of National Association of Animal Industry employees, relative to salaries, etc., of Bureau of Animal Industry employees; to the Committee on Agriculture.

By Mr. FULLER: Papers to accompany a bill to increase pension of Lewis B. Rex; to the Committee on Invalid Pensions.

Also, petition of Public Health Section, Rockford, Ill., and Illinois State Association of Graduate Nurses, favoring House

resolution 137 for a committee to investigate the sanitary condition of dairies; to the Committee on Rules.

Also, petition of Elisha L. Thayer, of Rockford, Ill., for adequate preparedness; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of sundry citizens, indorsing House bill 5792; to the Committee on Agriculture.

By Mr. GARDNER: Petition of Longfellow Lodge, International Order of Good Templars, of Haverhill, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of North Shore (Mass.) Automobile Association against present high price of gasoline; to the Committee on the Judiciary.

Also, memorial of General Court of Massachusetts, relative to moral support of United States for oppressed Jews in Europe; to the Committee on the Judiciary.

By Mr. GARRETT: Petition of citizens of Fowlkes, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRAY of New Jersey: Petition of certain citizens of Jersey City, N. J., against the passage of House bills 652, 6468, and 491; to the Committee on the Post Office and Post Roads.

By Mr. GREGG: Petition of W. C. Stovall and other citizens of Anderson County, Tex., against the passage of House bills 491 and 6468, and similar bills; to the Committee on the Post Office and Post Roads.

Also, petition of W. C. Stovall and other citizens of Anderson County, Tex., against the closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. HAWLEY: Memorial of the Woman's Christian Temperance Union of Dundee, Oreg., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of sundry citizens of Athena, Oreg., against passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HEATON: Petition of 49 citizens of Tamaqua, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of 27 people of Colby; 50 members of the Woman's Christian Temperance Union of Retsil; people of Seattle; Brighton Congregational Church, 45 people, of Seattle; and citizens of Skagit, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of North Yakima, route 6, Wash., opposing passage of House bill 652; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: Petition of 51 people of Tacoma, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of council of the city of Tacoma, Wash., favoring the passage of House bill 9137; to the Committee on Military Affairs.

Also, petition of 60 people of Tacoma, Wash., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of 53 citizens of Pierce County, Wash., supporting House joint resolutions 14, 81, and 74, Senate bills 3033 and 3034, Senate joint resolution 73, and House bills 6828 and 6829; to the Committee on Foreign Affairs.

Also, petitions of 60 citizens of Camas, Wash., and 22 citizens of Carrolls, Wash., opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petitions of sundry citizens and church organizations of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Dr. K. G. Cherrington, of Pawtucket, R. I., favoring passage of Lobeck bill, providing for a standardization of salaries in Bureau of Animal Industry; to the Committee on Reform in the Civil Service.

Also, petition of Master Printers' Association of Rhode Island, favoring passage of House bill 11621; to the Committee on the Post Office and Post Roads.

Also, petition of Round Table Club, of Woonsocket, R. I., indorsing House resolution 137, providing for investigation of marketing of dairy products; to the Committee on Agriculture.

Also, petition of Newport (R. I.) post-office clerks, favoring passage of House bills 6915 and 7656; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petitions from Methodist Church, Baptist Church, Christian Endeavor Society, and Woman's Christian Temperance Union, all of Harrison Valley,

Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of the Chamber of Commerce of the State of New York, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Federal Employees' Union No. 15007, to those Members of Congress who voted against the enactment of the Borland rider or its successors; to the Committee on Reform in the Civil Service.

By Mr. LENROOT: Petitions of citizens and church organizations of the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petition of S. V. Levi, R. P. Smith, H. G. Troutman, A. Deutsch & Bro., Kayst Beavelsley Co., O. A. Kelsey & Son, Pervis Walker, W. M. Hume, E. W. Davis, Butler Hardware Co., G. W. Smith, H. Sangferd, Creek & Helar Co., Robert Sisson, Earl F. McConnell, and K. Galligon, all of Oakland City, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Menke & Dassel Co., Daniel A. Heldt, Frank E. Butts, Susott & Geriche, and F. W. Kampe, all of Elberfeld, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Rosenbaum & Bro., H. Brinkman Co., A. A. Schint, W. H. Lichtenberger, Chas. Smith, jr., & Sons, Joseph Schlomer, W. A. Bryant, Stinson Bros., Charles W. Rhein, W. C. Niblo, A. Hastings & Bro., Charles Dawson, Boyce & Williams, Isaac Rosenbaum, J. S. Evans, James W. Pearson & Son, S. H. Gonemeier & Sons, and Klein & Wasmel Grocery Co., all of Mount Vernon, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Homer Lichtenberger, Henry Mann, sr., Lichtenberger & Co., Frank J. Meier, and S. H. Wheatcraft, all of New Harmony, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of P. E. Robb & Co., Rothert Bros., George E. Niles, and Joseph F. Schafer, all of Poseyville, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Putchett & McReynolds Co., Cleveland & Newman, Fisher & Boren, Garrison Bros., J. E. Stevens, and O. D. Barton, all of Cynthiana, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of George T. Ford Co., Elmer Kichie, J. L. Bryant, McCarty Hardware Co., Charles B. Runcie, and August Roelemann, all of Fort Branch, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of the C. W. Halbruge Co., T. W. Savage, American Grocery Co., S. Wiener & Sons, the Laird Balderson Co., W. H. Nuetzel, Rimstidt & Feigel, Rimstidt Hardware Co., J. G. Baum, A. Kassel, Fred Walker, M. Oelze, W. A. & A. M. Partridge, Wade Thomas, Mr. Doty, and L. M. John, all of Rockport, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of E. H. Lacke, Verner Kriekham, F. Litzenberger, E. G. Harris, Edw. G. Folz, Herman Brizius, H. Rober, J. W. Folz, J. M. De Forest, John Frederick, J. W. Fuguny & Bro., and William Phral, all of Newburg, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of Picker Bros., the Model, Lewis & Parker, H. J. Mauser, E. A. Jarrett, L. W. Jarrett, Ed. Maier, L. W. Owens, William Kindermann Sons, Heinze & Nester, Charles Harmon, P. Kehrer & Son, L. C. Gentry, Boonville Implement Co., and George Trimble, all of Boonville, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of J. W. Chambers, T. M. Nance, G. B. Howard, and C. W. Usery, all of Velpen, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of L. Robling & Son, S. E. Fowler, D. H. Thirey, H. T. Lobby, E. M. Hauchin, W. E. Myers, A. Wolfson, and Gilbert McCord, all of Winslow, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of Teceport Co., First National Bank, per L. S. Bryant, Farmers & Merchants National Bank, and S. H. West, president National Bank, all of Fort Branch, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of the Model Clothing Store, Harvey Lucas & Son, by H. Lynn Lucas, Gilbert Stephens Co., Sprowl Bros., H. Smith, J. W. Scantlin, William Criswell Co., H. E. Wolf & Co., Carl G. Applegath, Herman Vollmer, H. G. May, M. E. Shoptaugh, C. E. Mossman, Thomas H. Riggs, C. S. Scull, Watson's Shoe Store, Herriot Carithers Co., Princeton Hardware Co., Economy Store, and E. E. Ensley, all of Princeton, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of William P. Casey, F. O. Milburn, Preston Milburn, J. M. Myrick, Stirmer & Jones, and H. A. Milburn, all of Patoka, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of H. P. Phillips, Shawburn & Co., C. J. Snyder Co., H. C. De Priest, Frank L. Steelman, and E. H. Harrington, all of Hazleton, Ind., in favor of House bills 270 and 712, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Young Men's Christian Association of Evansville, Ind., by Mr. W. M. Wheeler, chairman of the invitation committee, M. H. Lockyear, chairman of the committee of arrangements, and 200 manufacturers, professional and business men, favoring the passage of the Sheppard-Webb joint resolutions proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage-liquor traffic; to the Committee on the Judiciary.

By Mr. LOUD: Petition of W. H. Price, of Iosco, Mich., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petitions of Stoneham Sunday School, 50 people, of Stoneham; Clarendon Evangelical people, of Clarendon; and 150 people of Clarendon, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MOTT: Petitions of Lower Oswego Falls Grange, Fulton; Three-Mile Bay Grange, No. 126, Patrons of Husbandry; Nelson Grange, Nelson, N. Y.; and Bernhards Bay (N. Y.) Grange, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. PETERS: Petitions of Methodist Episcopal Church of East Readfield; 40 people of China; citizens of Winthrop; 8 citizens of Winthrop; 14 citizens of Winthrop; 21 citizens of Wayne; union temperance meeting of Machias; Methodist Episcopal Church Ladies' Guild, 25 people, of Fairfield; Sunday School of Methodist Episcopal Church of Winthrop; Christian Endeavor Society of Winslow; 60 people of China; Methodist Episcopal Church of Winthrop; and 25 people of China, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of Baptist Church of Long Beach, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of sundry citizens of Lowell, Mass., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Brook Lodge, International Order of Good Templars, of Bethuen and Andover, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of sundry citizens of Brooklyn, in favor of adequate preparedness; to the Committee on Military Affairs.

Also, petition of Lilla R. Willcox, of Brooklyn, favoring the Linticum resolution; to the Committee on Interstate and Foreign Commerce.

Also, petition of S. G. Fevrie, of Brooklyn, opposing House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Joseph Fallert Brewing Co., of Brooklyn, favoring the Emerson resolution; to the Committee on Foreign Affairs.

Also, petition of J. W. S. Harding, jr., of New York, opposing House bill 9411; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Harry P. Knight, of Brooklyn, indorsing House bill 435; to the Committee on the Judiciary.

By Mr. ROWLAND: Petition of the "400" of Center City; Methodist Episcopal people of Center; Woman's Christian Temperance Union Institute; 78 people, Duke Center; Woman's Christian Temperance Union of Center City; 100 people of Rixford; 60 people of Rixford; 100 people of Center City; 250 people of Westover; 50 people of Westover; 500 people of Clearfield; 75 people of Clearfield; Presbyterian Church of Clearfield; and 250 people of State College, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of State College Presbyterian people, of State College; 60 people of Westover; Baptist Sunday School of 272 people, of Westover; Woman's Christian Temperance Union of

147 people, of Bellefonte; Baraca Bible Class of 60 people of State College; 100 citizens of Unionville; Free Methodist people of Unionville; Presbyterian Church of Unionville; 75 people of Martha; and Friends' Church of Unionville, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 8899, for relief of Emma Richards; to the Committee on Invalid Pensions.

Also, petition of Loren D. Chapman and 104 citizens of Eaton Rapids, Mich., favoring Fuller pension bill; to the Committee on Pensions.

Also, petition of Miles W. Ward and 4 citizens of Union City, Mich., favoring House joint resolution 127, relative to milk for babies in Europe; to the Committee on Foreign Affairs.

Also, papers to accompany House bill 13702, for relief of Frederick A. Greening; to the Committee on Pensions.

By Mr. SNELL: Petition of Mrs. F. J. Bellinger, in behalf of Scotch Bush Grange, No. 699, of Hammond, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rev. G. E. Cady, in behalf of Chazy Grange, of Chazy, N. Y., favoring the adoption of a Federal Constitution prohibition amendment; to the Committee on the Judiciary.

Also, resolution of Charles C. Holden, Mrs. Alfred W. Grey, and Julius E. Webster, in behalf of the Sunday school of the First Baptist Church of Ticonderoga, N. Y., favoring a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, resolution of Miss Jemima Howe, in behalf of the Woman's Foreign Missionary Society of Malone, N. Y., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, resolution of S. W. Riggs, in behalf of Stockholm Town Sunday School Association, representing 500 people, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of 50 citizens of Forston; 78 citizens of Beltrami and Crookston, Polk County; 8 citizens of Stewartville; and 43 citizens of Crookston, all in the State of Minnesota, against the passage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Bear Park; Trofast Lodge, International Order of Good Templars, of Bear Park; and 25 citizens of Viking Township, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of Temple Sewing Society of Los Angeles, Cal., protesting against passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petition of citizens of Hillsboro, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Resolution adopted by members of the Cherry Valley Mission, Cherry Valley, Pa., numbering 50 members, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by members of the Rockey Spring Congregation of New Galilee, Pa., numbering 125 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the First Methodist Episcopal Church of New Brighton, Pa., numbering 400 people, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the Bell Memorial Presbyterian Church of Ellwood City, Pa., representing 350 members, favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by a congregation of Presbyterians representing 150 people, of New Brighton, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, resolution adopted by the Methodist Protestant Church of New Brighton, Pa., numbering 400 people, favoring national prohibition; to the Committee on the Judiciary.

Also, petition favoring the purchase of a site and the erection thereon of a public building at Midland, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

By Mr. VAN DYKE: Petitions of sundry citizens and church organizations of the State of Minnesota, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALSH: Petition of Rev. Millard F. Johnson and 11 others, of the town of Middleboro, Mass., petitioning for passage of Webb-Smith national prohibition resolution, so called, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of the Baptist Sunday School of Rock, in the town of Middleboro, Mass., for passage of Webb-Smith reso-

tutions, so called, House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of C. L. Goodspeed and 21 citizens of the town of Dennis, Mass., favoring passage of so-called widow's pension bill; to the Committee on Invalid Pensions.

By Mr. WARD: Petition of Fred M. Sawyer, pastor of Methodist Episcopal Church, Chatham Center, N. Y., against sale of intoxicating liquors in island of Porto Rico; to the Committee on Insular Affairs.

Also, petition of W. S. Empleton, of Grahamsville, N. Y., and others, favoring national prohibition; to the Committee on the Judiciary.

## SENATE.

WEDNESDAY, March 29, 1916.

(Legislative day of Tuesday, March 28, 1916.)

The Senate reassembled at 12 o'clock a. m., on the expiration of the recess.

Mr. CHAMBERLAIN. Mr. President, I ask that House bill 12766, reported from the Committee on Military Affairs of the Senate, be proceeded with.

The VICE PRESIDENT. The Chair lays the bill before the Senate.

The SECRETARY. A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Hollis	Overman	Sutherland
Bankhead	Hughes	Page	Swanson
Beckham	Husting	Phelan	Taggart
Borah	James	Pittman	Thomas
Brandegee	Johnson, S. Dak.	Ransdell	Thompson
Catron	Jones	Shafroth	Tillman
Chamberlain	Kenyon	Sheppard	Townsend
Clapp	Kern	Sherman	Vardaman
Clark, Wyo.	McCumber	Simmons	Wadsworth
Culberson	Martin, Va.	Smith, Ga.	Walsh
Curtis	Martine, N. J.	Smith, Mich.	Warren
Dillingham	Myers	Smoot	Weeks
Gallinger	Norris	Sterling	Works
Harding	Oliver	Stone	

Mr. KERN. I wish to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is absent on official business. I will let this announcement stand for the day.

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

### THE SUGAR INDUSTRY.

Mr. SIMMONS addressed the Chair.

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

Mr. CHAMBERLAIN. I yield.

Mr. SIMMONS. I wish to ask unanimous consent out of order to submit a report from the Committee on Finance.

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

Mr. SIMMONS. On behalf of the Committee on Finance I report back favorably with an amendment to the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, and I submit a report (No. 317) thereon. This is the bill commonly known as the sugar bill, and I report it with the recommendation that it be passed as proposed to be amended.

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

### NATIONAL-PARK SYSTEM.

Mr. THOMAS. Mr. President—

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

Mr. CHAMBERLAIN. I yield.

Mr. THOMAS. I ask unanimous consent out of order to present a series of resolutions from the Gilpin County Metal Miners' Association and the Clear Creek County Mining Association, of Colorado, protesting against a further extension of the national-park system to the domain of that State. I move that the resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

### DESERT-LAND ENTRIES IN RIVERSIDE COUNTY, CAL.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. CHAMBERLAIN. I yield, but I should like very much to proceed with the pending measure before the Senate.

Mr. WORKS. I wish to ask for the present consideration of Senate bill 4671, which is on the calendar. It is an urgent matter.

Mr. CHAMBERLAIN. I am willing to yield to that if it does not lead to discussion. I am familiar with the bill, and I think it ought to be attended to promptly.

The VICE PRESIDENT. Is there objection to the present consideration of the bill (S. 4671) to exempt from cancellation certain desert-land entries in Riverside County, Cal.?

Mr. SIMMONS. Mr. President, let us know what the bill is before we give our consent to its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

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

Mr. SIMMONS. That seems to be a rather complicated matter and it requires some explanation, at least. I am rather constrained to object.

Mr. WORKS. If the Senator will allow me to explain it, I think he will not object to its present consideration. It involves the cancellation of a number of entries on desert land and simply extends the time in order to allow the entrymen to procure water for the land. If the bill is not passed, their rights will be forfeited. Therefore it becomes a very important matter.

Mr. SIMMONS. Will the Senator state whether there was any division in the committee that reported the bill?

Mr. WORKS. None at all; and it is recommended by the Secretary of the Interior, in order to protect the rights of these desert-land entrymen.

Mr. SIMMONS. And it is necessary to pass it before the 1st day of May?

Mr. WORKS. Yes, sir; it is.

Mr. SIMMONS. As there was a unanimous report of the committee and it is recommended by the department, I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, on page 2, line 3, before the word "Riverside," to insert "in," and on the same page, line 15, after the word "May," to insert "first," so as to make the bill read:

*Be it enacted, etc.,* That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5, 6, and sections 3, 4, 5, 6, 7, 8, 15, and 19, in township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1919, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been had. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1919, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding two years.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

### NATIONAL DEFENSE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, I desire to say that it had been my purpose to address the Senate on the subject of the military policy of the United States from colonial times until this present bill. It would not have taken very much time, but it would have taken more time than I thought I ought to consume at the expense of the business of the Senate. It seems to me that the people of the country are demanding results rather than a discussion of these questions, and for that reason I have concluded not to undertake to address the